

11. Zoning By-law Amendment – 65 Stewart Street

Modification au Règlement de zonage – 65, rue Stewart

Committee recommendation

That Council approve an amendment to Zoning By-law 2008-250 for 65 Stewart Street to permit an Apartment Dwelling-Low Rise, as detailed in Document 3.

Recommandation du Comité

Que le Conseil approuve une modification au Règlement de zonage 2008-250 visant le 65, rue Stewart afin de permettre l'aménagement d'un immeuble d'appartements de faible hauteur, comme il est décrit dans le document 3.

Documentation/Documentation

1. Report from the Director, Planning Services, Planning, Infrastructure and Economic Development Department, dated September 8, 2021 (ACS2021-PIE-PS-0119)

Rapport de la directrice, Services de la planification, Direction générale de la planification, de l'infrastructure et du développement économique, daté le 8 septembre 2021 (ACS2021-PIE-PS-0119)

2. Extract of draft Minutes, Planning Committee, September 23, 2021

Extrait de l'ébauche du procès-verbal du Comité de l'urbanisme, le 23 septembre 2021

**Report to
Rapport au:**

**Planning Committee
Comité de l'urbanisme
23 September 2021 / 23 septembre 2021**

**and Council
et au Conseil
13 October 2021 / 13 octobre 2021**

**Submitted on 8 September 2021
Soumis le 8 septembre 2021**

**Submitted by
Soumis par:
Lee Ann Snedden,
Director / Directrice**

**Planning Services / Services de la planification
Planning, Infrastructure and Economic Development Department / Direction
générale de la planification, de l'infrastructure et du développement économique**

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Ward: RIDEAU-VANIER (12)

File Number: ACS2021-PIE-PS-0119

SUBJECT: Zoning By-law Amendment – 65 Stewart Street

OBJET: Modification au Règlement de zonage – 65, rue Stewart

REPORT RECOMMENDATIONS

- 1. That Planning Committee recommend Council approve an amendment to Zoning By-law 2008-250 for 65 Stewart Street to permit an Apartment Dwelling-Low Rise, as detailed in Document 3.**

2. That Planning Committee approve the Consultation Details Section of this report be included as part of the 'brief explanation' in the Summary of Written and Oral Public Submissions, to be prepared by the Office of the City Clerk and submitted to Council in the report titled, "Summary of Oral and Written Public Submissions for Items Subject to *the Planning Act* 'Explanation Requirements' at the City Council Meeting of October 13, 2021" subject to submissions received between the publication of this report and the time of Council's decision.

RECOMMANDATIONS DU RAPPORT

1. Que le Comité de l'urbanisme recommande au Conseil d'approuver une modification au Règlement de zonage 2008-250 visant le 65, rue Stewart afin de permettre l'aménagement d'un immeuble d'appartements de faible hauteur, comme il est décrit dans le document 3.
2. Que le Comité de l'urbanisme donne son approbation à ce que la section du présent rapport consacrée aux détails de la consultation soit incluse en tant que « brève explication » dans le résumé des observations écrites et orales du public, qui sera rédigé par le Bureau du greffier municipal et soumis au Conseil dans le rapport intitulé « Résumé des observations orales et écrites du public sur les questions assujetties aux 'exigences d'explication' aux termes de la *Loi sur l'aménagement du territoire*, à la réunion du Conseil municipal prévue le 13 octobre 2021», à la condition que les observations aient été reçues entre le moment de la publication du présent rapport et le moment de la décision du Conseil.

EXECUTIVE SUMMARY

Staff Recommendation

Planning staff recommend approval of the minor zoning by-law amendment for 65 Stewart Street to permit an apartment-dwelling, low-rise.

The applicant has requested site-specific modifications to the existing zoning to permit a three-storey addition to the existing heritage building that would be converted into a 12-unit apartment dwelling.

Applicable Policy

The proposal aligns with applicable Official Plan policies for Central Area along with the policy direction of the Central Area Secondary Policy Area. Residential intensification is encouraged as per the direction of the parent Official Plan. Secondary Plan policy direction for the Sandy Hill West area encourages the low-profile character of the area to be predominate with respecting and showing sensitive additions to heritage assets. As the existing dwelling is a designated building under Part IV of the *Ontario Heritage Act* and is within in the Sandy Hill West Heritage Conservation District, the project has also been before the Built Heritage Sub-committee.

Public Consultation/Input

Notification and public consultation were undertaken in accordance with the Public Notification and Consultation Policy approved by Council for development applications. During the entire application review approximately four individuals/groups provided comments regarding the proposed scale of the addition and precedent set should the application be approved.

