

February 15, 2023

Mr. Michel Bellemare
Secretary-Treasurer
Committee of Adjustment
101 Centrepointe Drive, Fourth Floor
Ottawa, ON K2G 5K7

RE: Application for Minor Variance
93 Fifth Avenue, Ottawa

Dear Mr. Bellemare,

Fotenn Planning + Design ("Fotenn") has been retained by Fleming Property Management ("the Owner") to prepare a Planning Rationale for a Minor Variance application to permit a walkway at the municipal address of 93 Fifth Avenue ("the subject site") in the Glebe neighbourhood of the City of Ottawa.

The subject site contains a two storey, detached dwelling. The enclosed minor variance application seeks relief from the Zoning by-law to permit a walkway in the front yard that is 1.315 metres where 1.2 metres is the maximum permitted width of a walkway.

Please find enclosed the following material in support of the application:

- / This cover letter explaining the nature of the application;
- / Minor Variance Application form;
- / Survey Plan;
- / Site Plan and Elevation drawings, prepared by Linebox Studio, dated August 18, 2022;

Please contact the undersigned at freeman@fotenn.com with any questions or requests for additional information.

Sincerely,



Thomas Freeman, B.URPL
Planner

Committee of Adjustment
Received | Reçu le

2023-02-16

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Comité de dérogation

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396 Cooper Street, Suite 300
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Background and Context

Fotenn Planning + Design ('Fotenn') has been retained by Fleming Property Management ('the Owner') to prepare a Planning Rationale for a Minor Variance application at the municipal address of 93 Fifth Avenue ('the subject site') in the city of Ottawa.

The enclosed Minor Variance application seeks relief from the Zoning By-law to permit a 1.315 metre wide walkway in the front yard of the existing detached dwelling. The subject site has a total area of 225 square metres and has a frontage of 7.16 metres. The subject site is shown in figure1 below:

