



Committee of Adjustment
Received | Reçu le

Revised | Modifié le : 2024-03-04

City of Ottawa | Ville d'Ottawa
Comité de dérogation

Monday, March 4th, 2024

RE: REVISED MINOR VARIANCE APPLICATION for 454 & 456 NELSON STREET

To whom it may concern,

Landmark Architecture Architect Inc., (Agent) have been retained to apply for a minor variance on behalf of Michael Krapez & Clara Mustata o/a (Property Owner / Applicant) who wishes to construct a renovation and new three-floor addition, with basement, low-rise eight (8) unit apartment dwelling.

Our client wishes to add six (6) new units to the existing two (2) units, giving us a total of eight (8) proposed units. The property is not in the Heritage Conservation District nor is it Designated as a Heritage property. The proposal does not require Site Plan Control.

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 attached report describes the subject property, project scope, **requested minor variances**, and a brief elaboration as to how the proposal will align and meet the intent of the City's direction on the "Infill and R4 Zoning Review, Phase 2 (2021)" as well as the "Four-Fold Test", according to Section 45 of the Planning Act.

I trust we have conveyed both the architectural intent of the proposed renovation and new addition as well as provided adequate justification for the minor variances being requested.

We look forward to hearing from you.

Sincerely,

Mark Krapez BES, MArch, OAA,
Architect and Principle of Landmark Architecture
Architect Inc landmark@zing-net.ca
519 215-3080



Ontario Association of Architects

Property Description:

454 & 456 Nelson Street can be legally described as **Part of Lots 28 & 29 , (Parts 1,2,3,5 & 6), Registered Plan 5R 4653** with the City of Ottawa. The subject property is an interior lot abutted by both No. 458 at its South and No. 452 at its North. The site is accessed directly from Nelson Street.

The subject property has a lot area of 409 m² which is comprised of a lot width of 13.48 metres, a lot depth of 30.83 metres, and a front yard setback of 3.76 metres.

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.

Nelson Street is considered an "**Mature Neighbourhood**" (One Block from the University of Ottawa) as per Schedule B1– Downtown Core Transect of the Official Plan as Approved on November 4, 2022. The property is within 500 feet of the O-Train Station.

The subject property is zoned as **R4-UB** (Residential Fourth-Density, Subzone "UB") in accordance with **Table 162A, Row R4-UB** 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 housing stock and new building forms of high-mid intensities with predominantly front-facing entries, rear-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

Project Scope:

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

The proposal will provide a Gross Floor Area^[1] of 835 m². The resulting Building Footprint ^[2] is to be 211 m² of which are 11.22 metres wide by 19.47 metres deep with a proposed building height^[3] of 10.97 metres (from the top of the peaked low-slope roof structure).

The current lot utilization is approximately 28 % whereas the proposed structure would more efficiently utilize 51.5 %.



Figure 1: (Above): a Google Streetview as seen from 454 & 456. Nelson's existing photo looking west.

The new building will provide eight four-bedroom units. Third Floor unit will boast a generous 211m² (or about 2271ft²)—except for the Basement level where approximately 206 m² (or about 2217ft²) will be provided.

The proposed combined renovation and new addition will respond to modern practicalities—(accessibility, connection to the public realm, flexible housing choices, etc.) as well as improve upon the streetscape utilizing a familiar massing paired with architectural details that are sympathetic to heritage facades.

[1] : Note, for 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, a Building "Footprint" is a polygonal line drawn on 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 the existing grade as surveyed per the surveyor's real property report Part of Lots 28 &29 , (Parts 1-6), Registered Plan 5R 4653.

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), By-law 2020-289, Part 5, Section 144, Subsection (3), Clause (a).

Please consider the following variances:

Minor Variance 1:

To permit a reduced interior side yard setback of **(0.31 metres for 456 Nelson existing and new building setback for the basement and ground floor) and (0.90 metres on the second and third floor rear new building)**, whereas the subzone provisions require a minimum of 1.50metres. Please note this is for the South interior side yard abutting No. 458 Nelson Street (which is a newly constructed 4 Storey Apartment

Minor Variance 2:

To permit a reduced interior side yard setback of 0.90 metres for **454 Nelson** whereas the subzone provisions require a minimum of 1.50metres. Please note this is for the North interior side yard abutting No. 452 Nelson Street (which is a existing 3 Storey Residence).

