

February 27, 2025

Mr. Michel Bellemare
Secretary-Treasurer
Committee of Adjustment
101 Centrepointe Drive, Fourth Floor
Ottawa, ON K2G 5K7

**RE: Application for Minor Variance
23 Dunvegan Road, City of Ottawa**

Committee of Adjustment
Received | Reçu le

2025-03-07

City of Ottawa | Ville d'Ottawa
Comité de dérogation

Dear Mr. Bellemare,

Fotenn Consultants Inc. has been retained to act as agent on behalf of the property owner of 23 Dunvegan Road for a Minor Variance application to the Committee of Adjustment (enclosed). The purpose of the application is to allow for the construction of an accessory building (garage) on the subject property.

In addition to the Planning Rationale report, the following materials have been included as part of this submission:

- / Completed application form (1 copy);
- / Tree Information Report (1 copy);
- / Survey Plan (1 Full-size copy, 1 reduced copy);
- / Site Plan (1 Full-size copy, 1 reduced copy);
- / Elevation Drawings (1 Full-size copy, 1 reduced copy); and
- / City of Ottawa Application fee.

Should you have any additional questions related to this application, please contact the undersigned.

Sincerely,

Patricia Warren, MCIP RPP
Planner

Ottawa

420 O'Connor Street
Ottawa, ON K2P 1W4
613.730.5709

Kingston

The Woolen Mill
4 Catarqui Street, Suite 315
Kingston, ON K7K 1Z7
613.542.5454

Toronto

174 Spadina Avenue, Suite 304
Toronto, ON M5T 2C2
416.789.4530

fotenn.com

1.0

Introduction

Fotenn Consultants Inc. has been retained by the owner (the 'Owner') of 23 Dunvegan Road (the 'site' or 'subject property') to prepare this Planning Rationale in support of a Minor Variance Application to permit the construction of an accessory building (garage) on the subject property.

The intent of this Planning Rationale is to assess the proposed variances against applicable policies and regulations at the local and provincial levels and to demonstrate how the proposed variances are appropriate for the subject property and compatible with surrounding land uses and existing infrastructure.

One (1) variance is being requested, which includes:

- / A reduced interior side yard setback of 0.7 metres for an accessory building, whereas a minimum 1.2 metres is required.

Site Context and Surrounding Area

The subject property, 23 Dunvegan Road, is legally described as Part 1 Plan of Lot 138, Registered Plan 4M-83 and is located on the east side of Dunvegan Road, between Farnham Crescent and Arundel Avenue, in the residential neighbourhood of Manor Park (Ward 13). The property is a rectangular lot with 18.29 metres of frontage on Dunvegan Road and 27.41 metres of lot depth along the internal lot line. The site currently has one (1) single-detached dwelling on the lot as well as a detached accessory building located in the rear of the property. The total lot area is 501.65 square metres.

The existing shed located at the rear of the property is recognized as being legal non-complying as it is located approximately 1m from the interior lot line. Should this application be approved, this shed would be demolished to allow for the construction of the new accessory building (garage).

