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August 8, 2024
Revised September 23rd, 2024

Committee of Adjustment
City of Ottawa
101 Centrepointe Drive
Ottawa, ON, K2G 5K7

Attention: Michel Bellemare, Secretary - Treasurer

Dear Mr. Bellemare:

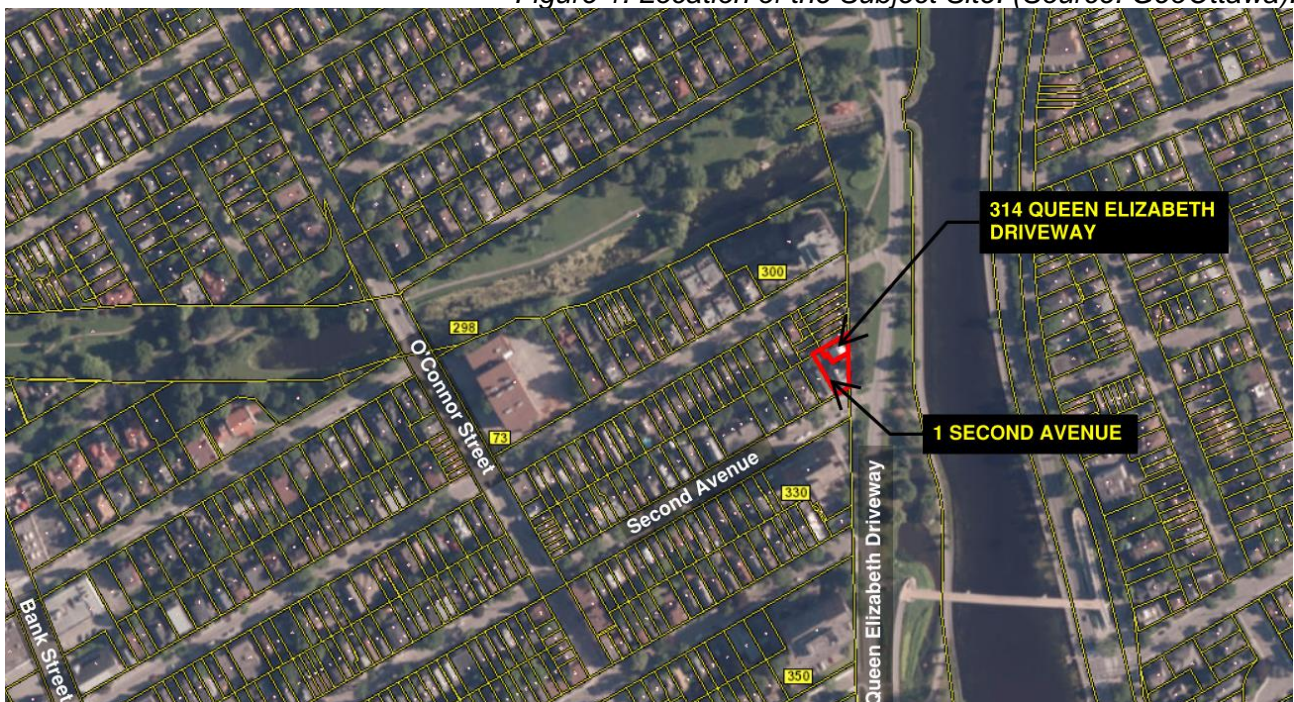
**Reference: 314 Queen Elizabeth Driveway
Applications for Consent and Minor Variances
Our File No 123139**

Committee of Adjustment
Received | Reçu le
2024-10-01
City of Ottawa | Ville d'Ottawa
Comité de dérogation

Novatech has been retained by the owner of the property municipally known as 314 Queen Elizabeth Driveway to prepare and file applications for Consent and Minor Variances. A Consent application for a Lot Line Adjustment to convey 0.04 square metres from 314 Queen Elizabeth Driveway to 1 Second Avenue was filed on August 12th, 2024. Following receipt of the staff report dated September 12th, 2024 which recommended adjournment of the application, minor variance applications are being filed requesting reduced rear yard setback, reduced rear yard area, and reduced interior side yard setback.

