

August 21, 2023

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

Committee of Adjustment
Received | Reçu le

2023-08-22

City of Ottawa | Ville d'Ottawa
Comité de dérogation

RE: 107 Pretoria Avenue
City of Ottawa
Permission Application

Mr. Bellemare,

Please find enclosed the following materials in support of our application for Permission to Expand a Legally Non-conforming Use relating to the property at 107 Pretoria Avenue in the City of Ottawa.

In addition to this cover letter, the submission materials are as follows:

- / Site Plan (SP-01), prepared by Project1 Studio, dated August 11, 2023;
- / Building Elevations (A201; A202), prepared by Project1 Studio, dated August 4, 2023;
- / Plan of Survey, prepared by Annis, O'Sullivan, Vollebakk Ltd., dated June 29, 2023;
- / Cheque made payable to the City of Ottawa and,
- / Application Form and Owner Authorization.

A detailed description and discussion of the Permission application is provided on the following pages of this document.

Should you have any questions regarding the submission, please contact the undersigned at alain@fotenn.com.

Sincerely,



Scott Alain, MCIP RPP
Senior Planner

Proposal

The applicant is seeking Permission to Expand a Legally Non-Conforming Use in order to add a third-storey addition to their ongoing office operation. It is understood that the office use was legally established under a previously applicable site zoning however subsequent City-imposed Zoning By-law Amendments have resulted in a legally non-conforming scenario.

The proposed third-storey addition would add 97m² of gross floor area to an existing building of 245 m². The proposed addition would be stepped back 12.2 metres from the established front building wall to maintain the prominence of the pre-war building elements and continue the existing public realm relationship. A roof terrace is proposed to project 3.68 metres from the front wall of the addition to provide an outdoor amenity area associated with the office.

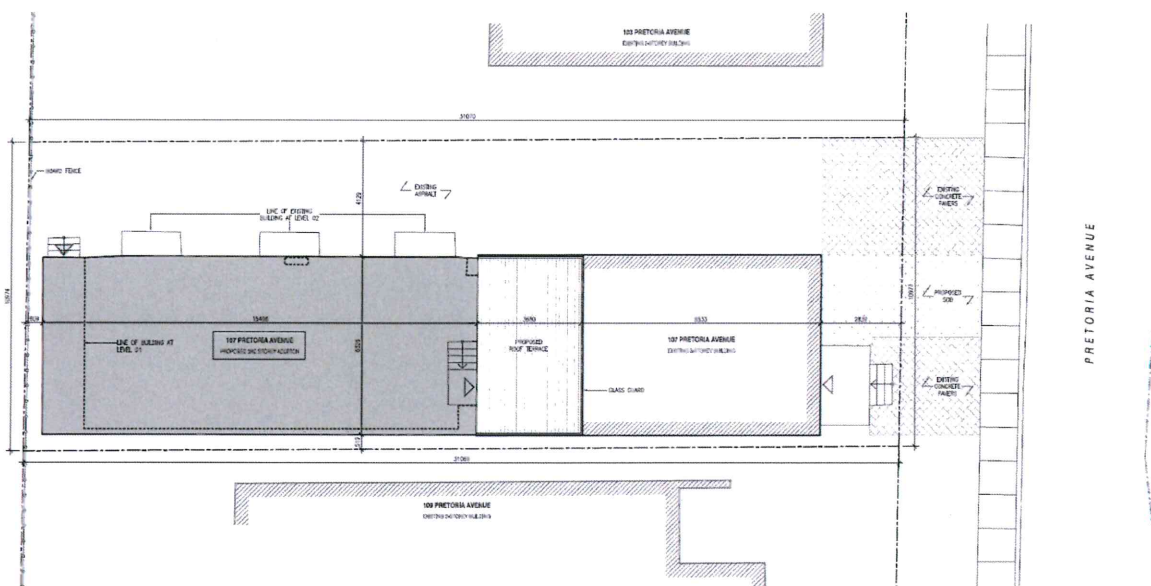


Figure 1: Proposed Site Plan (addition is shaded)

The newly proposed addition maintains the building setbacks established by the previous building addition below. The proposal would increase the overall building height from 7.31 metres to 10.47 metres. The addition would be clad in a complementary pre-finished siding that would serve as a backdrop to the primary building expression.

