

COVER LETTER:



Committee of Adjustment
Attn.: Michel Bellemare, Secretary Treasurer,
101 Centrepointe Drive,
OTTAWA, ON, K2G 5K7
cofa@ottawa.ca
613-580-2436

Varia: Drafting & Design (VADD)
Cory Dubeau, Founder,
50 rue des Chateaux des Bois (Apt. 305),
Gatineau, QC, J9H 6V6
cory.dubeau@vadd.ca
613-552-9973

This document is presented in the language it was provided.
Ce document est présenté dans la langue dans laquelle il a été fourni.

Subject: Minor Variance Application for 82 Genest Street, Ottawa, ON, K1L 7Z2

Committee of Adjustment
Received | Reçu le
Revised | Modifié le : 2023-10-03
City of Ottawa | Ville d'Ottawa
Comité de dérogation

Dear Mr. Bellemare,

I, **Cory Dubeau** of **Varia: Drafting & Design**, (*Agent & Applicant*) have been retained to file application for a minor variance on behalf of **Mehran Frohar** (*Property Owner*) to facilitate the construction of a new three-storey, low-rise 8-unit apartment dwelling.

To better supplement the City's "missing middle" housing inventory, we seek to contextually-intensify an underperforming parcel while providing more flexible and affordable rental options in the Rideau-Vanier sector.

The contents of this letter endeavour to describe the subject property, project scope, required minor variances and a brief elaboration as to how the proposed will better align themselves with the City's decisions reflecting their "Infill and R4 Zoning Review, Phase 2 (2021)" as well as the "Four-Fold Test", pursuant to Section 45 of the *Planning Act*.

I do hope by the end of this letter to have conveyed both the architectural intent of the proposed works as well as provide adequate justification to the variances being sought.

Yours very truly,

Cory Dubeau,
Founder | Varia: Drafting & Design (VADD)
cory.dubeau@vadd.ca
613-552-9973



Property Description:

82 Genest Street can be legally described as **Part of Lots 131 and 132, Registered Plan 4M-42 (PIN 04025 – 0418)** with the City of Ottawa. The subject property is an interior lot abutted by both No. 80 at its Southwest and No. 86 at its Northeast. The site is accessed directly from Genest Street to its' North.

The subject property boasts a lot area of 395.66 m² of which is comprised of a lot width of 13.11 metres, a lot depth of 30.18 metres and a lot frontage of 3.87 metres*, as averaged between both existing front yards on both No. 80 Genest Street (4.01 metres) and No. 86 Genest Street (3.73 metres), respectively.

The Official Plan designates the Rideau-Vanier area as part of the “**Inner Urban Area**” in Schedule A – Transect Policy Areas of the Official Plan.

Genest Street, for the most part can be considered a “**Neighborhood**” (surrounded by an “Evolving Neighborhood” Overlay) as-per Schedule B2 – Inner Urban Transect of the Official Plan.

The subject property is zoned as **^_R4-UA** (Residential Fourth-Density, Subzone “UA”) in accordance with **Table 162A, Row R4-UA** of Section 162 “Residential Fourth Density Zone”, Part 6 – “Residential Zones” (By-Laws 2020-288, 2021-111 & 2015-228 respectively).

The subject property is part of the Vanier Community Association as well as being part of the Rideau-Vanier Ward (Ward 12).

The immediate surrounding context is comprised of mature and variegated building forms of numerous intensities with predominantly front-facing entries, side yard parking and front yard vegetation. Many of the existing multi-unit dwellings are three stories in height with “half-sunken” basements to facilitate larger windows along the street elevation to better connect their residents to the public realm.

**Note, the average abutting front yard setback of both 80 and 86 Genest Street would actually delineate an average front yard of 3.95 metres $([3.89+4.01]/2)$. The chosen 3.87 metre frontage was deemed sufficient for the purposes of the design as well as to provide a higher amount of soft landscaping.*

Project Scope:

The owner wishes to remove an existing two and a half-storey stucco-clad dwelling and construct a three-storey, 8-unit low-rise apartment dwelling in its place.

The proposed will provide a *Gross Floor Area*^[1] of 687.71 m². The resulting *Building Footprint*^[2] is to be 214.65 m² of which is 10.71 metres wide by 19.67 metres deep with a proposed *building height*^[3] of 10.66 metres (from the top of peaked low-slope roof structure).