This letter describes the existing conditions of the site and its surrounding context, outlines the proposed lot line adjustment application and minor variances, and provides a rationale in support of these applications.

Figure 1: Location of the Subject Site. (Source: GeoOttawa).



Site and Context

Site

314 Queen Elizabeth Driveway is located in the Glebe-Dows Lake neighbourhood within Ward 17 – Capital in the City of Ottawa. 314 Queen Elizabeth Driveway is an interior lot located on the west side of Queen Elizabeth Driveway (see Figure 2). 314 Queen Elizabeth Driveway has 13.1 metres of frontage along Queen Elizabeth Driveway and a lot area of 195 square metres. 314 Queen Elizabeth Driveway is legally known as Part of Lot E West Side of Driveway Registered Plan 35085 City of Ottawa.

Figure 2: Subject Site. (Source: GeoOttawa).



Figure 3: 314 Queen Elizabeth Driveway and 1 Second Avenue. (Source: Google Maps).



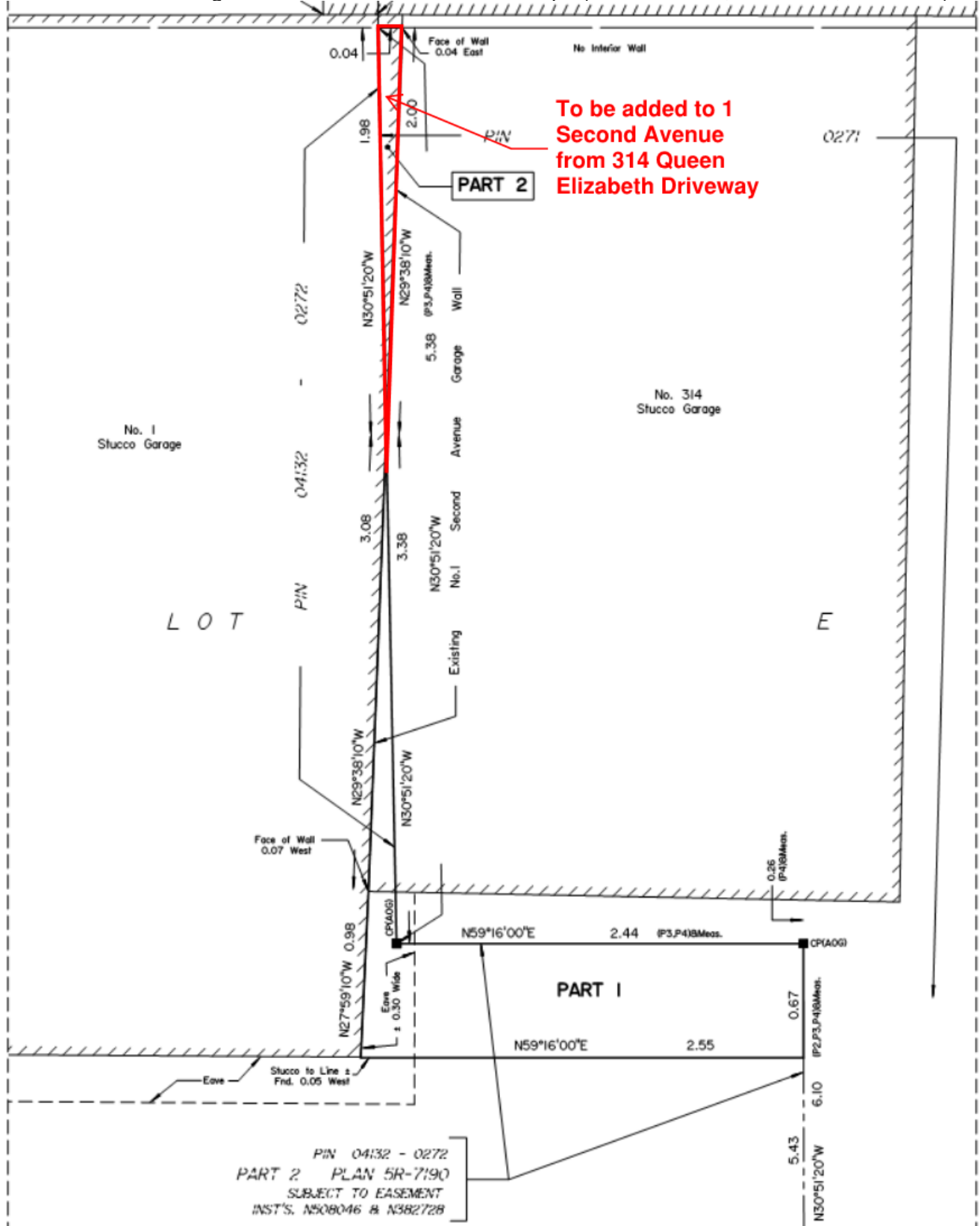
Surrounding Context

The abutting property to the north of 314 Queen Elizabeth Driveway is developed with a three-storey townhouse dwelling (312 Queen Elizabeth Driveway) which is designated under Part IV of the Ontario Heritage Act. The abutting property to the west and to the south is 1 Second Avenue, which is developed with a 2.5-storey detached dwelling. A driveway from Second Avenue provides access to parking in the rear for both 314 Queen Elizabeth Driveway and 1 Second Avenue. A detached single garage is located in the rear yard of 314 Queen Elizabeth Driveway. The garage shares a wall with the garage in the rear yard of 1 Second Avenue. The garage on 314 Queen Elizabeth Driveway encroaches approximately 0.07 metres onto 1 Second Avenue.