Minor Variance 3:

To permit a reduced rear yard setback of 25.9% (8.0 metres) for **both 454 and 456 Nelson** whereas the subzone provisions require a 30% (9.11 metres) setback based on a 30.83 metres lot depth.

“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 four units. The proposal is both appropriate to its subzone designation and highly sought out in the Rideau-Vanier area as demand for flexible rental options continues to grow. The property is one block from the University of Ottawa.

In the City of Ottawa 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. Whereas 454 & 456 Nelson Street does fall exactly on the Recommendation of the Committee’s lot depth of 30.48 metres (or 100’-0”). Additionally, the 454 & 456 Nelson lot width also is over the recommendation of the minimum required of 10 metres, with a width of 13.48 metres.

Through numerous design options, the common challenge that arises in most Committee of Adjustment applications, the rear yard amenity area provided- (and consequently, their associated soft landscaping amounts) has been met by this proposal.

Variances:

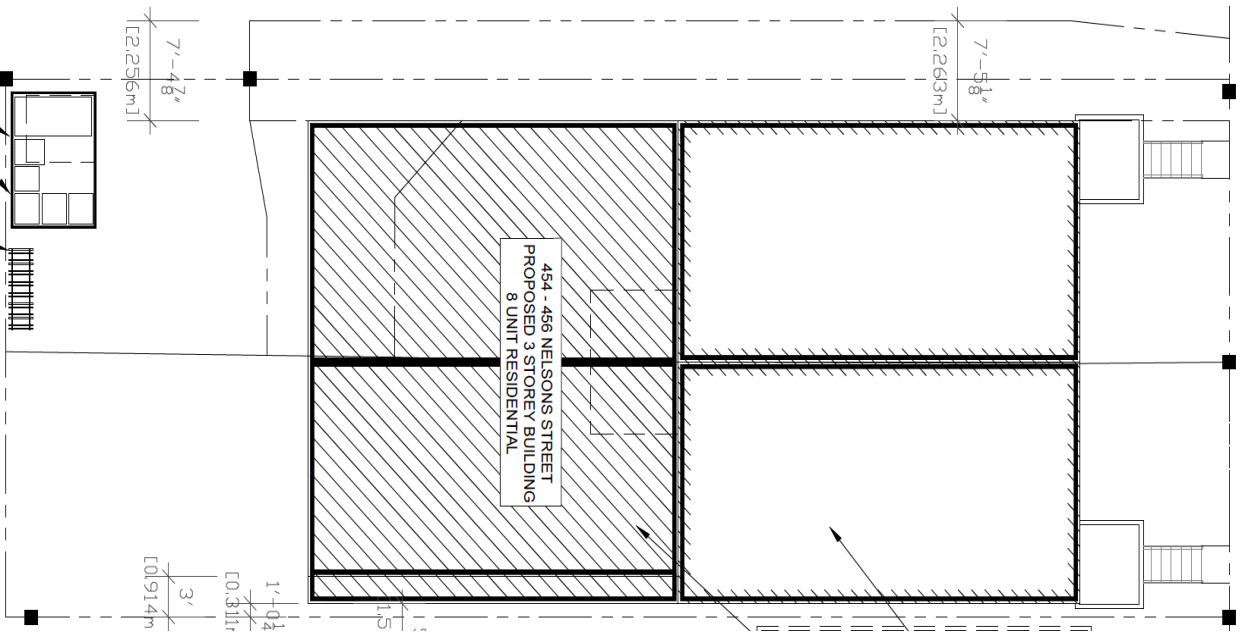
While it will be better qualified in further parts of this “Four-Fold Test”, please consider the scope of the quantified reliefs sought from the subzone provisions.

Impact on Interior Side Yards:

For the southerly interior side yard, (against 458 Nelson), which is set back 1.2 m In consideration of the proposed rear addition to the existing two-storey residence, certain adjustments to setback requirements are inevitable. Specifically, for the interior side yard on the south side, a reduction of 0.60 meters (equivalent to 2 feet) is necessary, in addition to the existing 0.31-meter setback, resulting in a total setback of 0.90 meters.

This reduction in the interior side yard setbacks can be regarded as minor, and it is crucial to note that both the existing (to remain) and the new addition will conform to the Ontario Building Code (OBC) standards, with the 0.60 meters jog between the new and existing 456 Nelson. The existing northern setback on 454 Nelson, inclusive of a 0.90-meter Right of Way (equivalent to 3 feet) on the north side, is also unavoidable due to the preservation of the existing two-storey residence's walls to be in line with the proposed addition and renovation.