RÉSUMÉ

Recommandation du personnel

Le personnel de l'urbanisme recommande l'approbation de la modification mineure au Règlement de zonage pour le 65, rue Stewart afin de permettre l'aménagement d'un immeuble d'appartements de faible hauteur.

Le demandeur a sollicité des modifications au zonage existant propres à l'emplacement pour permettre l'ajout de trois étages à un édifice patrimonial existant qui serait converti en un immeuble résidentiel de 12 appartements.

Politiques applicables

Le projet est conforme aux politiques du Plan officiel applicables au secteur central de même qu'à l'orientation stratégique du Plan secondaire du secteur central. La densification résidentielle est incitée conformément à la directive du Plan officiel principal. L'orientation stratégique du Plan secondaire pour le secteur de la Côte-de-Sable Ouest favorise la prédominance du caractère de faible hauteur du secteur en ce qui a trait au respect des biens patrimoniaux et à des agrandissements perceptibles. Comme la demeure existante est un édifice désigné en vertu de la partie IV de la *Loi sur le patrimoine de l'Ontario* et est située dans le district de conservation du patrimoine

de Côte-de-Sable Ouest, le projet a également été présenté au Sous-comité du patrimoine bâti.

Consultation publique/commentaires

Un avis a été donné et une consultation publique a eu lieu, conformément à la Politique d'avis et de consultation publique approuvée par le Conseil pour les demandes d'aménagement. Durant l'examen de la demande d'aménagement, environ quatre personnes et groupes ont formulé des commentaires concernant l'envergure proposée des travaux d'agrandissement et les précédents créés s'il advenait que la demande soit approuvée.

BACKGROUND

Learn more about [link to Development Application process - Zoning Amendment](#)

For all the supporting documents related to this application visit the [link to Development Application Search Tool](#).

Site location

65 Stewart Street

Owner

Wissam (Sam) Elias

Applicant

Kayla Blakely, MCIP, RPP Novatech

Architect

Eugen Mihaescu, Robertson Martin Architects

Description of site and surroundings

The subject property is located on the north side of Stewart Street between King Edward Avenue and Cumberland Street. The parcel is 612 square metres in size with 20 metres of frontage along Stewart Street. An existing three metre easement is in place along the northern and western property limits in favor of the abutting properties. The existing home on the site is designated under Parts IV and V of the *Ontario*

Heritage Act and is known as the Jarvis house. The existing building was originally constructed in 1886 by Samuel Jarvis, and early Ottawa photographer.

Proposed Development

This application proposes to construct a three-storey addition to the existing dwelling on site. The addition would transform the existing dwelling into an apartment dwelling, low-rise. The proposed tenure at this time is rental units. The addition is proposed to the rear and side of the existing building. Non-original additions, and the detached garage at the rear of the property will be removed with the majority of the existing dwelling, façade and front yard landscaping being maintained, with the exception of minor work to reconstruct a portion of the existing front porch. As Jarvis House is a designated building, the project will also be subject to review by the Built Heritage Subcommittee and a heritage permit.

The new development will contain twelve dwelling units and supporting uses such as internal bicycle parking, storage lockers, tenant laundry facilities, and waste storage. Nine bicycle parking spaces are provided in a secure area on the ground floor level and at-grade. No parking is provided on the property, however the existing right-of-way will be retained for use by abutting properties.

Summary of requested Zoning By-law amendment proposal

The subject property is located within the Central Area designation of the City of Ottawa Official Plan. The property is also within the Low-profile Residential Area of the Central Area Secondary Policy Plan and is located within the Sandy Hill West Heritage Conservation District Plan.

The property is currently zoned R4UD S70 (Residential Fourth Density Zone, Subzone UD, Schedule 70). The zone permits the proposed use of an apartment dwelling, low-rise building, however site-specific amendments are proposed to address height, which is limited under the current zoning schedule, Heritage Overlay provisions, landscaping, and yard requirements. As part of the implementing By-law, a revised schedule will be prepared to reflect the new building heights on the subject lands.

DISCUSSION

Public consultation

Notification and public consultation were undertaken in accordance with the Public Notification and Consultation Policy approved by Council for development applications. During the entire application review approximately four individuals/groups provided comments.

For this proposal's consultation details, see Document 5 of this report.

Official Plan designation

The subject property is located within the Central Area designation of the City of Ottawa Official Plan.

Other applicable policies and guidelines

The property is the Sandy Hill West area of the Central Area Secondary Policy Plan.

Heritage

The subject property is located within the Sandy Hill West Heritage Conservation District Plan and is designated under Part IV and Part V of the *Ontario Heritage Act*.

Planning rationale

In considering the proposed minor Zoning By-law Amendment, the key policy considerations are found within the parent Official Plan, as well as the Central Area Secondary Policy Plan.

