



Apr 17, 2021

Committee of Adjustment  
City of Ottawa  
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**Re: Variance Application D08-02-20/A-00338 – 66 Stewart**

CoA Members,

This letter is Action Sandy Hill submission regarding variance application D08-02-20/A-00338 at 66 Stewart St. We outline below our reasons for opposing the applicant's request for a reduced rear yard setback (7.71m vs 9.15m required).

Our community among others across the City have recently been through a lengthy (multi-year) review of the infill-2 zoning requirements. Protracted consultations and negotiations between the City, community associations, and the development industry resulted in an agreement in 2016 that rear yard setbacks for new infill development should be 30% of lot depth on standard depth lots such as this lot at 66 Stewart. Several years of subsequent review affirmed a commitment to this standard in Sep 2020. Excerpts from staff reports to council on this subject are appended at the end of this letter to reinforce the point that the current rear setback requirements have been established as a result of a major and rigorous review process. In the words of City Staff copied from the appendix below, "In addition to privacy, increased rear yards were also intended to preserve open space at-grade for the required amenity area, air and sunlight penetration, permeable surfaces and existing vegetation."

It is on this basis that we submit our comments to this committee that this application for a reduced rear yard setback should not be understood to be minor as it does not maintain the intent and purpose of this infill-2 zoning bylaw which was recently established through a robust process. From the perspective of the community it would appear that no sooner do we have a finalized agreement and one of the first new developments in Sandy Hill proposes to disregard one of the main elements of the infill regulation process. The Committee of Adjustment bears an important responsibility in upholding the intent and purpose of this newly established bylaw.

Furthermore, we see no particular circumstances related to this development that could be argued as being unique in the requirement for a larger building footprint. According to plans submitted for 66 Stewart to the BHSC (but not provided to the Committee of Adjustment), the footprint of the addition is 985 square feet and the intended development is to be 2 rental apartments on 2 floors. Throughout Sandy Hill hundreds of apartments are being constructed with average sizes in the 700-800 square foot range for 2 bedroom apartments. Thus we do not see how it can be argued that a reduced rear yard setback is necessary in order for this project to realize a larger building footprint in order to be commercially viable.

We would also like to make the Committee aware that this property has been the subject of a previous variance application (Nov 15, 2017 - D08-01-17/B-00350) for conveying a portion (approximately 20-25

m2) of the rear yard of 66-Stewart to the owners of 72-74 Stewart presumably for the purposes of rear yard parking. There is no reference to this previous decision in the current application and it is unclear whether this conveyed land portion has been taken into account with respect to the request for a reduced rear yard area as described in part c) of the current variance application. If this land parcel were removed from the 117m2 referenced in c) then the resulting area of 90-95m2 would be significantly less than the 153m2 required by the bylaw.

Our community is under heavy development pressures and there will be significant numbers of new infill projects proposed in Sandy Hill. It is important that the Committee of Adjustment honour the intent of the Infill-2 rear setback and rear yard requirements in order to realize the City's goals of achieving a balance between increased intensification and good development. We submit that the granting of this reduced rear yard setback variance is thus not minor in terms of its implications for our community or for what it would say about the integrity of the Infill-2 zoning review process.

We welcome the addition of new living units in Sandy Hill but ask that the Committee ensure that new development meets the intent of the Infill-2 development rules.

By way of submission of this letter, we ask to be informed in writing of the decision of the committee.

Best regards,

Susan Young  
President, ASH

Cc: Mathieu Fleury, Councillor – Ward 12

#### Excerpt 1 : Staff Report to Council Re. Update to Infill-2 (Jun 22, 2016)

Under Infill II, the zoning provisions had originally tied the required rear yard setback to the building height to ensure a 45° angle is maintained from a rear perspective while limiting privacy intrusion from side perspectives. This resulted in increased rear yard setbacks requirements for buildings higher than two storeys. In addition to privacy, increased rear yards were also intended to preserve open space at-grade for the required amenity area, air and sunlight penetration, permeable surfaces and existing vegetation. Although not perceived as incompatible in terms of building height, by not having to provide an increased setback, two-storey buildings could potentially create privacy issues with rear yards on either side and were not contributing to preserving open space.

With the intent of reducing potential privacy issues and loss of open space caused by two-storey buildings while knowing that the existing 25 per cent rear yard setback requirements was not sufficient for taller buildings, staff suggested the same setback requirement, no matter what the building height. To do so, a balance needed to be reached where the permitted footprint of a two-storey building would remain viable and taller buildings would maintain an acceptable angle from the rear lot line.

Instead of determining the rear yard setback requirement using the height of the building, staff proposed using a percentage of lot depth (30%), which increased with lot depth. Another reason for proposing a lot-depth percentage was to relieve property owners wanting to build small additions or projecting structures from the burden of having to retain the services of an Ontario Land Surveyor (OLS) to have their building height measured in order to determine their rear yard setback.

#### Excerpt 2: Staff Report to Council on Infill-2 Update (Sep 24, 2020)

The Infill 2 Alternative Development Standards for Residential Uses in the Urban Area zoning regulations were intended to reduce the impact felt by the introduction of new development by lowering maximum

allowable dwelling heights, increasing rear-yard setbacks, regulating projections into side and rear yards, and regulating rooftop terraces.

As directed by Council, staff conducted a two-year monitoring period of the Infill 1 and Infill 2 By-laws. A report was presented to Planning Committee in 2018 outlining the results of this monitoring and continued areas of concern with infill development. Two Strategy Papers in April 2019 and September 2019 were circulated to key stakeholders outlining potential zoning changes to the Infill regulations to address these areas of concern. The proposed zoning amendment reflects this work.