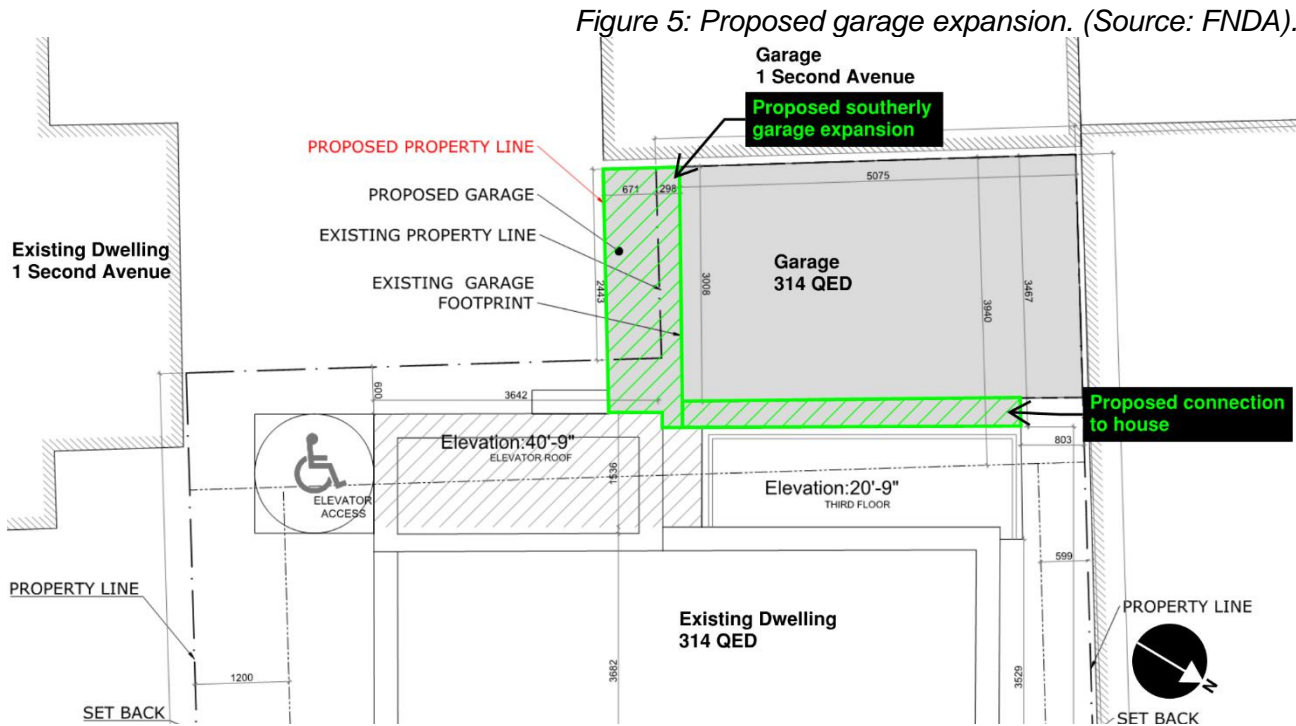
Proposed Development

The proposed Consent application is for a Lot Line Adjustment to convey a 0.04 square metre portion of 314 Queen Elizabeth Driveway shown as Part 2 on the Draft Reference Plan in Figure 4, to 1 Second Avenue. The Lot Line Adjustment application amends the shared property line between the garages to match the shared building wall, resulting in a portion of 314 Queen Elizabeth Driveway being added to 1 Second Avenue so that the 1 Second Avenue garage does not encroach onto the Subject Site.

Figure 4: Draft Reference Plan Excerpt. (Source: Annis, O'Sullivan, Vollebakk).



The proposed minor variance applications are related to a planned expansion of the garage at 314 Queen Elizabeth Driveway following the lot addition application for 1 Second Avenue. If approved, the lot addition would facilitate an expansion of the existing garage to accommodate a modern vehicle (see Figure 5).



The Committee of Adjustment decision dated May 12, 2023 approved variances to permit a reduced rear yard setback of 0 metres and a reduced rear yard area of 0% of the lot area for 314 Queen Elizabeth Driveway. City staff have requested minor variance applications for a reduced rear yard setback and reduced interior side yard setbacks as the May 12th, 2023 decision of the Committee was tied to plans that were received by the Committee on April 5th, 2023 as they related to the requested variances.

Consent Applications

Consent Application 1:

This application will create a new part from 314 Queen Elizabeth Driveway to be conveyed to 1 Second Avenue.

Consent Rationale

Planning Act

Subsection 53(1) of the Planning Act states:

"53(1) An owner, chargee or purchaser of land, or such owner's, chargee's or purchaser's agent duly authorized in writing, may apply for a consent as defined in subsection 50 (1) and the council or the Minister, as the case may be, may, subject to this section, give a consent if satisfied that a plan of subdivision of the land is not