Official Plan (OP)

Section 2.2.2, Managing Growth, provides policy direction that speaks to the continued growth of the City and emphasizes that growth should be distributed throughout the urban area to strengthen and support livable communities. Lands that are designated Central Area will be compact, liveable, and pedestrian-oriented with a vibrant mix of residential uses, and social, cultural, and economic activity.

As per policy Section 3.6.6 of the OP, within the Central Area new buildings and spaces will reflect a human scale of development, and will be guided by design criteria, which will result in a significantly enhanced pedestrian environment. The Central Area's unique heritage resources will be protected through heritage conservation and

enhanced through new development which respects and complements nearby heritage buildings.

Policy 5.b provides design criteria for residential development in the Central Area, which speaks to contributing to a sense of human scale, appropriate transition, minimizing sun, shadow and wind impacts, adequate privacy, outdoor spaces, an identifiable entrance and landscaping elements.

The proposal being considered is an appropriate form of residential intensification through an addition to the existing building on the subject property. With respect to the criteria within the Central Area policies, the proposed addition to the existing dwelling will be three storeys in height and set back further from the front property line than the existing dwelling. The proposed addition is well located in the rear and side yards and is compatible in building height to the surround built and planned context. A shadow study was prepared in support of the application and has demonstrated that no unreasonable adverse impacts are expected from the development. Given the scale of the proposal there are also no expected impacts from wind. Landscaping elements will be retained within the front yard and supplemented where possible in response to the existing position of the heritage dwelling. The proposed removal of the existing garage located in the rear yard will provide more sunlight to units along with the existing south facing units. The existing building has a clear entrance facing the street, which will be maintained. The intent of the addition is to draw inspiration from the existing home while not competing with the asset. The proposed entrance on the addition is street facing, as well is intended to be secondary with respect to its visual appearance and is set back from the existing façade. Lastly, with respect to landscaping the existing vegetation in the front yard, this will be maintained and enhanced further through the site plan control process in consultation with Heritage staff.

The OP outlines that new development will have to be in accordance with Section 2.5.1 and Section 4.11 of the Official Plan, which are discussed further in the report. Sections 2.5.1 and Section 4.11 of the Official Plan provides policy direction for designing Ottawa, urban design and compatibility.

Section 2.5.1 of the Official Plan provides direction with respect to compatible development practices and new building projects. Compatible development is defined in the Official Plan as development that is not necessarily the same as or similar to existing buildings, but that enhances and coexists with existing development without undue adverse impacts. It both 'fits well' within its physical context and 'works well' among those functions that surround it. The Official Plan notes that the above objectives

are achievable without designing a development to be the same as existing developments.

Various design objectives are outlined to guide development. The proposed development responds to the design objectives of defined quality public and private spaces through development; creating places that are safe, accessible and are easy to get to, and move through; and ensures that new development respects the character of existing areas

The proposed addition continues to highlight the presence and position of the heritage dwelling as the addition is set back from the existing façade. As well, the large front yard set back and landscaping is retained to preserve the existing built and landscaped relationships on the site. Pedestrian and cyclist access are a priority within the design of the building, as there is a direct route from the sidewalk to an at grade bike room. Lastly, the proposed development's design incorporates the existing architectural attributes into the new street facing façade to provide additional architectural interest. Final design details will be incorporated within the accompanying *Ontario Heritage Act* and Site Plan Control approvals.

In addition to the built form and compatibility policies found in Section 2.5.1 of the Official Plan, additional objective compatibility criteria and policies can also be found in Section 4.11, Urban Design and Compatibility. At the scale of neighbourhoods or individual properties, issues such as noise, spillover of light, accommodation of parking and access, shadowing, and micro-climatic conditions are prominent considerations when assessing the relationships between new and existing development. For a project to create a level compatibility, the scale and use will demand a careful design response, one that appropriately addresses the impact generated by intensification or infill. An assessment of the compatibility of new development will involve not only consideration of built form, but also of operational characteristics, such as traffic, access, and parking. While many of the compatibility considerations contained in Section 4.11 can be addressed through the Site Plan control process, others are more applicable to a rezoning application such as parking, loading, traffic, sunlight and microclimate.

With respect to vehicular parking, there are no visitor or tenant parking stalls required or proposed for the development. Regarding bicycling parking whereas the requirement is six stalls, the project intends to provide nine indoor stalls. Site access will be maintained along the current alignment which also serves the lands to the north via an easement registered on title which is to remain. The proposal does not require any loading areas

or outdoor storage and waste collection and management will be internal to the existing building, out of sight from the public.