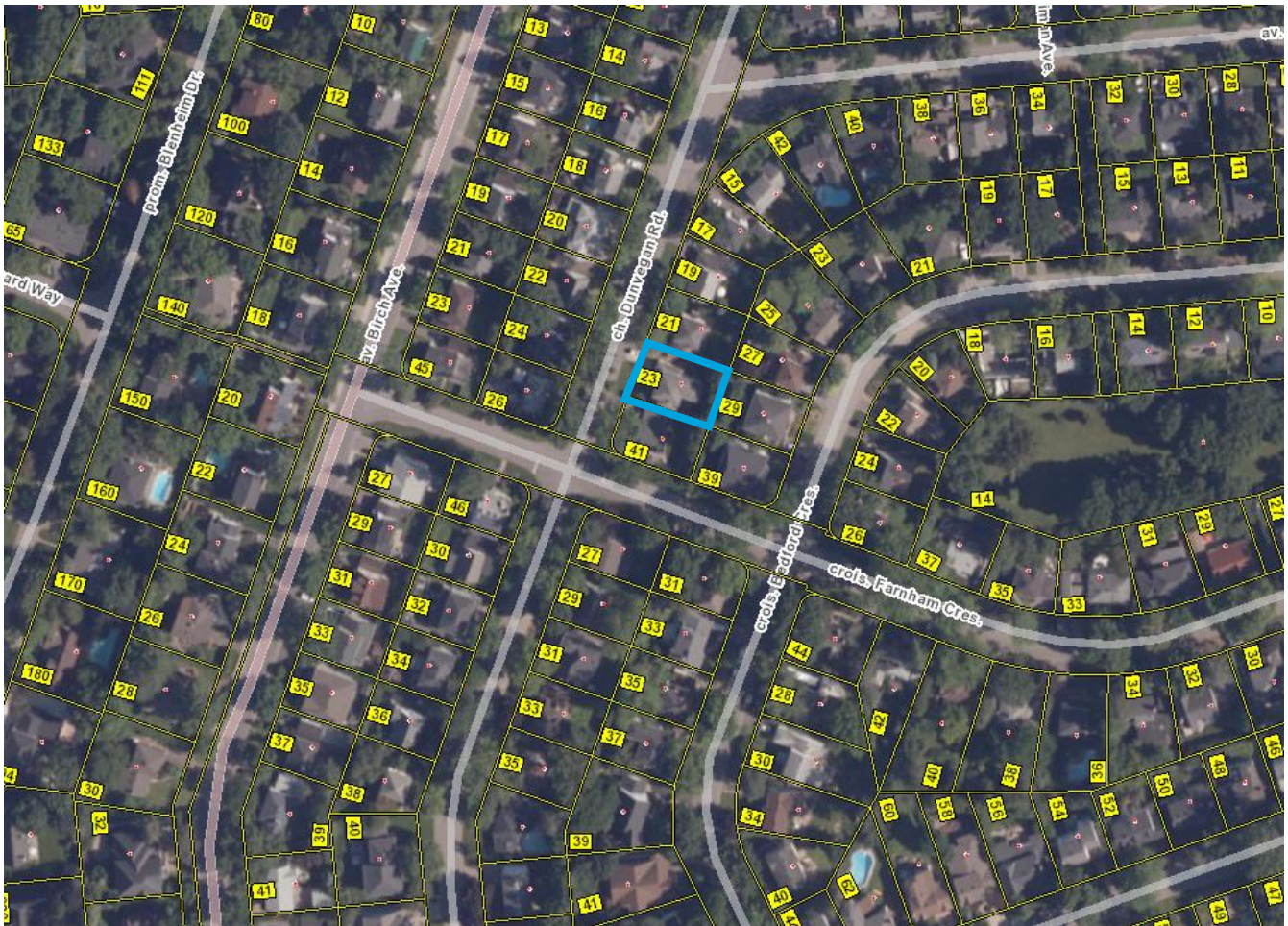


Figure 1. Aerial Photo identifying the subject property (in blue) and surrounding lot fabric (identified in yellow)