necessary for the proper and orderly development of the municipality. 2021, c. 25, Sched. 24, s. 4 (1)."

The proposed lot line adjustment does not necessitate the construction of new public infrastructure, including roads and services. The proposed lot line adjustment application results in the conveyance of a 0.04 square metre portion of 314 Queen Elizabeth Driveway to 1 Second Avenue. A plan of subdivision is not required for the proper and orderly development of the municipality.

Subsection 53(12) of the Planning Act states:

"53(12) A council or the Minister in determining whether a provisional consent is to be given shall have regard to the matters under subsection 51 (24) and has the same powers as the approval authority has under subsection 51 (25) with respect to the approval of a plan of subdivision and subsections 51 (26) and (27) and section 51.1 apply with necessary modifications to the granting of a provisional consent. 1994, c. 23, s. 32."

This rationale will speak to the following criteria outlined in subsection 51(24) of the Planning Act.

"51(24) In considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality and to,"

(a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;

The proposed lot line adjustment has regard for the following matter(s) of provincial interest:

- the efficient use of land and resources

(b) whether the proposed subdivision is premature or in the public interest;

314 Queen Elizabeth Driveway is located within the City of Ottawa's urban boundary and is in a fully developed neighbourhood. The proposed lot line adjustment will adjust an existing lot line. The lot line adjustment is therefore not premature and is in the public interest.

(c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;

314 Queen Elizabeth Driveway is designated as part of the Rideau Canal Special District in the City of Ottawa Official Plan. The Rideau Canal Special District is defined as a City-defining Special District.