While it is recognized that all buildings create and cast shadows, the proposed addition will have a minimal impact on the open space area of the adjacent property to the north, which is occupied by a garage. With a proposed height of three storeys, the proposed development is not expected to have significant microclimate effects associated with wind.

Section 4.6.1 of the Official Plan speaks to the considerations when assessing a heritage application. When reviewing applications for Zoning By-law amendments, Site Plan Control Approval, Demolition Control or Minor Variance, the City will ensure that the proposal is compatible with its surroundings. Staff will assess matters including but not limited to massing and profile in the area, the width of nearby heritage buildings, established setback patterns, building orientation, and ensuring that parking facilities are compatibly integrated into heritage areas.

The proposed massing and building orientation after the construction of the addition will be consistent and compatible with the existing and planned function of the area. As well, the proposed setbacks of the residential building are also consistent with and complement the existing pattern of development without undue adverse impact.

Central Area Secondary Plan

The subject property is located with the Sandy Hill West area which is situated at the core of the community and consist or a range of residential forms.

As per policy 1.9.1 It is envisioned that the area will remain an attractive predominately low-profile residential area which integrates will with the Central Area. Policy 1.9.1 also speaks to focus on the heritage fabric of Sandy Hill, transitioning between higher profile mixed use development, enhancing the pedestrian environment, keeping heritage landmarks a focal point for Sandy Hill West, enhancing Leisure Use Spaces and improving traffic circulation.

Objective within Section 1.9.2 include strengthening and promoting Sandy Hill West as a low profile, heritage residential neighbourhood; protect and enhance the heritage residential character of Sandy Hill West and ensure that new development is sensitive to, and complements the heritage residential qualities of the area; and to improve and enhance the residential livability of Sandy Hill West, by providing leisure-serving open spaces and amenity areas and ensuring appropriate environmental improvements.

The proposed development has been designed to emphasize the existing building, and to be sensitive to the surrounding heritage context. As the existing dwelling is unique in the neighbourhood context, this building is considered a landmark, and retaining it will help strengthen Sandy Hill West as a low-profile heritage neighbourhood within the greater Central Area. All efforts have been made to maintain the existing character of the property, while recognizing the need for housing within this neighbourhood.

Section 1.9.3 provides policy direction for development within the Sandy Hill West Character Area and speak to the residential neighbourhood, protecting heritage, the profile of development and livability.

The application is consistent with the policy direction to permit and favor all types of residential uses in Sandy Hill West by introducing additional housing. With respect to heritage, the application has been reviewed to ensure the compatibility of the addition and conservation of the heritage resource as per the *Ontario Heritage Act*. Staff are satisfied that the proposed development respects and is sensitive to the Heritage Conservation District guidelines as per the report to the Built Heritage Subcommittee. The proposed profile of development through the retention and addition to the heritage building is also consistent with the policy direction to respect the low-profile character and human scale of buildings.

Sandy Hill West Heritage Conservation District

The house is designated under Part IV of the Ontario Heritage Act and is recognized as a Category 2 building in the Sandy Hill West Conservation District (HCDP). As the development proposes alteration to a property within the HCD, Part V of the *Ontario Heritage Act* requires the approval of City Council. An assessment of the proposed building addition was presented to the Built Heritage Sub-committee on August 31, 2021 which staff report [ACS2021-PIE-RHU-0022](#) recommended approval of the application to alter the designated dwelling.

Provincial Policy Statement

Staff have reviewed this proposal and have determined that it is consistent with the 2020 Provincial Policy Statement.

CONCLUSION

The proposed minor Zoning By-law Amendment to permit the proposed low-rise apartment dwelling is consistent with the Provincial Policy Statement and the applicable

policies of the City of Ottawa Official Plan. The amendment which proposes an addition to the existing designated heritage building is considered appropriate for the site and neighbourhood and is considered good land use planning.

RURAL IMPLICATIONS

There are no rural implications associated with this report.

COMMENTS BY THE WARD COUNCILLOR

Councillor Fleury provided the following comment:

“When a developer or property owner takes on the redevelopment of a heritage property, I am always cautious on how this application respects the heritage character of the home.

Although I am encouraged by the efforts of the developer to reach out and have early conversations about this project, I remain concerned.

Of these concerns, I question the appropriateness of the addition to this home, as well as how it speaks to the character of the heritage property, and that there is a considerable encroachment to the rear and side yard – creating a massing that overwhelms the property.

As a small Victorian-era cottage with a beautiful front porch and designated under Part IV of the Ontario Heritage Act and sits in the Sandy Hill West Heritage Conservation District, my hope would be that any proposed additions would allow this defining character to remain the most prominent feature.

This is indeed lost with this application.