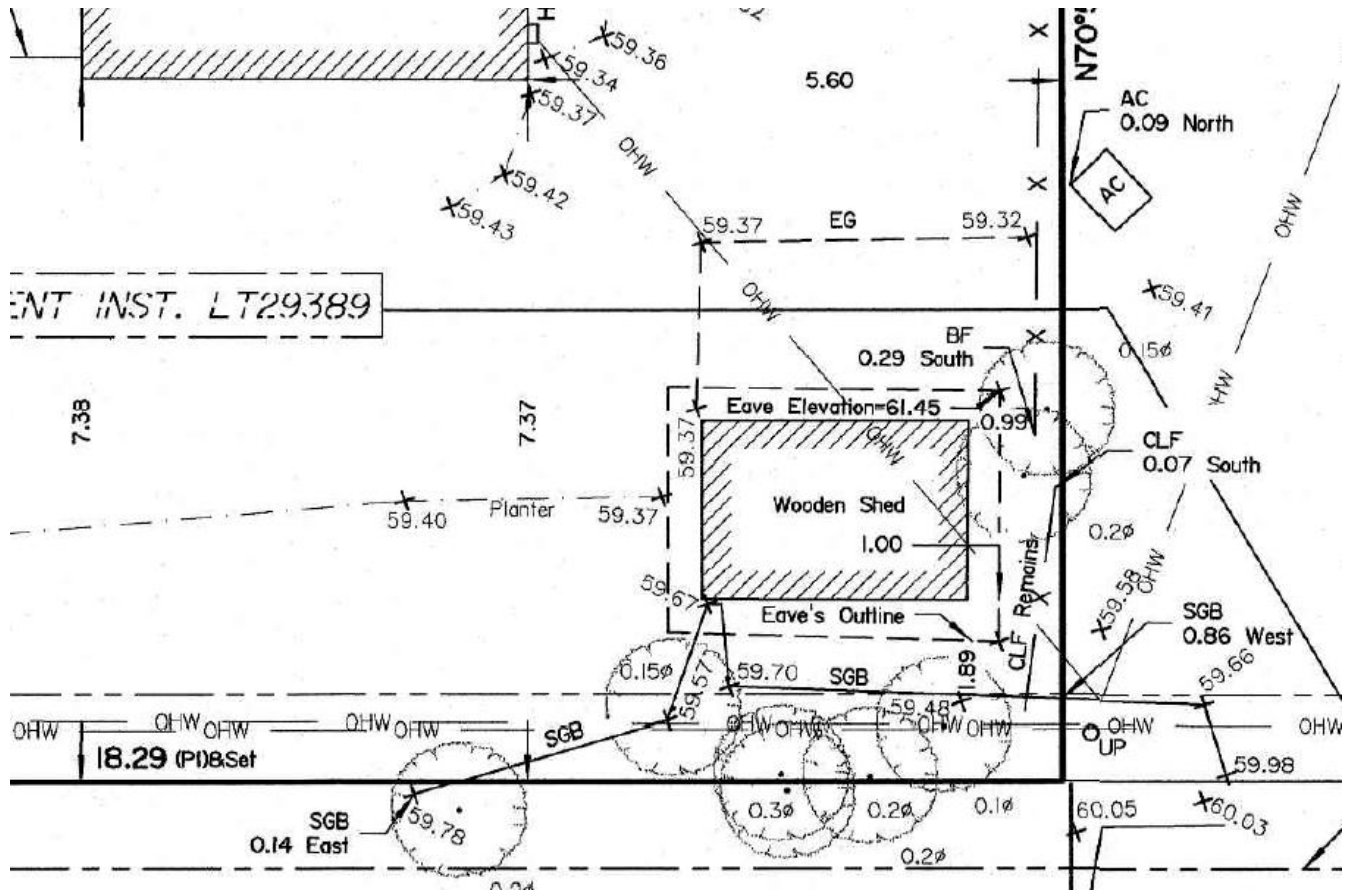


Figure 2. Snapshot of Survey Plan illustrating the existing non-complying shed



Figure 3. Street view of 23 Dunvegan Rd.

The subject area is characterized by low-rise residential uses, predominately single-detached dwellings. The lot fabric surrounding the subject property is predominately the same as the subject property, except where the roads within the Manor Park neighbourhood curve, resulting in some lots to be irregular in shape.

The uses and built form surrounding the subject property are low-profile residential and consist exclusively of single-detached dwellings. Further to the east is Anthony Vincent Park, located adjacent the rear yard of properties fronting onto Farnham Crescent and Bedford Crescent.

2.0 Overview of Application

The Owner is requesting a Minor Variance to permit the construction of an accessory building (garage) within the required interior side yard setback.

The owner has confirmed that the property is currently serviced with municipal sanitary and water. Further, vehicle access will be retained via the existing driveway on the north interior lot line. Aside from the construction of the accessory building (garage), no other development or alterations are being proposed as part of this application. The Site Plan (Figure 4) illustrates the location of the accessory building (garage) on the property.