The current lot utilization is approximately 28.37% whereas the proposed structure would more efficiently utilize 53.22%.



Figure 1: (Above): a Google Streetview of 82 Genest as seen from 86 Genest Street looking Southwest. (Bottom): a conceptual rendering of 82 Genest Street from the same reference point.

The new building will provide eight two-bedroom units in place of the current two units- (of which is one three-bedroom unit and one one-bedroom basement dwelling unit).

Each unit will boast a generous 88.65 m² (or about 954.22 ft²)—save for the foundation level where approximately 77.76 m² (or about 836.95 ft²) will be provided.

The proposed structure endeavours to respond to modern practicalities- (accessibility, connection to the public realm, flexible housing choices, etc.) as well as improving upon the streetscape utilizing a familiar massing paired with modern materiality.

[1]: Note, for the purposes of the City's Planning Department (and in alignment with the definitions outlined in S.54), "Gross Floor Area" is the aggregate sum of all floor spaces measured from the innermost face of any exterior wall assembly (excluding common hallways & corridors); this can be thought of as "leasable space" only for this part.

[2]: Further to the above, Building "Footprint" is a polygonal line drawn the outermost part of an exterior wall assembly (including egress stairs), but not inclusive of projections—a very similar definition in the OBC under "Building Area" can be found in Div. A, Pt 1, 1.4.1.2.

[3]: Lastly, the "Building Height" is calculated as the average of the four abutting corners of the building in relation to existing grade as surveyed per the surveyor's real property report 4M-42 (Part of Lots 130 and 131).

Source: [City of Ottawa, Zoning By-Law Consolidation 2008-250, S.54 "Definitions"](#)

Minor Variance Application:

The primary purpose of this application is to seek relief from select subzone provisions of Zoning By-laws 2020-288 (R4 Subzone Provisions), 2021-111 (Infill and R4 Phase II Studies) and 2015-228 (Alternative Setbacks for Urban Areas (per Section 144)). Please consider the following variances:

Minor Variance 1:

By-law 2020-288, Part 6, Section 162, Table 162A, Row R4-UA, Column X, to permit a reduced interior side yard setback of 1.20 metres whereas the subzone provisions require a minimum of 1.50 metres. Please note this is for the Northeast interior side yard abutting No. 86 Genest Street.

Minor Variance 2:

By-law 2020-288, Part 6, Section 162, Table 162A, Row R4-UA, Column X, to permit a reduced interior side yard setback of 1.20 metres whereas the subzone provisions require a minimum of 1.50 metres. Please note this is for the Southwest interior side yard abutting No. 80 Genest Street.

Minor Variance 3:

By-law 2020-288, Part 6, Section 162, Table 162A, Row R4-UA, Column IX (Which as-per footnote [4], directs to Part 5, Section 144, Table 144A, Row (iii) “Lot Depth > 25 metres”), to permit a reduced rear yard setback of 14.78% (4.46 metres) whereas the subzone provisions require a 30% (9.05 metre) setback.

Minor Variance 4:

By-law 2020-289, Part 5, Section 144, Subsection (3), Clause (a), to permit a reduced rear yard area of 58.39 m² (14.76% of lot area) whereas the zoning provisions require a minimum of 98.92 m² (25% of lot area).

Minor Variance 5:

By-law 2020-288, Part 6, Section 161, Subsection (15), Clause (b), Sub-Clause (ii), to permit a reduced rear yard soft landscaped area of 43.21 m² whereas the zoning provisions require a minimum of 50.00 m².*

Author's note: Please note, the previous variance of 42.41 m² was in error. The actual value would have been 45.84 m². The new proposed area is, indeed smaller than the previous area provided.

“Is the Variance Minor?”:

R4 Zoning Review & Discussions (2019-2020):

The requested variances can be viewed as minor on the basis that the building footprint articulates an efficient, yet restrained floor plan for multiple 2-bedroom units—including a barrier-free unit at its lowest level. The aforementioned are both appropriate to its subzone designation and highly sought out in the Rideau-Vanier area as demand for flexible rental options continue to grow.