As part of this application, it is proposed that the existing legally non-conforming front-yard parking space is removed and converted back to soft landscaping in order to improve the public realm condition and streetscape character.



Figure 2: Proposed South and East Elevations, respectively

Subject Property and Context

The subject property, known as 107 Pretoria Avenue, is a rectangular lot of ~341 m² in the Glebe neighborhood of the City of Ottawa. The subject property has a frontage of ~11 metres and depth of ~32 metres. The lot is currently occupied by a pre-war brick building that was converted to office uses. A building addition was introduced to the rear of the property to expand the existing office uses in approximately 2010. The remainder of the lot is hardscaped to provide a drive aisle to the parking located to the rear.

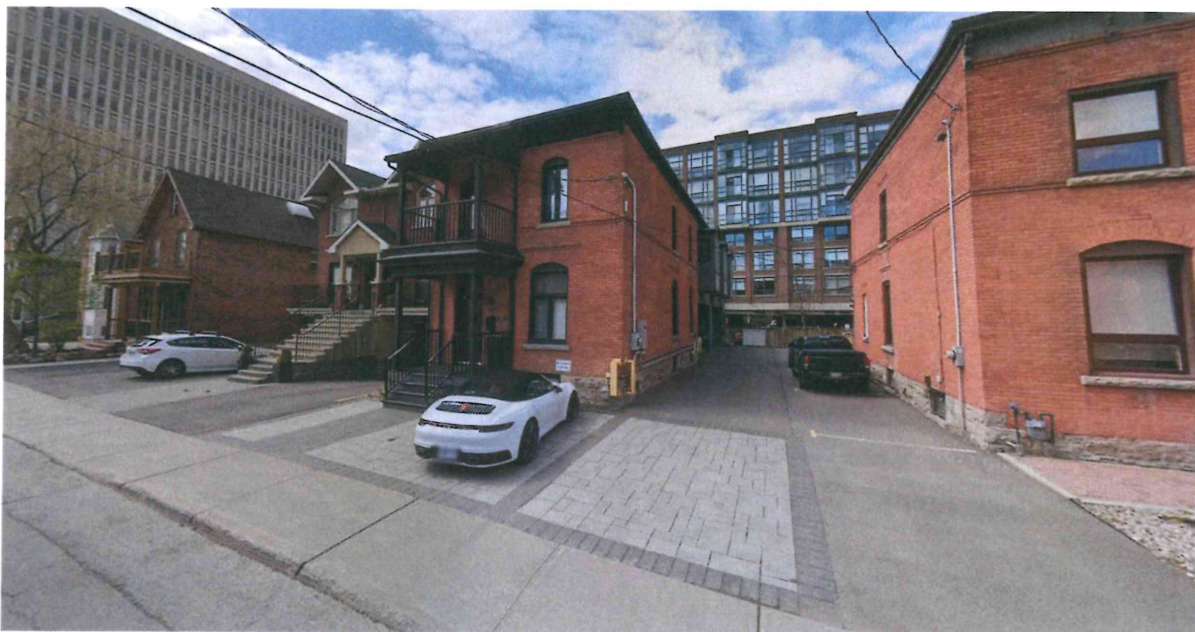


Figure 3: Subject Property viewed from the street level.

It is noted that the original, pre-war portion of the building is listed on the City of Ottawa Heritage Register. None of the proposed changes would serve to supersede, re-clad, or otherwise obstruct the prominence of the original building as the dominant expression to the public realm. The proposed soft landscaping in front of the building wall will serve to further improve the building's impression on the public realm.

Discussion

As per Section 45(2)(a) of the *Planning Act*, the Committee of Adjustment, upon any such application, “where any land, building or structure, on the day the by-law was passed, was lawfully used for a purpose prohibited by the by-law, may permit, the enlargement or extension of the building or structure, if the use that was made of the building or structure on the day the by-law was passed...continued until the date of the application to the committee, but no permission may be given to enlarge or extend the building or structure beyond the limits of the land owned and used in connection therewith on the day the by-law was passed”.