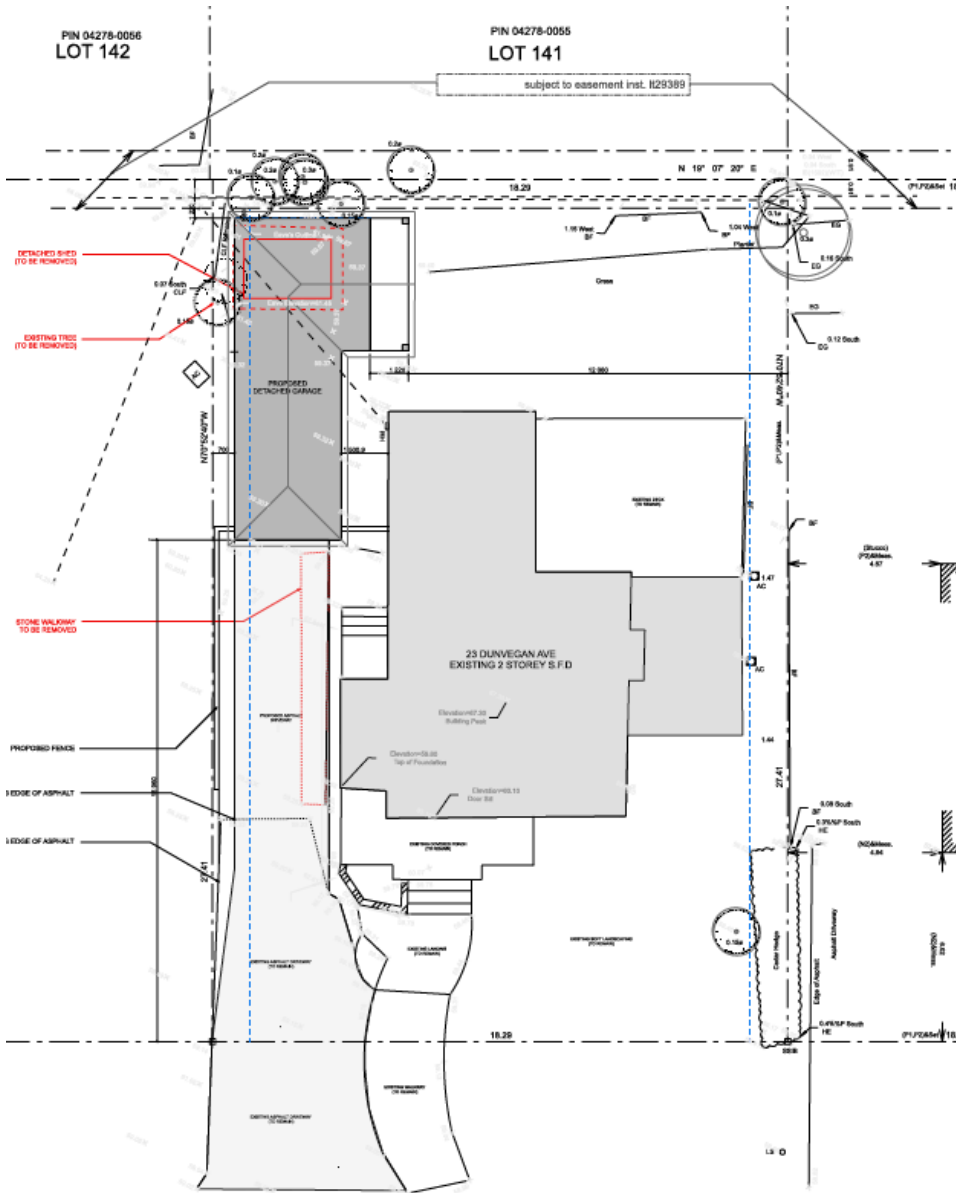


Figure 4. Site Plan illustrating the proposed accessory building

To construct the accessory building (garage), relief is requested from By-law 2008-250. Section 55 of By-law 2008-250 – Accessory Uses, Buildings and Structures - Table 55, subsection 3 - requires the “Minimum required setback from an Interior Side Lot Line or Rear Lot Line not abutting a street” for (e) “Other Accessory buildings or structures” in a R1 Zone be: In an Interior Side Yard – the same as the principal building. Thus, Table 55 refers back to the R1K zoning for the Interior Side Yard Setback, which requires a “Total 3.6m, with one yard no less than 1.2m”. It is understood that this provision applies to accessory buildings and principal buildings separately.

As shown on the Site Plan, the Interior Side Yard Setback to the southern property line is 13.28 metres, resulting in a required setback to the northern property line of 1.2 metres. Despite the requirement for a 1.2 metres Interior Side Yard setback for the accessory structure, this application seeks to permit a reduced Interior Side Yard Setback of 0.7 metres.

A Tree Information Report memo prepared in support of the Minor Variance application and future Building Permit application has confirmed that there are no trees on the subject property that are protected under the City of Ottawa Tree Protection By-law (2020-340). There are also no adjacent city trees, or trees greater than 30 cm on adjacent properties that will be impacted by the development and therefore no Tree Information Report is required.

3.0 Policy and Regulatory Review

3.1 Planning Act

The proposal has regard to the relevant Provincial Interest direction of Section 2 of the Planning Act as follows:

- (p) the appropriate location of growth and development;

The proposed building is accessory to a permitted and principal use within an existing residential neighbourhood. The location of the building is desirable from an aesthetic perspective as it is located away from public view in the rear and side yard of the dwelling and lot.

- (r) the promotion of built form that, (i) is well-designed, (ii) encourages a sense of place, and (iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;

The proposed accessory building is designed with high-quality materials in a modern, residential aesthetic that compliments the existing dwelling. It is located at the rear of the property and is in-keeping with the established character of the area. Whereas many homes on Dunvegan have front facing garages considered to be more prominent from the street, the proposed detached garage will be hidden from view and will not dominate the street.

Section 45 (1) of the Planning Act outlines the four (4) Tests of a Minor Variance. These are addressed in Section 5 of this Report.

3.2 Provincial Planning Statement

The Provincial Planning Statement (PPS), 2024 is a streamlined province-wide land use planning policy framework that replaces both the Provincial Policy Statement, 2020 and A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 while building upon housing-supportive policies from both documents. It came into effect October 20, 2024.

The PPS promotes the development of strong communities, which relies on the establishment of efficient land use and development patterns and the accommodation of an appropriate range and mix of uses.

Due to the minor nature of the application, there aren't many high-level Provincial policies which would apply to the proposal. The relevant policy interests to the subject application are as follows:

- / Policy 1 of Section 2.2 – Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected needs of current and future residents of the regional market by:
 - b) Permitting and facilitating:
 - 1. All housing options required to meet the social, health, economic and well-being requirements of current and future residents, including additional needs housing and needs arising from demographic changes and employment opportunities
- / Policy 2 of Section 2.3.1 – Land use patterns within settlement areas should be based on densities and a mix of land uses which:
 - a) Efficiently use land and resources;
- /

The proposal for a reduced Interior Side Yard Setback for an accessory structure (garage) is consistent with the PPS, resulting in development within a settlement area that uses land and resources efficiently.