The addition looms over the house, at twice the size, it dominates the property in a negative way. The attempt to add subtle architectural elements in the new addition does not ensure prominence of the existing building.

As mentioned, this property is designated as a Part IV, whereas only the Standards and Guidelines apply – however, regardless the Sandy Hill West District HCD study should be respected and followed. I reference the guidelines; additions to contributing buildings must be sympathetic to the existing building, subordinate to, and distinguishable from the original. Falsifying a past architectural style in a new addition is strongly discouraged.

Additionally, the second entrance, attempting to emulate Jarvis house is not acceptable. This porch and entrance should be removed entirely.

The issue goes beyond just the property, with a proposed roof line taller than the existing house, this added height and as well as the size of the addition takes on a much greater presence on the street as well. From the side, the proposal also imposes on the original heritage home – with an obtrusive overhang on the roof of Jarvis house. This is unfortunate and should be removed. This addition not only breaks through the original house, but it also creates a new roofline of Jarvis House. This is not acceptable.

The charm that we cherish when it comes to heritage homes, and ultimately the reason we seek designation and protection in the first place is overwhelmed with this application. And that should not be the case – the charming little house should be the feature, and the prize of this property.

As this is the only painted wood clad building on the block, this should be celebrated - not dominated by an addition.

The heritage attributes of 65 Stewart and its district should be protected for their architectural and historical value.

Understanding site plan related concerns I raise with developments are not applicable to whether a heritage permit is issued or not I feel these items are important to raise regardless, as they are indeed part of the application, and should be respectful of the heritage home and the neighbourhood. Items I typically raise are garbage, lighting, landscaping - one I would like to highlight here is garbage storage. It is being proposed at the front/side addition – this should be stored inside, at the rear, adjacent to the current driveway, this offers less impact on adjacent neighbours. I am pleased there will be retention of the large trees at the front, but it does little to hide the addition. However there still needs to be more landscaping at the front of the building, to ensure there is no possibility of front yard parking.”

LEGAL IMPLICATIONS

In the event the recommendations are adopted and the resulting zoning by-law is appealed to the Ontario Land Tribunal, it is expected that a three day hearing would be required. It is anticipated that the hearing could be conducted within staff resources. Should the application be refused, reasons must be provided. An external planner would need to be retained by the City.

RISK MANAGEMENT IMPLICATIONS

There are no risk management implications associated with the recommendations of this report.

ASSET MANAGEMENT IMPLICATIONS

There are no asset management implications associated with the recommendations in this report.

FINANCIAL IMPLICATIONS

There are no direct financial implications associated with the report recommendations. In the event the application is refused and appealed, it would be necessary to retain an external planner. This expense would be funded from within Planning Services' operating budget.

ACCESSIBILITY IMPACTS

The new building will be required to meet the accessibility criteria contained within the Ontario Building Code. Depending on the timing of construction, the *Accessibility for Ontarians with Disabilities Act* requirements for site design may also apply and will be reviewed through the Site Plan Control process.

TERM OF COUNCIL PRIORITIES

2019-2022 Term of Council Priorities: The seven priorities are: Economic Growth and Diversification; Integrated Transportation; Thriving Communities; Environmental Stewardship; Service Excellence through Innovation; Sustainable Infrastructure and Thriving Workforce.

This project addresses the following Term of Council Priorities:

- Economic Growth and Diversification
- Thriving Communities

APPLICATION PROCESS TIMELINE STATUS

This application (Development Application Number: D02-02-21-0031) was not processed by the "On Time Decision Date" established for the processing of Zoning By-law amendments due to the additional time needed to address design matters.

SUPPORTING DOCUMENTATION

Document 1 Location Map

Document 2 Zoning Key Plan

Document 3 Details of Recommended Zoning

Document 4 Proposed Zoning Schedule

Document 5 Consultation Details

Document 6 Proposed Building Elevations

DISPOSITION

Committee and Council Services, Office of the City Clerk to notify the owner; applicant; Ottawa Scene Canada Signs, 415 Legget Drive, Kanata, ON K2K 3R1; Krista O'Brien, Program Manager, Tax Billing and Control, Finance Services Department (Mail Code: 26-76) of City Council's decision.