As explored in Appendix A: “Technical Review Committee”, Discussion Paper #3 (Draft Recommendations), Infill and R4 Zoning Review, Phase 2 (2021), 12-metre-wide lots with a 100-foot block depth have proven sufficient to accommodate 8 to 12 dwelling units with an emphasis on providing two-bedroom units. 82 Genest Street does fall within this anticipated lot depth of 30.18 metres (or about 99’-0”).

Through numerous modelling exercises, one common challenge that arose was the rear yard area provided- (and by consequence, their associated rear yard setback percentages and soft landscaping amounts) were impacted.

Enumerating Variances:

While it will be better qualified in further parts of this “Four-Fold Test”, please consider the scope of the quantified reliefs sought from the subzone provisions. Overall, the rear yard is seeking a 2.41 metre (8%) setback reduction, a 11.91 m² (3%) total rear yard area reduction and a 7.59 m² rear yard soft landscaped area reduction.

Impact on Rear Yard:

It should be noted that, despite the shortcomings of rear yard area and its soft landscaping, the rectangular landscaped area (as described in By-law 2020-288, Part 6, Section 161, Subsection (15), Clause (b), Sub-Clause (ii)) can and will be maintained. Plans for coniferous foliage are being discussed at the time of this writing.

Impact on Interior Side Yards:

For the interior side yards, a reduction of 0.3 metres (or 1’-0” each side) will afford each interior space their required corridor and sleeping areas to function as dictated by the Ontario Building Code—especially the barrier-free suite in Unit B.

The reduction of interior side yard setbacks can be perceived as minor as its inherent function as a passageway (either for solid waste transport, circulation, or egress) from the building will remain fully operable and adhere to all aforementioned constraints (pertaining to minimum width, slope and finishings). It should be noted no window wells are being proposed in these spaces to maximise safety and ease of use.

“Is the Development Desirable and Appropriate for the Use of the Property?”:

In accordance with the City’s decision to amend the subject property (among many) to a fourth-density infill, the proposed structure endeavours to make the best use of its subzone parameters under the auspice of “R4 / Low-Rise”.

Expressional Low-Rise Infill:

To better align with the City’s desire for expressional low/mid-rise infill, and to eliminate the “box effect”, special attention to architectural detail has been implemented, where possible.

The proposed is to be clad in three segmented parts (“tripartite”) to establish visual hierarchy as well as creating durability in high-traffic areas.

Aside from the undulating façade (more on this in a moment), the building intends to connect its streetscape via balanced glazed patio doors, generous balconies and an expressional façade.



Figure 2: 82 Genest Street: Proposed Axonometric View (Worm’s Eye, as seen from the West, VADD 2023)



Figure 3: 82 Genest Street: Proposed Front Elevation (Overlaid colour to depict cruciform motif and it’s setbacks from one-another), VADD 2023

The front facade will bear a cruciform shape which helps differentiate itself from the remaining mass by means of color contrast and pleasing rhythmic panelling- (from both windows and decorative elements).

The orange components will be a continuous dark material transitioning to a metallic roof whilst the cyan regions can be thought of as “islands” that provide symmetry as well as a firm base for the building to sit upon.

To better comply with the zoning envelope and to mimic its surroundings, a low-slope “flat roof” design is to be designed. The front facing elevation will have a striking partial mansard roof to articulate the top of the building and to aid its transition into the parapet.

Upkeep of Privacy and Onlooking Concerns:

From the outset, careful attention to detail was undertaken in the functional layouts of the subject building.

86 Genest Street (to the building's Northeast) possessed a noticeably larger rear yard than many of its contemporaries which initially posed an “onlooking” challenge for the functional programming stages of our proposal as at least *one* of the two bedrooms would be required to face an interior lot line.

Through numerous iterations, all windows that face 86 Genest's rear yard have been specifically designed not to overlook 86 Genest's existing structure; furthermore, it stands to reason any anticipated development on 86 Genest Street will likely opt for a 30% (or less) rear yard setback, further reducing the remote possibility of unintended onlooking.

The following illustration below demonstrates an approximate view range (light green diagonal lines) from each of the provided windows—chiefly the bedroom windows to the most rear of the building.