3.3 City of Ottawa Official Plan (2022, as amended)

The Official Plan for the City of Ottawa was approved November 4, 2022. The Plan provides a framework for development in the City until 2046, when it is expected that the City's population will surpass 1.4 million people. The Official Plan directs how the City will accommodate this growth over time and sets out the policies to guide the development and growth of the City.

Section 11.5 of the City's Official Plan provides direction to Committee of Adjustment policies. The following policies are relevant to the present application:

- 2) The City may exercise authority under the Planning Act, Section 45 to establish criteria to which the authorization of a minor variance must conform. The criteria may provide that specified provisions in the Zoning By-law are not to be authorized by variance.
- 3) Applications to the Committee of Adjustment for Minor Variance are categorized as adjustments to a Zoning By-law development standard which is in keeping with the applicable land-use designation of the Official Plan and the four tests for a minor variance.

Based on the above, the City of Ottawa has granted authority to the Committee of Adjustment to consider Minor Variance Applications. The Committee is to exercise their authority under Section 45 of the Planning Act and evaluate proposals in keeping with the applicable land use designation and the four (4) tests for a Minor Variance. These are addressed in Section 5 of this Report.

3.3.1 Inner Urban Transect

The subject property is located within the Inner Urban Transect, as identified on Schedule A – Transect Policy Areas, of the City of Ottawa Official Plan (Figure 5) The Inner Urban Transect includes the pre-World War II neighbourhoods that immediately surround the Downtown Core, and the earliest post-World War II areas directly adjacent to them. Generally, the older neighbourhoods reflect the urban built form characteristics, while the post-war neighbourhoods reflect suburban characteristics.