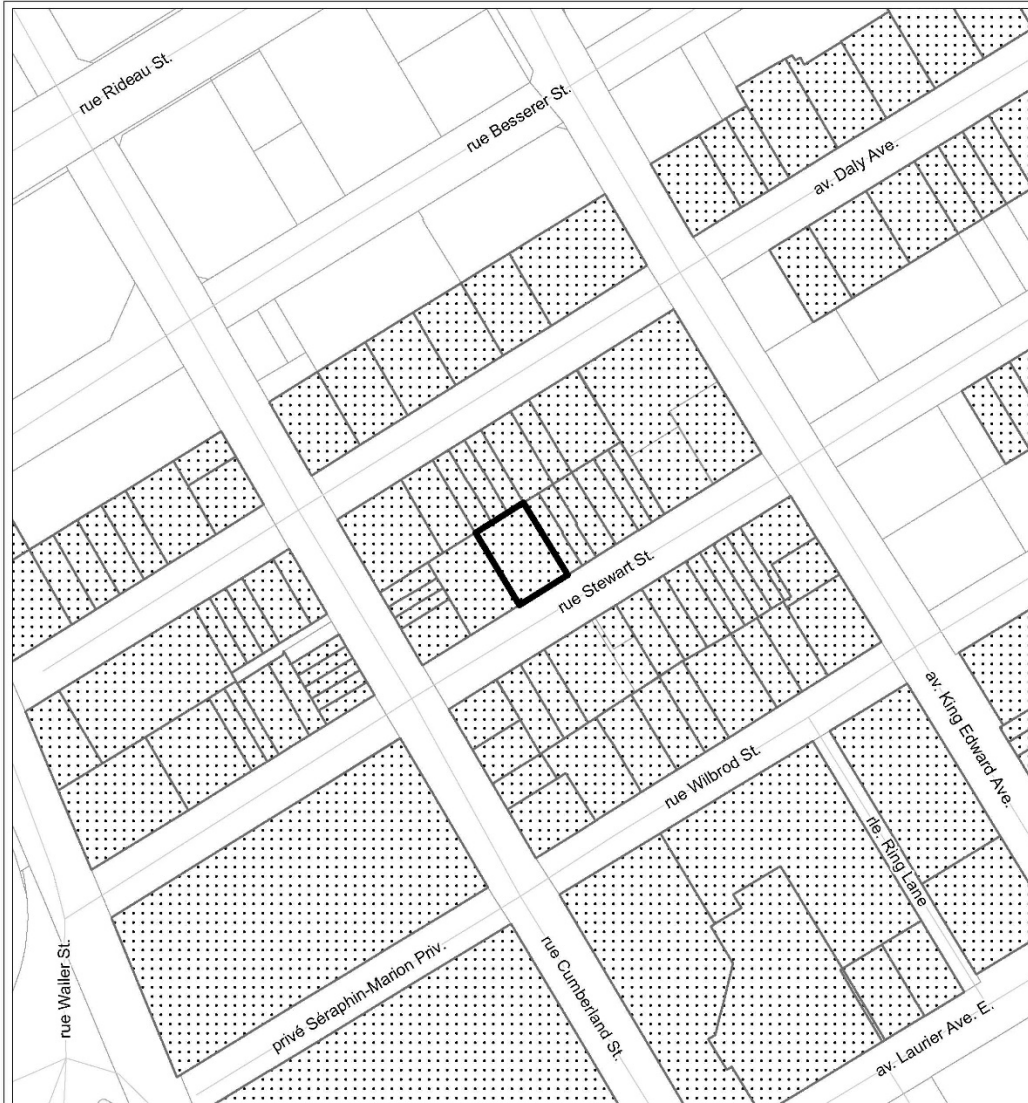
Zoning and Interpretations Unit, Policy Planning Branch, Economic Development and Long Range Planning Services to prepare the implementing by-law and forward to Legal Services.

Legal Services, Innovative Client Services Department to forward the implementing by-law to City Council.

Planning Operations Branch, Planning Services to undertake the statutory notification.

Document 1 – Location Map





For an interactive Zoning map of Ottawa visit geoOttawa



		LOCATION MAP / PLAN DE LOCALISATION ZONING KEY PLAN / SCHEMA DE ZONAGE SITE PLAN / PLAN DE EMPLACEMENT	
D02-02-21-0031	21-0674-J		
D07-12-21-0048			
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REVISION / RÉVISION - 2021 / 04 / 22		 65 rue Stewart Street	 Heritage (Section 60) Patrimoine (Article 60)
Entire map area is affected by the Mature Neighbourhoods Overlay (section 139) / Tout le secteur de la carte est touché par la Zone sous-jacente de quartiers établis (article 139)			