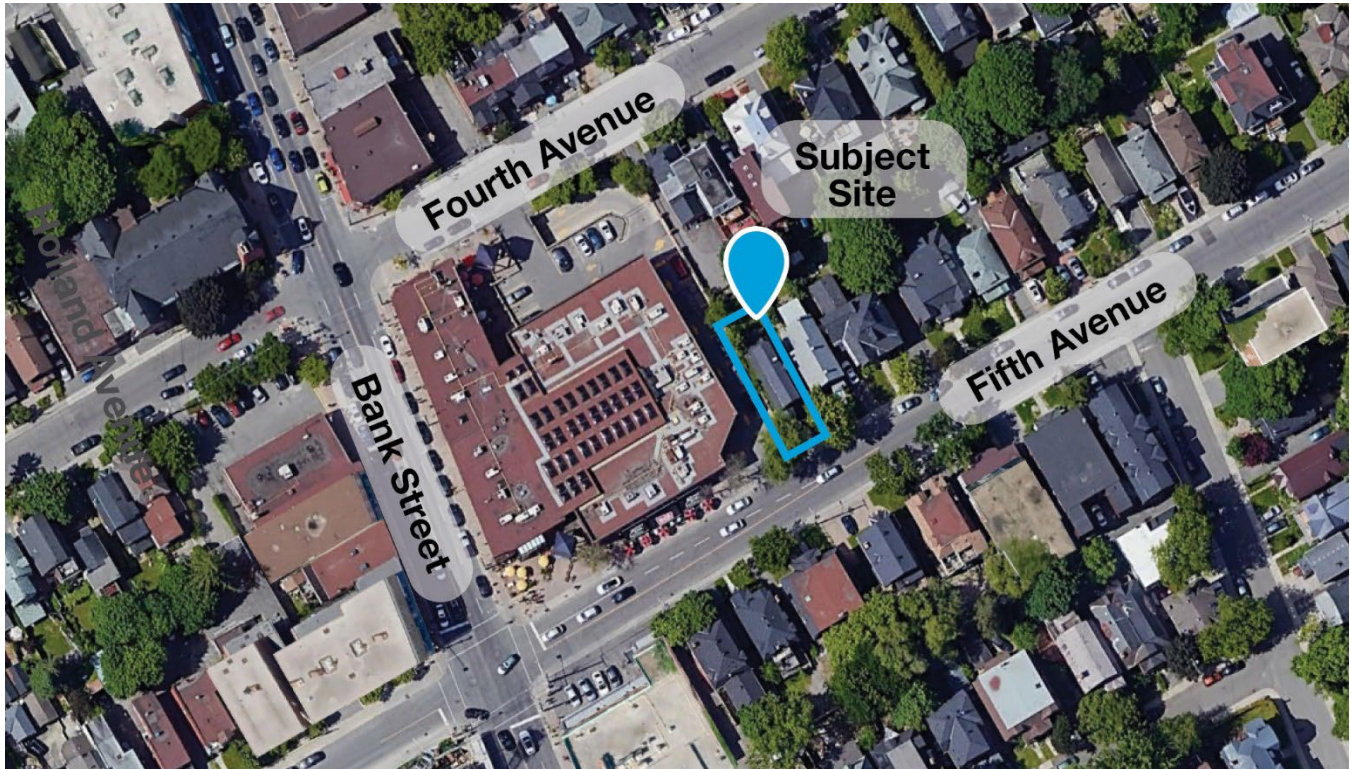


Figure 1: Subject Site

1.1 Area Context

The subject property is located in the Glebe Neighbourhood of the City of Ottawa, approximately 60 metres east of Bank street. The surrounding uses are characterized by the following:

North: Immediately north of the subject site is a two storey, semi-detached dwelling fronting onto fourth Avenue. Fourth Avenue is characterized by low rise residential uses including detached and semi-detached dwellings.

East: Immediately east of the subject site is a detached dwelling fronting onto Fifth Avenue. Fifth Avenue is also characterized by low rise residential uses including detached and semi-detached dwellings.

South: The subject site abuts Fifth Avenue to the south. South of Fifth Avenue there is a row of detached dwellings.

West: Immediately west of the subject site is 6 storey mid-rise apartment building fronting onto Bank Street.

Overview of Application

The owner of the subject lands has recently completed a renovation to the building that involved modifications to the front porch, walkway, and driveway / parking area. Upon completing the work, City staff noted that the modified walkway was built slightly wider than what is permitted by the Zoning By-law. A minor variance therefore is required to permit a walkway constructed 0.115 metres wider than the maximum permitted width of 1.2 metres as outlined in section 1394) c) ii) of the City of Ottawa Zoning By-law.

The walkway runs along the front façade of the building leading to steps that access the front door of the dwelling, the walkway runs parallel to the sidewalk and is within the same footprint of the porch that previously occupied the front yard.

The walkway leads to an existing front yard parking space and shared pedestrian access right-of-way along the eastern property line between the subject dwelling and the neighbour to the east. The western portion of the front yard is landscaped. The renovation of the front porch allowed the walkway to shift from a perpendicular orientation to one that is parallel to the street. This along with a narrowing of the front parking space toward the east has resulted in a larger landscaped front yard that now occupies most of the area in front of the building.

