

P. H. Robinson Consulting
Urban Planning, Consulting and Project Management

City of Ottawa Committee of Adjustment
101 Centrepointhe Drive, 4th Floor
Ottawa, ON K2G 5K7

November 24th, 2023

Attn: Mr Michel Bellemare
Secretary Treasurer

Committee of Adjustment
Received | Reçu le

Revised | Modifié le : 2023-11-27

City of Ottawa | Ville d'Ottawa
Comité de dérogation

Re: 674 (676) De L'Eglise (Minor Variance/Consent applications)
Mehrzaad Ziai, Mehran Frohar, Ninava Ltd., Henga Ottawa Realty Inc.
Part Lot 58, Lot 59, Part Lot 60, Registered Plan 334 - City of Ottawa

On behalf of our clients, we are submitting the enclosed Minor Variance and Consent applications for the property at 674 De L'Eglise in order to permit one low-rise apartment on each lot (16 units total). The property is located in an R4UA zone and is a through lot as it has frontage on two streets (De L'Eglise and Regis). As a result there is technically no 'rear' yard.

Both lots will require variances from the same sections of the Zoning By-Law as follows:

674 De L'Eglise (northerly lot) (Part 1 and 2 on Draft 4R Plan)

- A) Lot width. The zoning requirement is for a lot width of **12 m** and the lot has a lot width (measured at the required front yard setback) of **9.61 m**. (Table 162A, IV, Zoning By-Law 2008-250, as amended).
- B) A) Lot area. The zoning requirement is **360 m²** to permit a low-rise apartment (8 unit) and the lot has a lot area of **292.9 m²**. (Table 162A, V, Zoning By-Law 2008-250, as amended).
- C) Side yard setback. The zoning requirement is **1.5 m** on each side and we are proposing 1.5 m on one side (north side) and **1.2 m** on the other (south side). (Table 162A, X, Zoning By-Law 2008-250, as amended).
- D) Front yard landscaping location. The zoning requires that the minimum front yard soft landscaped area must abut the front lot line, however, the proposed front yard soft landscaped area does not abut the front lot line. (Section 139, (1), Zoning By-Law 2008-250, as amended).

676 De L'Eglise (southerly lot) (Part 3 and 4 on Draft 4R Plan)

- E) Lot width. The zoning requirement is for a lot width of **12 m** and the lot has a lot width (measured at the required front yard setback) of **9.61 m**. (Table 162A, IV, Zoning By-Law 2008-250, as amended).
- F) Lot area. The zoning requirement is **360 m²** to permit a low-rise apartment (8 unit) and the lot has a lot area of **293.7 m²**. (Table 162A, V, Zoning By-Law 2008-250, as amended).
- G) Side yard setback. The zoning requirement is **1.5 m** on each side and we are proposing 1.5 m on one side (south side) and **1.2 m** on the other (north side). (Table 162A, X, Zoning By-Law 2008-250, as amended).

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- H) Front yard landscaping location. The zoning requires that the minimum front yard soft landscaped area must abut the front lot line, however, the proposed front yard soft landscaped area does not abut the front lot line. (Section 139, (1), Zoning By-Law 2008-250, as amended).

All other zoning requirements including building height, bike parking, amount of landscaping, width of walkways, waste management, and front yard setbacks are met by this proposal. It should be noted that the minimum required amount of front yard soft landscaping is exceeded in this proposal, however the variance is needed due to its relationship with the front lot line.

The proposed development represents intensification for the area but maintains the low-rise character of the neighbourhood. The proposal features a walkway extending from the building to Regis Ave and is located approximately 1.75 m away from the existing hydro pole on the northern lot. The distance between the buildings will be 2.4 m for the upper floors, but approximately two thirds of the ground floor is proposed to be 3 m apart. The distance to the building on 672 De l'Eglise and the northern property line of the subject property is 1.28 m so the distance from the proposed building wall to the existing building wall is 2.78 m. The distance to the building on 680 De l'Eglise and the southern property line of the subject property is 1.68 m so the distance from the proposed building wall to the existing building wall is 3.18 m.

This property was subject to a Minor Variance application and a Severance application which were approved on September 29th, 2022 (D08-01-22/B-00205 & D08-01-22/B-00206 and D08-02-22/A-00187 and D08-01-22/A-00188). The variances sought in the previous application were tied to designs for a triplex and therefore were approved against different zoning requirements. The revised proposal is for two 3-storey plus basement, 8-unit, low-rise apartments which have greater minimum lot area and lot width requirements compared to a triplex in this zone. None of the severance conditions from the previous application have been cleared.

The current application is seeking two additional variances per building for the side yard setback requirement and the location of front yard landscaping.

The interior side yard setback variance was triggered by the need for a larger interior staircase, the desire to include 2-bedroom units within the development, and the requirement for barrier-free units.