Policy 4 of Section 6.6.2.2 states:

- 4) The following policies will apply in the first row of properties along the Rideau Canal:***
- a) Where properties are within or on the edge of established Low-rise residential areas, development will be subject to all of the following:***
- i) Development will respect the existing patterns of building footprints, height, massing, scale, setback and landscape character within the associated streetscape. The associated streetscape will be determined by the existing***

low-rise properties on one, or if applicable, both sides of the same street, on the same block as the subject property;

ii) *In order to be consistent with nearby low-rise residential development, anticipated Secondary Plan process for the area as references in Subsection 6.6.3, Policy 1) will consider if Site Plan Control By-Law may extend within the Rideau Canal Special District; and*

iii) Carefully consider the visual relationship between the site and the Canal, including the adjacent or nearby federal parkways and the preservation of mature trees by ensuring the continuity of the existing landscape patterns, orientation of buildings and preserving views to and from the Canal; and

The proposed lot line adjustment cleans up the existing shared lot line between the garages of the Subject Site and 1 Second Avenue so that it follows the shared building wall. The proposed lot line adjustment will not impact the building massing and scale along the streetscape. The proposed lot line adjustment does not affect the preservation of mature trees and landscaping patterns.

Policy 8 of Section 11.5 states:

11) The City shall permit lot adjustments in any land-use designated for legal or technical reasons. For the purposes of this section, legal or technical reasons include severances for purposes such as easements, corrections of deeds, quit claims and minor boundary adjustments, which do not result in the creation of a new lot or render an existing lot as non-complying.

The proposed lot line adjustment cleans up the lot line separating the existing garages on both properties so that the lot line follows the shared building wall and each garage is within the associated lot. The proposed lot line adjustment does not result in the creation of a new lot or render an existing lot as non-complying. Both lots comply with the minimum lot area and minimum lot width requirements after adjusting the lot lines.

The proposed lot line adjustment conforms to the policies of the City of Ottawa's Official Plan.

(d) the suitability of the land for the purposes for which it is to be subdivided;

The proposed lot line adjustment will adjust the rear lot line of the Subject Site, which is a shared lot line with 1 Second Avenue. The rear lot line will be moved east 0.04 metres so that a portion of 314 Queen Elizabeth Driveway is conveyed to 1 Second Avenue. This adjusts the lot line between the garages so that it follows the building wall.

(d.1) if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;

No affordable housing units are proposed.

(e) the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;

The consent applications do not propose any new highways.

(f) the dimensions and shapes of the proposed lots;

The proposed lot line adjustment supports the conveyance of a 0.04 square metre portion of 314 Queen Elizabeth Driveway to 1 Second Avenue. The proposed lot line adjustment does not result in the creation of a new lot. The proposed lot line adjustment will adjust the shared lot line separating the garages on both lots by 0.04 metres. The adjusted lot line ensures that a portion of the 1 Second Avenue garage does not encroach onto 314 Queen Elizabeth Driveway.

(g) the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;

There are no restrictions or proposed restrictions on the lots, beyond the provisions of the Zoning By-law.

(h) conservation of natural resources and flood control;

314 Queen Elizabeth Driveway is not located in a floodplain or area of natural interest.

(i) the adequacy of utilities and municipal services;

314 Queen Elizabeth Driveway is within the urban boundary and has access to municipal sanitary, stormwater, and water servicing. The lot line adjustment will not have any negative impacts on the adequacy of utilities and municipal services.

(j) the adequacy of school sites;

314 Queen Elizabeth Driveway is within 300 metres of First Avenue Public School (JK-6). The proposed lot line adjustment does not result in any new dwelling units and does not generate any new demand for school sites. Approval of the consent application is not anticipated to have an impact on the adequacy of school sites.

(k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;

No area of land is proposed to be conveyed or dedicated for public purposes as a result of the proposed lot line adjustment application.