It is important to emphasize that these adjustments aim to maintain a compatible massing for the addition, ensuring it seamlessly integrates with the existing structure. The design avoids any projection or forced appearance onto the 1925 brick dwelling as seen from Nelson Street as the adjacent 458 Nelson built in 2003 appears to have. The proposed updates will bring both 454 & 456 Nelson up to Electrical and Ontario Building Code.



“Is the Proposal 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 of this proposal will make the best use of its subzone parameters under “R4 / Low-Rise”.

Architectural Detailing of Low-Rise Infill:

To align with the City’s new Official Plan for low/mid-rise infill, special attention to architectural detail has been proposed.

The proposed Nelson Street main elevation is to be stucco and stone clad with metal wrought iron accents to resemble well known Edwardian or early Ottawa higher end residences.

The building architecture intends to connect its streetscape via balanced window placement and two new entrances and porches.



Figure 2: 454 & 456 Nelson Street: As seen from North Right of Way courtesy of Google Street View.



Figure 3: 454 & 456 Nelson Street: Proposed Front Elevation (Landmark Architecture Architect Inc 2023)

The front facade will be composed of large bay windows, with interior window seats and a pleasing inviting façade with a blend of new and old details taken from high end estates, many now demolished.

To better comply with the zoning envelope and to mimic its surroundings, a low slope roof design is to be designed. The front facing elevation will have a roofline sloping back to articulate the top of the building and to aid its transition in the streetscape.

Privacy and Overlooking Concerns:

Careful attention to detail was undertaken in the functional layouts of the addition to the existing building.

454 & 456 Nelson Street (possesses a noticeably larger rear yard than many of the surrounding redeveloped higher density properties which poses an "overlook" challenge for the functional programming and integration of the new addition with the existing (and retained two-storey, two- unit residences.

All windows that face 454 & 456 Nelson's rear yard have been specifically designed not to look into 458 Nelson's north-facing blank 4-storey facade 458 Nelson. Any future anticipated redevelopment of the lot to the north of 454 & 456 will likely opt for a 30% (or less) rear yard setback and a south-facing elevation of zero lot line (which now exists) to the Right of way owned in whole by 454 & 456 Nelson.

Local Context:



Figure 5: Nelson Street, as seen from a 3D aerial view. Note the inconsistency of rear yard setbacks.
Image courtesy of Google Maps.

As seen from an aerial photo view, 454 & 456 Nelson is abutted by a three storey and 4 storey apartment dwellings. The rear yard of 458 Nelson is partially asphalt paved to accommodate vehicular parking.

454 & 456 Nelson proposes a green rear yard space, mature canopy, and essential amenity space for each of the residents. In line with the City's vision for infill lots, this rear lot will be softly landscaped and buffered from the abutting property with vegetative elements (such as coniferous cedars).

It should be noted no space whatsoever will be dedicated to vehicular parking—that can remain on the street. (Bicycle parking is an exception here but will be placed on large and wide Right of way or the rear and off of the

soft landscaping portion of the rear yard).

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

Many of the immediate buildings on Nelson Street are already multi-unit rental dwellings, ranging from duplexes to similar 8-12-unit low-rise apartments.

By virtue of Rideau-Vanier's maturity, almost every building fronting Nelson 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 view of the immediate properties surrounding 454 & 456 Nelson Street. Note the abutting newly constructed 458 Nelson to the South. Image courtesy of Google Maps.

Storm Water Control:

For smaller infill sites slated for higher development, stormwater engineering runoff is a requirement to carefully consider.

As the building height is to comply with its subzone provisions, a low slope roof was the most viable option, with enlarged windows, but also for controlling the direction of stormwater runoff. The illustration to the right shows the water will be directed to downspouts. All collected rainwater will be sloped towards the front and rear yard and drained directly to the building's Right of Way Lane.



Figure 7: 454 & 456 Nelson Street
Rear or West Elevation. (and
overlooking Amenity and Green Soft
Landscape). Landmark Architecture
Architect Inc 2023.

No downspouts will be proposed to the building's front façade as preservation of the building's existing brick and protection of the lower basement level have been considered.

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 building's front or rear yards. To aid in mitigating excessive drainage to either yard, carefully engineered grading shall be employed to help direct all runoff away from adjoining properties before reaching the hard asphalt area of the Right of Way Lane 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 a 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 its recent zoning by-law amendment, this proposal meets the General Intent and Purposes of low- rise multi-unit apartment dwellings within the community to enrich Nelson Street mature and developing new intensification goals.