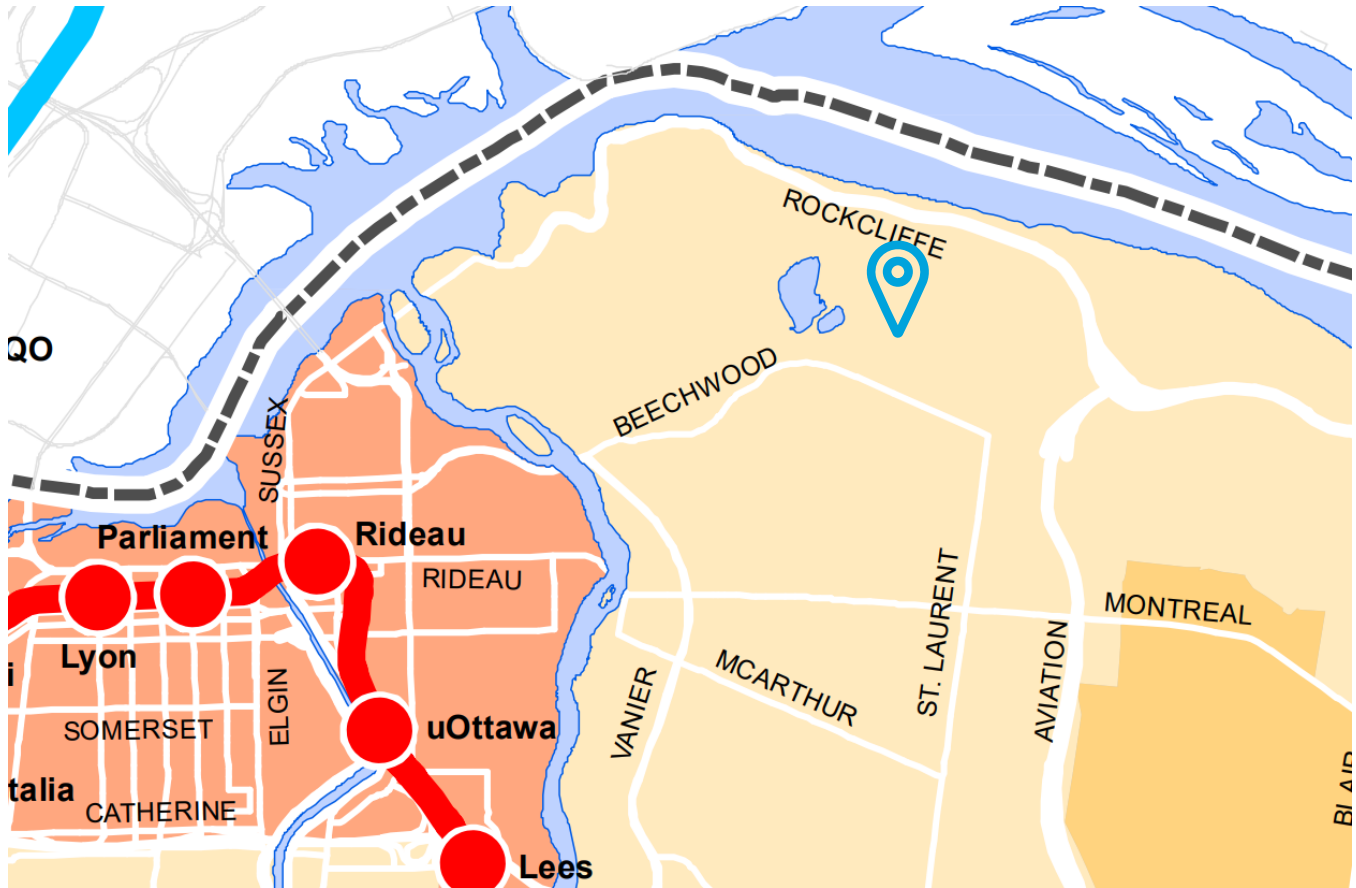


Figure 5. Extract of Schedule A - Transect Policy Areas, City of Ottawa Official Plan

The Inner Urban Transect policies do not provide direction for accessory structures; however, the policies do direct that development within the Inner Urban Transect is generally planned for mid- to high-density development.

Policy 5 of Section 5.2.1 states that the following applies to private approaches:

- c) Development applications may be required to:
 - ii. Re-use existing private approaches

3.3.2 Neighbourhood Land Use Designation

The subject property is designated "Neighbourhood" on Schedule B2 – Inner Urban Transect, of the City of Ottawa Official Plan (Figure 6). Section 6.3 of the Official Plan notes that Neighbourhoods are contiguous urban areas that constitute the heart of communities and permit a mix of building forms and densities. They are planned for ongoing gradual, integrated, sustainable, and context-sensitive development. The Neighbourhood designation aims to:

- / Define neighbourhoods and set the stage for their function and change over the life of this Plan.
- / Guide the evolution of neighbourhoods based on their context, location, age, maturity and needs, generally towards the model of 15-minute neighbourhoods.
- / Ensure that neighbourhoods form the cornerstone of liveability in Ottawa.





Figure 6. Extract of Schedule B2 - Inner Urban Transect, City of Ottawa Official Plan

The following policies are applicable to the subject property and proposed Minor Variance application.

- / **Policy 6.3.1.2** states that permitted building heights in Neighbourhoods shall be Low-rise. **Policy 6.3.1.5 (b)** states that the Zoning By-law will distribute permitted densities in the Neighbourhood by allowing lower densities and predominantly ground-oriented dwelling forms further away from rapid-transit stations, Corridors and major neighbourhood amenities.

The proposed Minor Variance application conforms to the Neighbourhood designation as it preserves the existing low-rise, ground-oriented dwelling on the lot. The subject property is not near any rapid transit network and is in the middle of a low-profile, stable residential neighbourhood. The proposed garage would accommodate parking along with other storage requirements typical of a single dwelling. The location of the proposed garage in the rear and side yard will preserve the public realm by making the existing dwelling the focal point from the street.

3.4 City of Ottawa Comprehensive Zoning By-law (2008-250)

The subject property is zoned Residential First Density, subzone K (R1K) in the City of Ottawa's Comprehensive Zoning By-law (Figure 7). The purpose of the R1- Residential First Density Zone is to:

- / restrict the building form to detached dwellings in areas designated as General Urban Area in the Official Plan;
- / allow a number of other residential uses to provide additional housing choices within detached dwelling residential areas;
- / permit ancillary uses to the principal residential use to allow residents to work at home;

- regulate development in a manner that is compatible with existing land use patterns so that the detached dwelling, residential character of a neighbourhood is maintained or enhanced;