(l) the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and

Approval of the proposed lot line adjustment results in a more efficient lot configuration that benefits the owners of 1 Second Avenue and the owners of 314 Queen Elizabeth Driveway. The lot line adjustment cleans up the shared property line separating the garages on both lots, ensuring that the lot line divides the garages along the line of the building wall and so that no portion of the garage on one property is encroaching onto the other property.

(m) the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the

land is also located within a site plan control area designated under subsection 41 (2) of this Act or subsection 114 (2) of the City of Toronto Act, 2006. 1994, c. 23, s. 30; 2001, c. 32, s. 31 (2); 2006, c. 23, s. 22 (3, 4); 2016, c. 25, Sched. 4, s. 8 (2).

The proposed development is not subject to site plan control.

The proposed lot line adjustment meets the criteria set out in Section 51(24) of the Planning Act.

Minor Variance Application

The requested minor variances are listed below:

- a) To permit a reduced rear yard setback of 0.0 metres, whereas the Zoning By-law requires a minimum rear yard setback of 25% of the lot depth (4.52 metres). (Section 144, Table 144(i)).
- b) To permit a reduced rear yard area of 0% of the lot area, whereas the Zoning By-law requires a minimum rear yard setback of 25% of the lot area (48.9 square metres). (Section 144(3)(a)).
- c) To permit a reduced interior side yard setback of 0 metres, whereas the Zoning By-law requires a minimum interior side yard setback of 0.6 metres for one yard, and a total of 1.8 metres. (Section 160, Table 160A). This variance is being requested in the abundance of caution.

Minor Variance Rationale

Section 45(1) of the Planning Act sets out the four tests for minor variances.

The first test for a minor variance is that the general intent and purpose of the Official Plan is maintained.

The Subject Site is designated Rideau Canal Special District within the Inner Urban Transect in the City of Ottawa Official Plan.

Policy 4 of Section 6.6.2.2 states:

- 4) The following policies will apply in the first row of properties along the Rideau Canal:
 - a) Where properties are within or on the edge of established Low-rise residential areas, development will be subject to all of the following:
 - i) Development will respect the existing patterns of building footprints, height, massing, scale, setback and landscape character within the associated streetscape. The associated streetscape will be determined by the existing low-rise properties on one, or if applicable, both sides of the same street, on the same block as the subject property;
 - ii) In order to be consistent with nearby low-rise residential development, anticipated Secondary Plan process for the area as references in Subsection 6.6.3, Policy 1) will consider if Site Plan Control By-Law may extend within the Rideau Canal Special District; and
 - iii) Carefully consider the visual relationship between the site and the Canal, including the adjacent or nearby federal parkways and the preservation of

mature trees by ensuring the continuity of the existing landscape patterns, orientation of buildings and preserving views to and from the Canal; and

The requested minor variances relate to the expansion of the garage in the rear yard. The existing garage is located in the rear yard and is setback 0 metres from the northerly interior lot line and from the rear lot line. The small expansion of the garage will provide approximately 0.97 metres of additional space in the existing garage and result in a 0 m setback to the south property line. The reduced rear yard setback, reduced rear yard area, and reduced interior side yard setback will not impact the existing pattern of building footprint, height, massing, scale, and landscape character. The expansion of the garage and the requested variances will have no impact on the streetscape and the visual relationship between the site and the Rideau Canal, as the expansion is located in the rear yard of the property which does not face the Rideau Canal.

The requested variances maintain the intent and purpose of the City of Ottawa Official Plan.

The second test for a minor variance is that the general intent and purpose of the Zoning By-law is maintained.

The Subject Site is zoned R3Q[1474] – Residential Third Density, Subzone Q, exception 1474 in the City of Ottawa Zoning By-law 2008-250. The requested minor variances support the planned expansion of the garage and maintain the residential character of the neighbourhood, which aligns with the intent of the R3 Zone.

Variance a) requests a reduced rear yard setback of 0.0 metres, whereas a minimum rear yard setback of 25% of the lot depth (4.52 metres) is required. Variance b) requests a reduced rear yard area of 0% of the rear yard, whereas 25% of the lot area (48.9 square metres) is required. The existing garage is setback 0 metres from the rear lot line. The garage is proposed to be expanded south an additional 0.97 metres to accommodate a modern vehicle.