Document 2 – Zoning Key Plan



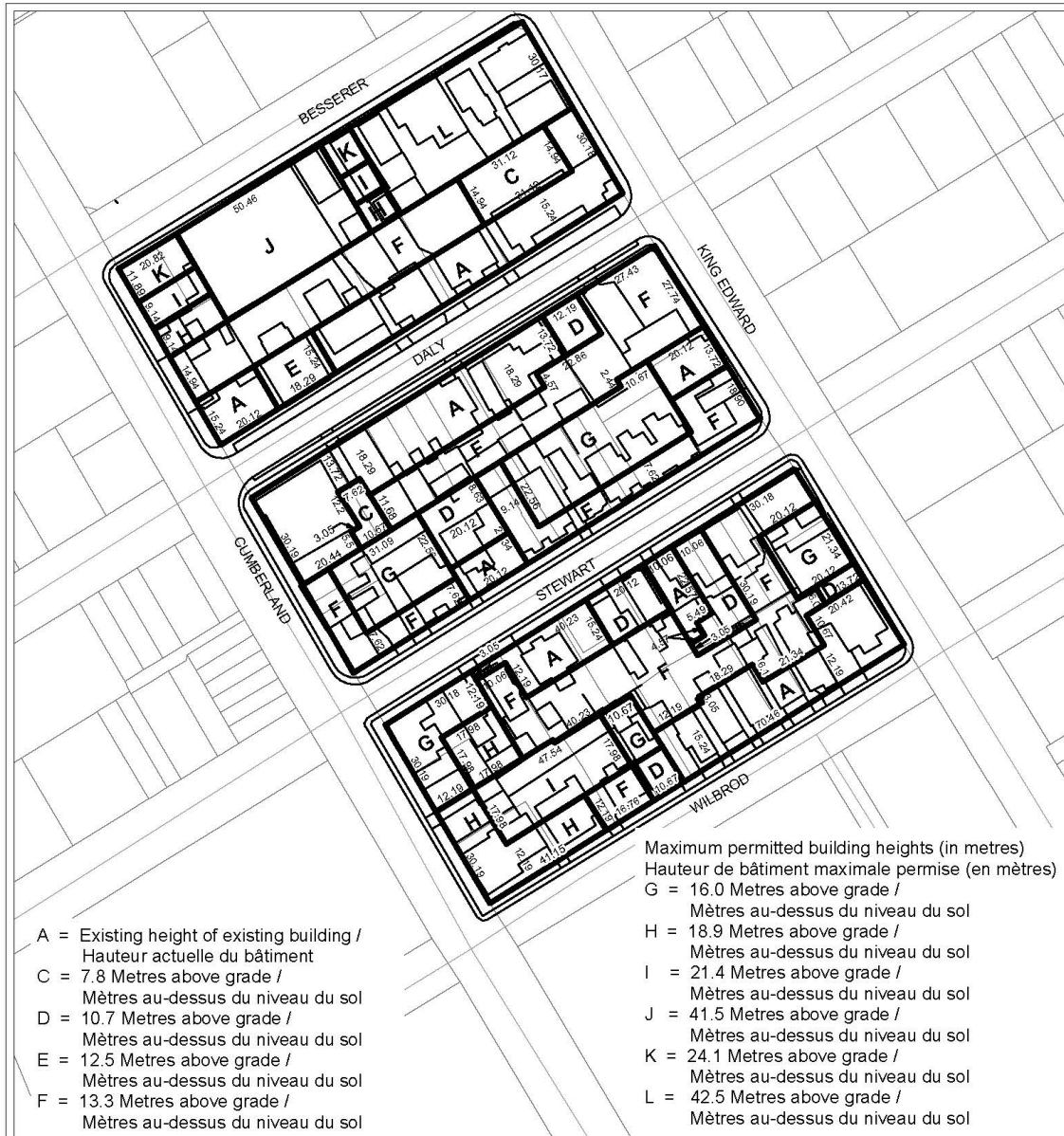
		LOCATION MAP / PLAN DE LOCALISATION ZONING KEY PLAN / SCHÉMA DE ZONAGE	
D02-02-21-0031	21-1130-X	65 rue Stewart Street	
I:\CO\2021\Zoning\Stewart_65\...rezone		 Area A to be rezoned from R4UD S(70) to R4UD[xxxx] S(70) Le zonage du secteur A sera modifié de R4UD S(70) à R4UD[xxxx] S(70)	
<small>©Parcel data is owned by Teranet Enterprises Inc. and its suppliers All rights reserved. May not be produced without permission. THIS IS NOT A PLAN OF SURVEY</small>		 Heritage (Section 60) Patrimoine (Article 60)	
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REVISION / RÉVISION - 2021 / 08 / 18		 NOT TO SCALE	

Document 3 – Details of Recommended Zoning

The proposed change to the City of Ottawa Zoning By-law 2008-250 for 65 Stewart Street:

