

Committee of Adjustment  
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City of Ottawa | Ville d'Ottawa  
Comité de dérogation



Minor Variance  
**COMMENTS TO THE COMMITTEE OF ADJUSTMENT**  
Panel 2

Site Address: 184 Marier Avenue

Legal Description: Lot 176, Reg. Plan No. 4M-44

File No.: D08-02-22/A-00058

Date: March 31, 2023

Hearing Date: April 5, 2023

Planner: Siobhan Kelly

Official Plan Designation: Inner Urban Transect, Neighbourhood

Zoning: R4UA-c

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## DEPARTMENT COMMENTS

The Planning, Real Estate and Economic Development Department **has no concerns** with the applications.

## DISCUSSION AND RATIONALE

The Committee of Adjustment previously adjourned the subject applications at the November 2, 2022, December 7, 2022, and February 1, 2023, hearings to allow the applicant to revise the materials and apply for additional minor variances.

The Official Plan designates the property Neighbourhood within the Inner Urban Transect - an area planned for mid to high-density, urban development. The property is also subject to the Evolving Overlay policies, which provide built form direction. In the Evolving Overlay, the City supports applications for low-rise intensification that seek to move beyond the development standards of the underlying zone where the proposal achieves the objectives of the applicable transect. If approved, the minor variances will facilitate the conversion of an existing 2-storey detached dwelling to a 6-unit low-rise apartment dwelling - a building typology and density contemplated in Inner Urban Transect.

Section 11.5 of the Official Plan provides policy direction when reviewing minor variances to permit low-rise infill apartments dwellings:

- Variances to reduce the minimum required side yard may only be considered where alternate measures to ensure adequate access for waste management is provided. As proposed, the variance for a reduced side yard setback only applies to the western side yard. Functional access to the rear yard and waste storage area is maintained through the eastern side yard.
- Variances to reduce the minimum lot size may only be considered where adequate waste storage, bicycle parking and soft landscaping can be provided. As proposed,



the development includes an enclosed waste storage area, bicycle parking, and soft landscaping.

The property is zoned Residential Fourth Density Subzone UA (R4UA), Residential Neighbourhood Commercial Suffix (-c), where the Zoning By-law permits low-rise apartment dwellings. The purpose of the R4 zone is to allow for a range of building forms, provide additional housing choice, and regulate development in a manner that is compatible with the existing land use patterns.

As described below, staff is of the opinion the minor variance applications meet the four tests outlined in Section 45(1) of the Planning Act, R.S.O., 1990 Chap. P. 13, as amended.

#### Interior Side Yard Setback (Variance a) & Front Yard Setback (Variance b)

The intent of the minimum interior side yard setback is to maintain access to rear yards and ensure appropriate separation from adjacent buildings. As proposed, access to the rear yard is maintained through the eastern side yard, which meets the minimum 1.5 metre side yard setback. Staff note that the variance will legalize and expand an existing condition as the existing two-storey detached dwelling is set back 0.55 metres and the proposed addition will align with the existing dwelling. Similarly, the variance for a reduced front yard setback of 0.48 metres will also legalize an existing condition.

#### Reduced Rear Yard Setback & Area (Variance c)

The applicant is proposing a reduced rear yard setback of 4.93 metres, whereas the Zoning By-law requires a minimum rear yard setback of 5.2 metres. The intent of the minimum rear yard setback and rear yard area requirement is to maintain appropriate separation from adjacent properties and to provide amenity space on site. The applicant revised the proposal by removing the balconies on the rear façade to reduce potential impacts associated with the reduced rear yard area. Regarding amenity space, the development provides the 35 square metre rectangular landscaped rear yard area as required for low-rise apartment dwellings in the RAUA zone.

#### Reduced Lot Area (Variance d)

The property exceeds the minimum lot width requirement of 12.0 metres for a low-rise apartment dwelling but is deficient in lot area due to the irregular lot shape. The intent of the minimum lot size provisions is to ensure that lots can accommodate low-rise apartment dwellings and the required site elements. As proposed, there is adequate space on site for soft landscaping and waste management.

### **ADDITIONAL COMMENTS**

#### Forestry:

No trees are proposed for removal. The Tree Information Report (TIR) provided guidance on excavating in the critical root zone of Tree #1, which the applicants must follow. As mentioned in the TIR, if there are overhead conflicts between Tree #1 and the addition, a



certified arborist should be consulted and perform any necessary work. Tree protection fencing should be installed and maintained around the protected tree for the full duration of construction, in accordance with the [City's Tree Protection Specification](#).

Engineering:

- At the time of building permit application, a grading/servicing plan prepared by a Professional Engineer, Ontario Land surveyor or a Certified Engineering Technologist will be required.
- The Planning, Real Estate and Economic Development Department will undertake a complete review of grading and servicing during the building permit process.
- The surface storm water runoff, including the roof water must be self-contained and directed to the City Right-of-Way as approved by Planning, Real Estate and Economic Development Department.
- Existing grading and drainage patterns must not be altered.

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