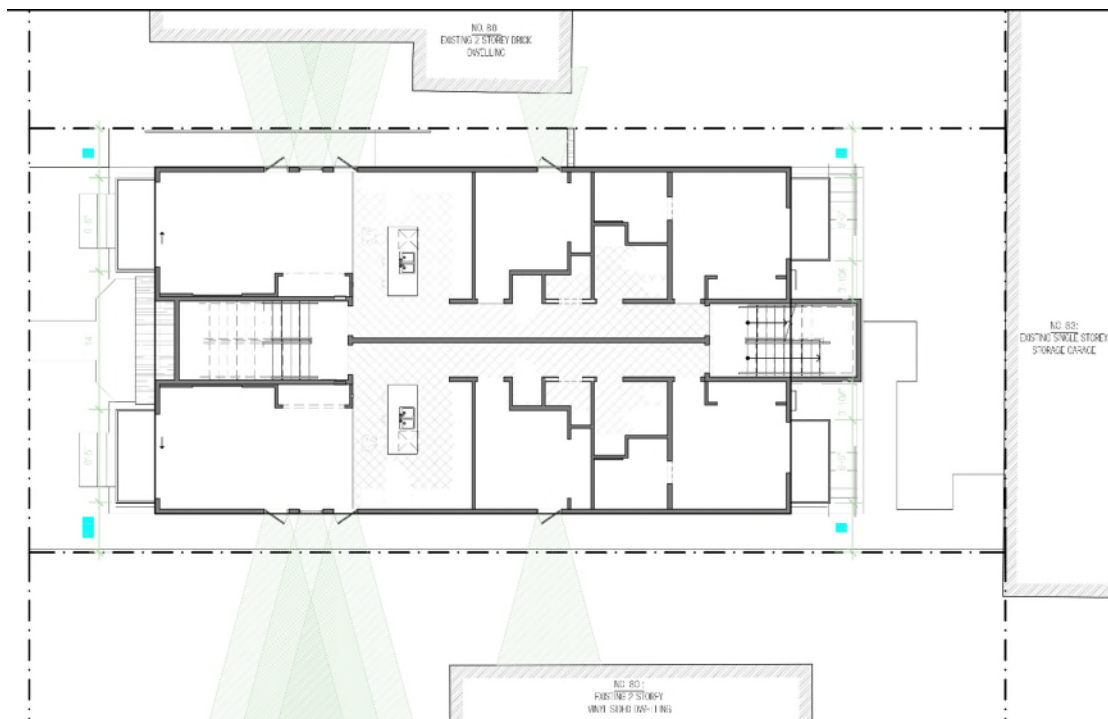


Figure 4: 82 Genest Street, proposed plan as seen from the First Floor. Note the green projection lines indicating viewing angles from within the structure and the cyan highlights show a 1.5 metre (5'-0") setback from either interior side yard, VADD 2023.

A Remark on Balconies and Their Projections:

A final item of note are the balconies. In order to comply with By-laws 2020-289 and 2021-111 (Part 2, Section 65, Table 65 – “Permitted Projections into Required Yards”, Row (6), Sub-Row (iv)), care has been given to ensure that, despite the reduction in interior side yards being sought, that onlooking concerns from permitted projections would not infringe on the privacy of either abutting lot- (the cyan highlights indicate the applicable setbacks of each balcony from either interior lot line).

Local Context:



Figure 5: Genest Street, as seen from a simplified axonometric aerial view. Note the inconsistency of rear yard setbacks. Image courtesy of Bing Maps (Road View)

As seen from a birds-eye view, 82 Genest is abutted by a single-storey storage garage that continuously spans from 83 through 91 Alice Street. The rear yard of which is asphalt-paved to accommodate vehicular parking.

82 Genest proposes a programmable rear yard space, mature canopy and essential circulatory elements. In line with the City’s vision for infill lots, all unprogrammed spaces will be softly landscaped and buffered from the abutting property with vegetative elements (such as cedars).

It should be noted no space whatsoever will be dedicated to vehicular parking—that can remain on the wider street. (Bicycle parking is an exception here, but will be placed on either side of the rear exit stair and off of the soft landscaping portion of the rear yard).

Genest Street (and Rideau-Vanier as a whole) benefit from a variety of architectural forms and densities.