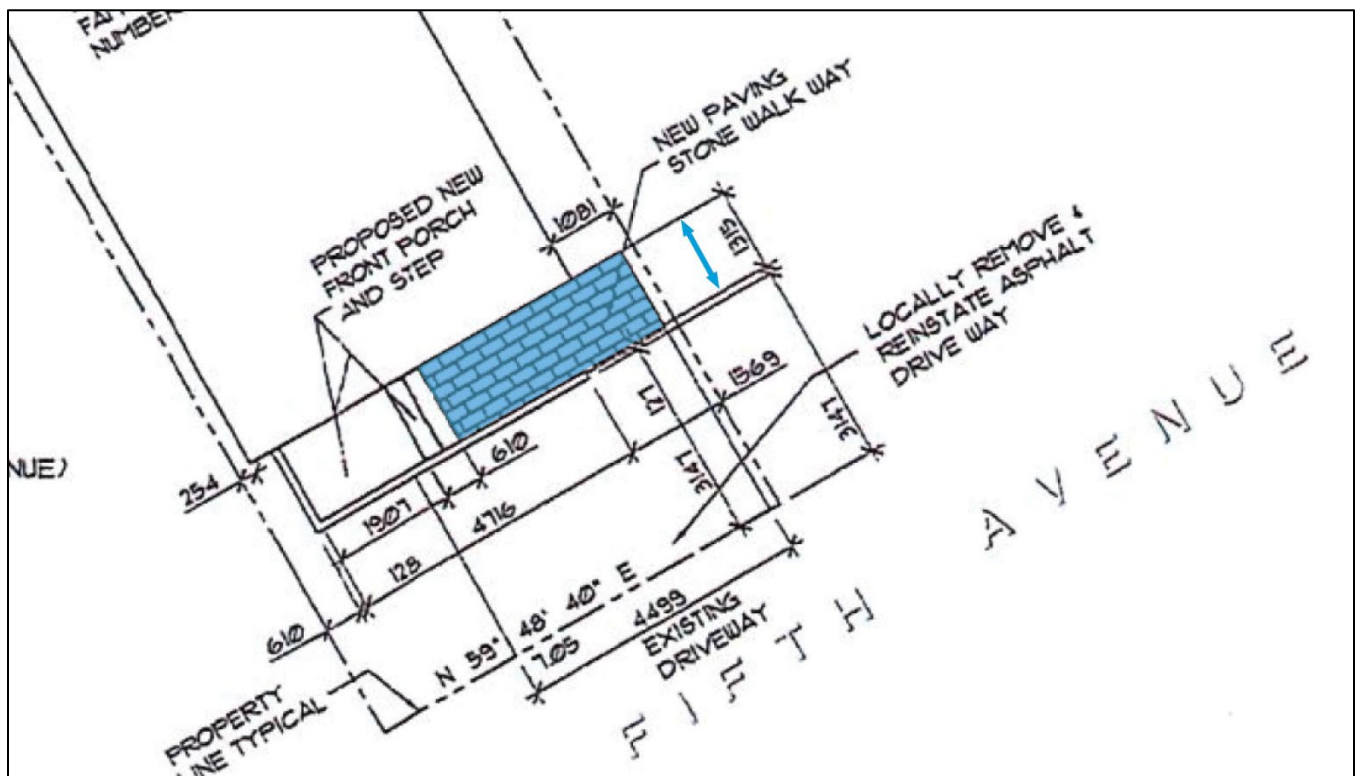


Figure 2: Proposed Walkway of 1.315 m wide

3.0 Policy and Regulatory Context

3.1 City of Ottawa Official Plan (2022)

The subject site is designated Neighbourhood per schedule B2 – Inner Urban Transect, figure 3 below.

