

## Planning Rationale For Minor Variance

May 8, 2025

29 Acacia Avenue  
Rideau - Rockcliffe  
Lot 33, parts 1&2



### Introduction

Jane Thompson Architect has been retained by Xavier Pierre and Mary Wade to act as their agent to prepare and submit an application for minor variance for the property municipally known as 29 Acacia Avenue. In addition to this planning rationale describing the application for minor variances, please find enclosed the following for your consideration:

- / Completed application form for minor variances;
- / Completed authorization form, signed by the registered property owners;
- / Survey Plan of the affected property;
- / Context Plans & Photo Panel Sheets showing the affected property and surrounding properties;
- / Site Plan, Building Floor Plans and Exterior Elevations; and
- / Coordination with Hydro Ottawa and the City Infill Forester.

### 1. Site Information and Context

The subject property, 29 Acacia Avenue, is located in Lindenlea within the Rideau-Rockcliffe ward. The lot is situated on the south end of Acacia Avenue between Chapleau Avenue and Beechwood Avenue. The property has a frontage of 5.95m and a lot depth of 28.24m. The property is legally described as PIN042250045 Lot 33 Parts 1 & 2. Parts 5, 6, 8 and 9 on the adjacent properties give access to the rear parking space via an easement.

The subject property's street is composed of residential buildings consisting of semi-detached and detached dwellings. The property fronts on Acacia Avenue at the intersection of Green Avenue. The adjacent properties on either side contain semi-detached dwellings. As seen in 1/A100 Context Plan and A100a Context Photos, the neighbouring properties to the south at 27 and 25 Acacia share a driveway with the subject property accessing their own rear parking spaces. Both have raised decks with their parking spots below. (photo F) Between 31 Acacia to the north and the subject property there is a significant grade change as Acacia Avenue descends South down to Beechwood Avenue. The rear neighbours to the west are 3 storey apartment buildings which face onto Chapleau Avenue, and at the rear of their

property is a detached 1 storey concrete block garage that is 2.4m high along the rear property line of the subject property. (photo E)

The subject property has an existing 2 storey brick semi-detached home with a walkout basement accessing the backyard. (photo A) From the kitchen at the rear of the home, there is a small elevated deck which the homeowners currently have to walk down a flight of 9 steps to access the backyard. (photo B) The owners currently park their car in the rear yard between their existing patio at grade and rear neighbouring concrete block garage. (photos D and E) Their attached neighbour, 27 Acacia, also has a raised deck and shares the same stair down to their parking spot. Their deck allows their car to be partially covered and provides an elevated patio area. There is a stone retaining wall on the north face of the rear yard between 31 Acacia and the subject property which is 1.3m in height and a 1.83m wood board fence on top of the stone wall. (photo C) The neighbours at 25 Acacia have a raised deck similar to this proposal with parking and storage below. (photo F)

## **2. Proposed Development**

The proposal for 29 Acacia is to expand the small elevated rear deck to provide more amenity space and at the same time provide shelter over their existing parking space. No modifications to the existing dwelling will be required.

The new elevated wood deck will provide seating at the same level as the kitchen, allowing the family of 5 to enjoy dinners and relax outside in the warmer months. A raised walkway will connect the existing wood deck to the new wood deck over the parking space. A pergola on the new deck will provide structure to grow vines while providing shade and privacy in the summer. A 1.5m high privacy screen will be added on the North and West sides of the deck for additional separation to the adjacent neighbours. During the colder months their car will be covered from snow and ice by the elevated deck. The existing wood fencing around the patio at grade will be replaced with new wood fencing. Pavers at grade will be removed to enlarge the planting area and one new tree is proposed in the backyard, adjacent to the new deck to provide privacy and shade as it grows. There are 2 existing, non-distinctive trees on the subject property that will be removed to allow the connection from the existing deck to the new. A clump of non-distinctive trees currently growing in the driveway easement will also be removed to allow access to the covered parking spot.

## **3. Variances Requested**

The purpose of this application is to request variances to the City of Ottawa Zoning By-Law 2008-250 within the R4UD zone. The combined variances allow for a connection from the new deck to the existing raised deck and ground floor back door.

As of right, a carport with roof deck would be allowed at the rear of the property. The small raised walkway connecting the new deck to the existing raised deck which is attached to the house is the reason variances are required. This connection between the roof deck and the ground floor will allow a much more desirable and functional amenity space for family dinners and enjoyment.