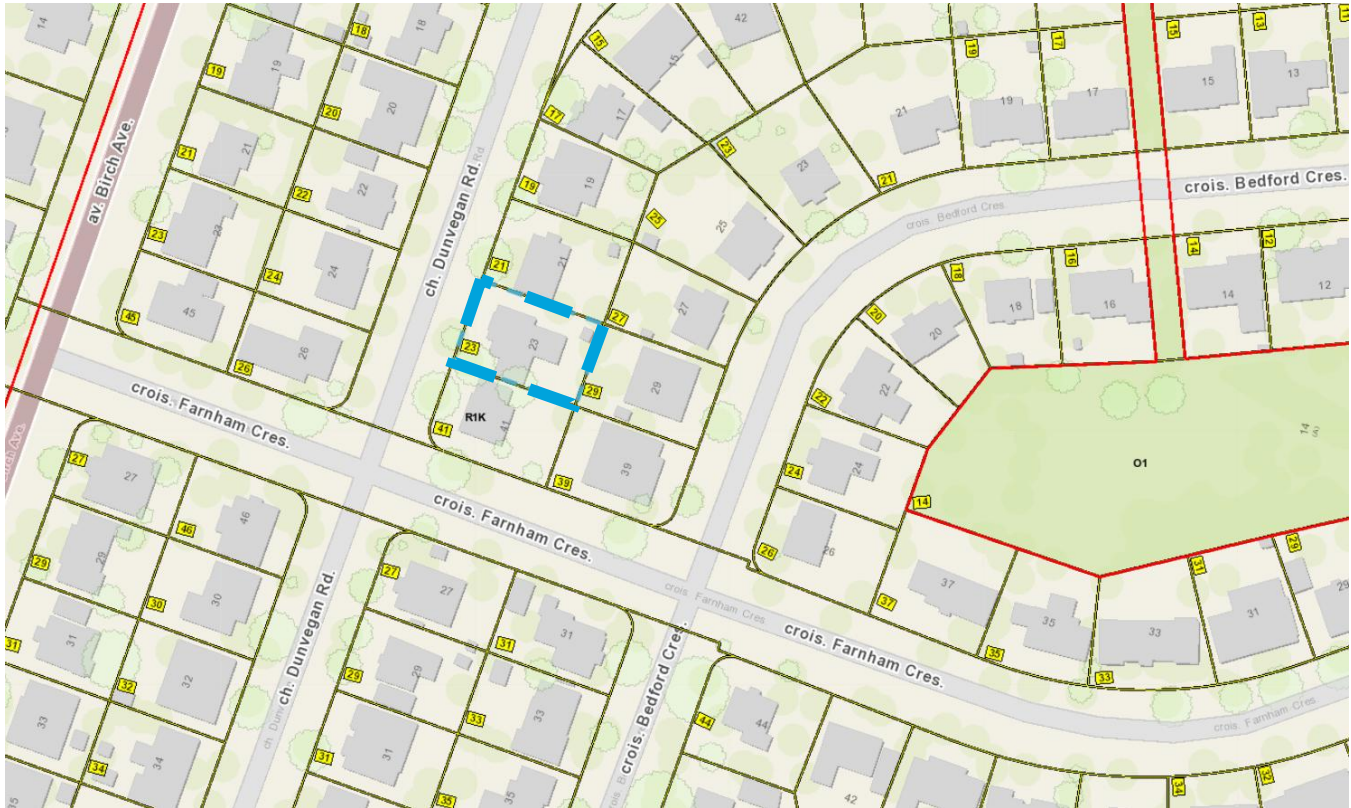


Figure 7. Zoning Map

Within the R1 zone, detached dwellings and accessory buildings (garages) are permitted, among other residential uses. Table 156A provides the subzone provisions for the K subzone. These provisions have been reviewed, however, given that this application is for an accessory structure, the provisions for **Accessory Uses, Buildings and Structures** contained within Section 55 of the Zoning By-law and **Permitted Projections into Yards** within Section 65 of the Zoning By-law have been reviewed and are addressed as follows:

Table 1. Zoning Compliance Table

Zoning Provision	Required	Proposed	Compliance
Minimum Setback from a Front Lot Line Table 55 (1)	6 m	15.9 m	✓
Minimum Setback from a Rear Lot Line not Abutting a Street Table 55(3)(e)	0.6m	1.3 m	✓
Minimum Interior Side Yard Setback	Total is 3.6m, with one yard no less than 1.2m	Interior side yard setback to the southern property line:	✗

Table 55(3)(e) same as the principal building -> Table 156A, subzone K		<ul style="list-style-type: none"> / for the existing dwelling: 1.4m; and, / for the proposed accessory building: 13.28m <p>0.7m on the northern interior lot line</p> <p>Total >3.6 m</p>	
Minimum Required Distance from any other Building Located on the Same Lot Table 55(4)	1.2m	1.5m from single detached dwelling	✓
Maximum Building Height for R1 Table 55 (5)	3.6m with the height of the exterior walls not to exceed 3.2 m	3.38m & 2.46 m	✓
Maximum Permitted Size Table 55 (6)	Aggregate of all accessory buildings not to exceed a lot coverage of 50% of the yard in which they are located, with a maximum cumulative floor area of 55 m ² as measured from the exterior walls of the building	38.6m ² Accessory structure is located within both the rear yard and the interior side yard. The portion of the garage in each yard does not exceed 50% of either yard. Portion within the rear yard: approximately 26m ² (approximately 19%) Portion within the interior side yard: approximately 13m ² (approximately 23%)	✓
Maximum Number of Accessory Buildings Permitted on a Lot Table 55(7)	2	1	✓
Permitted Projection Into Yards Table 65, subsection 2 – Eaves, eave-troughs and gutters – For All Other Buildings	2m but not closer than 0.3m to a lot line	0.45m (inside edge of eaves) to the Interior Lot Line 0.32 m (outside edge of eaves) to the Interior Lot Line	✓

Based on the above zoning analysis, the application seeks to permit a reduce Interior Side Yard Setback for the Accessory Building (garage) from the required 1.2m to 0.7m. All other zoning requirements are met or exceeded. It is understood that Section 65 does not apply to accessory structures; however, this has been included in the zoning compliance table to demonstrate that the proposed design of the accessory building to include eaves troughs will be similar to what is permitted on a detached dwelling in an effort to ensure stormwater is managed within the subject property. The eaves troughs will not project any further into the interior side yard than what is permitted on any principal detached dwelling on the site and will ensure that any potential undue adverse impacts to neighbouring properties are

4.0

Minor Variance Applications: The Four Tests

As required by Section 45 of the Ontario *Planning Act* and the City of Ottawa Official Plan, all applications for Minor Variances must meet the four (4) tests. It is our professional opinion that the application meets the “Four Tests”, as described below.