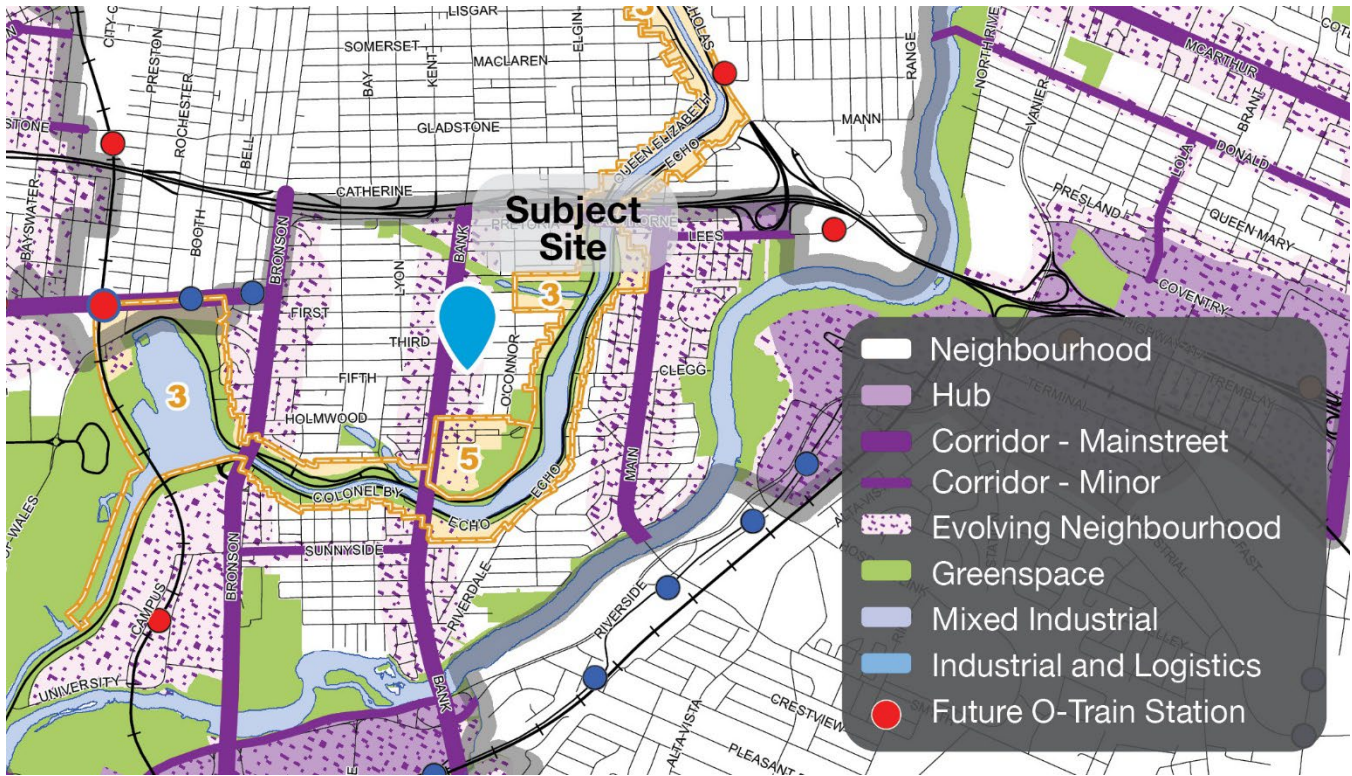


Figure 3: Schedule B2 - Inner Urban Transect

Neighborhoods are contiguous urban areas that constitute the heart of communities. They are planned for ongoing gradual, integrated, sustainable, and internally compatible development. Neighbourhood policies will allow for the development of a full range and choice of housing, with complementary small-scale non-residential land uses to support the creation of 15-minute neighbourhoods.

Permitted building heights in Neighbourhoods shall be Low-rise.

A range of residential and non-residential built forms are permitted in the Neighbourhood designation, including low rise housing options sufficient to meet and exceed the residential intensification targets.

The City may establish form-based regulations through the Zoning by-law, Site Plan Control and other regulatory tools as appropriate, consistent with Transect direction. Such form based-based regulations may include requirements for articulation, height, setback, massing, floor area, roofline, materiality and landscaping areas having regard for:

- a) Local context and Character of existing development;
- b) Appropriate interfaces with the public realm, including features that occupy both public and private land such as trees;

- c) Appropriate interfaces between residential buildings, including provision of reasonable and appropriate soft landscaping and screening to support livability;
- d) Proximity to Hubs, Corridors and rapid transit stations;
- e) Transition in building form to a form abutting designations; and
- f) The intended density to be accommodated within the permitted building envelope.

The proposed Minor Variance complies with the overall intent of the Neighbourhood Designation as well as the objectives for the Inner Urban Transect.

3.2 City of Ottawa Zoning By-law (2008-250)

The subject site is zoned Residential Third Density, Subzone Q, exception 1474 – R3Q[1474], as shown on figure X below. The Residential Third Density zone is intended to:

- / Allow for a mix of residential built forms ranging from detached to townhouse dwelling within the third density residential areas;
- / Allow a number of other residential used to provide additional housing choices within the third density residential areas:
- / Allow ancillary uses to principle residential uses to allow residents to work at home; and
- / Regulate development in a manner that is compatible with existing land use patterns so that the mixed dwelling, residential character of a neighbourhood is maintained or enhanced.