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 other residential uses to provide additional housing choices within the fourth-density residential areas”.

The desired aim not only to comply with the City of Ottawa’s new Official Plan but to align itself with the badly needed growing number of Ottawa families and students requiring housing due to massive influxes of immigration projected into Ottawa and Canada the next decade.

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 the 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".

Nelson Street exhibits a variety of building forms, it is common to see low-rise, multi-unit dwellings in the neighborhood. The illustration below roughly demonstrates the surrounding building types and intensities.

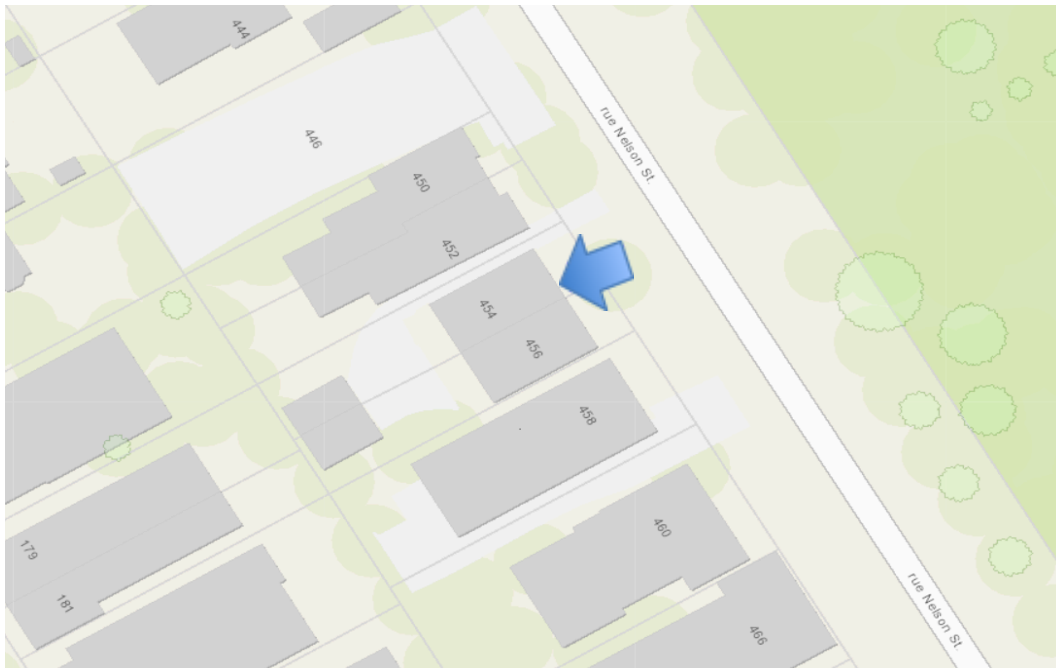


Figure 8: Nelson Street (Cropped view). Base map courtesy of GeoOttawa.

The immediate streetscape demonstrates a wide breadth of varying building types, massing's, and scale. An 8-unit multi-use dwelling with a modernized interior and addition to OBC and heritage-based street elevation and attractive façade will further improve upon the Nelson streetscape.

As many buildings generally follow the front yard setbacks quite closely, 454 & 456 Nelson 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 defines the Nelson Street and Rideau Vanier area.

Also, **Sentence 3.2. Sentence (4)** indicates that intensity is permitted under all designations where proposals 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 a 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 stories and allow 4 stories where appropriate”.

Sentence (3) of 5.2. of the Official Plan states 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) alludes to the implementation of localized hubs, main streets, and corridors which foster an inclusive and accessible “15-minute” neighborhood that provides residents with a full range of services.

- ✓ A brief scan of available mapping, the above indicates that public transit (via Station O), is fully accessible via a short 500-metre walk towards the University of Ottawa, one block away from the property.
- ✓ Furthermore, the above also indicates that a small grocery store is within 300 metres of the subject property.
- ✓ Within 300 metres, coffee shops, banks, and pubs are all along the main avenue in front of the University of Ottawa, a block away from the subject property.

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 the 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. This 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 the “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 area required for significant tree planting has been retained.

I thank you for 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.

We look forward to hearing from you.

Sincerely,

A handwritten signature in black ink, appearing to read 'MARK KRAPEZ', written over a blue rectangular background.

Mark Krapez BES, March, OAA,
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