1. Rezone the lands shown in Document 2 from R4UD S(70) to R4UD[xxxx] S(70).
2. Amend Part 17 – Schedules, by deleting and replacing Schedule 70 as shown in Document 4.
3. Add a new exception R4UD[xxxx] S(70) to Section 239, Urban Exceptions, with provisions similar in effect to the following:
 - a. In Column II, add the text, “R4UD[xxxx] S(70);
 - b. In Column V, add the text
 - Despite Section 144(3)(a), the rear yard need not comprise 25 percent of the lot area and the minimum rear yard setback shall be 3.5m.
 - Despite Section 161(18)(b), Minimum Area of soft landscaping in the rear yard – 9 percent of the rear yard
 - Despite section 161(18)(b), an aggregated rectangular soft landscaping area in the rear yard whose longer dimension is not more than twice its shorter dimension, for the purposes of tree planting, is not required.
 - Section 60(3)(a) and (b) do not apply
 - Section 60(4) does not apply

Document 4 – Proposed Zoning Schedule



	
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<p>This is Schedule XXX to Zoning By-law No. 2008-250 Annexe XXX au Règlement de zonage n° 2008-250</p> <p>This is Attachment ___ to By-law Number _____, passed _____, 2021 Pièce jointe n° ___ du Règlement municipal n° _____, adopté le _____ 2021</p>	
	

Document 5 – Consultation Details

Notification and public consultation were undertaken in accordance with the Public Notification and Consultation Policy approved by Council for development applications. During the entire application review approximately four individuals/groups provided comments regarding setting precedent for the area, scale and privacy. The following summarizes, in no particular order, a list of comment topics and items raised by members of the public in response to the application:

1. Concerns were raised with respect to the potential for setting a precedent in the area for an addition such as the one proposed.

Response:

The application has been evaluated under its own merit through a review of applicable land use planning policies within the Official Plan, along with a review of the proposed scale and design of the project under the *Ontario Heritage Act*. Future applications will be evaluated on within their own context and circumstances. The approach taken in past applications with their own unique characteristics does not form a basis to refuse or approve any future applications.

2. Concerns were raised that the project would become another rooming house

Response:

The application as noted above is to construct a 12 units residential apartment building. The tenure as this time is to be rentals. The project is not being constructed as a rooming house.

3. Concerns were raised with the height of the proposed addition and potential impact on privacy.

Response.

The application is not proposing an increase in height on the rear portion of the site, which currently permits 10.7 metres. The proposed addition is consistent in orientation with other abutting developments, which are three storeys in height. There are no proposed balconies along the rear elevation or roof-top amenity space.

Community Organization Comments

Action Sandy Hill (ASH)

65 Stewart is a small Victorian house with an unusually large front garden and a pretty front porch. It is designated under Part IV of the *Ontario Heritage Act* and sits in the Sandy Hill West Heritage Conservation District. This status imposes obligations on the developer. The creation of the HCD and the house's designation create a public good, a collective affirmation that the heritage attributes of the house and its district deserve to be protected for their architectural and historical value.

Parks Canada's Standards and Guidelines for building additions (p 34) set out criteria for the construction of additions to designated buildings. These standards and guidelines, slightly adapted, can be found in the management plans for Sandy Hill HCDs (but not the Sandy Hill West HCD which does not have a formal management plan):

1. Additions to contributing buildings must be sympathetic to the existing building, subordinate to, and distinguishable from the original. Falsifying a past architectural style in a new addition is strongly discouraged.
2. New additions will not result in the removal or obstruction of heritage attributes of the building or the HCD.
3. The height of any addition to an existing building must not exceed the height of the existing roof slope.
4. Additions should generally be located in the rear yard.
5. Additions must be consistent with the streetscape with respect to size, scale and massing.
6. New additions should respect the existing wall to window ratio and proportion of the existing building.

The existing backyard right of way, the zoning requirement for rear yard setbacks, the house's location on the property, the attic's low ceiling and the house's designation under Part IV of the OHA make an addition, particularly one that would increase its size by 135 percent, highly problematic.

In our view, the existing house's small size and its location on the property do not allow the construction of an addition as large as proposed, that would also meet the intent and spirit of the Parks Canada's Standards and Guidelines. Although the developer has made some efforts to retain existing architectural details and is proposing to set back

the front of the addition relative to the current house, the fact remains that the addition is 135 percent bigger than the original building and largely concentrated to the side of the house, not the back. The addition also imposes a roof line that is not only taller than the existing house but a much greater presence on the street than the current gable roof. The new building's sheer mass overwhelms the existing house.

65 Stewart is unusual relative to its immediate neighbours and it is this distinctiveness that gives it much of its charm. By proposing to shoehorn an unsuitably large addition onto this property, the developer is essentially trying to appropriate a public good — the house's designation under the OHA — for private benefit. We do not believe this proposed addition is consistent with the values that led to the house's designation and its location in the Sandy Hill West HCD.

Document 6 – Proposed Building Elevations