A minor variance application was heard for 314 Queen Elizabeth Driveway on May 3, 2023 to permit a reduced rear yard setback of 0 metres, whereas the Zoning By-law required a minimum rear yard setback of 25% of the lot depth (4.52 metres) and to permit a reduced rear yard area of 0% of the lot area, whereas 25% (48.48 square metres) is required. The Committee of Adjustment decision dated May 12, 2023 granted the minor variances requested to permit a reduced rear yard setback of 0.0 metres and a reduced rear yard area of 0.0 square metres.

In their decision, the Committee found that the requested variance for the reduced rear yard setback does “maintain the general intent and purpose of the Zoning By-law because the proposal represents orderly development that is compatible with the surrounding area”. The requested variances for a reduced rear yard setback of 0.0 metres and a reduced rear yard area of 0.0 square metres for the minor expansion of the garage meets the intent of the Zoning By-law by representing orderly development that is compatible with the surrounding area.

The reduced rear yard setback and reduced rear yard area will not bring the building closer to the rear lot line. The garage on the Subject Site already occupies most of the rear yard and has a 0-metre setback from the rear lot line. The requested variances for a reduced rear yard setback and reduced rear yard area are technical in nature.

Variance c) requests a reduced interior side yard setback of 0 metres, whereas the Zoning By-law requires a minimum interior side yard setback of 0.6 metres for one side yard, and a total of 1.8 metres. This variance is being requested in the abundance of caution.

It is our opinion that a minor variance is not required to permit a reduced interior side yard setback of 0 metres. The Zoning By-law states that the minimum interior side yard setback is “1.8 m total, 0.6 m for one side yard.” The wording of the provision states that a minimum interior side yard setback of 0.6 metres is required for *one* side yard, not *all* side yards. An interior side yard setback of at least 0.6 metres is provided for two of the existing interior side yards for the property at 314 Queen Elizabeth Driveway. One interior side yard is 0.6 metres and another interior side yard is 1.42 metres. This meets the zoning requirement for a minimum interior side yard setback of 0.6 metres for one side yard. The wording of the provision states that the minimum *total* interior side yard setback is 1.8 metres. Interior side yard setbacks of 0.6 metres, 1.42 metres, 0.0 metres, and 0.0 metres are provided, totalling 2.02 metres. 2.02 metres exceeds the total interior side yard setback requirement of 1.8 metres.

City staff indicated in an email dated September 18th, 2024 that the interior side yard setback “is intended to apply as a minimum number for all interior side yard setback locations” and “one of the interior lot lines needs to meet the 1.2 m setback (...) and the other interior lot lines need to meet a required 0.6 m setback.” The Zoning By-law provision states that a minimum interior side yard setback of “1.8 m total, 0.6 m for one side yard” is required. The Zoning By-law provision does not state that a minimum interior side yard setback of 1.8 m total, 0.6 m for *each* side yard is required, nor does it state anywhere in the provision that a 1.2 m setback is required.

In the interest of moving the application forward and in the abundance of caution, we have agreed to apply for the minor variance for a reduced interior side yard setback, despite our planning opinion that the minimum interior side yard setback is met. The reduced interior side yard setback meets the intent and purpose of the Zoning By-law to provide adequate space between buildings. The existing garage on the property abuts the northerly interior lot line which is a legally non-conforming condition.

The reduced interior side yard setback from the southerly interior lot line in front of the garage results from the proposed 0.97-metre extension of the garage to provide more space for a modern vehicle. The southerly interior lot line in front of the garage is the subject of a lot line adjustment application for 1 Second Avenue. The owner of 1 Second Avenue has agreed to convey the additional 0.6 metres (1.82 square metres) of their property in front of the garage to support the garage expansion. The southerly interior side yard is currently used for access to the garage and will continue to be used for these purposes after the garage expansion.

The requested variances meet the intent and purpose of the City of Ottawa Zoning By-law 2008-250.

