

**September 23, 2024**

**Re: Minor Variance Application 2450**

D Sixth Line Rd.

Dunrobin, On. K0A 1T0

**Committee of Adjustment**

Received | Reçu le

**Revised | Modifié le : 2025-04-23**

City of Ottawa | Ville d'Ottawa

**Comité de dérogation**

### **Proposal**

To construct a single-family dwelling on a 'rural countryside' (RU) zoned property where the rear yard is located on the Ottawa river, requiring adjustments to the rear and front yard setbacks to allow space for a detached dwelling and a detached garage

Part 2 general provisions, section 69 'setbacks from water courses and water bodies' states a 30 m setback requirement from the high watermark. See TAB A

RU zone has 10 m front yard setback. See TAB B

Distance from the front property line to high watermark is just 33m, therefore only providing 3m for development, therefore no space to build unless a variance is received. Proposal is to reduce the front & rear setbacks to a reasonable distance, allowing development to proceed

For the detached dwelling to be placed Maximum distance from the river it is proposed to reduce the front yard setback from 10 m to 5 m. The front yard setback cannot be further reduced because of a Hydro line requiring 5 m setback.

It is therefore proposed to reduce 30 m high water setback to 14.59 m for the house and 13.96 m for a detached garage, see SITE PLAN

The property also does not have frontage on a public road and thus a minor variance to section 59(1) of the zoning by-law would be required"

## **4-TESTS**

### **Is variance considered minor?**

Reducing the front & rear yard setbacks are considered minor because official setbacks only allow for 3 m space of buildable area which is not practical for a residentially zoned property

The Front yard setback reducing from 10 m to 5 m is considered minor because it is equal to the side yard setback and allows the house to be positioned as far away as possible from the Highwater mark and keeps with the Hydro minimum setback of 5 m

The Rear yard 'Highwater' set back reduction from 30 m to 14.59 m is considered minor because the reduction allows for a modest size dwelling to fit onto the property and is in line with neighbouring property developments See Tab C

Regarding road frontage, The relief sought pertains solely to the requirement for direct frontage on a public road, and does not impact the overall intensity, scale, or character of the surrounding development. Access to the property is provided through a legal and functional means (private laneway) ensuring no disruption to traffic flow, public safety, or municipal services. There are no anticipated adverse effects on neighboring properties or the broader community.

### **Is the variance desirable for the development of the property?**

The variance is desirable for the development of the property because reducing the setbacks accordingly allows for development to happen

The proposal also maximizes setback distance from the High-water mark, neighbouring dwelling are much closer to the water. See Tab C

Regarding road frontage, Yes, the variance is desirable for the appropriate use of the land.

The property is otherwise compliant with zoning standards and is suitable for residential use. Granting the variance will allow for the continued or proposed use of the land in a manner that is compatible with surrounding properties. It supports efficient land use without compromising the character or function of the area.

## **Does the variance uphold the intent of the Zoning By-law?**

*The purpose of the RU – Rural Countryside Zone is to:*

*(1) accommodate agricultural, forestry, country residential lots created by severance and other land uses characteristic of Ottawa's countryside, in areas designated as General Rural Area, Rural Natural Features and Greenbelt Rural in the Official Plan;*

The variance upholds Line (1) intent Because we are proposing buildable space to be allowed for a modest detached dwelling to be built on a legal country residential lot

*(2) recognize and permit this range of rural-based land uses which often have large lot or distance separation requirements; and*

The variance upholds Line (2) intent because a detached dwelling is one of the permitted land uses See Tab A

*(3) regulate various types of development in manners that ensure compatibility with adjacent land uses and respect the rural context.*

The variance upholds Line (3) intent because both adjacent land uses are 'detached dwelling' with similar or a greater proximity to the High Water Mark. See Tab C

Regarding road , Yes, the variance maintains the general intent and purpose of the Zoning By-law.

Section 59(1) is intended to ensure safe, legal, and practical access to properties. In this case, alternative access (private road) satisfies this intent. The property remains accessible to residents, emergency services, and utilities, thereby aligning with the by-law's overall objectives around access and safety.

## **Does the variance uphold the intent of the Official Plan?.**

*Excerpt from city of OTTAWA planning document:*

*The new official plan outlines a comprehensive land use policy framework to guide growth and development within the city to the year 2046*

The variance upholds the intent of the official plan because the existing zoning of 2450-D Sixth Line Rd. permits for a detached dwelling to be built keeping with the land use policy framework of the official plan

Regarding road frontage, Yes, the variance upholds the general intent and purpose of the City of Ottawa's Official Plan.

