



Apr 20, 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 a response from Action Sandy Hill to the City Planning department's submission regarding variance application D08-02-20/A-00338 at 66 Stewart St and is a follow-up to our initial letter dated Apr 17, 2021. We wish to make 3 points in this letter.

1. Re. How much "deeper" an addition is considered acceptable?

The City planner's submission makes reference to a fact (not substantiated anywhere in their submission) that 'deeper' buildings are more common than not on this block. What is meant by "deeper" is not clarified anywhere in the submission. We would like to note that the issue here is not whether a deeper addition can be built but how much 'deeper' (ie. beyond the zoning bylaw's requirements) is considered acceptable. This is not addressed anywhere in the planner's submission. A quick look at surrounding properties (GeoOttawa) will show that the existing rear yard setbacks are as follows:

South side of Stewart (from west to east):

60 Stewart – 10m
62 Stewart – 7.5m
66 Stewart – Currently 15m
74 Stewart – 7.5m
76 Stewart – 0m (a clearly unacceptable historical anomaly)
80 Stewart – 7.9m

North Side of Wilbrod – to rear of subject property (from west to east)

177 Wilbrod – 12m
179 Wilbrod – 15.4m (immediately to rear of 66 Stewart)
183 Wilbrod – 9m
193 Wilbrod - 15m

Among these 10 most closely associated properties, 6 of them have larger rear yard setbacks than the proposed addition and only 1 (a clearly unacceptable historical anomaly) has a smaller setback than the proposed addition.

2. Re. the “intent of the zoning bylaw”

The City planner’s submission refers to the intent of the zoning bylaw and argues “the intent of the Bylaw is to ensure consistency in built form and private open space, the context in this case is one in which rear yards are irregular and generally small”. Firstly, we are addressing here the variance #1 which is not the size of the rear yard but the depth of the setback. Secondly, is this really the intent of the zoning bylaw? ... “to ensure consistency”. Apart from our evidence in item #1 above that the consistency argument is based on dubious factual information”, we submit that the intent of the zoning bylaw is to regulate good development. As we argued in our earlier letter, the 3-4 year long infill-2 process expended a huge amount of effort on the part of multiple parties to agree what is good infill development. The fact that past development in Sandy Hill may not have adhered to this standard is no argument for continuing to approve the status quo via new developments that fail to meet these newly negotiated standards.

3. Re. Rear Yard Area

It would appear from the City Planner’s submission that they have changed their minds again regarding the level of compliance with the bylaw’s rear yard requirements. If so, this has not been communicated to the surrounding property owners. In any case, the department has decided that the footprint area of the existing detached garage is to be allowable for inclusion in the rear yard area calculation. It should first be noted that this garage is much larger (ie. deeper than a typical residential garage) and hence larger in area. Secondly, it would appear that because of variance #2 (allowing this large garage to serve as garbage storage area rather than requiring the garbage storage to be in the principal building) that the department is arguing that this whole large footprint garage is thereby allowed to be counted as an accessory building and this counts toward meeting the rear yard area requirements. This appears to us as a clear example of twisted logic. Couple this with the fact that this committee previously granted a variance to allow an easement of some 20-25m² of the backyard area of 66 Stewart as a parking stall for the adjacent property at 72-74 Stewart means the proper determination of rear yard area for this proposed development is exceedingly unclear.

In Closing:

Based on our earlier letter and these current comments, Action Sandy Hill sees no reason why the variances requested to allow a larger footprint addition than what the bylaw permits can be justified in this case. This is clearly a case where a developer’s quest for more profit (larger apartments) is in competition with the public good as determined through years of negotiations over a renewed bylaw regulating infill development. It risks setting a dangerous precedent for a neighbourhood that has been intentionally targeted by the City of increased intensification and makes it all the more important that the zoning bylaws are enforced.

Best regards,

Susan Young
President, ASH

Cc: Mathieu Fleury, Councillor – Ward 12