The following are the variances required, with a brief explanation of why we believe each is appropriate in the current situation:

**a) Requested Variance: Permit a projection of 7.86m for a deck when above the first floor.**

**By-Law Requirement: uncovered decks on lots with a depth between 23.5m-30.5m, where the rear lot line abuts an R1-R4 zone, the maximum projection is; 1.2m when above the first floor; in all other cases 2.0m but no closer than 1.0m from any lot line.**

**By-law Section: Section 65**

Since there is a large change in grade from the front of the house to the rear, the ground floor at the back is raised a full storey above grade, providing a walk-out basement in the rear yard. The new deck will be an extension of the existing deck from the ground floor back door, and will provide additional amenity space. The neighbours to the south who are at the same elevation have already built similar structures with increased permitted projections. The neighbour to the west has a multi-unit garage with a solid concrete block wall which is built close to the shared property line and will block views to the deck from their yard.

**b) Requested Variance: Permit a projection 0.60m from a lot line on the north side.**

**By-Law Requirement: uncovered decks on lots with a depth between 23.5m-30.5m, where the rear lot line abuts an R1-R4 zone, the maximum projection is; 1.2m above the first floor; in all other cases 2.0m but no closer than 1.0m from any lot line.**

**By-law Section: Section 65**

The neighbour to the north has a rear yard that is 1.3m higher and no walkout basement. This will put the new deck at a similar elevation as their rear patio at grade. There is currently a solid wood fence between the 2 properties which will remain. A new 1.5m privacy screen will be added along the north side of the deck for additional separation.

**c) Requested Variance: Permit a projection 0.00m from a lot line on the south side (vertically attached side).**

**By-Law Requirement: uncovered decks on lots with a depth between 23.5m-30.5m, where the rear lot line abuts an R1-R4 zone, the maximum projection is; 1.2m above the first floor; in all other cases 2.0m but no closer than 1.0m from any lot line.**

## By-law Section: Section 65

The shared property line between the 2 semi-detached homes where the new deck will project 0m from the lot line is driveway and therefore presents no issues with privacy. The posts providing structure below the deck are setback 0.71m from the shared lot line and will not interfere with neighbouring parking or access.

- d) Requested Variance: Permit a projection 0.61m from a lot line on the west side.  
By-Law Requirement: uncovered decks on lots with a depth between 23.5m-30.5m, where the rear lot line abuts an R1-R4 zone, the maximum projection is; 1.2m above the first floor; in all other cases 2.0m but no closer than 1.0m from any lot line.**

**By-law Section: Section 65**

The neighbours to the west consist of low-rise apartment buildings which have their parking garage 0.24m to 0.35m from the shared property line. The parking garage wall spans the width of the subject property and is 2.4m high from grade. This concrete block garage provides a barrier between the apartments and the new deck. The 0.61m setback of the new deck follows a utility easement on the property which will be maintained.

## Four Tests Rationale

### Test 1: Variance Meets the General Intent of the Official Plan

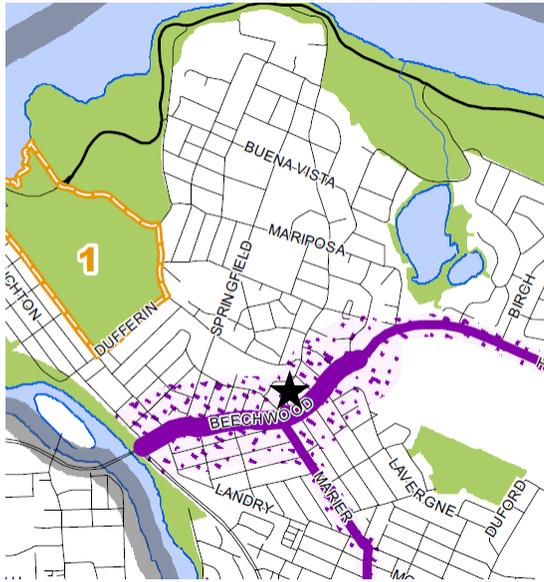
The City of Ottawa Official Plan ("OP") was amended and passed by Council on October 27th, 2021. The OP was updated further and adopted on November 24th, 2021. The OP was approved with modifications by the Ministry of Municipal Affairs and Housing on November 4th, 2022. The OP provides a vision for the future growth of the City and a policy framework to guide its development to the year 2046.

City-Wide Policies include promoting healthy 15-minute neighbourhoods, growing the urban tree canopy and developing resilience to climate change.

This property is designated *Inner Urban Transect Area*, with *Evolving Neighbourhood Overlay* under the *Official Plan* (see map below) and is a pre-World War neighbourhood which reflects the urban built-form characteristics as described in Table 6 below, specifically small areas of formal landscape that should include space for soft landscape, trees and hard surfacing and no automobile parking, or limited parking that is concealed from the street and not forming an integral part of a building, such as in a front facing garage.

This application supports the new policy direction for yard landscaping, growing the tree canopy and parking concealed from the street.