Permitted uses in the R3 zone include detached dwelling, semi-detached dwelling, home based business, and secondary dwelling unit.

An evaluation of the Zoning By-law with the subject site's existing development are shown in Table 1 below.

Table 1: R3Q Zone Requirements

Performance Standard	Required	Provided	Compliance
Minimum lot area	195 m ²	225 m ²	Yes
Minimum lot width	7.5 m	7.16 m	Legal non-complying lot
Minimum front yard setback	3 m	3.147 m	Yes
Minimum rear yard setback	25 percent of lot depth 7.75 m	11 m	Yes
Minimum interior yard setback	1.8 m total, 0.6 for one side	0.25 m west side 1.1 m east side	Legal non-complying structure
Maximum building height	10 m	9.5 m	Yes
Maximum width of walkway Section 139 4) c) ii)	1.2 m	1.315 m	No

4.0

Minor Variance Application: The Four Tests

It is our professional opinion that the proposed development constitutes good planning and meets the four (4) tests outlined in the Planning Act as discussed below.

4.1 Does the Proposal Maintain the General Intent and Purpose of the Official Plan?

The subject site is designated Neighbourhood within the Inner Urban Transect of the City of Ottawa Official Plan. The proposed minor variance does not contravene the general intent and purpose of the Official Plan. Neighborhoods are contiguous urban areas that constitute the heart of communities. They are planned for ongoing gradual, integrated, sustainable, and internally compatible development. Neighbourhood policies will allow for the development of a full range and choice of housing, with complementary small-scale non-residential land uses to support the creation of 15-minute neighbourhoods.

The proposed minor variance maintains the general intent and purpose of the Official Plan.

4.2 Does the Proposal Maintain the General Intent and Purpose of the Zoning By-law?

The subject site is zoned Residential Third Density, Subzone Q, exception 1474 – R3Q[1474] in the City of Ottawa Comprehensive Zoning By-law 2008-250. The intent of the R3 zone is to permit a range of residential built forms including detached dwellings.

A zoning compliance table has been provided in section 3.2 of this rationale and summarizes the provisions of the zone. The proposed Minor Variance seeks relief from the maximum width of a walkway.

Section 139 (4) c) ii) establishes the maximum width of a walkway at 1.2 metres. The requested variance is to permit a walkway 1.315 metres wide. The purpose of this performance standard is to minimize hard surface areas in favour of increased soft landscaping. In this case, narrowing the walkway by such a minimal amount would generate minimal benefit to the landscaped area and the renovation in general has resulted in increased soft landscaping on the property that has also been consolidated in the front yard where it benefits the general public.

The minor variance requested meets the general intent and purpose of the zoning by-law.

4.3 Is the Proposal Minor in Nature?

The proposed variance is minor as the variance does not result in any tangible undue adverse impact on any abutting lands. As noted, the nature of the overall renovation will also improve the existing condition for abutting neighbours and the traveling public.

The proposed variance is minor in nature.

4.4 Is the Proposal Desirable for the Appropriate Development or Use of the Land?

The proposed variance has no impact on the front yard character of the subject site and will not impact the landscaped area nor impact any trees on the subject site.

The additional width of the walkway will have no negative impact on the character of the existing neighbourhood and results from renovations that will improve existing conditions. Therefore, the Minor Variance is considered desirable and appropriate development and use of the land.

5.0 Conclusion

The proposed variance represents appropriate, orderly development, and function of 93 Fifth Avenue. It is our professional planning opinion that the proposed Minor Variance constitutes good planning as:

- / The proposal conforms to the Provincial Policy Statement (2020);
- / The proposal conforms to the policies and objectives of the Neighbourhood designation of the Official Plan;
- / The proposal meets the intent of the City of Ottawa Comprehensive Zoning By-law; and
- / The proposed minor variances meet the four tests, as set out in the Planning Act.

Sincerely,



Thomas Freeman, B.URPL
Planner



Brian Casagrande, MCIP RPP
Partner