4.1 Does the proposal maintain the general intent and purpose of the Official Plan?

The proposed variance conforms to the general intent and purpose of the Official Plan.

The subject property is designated Neighbourhood within the Inner Urban Transect in the City of Ottawa Official Plan. The variance is consistent with the policies related to the transect and designation, as well as urban design direction. The Neighbourhood land use designation is intended to accommodate residential development, including accessory buildings and uses. This proposal is consistent with the broader objective of the Official Plan by proposing storage for vehicles and other household items contained within a permitted accessory building.

The Urban Design policies of the City’s Official Plan provide direction for low-rise buildings, stating that they should be designed to respond to context and transect area policies, and shall include areas for soft land landscaping, main entrances at-grade, front porches or balconies, and that buildings shall integrate architecturally to complement the surrounding context. The requested Interior Side Yard variance maintains the intent and purpose of the Official Plan as the proposed accessory structure is intended to replace an existing accessory structure that is currently located approximately 1 metre from the property line, which has been proven to be compatible with the surrounding lands.

The proposed Minor Variance application maintains the general intent and purpose of the Official Plan.

4.2 Does the proposal maintain the general intent and purpose of the Zoning By-law?

The subject property is zoned Residential First Density, Subzone K (R1K) in the City of Ottawa’s Comprehensive Zoning By-law. The intent of the R1K zone is to restrict the building form to detached dwellings and regulating development in a manner that is compatible with existing land use patterns so that the detached dwelling residential character of a neighbourhood is maintained and enhanced.

A zoning compliance table has been provided in Section 4.4 of this report which summarizes the provisions of the R1K zone, along with the accessory structure provisions of the Zoning By-law. One variance is being requested as it relates to the interior side yard setback for an accessory structure. The proposed variance requests a reduced interior side yard of 0.7 metres where a minimum of 1.2 metres is required. The interior side yard setback provision also requires that the total cumulative setback is 3.6 metres. The cumulative interior side yard setback for the accessory structure exceeds 3.6 metres. The proposed variance will allow for a detached garage which will provide storage space for the existing detached dwelling on the lot. The proposed garage is located in a desirable location on the lot, and is replacing an existing shed that has been located in the same location as the proposed garage.

The proposed Minor Variance meets the general intent and purpose of the Zoning By-law, as all other provisions as they relate to accessory structures, including maximum area and separation from existing buildings on the same property, will be satisfied.

4.3 Is the proposal minor in nature?

This Planning Act test is generally understood to involve the consideration of negative impacts from the proposed variances. The variance, which is seeking a reduced Interior Side Yard setback for an accessory building from 1.2 metres to 0.7 metres represents a modest reduction and is not anticipated to create any undue adverse impacts to the abutting property. The

proposed accessory structure will be designed with eaves troughs to ensure that stormwater is controlled within the subject property, limiting runoff into the neighbouring property. The proposed garage will replace an existing shed that is currently located in the same location with a similar setback to the interior side lot line.

The proposed variance is considered to be minor in nature, as no undue adverse impacts on the neighbouring properties are anticipated.

4.4 Is the proposal desirable for the appropriate development and use of the land?

The proposed minor variance to permit a reduced Interior Side Yard setback represents appropriate development of an accessory building for a property zoned to accommodate detached dwellings. The building will provide storage for vehicles and other household and/or gardening equipment, typical for dwellings in this neighbourhood, and the building will be designed as a low-profile building, consistent with the Neighbourhood policies of the City of Ottawa Official Plan.

As outlined above, the proposed variance is desirable and appropriate for the development of the property.

5.0 Conclusion

It is our professional opinion that the proposed Minor Variance constitutes good planning as:

- / The proposal is consistent with the Provincial Planning Statement (2024);
- / The proposal conforms to the policies and objectives of the Neighbourhood designation and the policy direction of the Official Plan (2022) as a whole;
- / The proposal meets the intent of the R1K zone and the City of Ottawa Comprehensive Zoning By-law (2008-250); and
- / The proposed minor variance meets the four (4) tests as set out in the Planning Act.

Finally, it should be noted the owner of the property has discussed the application with the neighbour and they have expressed their support for the Minor Variance application. Based on the above, the proposed Minor Variance application represents an appropriate, orderly development of the subject property.