The third test for a minor variance is that the is considered suitable and desirable for the use of land.

The requested variance to permit a reduced rear yard setback, reduced rear yard area, and reduced interior side yard setback supports the minor expansion of the existing garage. The garage will be expanded southwards to accommodate a larger garage space for a modern vehicle. The lot line adjustment application for 1 Second Avenue will provide additional space in front of the garage to accommodate the proposed expansion for 314 Queen Elizabeth Driveway. The requested variances

improve the functionality of the home by providing a garage that meets the owner's needs without adversely impacting neighbouring properties.

The requested variances are considered suitable and desirable for the use of land.

The fourth test for a minor variance is that the variance is considered minor in nature.

Variance a) is to permit a reduced rear yard setback of 0.0 metres, whereas the Zoning By-law requires a minimum rear yard setback of 25% of the lot depth (4.52 metres). Variance b) is to permit a reduced rear yard area of 0% of the lot area, whereas the Zoning By-law requires a minimum rear yard area of 25% of the lot area (48.9 square metres). Variance c) is to permit a reduced interior side yard setback of 0.0 metres, whereas the Zoning By-law requires a minimum interior side yard setback of 1.8 metres total, with one yard a minimum of 0.6 metres, and is filed in the abundance of caution.

The expansion of the garage maintains the setback of 0.0 metres from the rear lot line. The expansion of the garage results in an interior side yard setback of 0.0 metres from the southerly interior lot line. The expansion of the garage maintains the rear yard area to 0% of the lot area. The existing garage already has 0-metre interior side yard and rear yard setbacks. The proposed expansion of the garage with the requested variances will have no impact, as the reduced setbacks proposed already exist with the existing garage.

The reduced interior side yard setback of 0.0 metres does not impact access or adversely impact the abutting property at 1 Second Avenue. The existing space in front of the garage on the Subject Site is used as a driveway access. The lot line adjustment application for 1 Second Avenue will provide additional space in front of the garage, which will be expanded by 0.97 metres to be inline with the garage on 1 Second Avenue. This small expansion will not impact the neighboring property (1 Second Avenue) as the garage is only being slightly expanded to better accommodate a modern vehicle. No increase in the height of the existing garage is proposed, ensuring no adverse impact is created from the garage expansion.

The requested variances are considered minor in nature.

Conclusion

The proposed lot line adjustment application at 314 Queen Elizabeth Driveway meets the criteria of Section 51(24) of the Planning Act. The consent application is consistent with the policies of the PPS. The consent application meets the intent of the Official Plan. The proposed lot line adjustment cleans up the existing lot line separating the garages on both lots so that no part of the 1 Second Avenue garage encroaches onto the Subject Site.

The requested variances meet the general intent and purpose of the City of Ottawa Official Plan and the City of Ottawa Zoning By-law 2008-250. The requested variances are suitable and desirable for the use of land and are minor in nature. The requested variances meet all four tests under Section 45(1) of the Planning Act. The consent and minor variance applications represent good land use planning.

In support of the applications for consent and minor variance, please find enclosed:

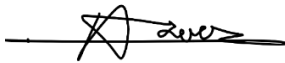
- Cover Letter (revised) (one copy)
- Complete Consent Application Form (one original copy)
- Signed Consent Authorization Form (one original copy)

- Complete Minor Variance Application Form (one original copy)
- Signed Minor Variance Authorization Form (one original copy)
- Site Plan (one 8.5x11 copy and one 11x17 copy)
- Building Elevations (one 8.5x11 copy and one 11x17 copy)
- Survey (one 8.5x11 copy and one 11x17 copy)
- Application fee
- Draft Reference Plan (one 8.5x11 copy and one 11x17 copy)
- Parcel Abstract for 314 Queen Elizabeth Driveway (one copy)

Should you have any questions regarding these applications, please do not hesitate to contact me.

Yours truly,

NOVATECH

A handwritten signature in black ink, appearing to read 'Arjan Soor', is written over a horizontal line.

Arjan Soor, M.PL
Planner