City of Ottawa Official Plan Schedule B2 – Inner Urban Transect



TRANSECT POLICY AREA / SECTEUR STRATÉGIQUE DU TRANSECT

Downtown Core / Centre-ville

OVERLAY / AFFECTATION SUPPLÉMENTAIRE

Evolving Neighbourhood / Quartier en évolution

DESIGNATIONS / DÉSIGNATIONS

- Hub / Carrefour
- Corridor - Mainstreet / Couloir - Rue principale
- Corridor - Minor / Couloir - Rue principale mineure
- Greenspace / Espace vert
- Neighbourhood / Quartier

SPECIAL DISTRICTS / DISTRICTS PARTICULIERS

- 1 Parliament and Confederation Boulevard / Parlement et boulevard de la Confédération
- 2 ByWard Market / Marché By
- 3 Rideau Canal / Canal Rideau
- 4 Ottawa River Islands / Îles de la rivière des Outaouais
- Part of Special District within the City of Gatineau / Section du District Particulier en territoire de la Ville de Gatineau

TRANSIT

- O-Train Station / Station de l'O-Train
- Transfer Station / Station de correspondance
- Transitway Station / Station du Transitway

Subject Site

Table 6 – General Characteristics of Urban Built Form and Suburban Built Form and Site Design

URBAN	SUBURBAN
Shallow front yard setbacks and in some contexts zero front yards with an emphasis on built-form relationship with the public realm	Moderate front yard setbacks focused on soft landscaping and separation from the right-of-way
Principal entrances at grade with direct relationship to public realm	Principal entrances oriented to the public realm but set back from the street
Range of lot sizes that will include smaller lots, and higher lot coverage and floor area ratios	Larger lots, and lower lot coverage and floor area ratios
Minimum of two functional storeys	Variety of building forms including single storey
Buildings attached or with minimal functional side yard setbacks	Generous spacing between buildings
Small areas of formal landscape that should include space for soft landscape, trees and hard surfacing	Informal and natural landscape that often includes grassed areas
No automobile parking, or limited parking that is concealed from the street and not forming an integral part of a building, such as in a front facing garage	Private automobile parking that may be prominent and visible from the street

## Test 2: Variance Maintains the General Intent of the Zoning By-Law

The subject property is zoned R4UD in the Comprehensive Zoning By-law 2008-250. The following chart indicates the required and proposed zoning for the development with non-compliant elements in **bold text**.

Mechanism	Max. Deck Projection When Above First Floor	Min. Setback from North Lot Line	Min. Setback from South Lot Line	Min. Setback from West Lot Line
<u>R4UD</u>	1.20m	1.00m <sup>2</sup>	1.00m	1.0m
<u>Proposed</u>	<b>7.86m</b>	<b>0.60m<sup>2</sup></b>	<b>0.00m</b>	<b>0.61m</b>

A raised deck with parking below is permitted in the rear yard. Connecting the new deck to the existing deck with an elevated walkway which is attached to the house triggers the requirement for variances. The new deck will be much more enjoyable and practical having direct access from the ground floor back door and adding a small walkway between new and existing deck does not contravene the intent of the by-law. While the setbacks from the north, south and west lot lines are smaller than required, they are similar to neighbouring structures, follow the location of the existing parking spot and abut driveway space. The variances will allow improved amenity space while being sensitive to the neighbours and built environment.

## Test 3: Variance is Desirable and Appropriate for the Development of the Lands

The new raised deck will provide functional amenity space at a size and elevation appropriate for the configuration of the home and adjacent neighbours. The design is sensitive to privacy and in keeping with the style of established surrounding structures.

## Test 4: Variance is Minor in Nature

The requested variances are designed to respect neighbouring properties and are similar to setbacks and uses that are already implemented by the neighbours. Creating a small elevated walkway between the new deck and deck attached to the house is a reasonable intervention with big rewards for the function of the expanded amenity space. For these reasons the variances requested are minor and reasonable under the circumstances.

## 4. Supporting Studies and Consultation

The City infill forester has confirmed that a tree information report is not required since the small existing trees being removed are not designated as protected and other surrounding trees will not be impacted by the proposed deck and structure.

The large mature tree on the property at 23 Chapleau is situated 1.2m above grade on the subject property and is only affected by one pier at the very outer edge of the critical root zone. The planting bed area at grade in the back yard is being increased to allow one new tree to be planted as well as other plants. The tree is located adjacent to the deck to increase privacy to the neighbours at 31 Acacia Ave.

Consultation has occurred with city planning staff, the city infill forester and Hydro. Information has been provided and discussed with the adjacent neighbours who have indicated support for the project. The ward Councillor and Community Association have been made aware of the project and requirement for variances.

## 5. Conclusion

This proposal meets the design intent of the Provincial Policy Statement, Ontario Planning Act, Official Plan and Ottawa Zoning-Bylaw. It will provide improved amenity space for the homeowners and their family while integrating sensitively into the surrounding neighbourhood context.

Should you have any questions please do not hesitate to contact me.

Sincerely,

Erin Duncan, B.Arch, OAA, OAO