Many of the immediate buildings on Genest street express multi-unit rental dwellings; ranging from duplexes to similar 6–8-unit low-rise apartments.

By virtue of Rideau-Vanier’s maturity, almost every building fronting Genest Street bears a unique massing and form—especially at the building’s rear yard.

This leads to a lack of precedent in zoning envelope (most notably in rear yards) as what can be seen in the (approximate) axonometric view to the left.



Figure 6: An aerial (bird's eye) view of the immediate properties surrounding 82 Genest Street. Note the abutting single-storey garage to the South. Image courtesy of Bing Maps (Bird's Eye View).

Remark on Water Control Measures:

For smaller infill sites slated for higher development utilizations, concerns for stormwater runoff are understandable.

As the building height is to comply with its subzone provisions, a low-slope “flat roof” was the most viable option, not only for connecting the basement level to the public realm with enlarged windows, but also for controlling the direction of stormwater runoff. The illustration to the right depicts how no runoff will be deposited from the roof to either side yard- (please see roof plan for a more accurate roof profile). Instead, all collected rainwater will be sloped towards the rear yard and drained directly to the building’s weeping tile. No downspouts will be proposed to the building’s front façade as preservation of the building’s materials and protection of the lower terraces have been considered; there also isn’t as much porous volume at the building’s front as there is the rear yard.



Figure 7: 82 Genest Street as seen from the South. The green high lights indicate the thru-wall scupper drains which connect to the building's weeping tile, VADD 2023.

Further to the above, it can be appreciated that creating interior side yard walkways can alter the “hardness” of the site and (by consequence of creating new larger structures) causes increased stormwater runoff to occur towards the buildings front or rear yards. In order to aid in mitigating excessive drainage to either yard, turf block (or equivalent porous paving) shall be employed to help absorb all runoff products (ideally) before reaching the soft scaped regions of the front or yards of the subject property.

“Is the General Intent and Purpose of the Zoning By-law Maintained?”:

Clause (1) of R4 Subzone Preamble:

Clause (1) of the “Purpose of the Zone” R4 Subzone preamble (Part 6, Section 161) of the Zoning By-law indicates that the primary intent of the R4 – Residential Fourth Density Zone is to:

*“Allow for mix of residential building forms ranging from detached to low rise apartment dwellings [...] in no case more than four stories, in areas designated as **General Urban Area** in the Official Plan”.*

As the Rideau-Vanier Ward is one of Ottawa’s thriving inner urban areas, and by virtue of it’s recent zoning by-law amendment, it seems practicable to employ low-rise multi-unit apartment dwellings within the community to enrich Genest Streets mature and variegated fabric.

Clause (2) of R4 Subzone Preamble:

Clause (2) of the “Purpose of the Zone” R4 Subzone preamble (Part 6, Section 161) of the Zoning By-law indicates that the secondary intent of the R4 – Residential Fourth Density Zone is to:

“Allow a number of other residential uses to provide additional housing choices within the fourth density residential areas”.

While the proposed building provides only one unit type throughout, an universal unit has been provided with hopes not only to not only to comply with varying Code provisions, but to align itself with Ottawa’s mandate to foster inclusive environments and spaces as well as embrace universal design, where possible.

Clause (4) of R4 Subzone Preamble:

Clause (4) of the “Purpose of the Zone” R4 Subzone preamble (Part 6, Section 161) of the Zoning By-law indicates that the quaternary intent of the R4 – Residential Fourth Density Zone is to:

“Regulate development in a manner that is compatible with existing land use patterns so that the mixed building form, residential character of a neighbourhood is maintained or enhanced”.

As Genest exhibits a variety of building forms, it is not uncommon to see low-rise, multi-unit dwellings in the neighborhood. The illustration below roughly demonstrates the surrounding building types and intensities- (red depicting three units and above, orange depicting 5-6 units and green indicating multi-use commercial, multi-unit dwelling):



Figure 8: Genest Street (Cropped view) with colored overlays depicting the varying building intensities. Base map courtesy of GeoOttawa.

As the immediate streetscape demonstrates a wide breadth of varying building types, massings and scale, it can be perceived that an 8-unit multi use dwelling with a modernized and attractive façade can further improve upon the streetscape.