The proposal made herein is on the basis of the above.

Past precedent has established the following tests to determine whether an application for permission to expand under S.45(2) is appropriate, which are:

- a) whether the application is desirable for appropriate development of the subject property; and
- b) whether the application will result in undue adverse impacts on the surrounding properties and neighbourhood;

These tests are discussed in detail below.

A) The application is desirable for appropriate development of the subject property

The application is considered to be appropriate expansion of gross floor area within the context of the property. It is recognized that the building footprint established by the previous development of the lands is considered to approach the acceptable threshold for lot coverage and therefore the most sensible location

for additional density is in the form of an additional floor, with consideration to the additional height anticipated and permitted in the applicable zoning and Official Plan.

The subject property is designated "Neighbourhood" in the City of Ottawa Official Plan. Policy 6.3.1.2 notes that Neighbourhoods are intended to remain low-rise aside from special circumstances. A low-rise form is proposed. A mixture of uses are accommodated by the Neighbourhood designation with the intent to establish 15-minute neighbourhoods.

The application allows for a viable use to remain on-site during a period of expansion without the need to remove or impact a building with historic elements. The application also reinstates soft landscaping between the front building wall and the sidewalk which serves to improve its relationship with the public realm.

It is understood that as a legally non-conforming use, there are no applicable zoning provisions for office uses in the R4-UD zone. The addition is therefore measured against comparable building form permitted in the zone, in this case, the Low-rise Apartment (max. 8 units) use:

- / A lot width of 10 metres is required: A lot width of **10.98 metres** is provided;
- / A lot area of 300 metres squared is required: A lot area of approximately **341 metres squared** is provided.
- / A maximum building height of 11 metres is imposed: A building height of **10.47 metres** is proposed.
- / The building setbacks are not proposed to change as part of this proposal.

The application is therefore considered desirable and appropriate in allowing for the expansion of a use that satisfies the broad policy intent of the Neighbourhood Designation of the Official Plan, adheres to the lot dimensions and building height anticipated in the zoning, while facilitating the ongoing viability of an office use within a building format that maintains an attractive contribution to the public realm.

B) The application does not result in undue adverse impacts on the surrounding properties and neighbourhood.

The application is not considered to negatively impact the surrounding properties and neighbourhood. The existing office use has historically fit into the neighbourhood composition without issue. It is noted that directly north of the property, the entirety of the block fronting onto Isabella Street and Metcalfe Street are zoned various forms of GM – General Mixed Use, which permit a wide and diverse scope of uses, including office. 113 Pretoria Avenue, two properties to the west, also permits office through Urban Exception 813.



Figure 4: 3D Perspective of Pretoria Avenue, subject property outlined in orange

The building profile of the addition does not generate any adverse conditions with regard to adjacent uses. The addition takes place at a height above the roofline of the building to the west, therefore avoiding any additional overlook or privacy concerns. To further ensure privacy, no building windows are proposed along the western elevation.

To the east, the proposed addition overlooks surface parking, with the addition generally taking place beyond the rear building wall of the semi-detached unit occupying the adjacent lot. To the north is a 7-storey, mid-rise apartment building. No windows are proposed looking north to impact privacy of tenants within this building.

The significant setback of 12.2m from the front building wall to the front wall of the addition ensures that the public realm will not be impacted and the existing urban character will be maintained should the addition proceed.

The proposed addition would expand a use that is represented and/or permitted throughout the surrounding neighbourhood, and the building form of the addition itself has been designed to minimize impact to adjacent tenants.

Conclusion

Based on the above, it is determined that an application to permit the expansion of a legally non-conforming use is appropriate, with consideration to the existing neighbourhood context and with respect to the scale of the addition being proposed. The addition takes the public realm into account in the location of the addition. The legally non-conforming office use is well-represented in the surrounding area and is indicative of Pretoria Avenue's role as an edge condition between residential uses and commercial/mixed uses.

Sincerely,


 Scott Alain, MCIP RPP
 Senior Planner