The Official Plan supports compact, efficient, and context-sensitive development. The proposed variance facilitates the use of an existing lot that is otherwise suitable for development and does not conflict with the city's growth management or community design goals. Access arrangements are consistent with the Official Plan's emphasis on safe, sustainable infrastructure and land use

# TAB A

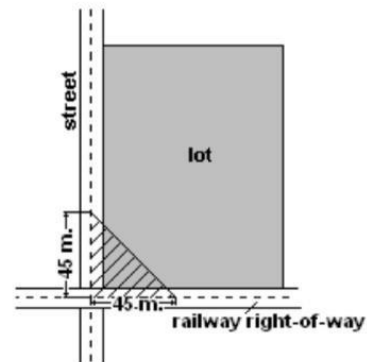
The purpose of these setbacks is to help ensure that new dwelling units are not located in close proximity to an existing or future noise or vibration-generating use such as a mineral extraction operation.

## Setbacks From Railway Rights-of-Way in Rural Zones (Section 68)

### 68. In Rural Zones,

- (1) No obstruction to the vision of motor vehicle operators higher than one metre above grade including but not limited to buildings, structures, parking, storage or vegetation is permitted on any lot abutting an at-grade intersection of a street and a railway track within the triangle formed by connecting to a point 45 metres from the intersection of the centerline of the street and the centerline of the railway right-of-way (see illustration).

ILLUSTRATION OF RAILWAY SETBACKS



- (2) For the purposes of subsection (1), an agricultural crop, chain link fence or other similar feature that can be seen through is not an obstruction.
- (3) No building within 30m of a railway right-of-way is to be used for a residential use building, day care or school.

## Setback from Watercourses and Waterbodies (Section 69)

### 69.

- (1) Subject to subsection (3), despite the provisions of the underlying zone, the minimum setbacks set forth in subsection (2) must be provided to provide a margin of safety from hazards associated with flooding and unstable slopes and to help protect the environmental quality of **watercourses** and **waterbodies**.
- (2) Except for flood or erosion control works, or a public bridge or a marine facility, no building or structure, including any part of a sewage system, which does not require plan of subdivision, or site plan control approval, shall be located closer than:
  - (a) 30 m to the **normal highwater mark** of any **watercourse** or **waterbody**, or
  - (b) 15 m to the top of the bank of any **watercourse** or **waterbody**, whichever is the greater.
- (3) Development requiring a plan of subdivision or that is subject to site plan control must provide the **watercourse** or **waterbody** setbacks set forth in subsection (2) unless, as established through conditions of approval, a different setback is determined to be appropriate in accordance with the criteria set forth in the Official Plan. (By-law 2009-347)

# TAB B

agricultural use, see Part 2, Section 62  
 agriculture-related use, see Part 3, Section 79B (By-law 2021-222)  
 animal care establishment  
 animal hospital  
 artist studio  
 bed and breakfast, see Part 5, Section 121  
 Cannabis Production Facility, limited to outdoor and greenhouse cultivation. (By-law 2019-222)  
 cemetery  
 detached dwelling  
 equestrian establishment  
 environmental preserve and educational area  
 forestry operation  
 group home, see Part 5, Section 125  
 home-based business, see Part 5, Sections 127 and 128  
 home-based day care, see Part 5, Section 129  
 kennel, see Part 3, Section 84  
 on-farm diversified use, see Part 3, Section 79A (By-law 2019-41) (By-law 2021-222)  
 retirement home, converted, see Part 5, Section 122  
 additional dwelling unit, see Part 5, Section 133

## Zone Provisions

- (2) In the RU Zone, development must comply with the provisions of Table 227:

TABLE 227 - RU ZONE PROVISIONS

I ZONING MECHANISMS	PROVISIONS		
	II AGRICULTURAL USE, EQUESTRIAN ESTABLISHMENT	III KENNEL	IV OTHER USES
(a) Minimum lot width (m)	60	see Part 3, Section 84	50
(b) Minimum lot area (ha)	2		0.8, see ss. 227(6) (By-law 2008-457)
(c) Minimum front yard setback (m)	10 6 for a farm produce outlet with a floor area of 28m <sup>2</sup> or less		10
(d) Minimum corner side yard setback (m)	10		10
(e) Minimum rear yard setback (m)	10		10
(f) Minimum interior side yard setback (m)	5		5
(g) Maximum height (m) - principal building	12		12
(h) Maximum lot coverage (%)	20		20

# TAB C