As many buildings generally follow the front yard setbacks quite closely, 82 Genest intends to follow the abutting average of the two buildings to best transition between the two.

“Is the General Intent and Purpose of the Official Plan Maintained?”:

Official Plan, 3.2: Support Intensification:

Section 3.2. indicates that an expected population growth of over 47% is to happen within urban areas that are [...] “already built-up” which could certainly be considered in the well-footed Rideau-Vanier area.

Furthermore, Sentence 3.2. Sentence (4) indicates that intensity is permitted under all designations where applications can establish compatibility with its applicable transect—in this case, the **Inner Urban Transect** (as-per Schedule A of the Official Plan).

Official Plan, 5.2: Inner Urban Transect:

The preamble of this section outlines their primary objectives—chiefly *Enhancing or establishing an urban pattern of built form, site design and mixture of uses*”.

Table 7 – “Minimum and Maximum Height Overview Based on Official Plan Policy” delineates Inner Urban Transects (Neighborhoods), per Policy Number 5.2.4.(1). to “Generally permit three storeys and allow 4 stories where appropriate”.

Sentence (3) of 5.2. of the Official Plan goes as far to say that the Inner Urban Transect is generally planned for “mid-to high-density” development, provided height and massing and access to public transit are maintained.

Sentence (4), Policy (e). of 5.2. of the Official Plan indicates that “increases in existing residential densities are supported to sustain the full range of services noted in Policy (a)”. The range of services mentioned in Policy (a) allude to the implementation of localized hubs, main streets and corridors which foster an inclusive and accessible “15-minute” neighborhood that provide residents with a full range of services.

- ✓ A brief analysis of the above indicates that public transit (via route 19 at the time of this writing) is fully accessible via a short 350 metre walk towards Beechwood Avenue, Regional Road 44.
- ✓ Furthermore, the above also indicates that a grocery store (the Metro) is within 280 metres from the subject property.
- ✓ Within 500 metres, coffee shops, banks and pubs are all along Beechwood Avenue, Regional Road 44.

Official Plan, 5.2.4.: Provide Direction to the Neighborhoods Located Within the Inner Urban Transect:

Policy (1), Sentence (a) of 5.2.4. indicates that all neighborhoods under the auspice of Inner Urban Areas shall accommodate residential growth (as outlined in 3.2.) as well as foster “a wide variety of housing types with a focus on **missing-middle** housing, which may include new building types that are currently not contemplated [...]”.

Sentence (c) of 5.2.4. indicates support for low-rise built forms [...] “generally permitting three stories”.

Official Plan, 11.5.: Provide Direction to Committee of Adjustment Processes:

Policy (9), indicates that the Committee of Adjustment shall [...] have regard for the following when evaluating minor variances to permit low-rise infill apartment dwellings:

- (a) Variances to reduce the minimum **required side yard**:
 - i. May only be considered where alternate measures to ensure adequate access for waste management and bicycle parking are provided; [...]

- (d) Variances to reduce the required **area of soft landscaping** (in our case, the Rear Yard):
 - i. May be tied to requirements for more intensive plantings such as trees or shrubs, so that the volume of vegetation compensates for reduced horizontal area; however,

 - ii. Despite i), where the purpose or effect is primarily to enable motor vehicle parking or driveways, variances to reduce the required soft landscaping may only be considered where, in the opinion of the Planning Department, the proposal serves the goals of context sensitive design and results in better urban design than would compliance with the relevant zoning standard and upholds the intent of this Plan. [...]

Further to the above, please see both “Impact on Rear Yard” and “Impact on Interior Side Yards” subheadings in the “Is the Variance Minor?” section (test) above for your additional consideration. It should be noted the reduction in soft landscaping will in no way permit any on-site parking, and that the rectangular area required for significant tree planting has been retained.

I thank you for both your review and consideration of this minor variance application. Should you have any questions or concerns regarding the aforementioned, please do not hesitate to contact me at the undersigned.

Yours very truly,

A handwritten signature in black ink, appearing to read 'Cory Dubeau', with a stylized flourish at the end.

Cory Dubeau,
Founder | Varia: Drafting & Design (VADD)
cory.dubeau@vadd.ca
613-552-9973