The front yard landscaping variance was triggered because we are required to provide barrier-free access to all necessary amenities including waste management as per the Ontario Building Code. The units accessed via the internal staircase must be able to access the waste rooms on the opposite side of the buildings but there is no existing City sidewalk to facilitate that path of travel. Therefore, we are required to propose a walkway internal to the site in order to provide a barrier-free path of travel from the exit doors to the waste room. We have otherwise provided the minimum required front yard

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soft landscaping area but the Zoning By-Law is specific in its required location which has been discussed with the Planner on file, Margot Linker.

At the same time as the revised Minor Variance application, we are filing a Consent application for these lands in order to construct a low-rise apartment building on each lot. The units will be 1 studio unit, 5 one-bedroom units, and 2 two-bedroom units per building that will range from 485 ft² - 668 ft² in size. The Consent application will capture the reciprocal right-of-ways needed for both of these apartments to operate. The reciprocal right-of-ways will run through the site from Rue De L'Église to Regis Ave and will allow residents to use the shared internal walkway which also serves as the ramp for barrier-free entry. The right-of-ways widen at the top of the barrier-free ramp to encompass the landing for the building entryways and at the bottom near the street. This will allow for someone in a wheelchair to turn around and access the full site with ease.

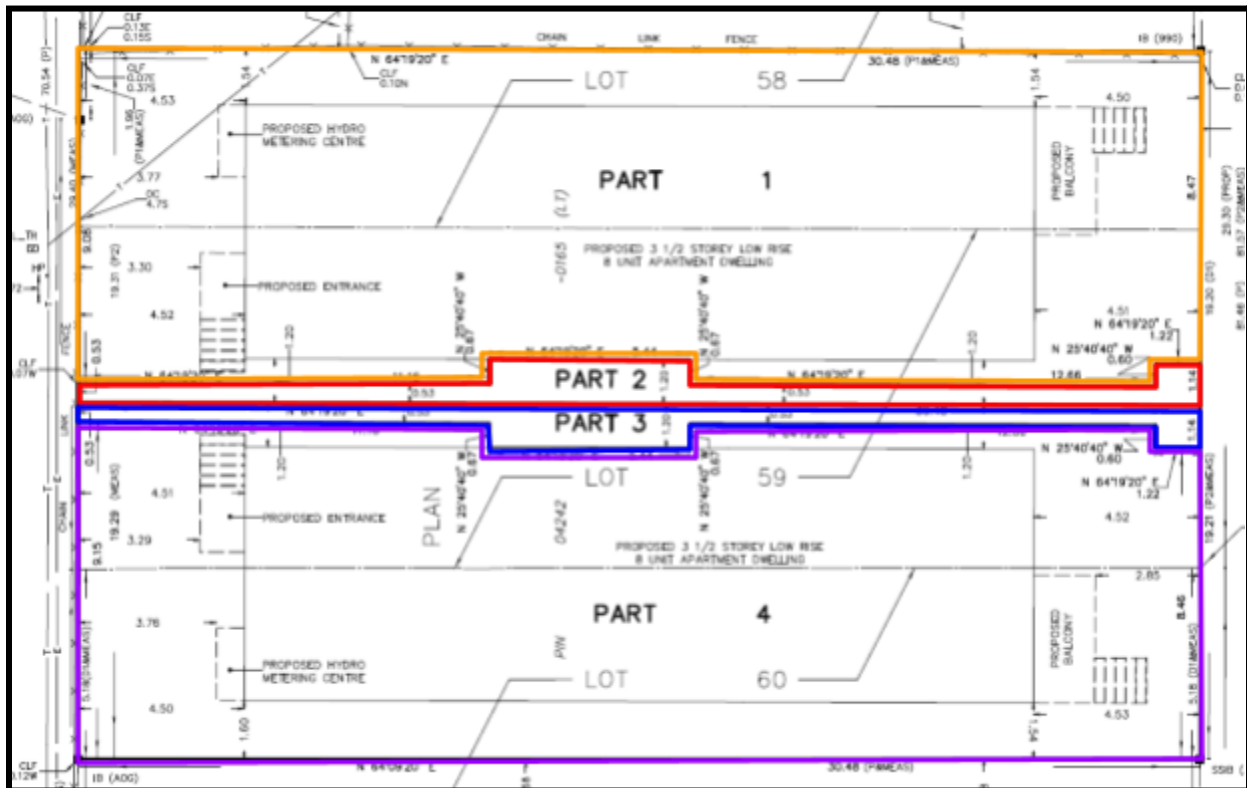


Diagram of the reciprocal right-of-ways proposed as Parts 2 and 3 on the draft 4R plan. Part 2 is in favour of Parts 3 and 4, and Part 3 is in favour of parts 1 and 2.

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Subject property from Rue De L'Eglise

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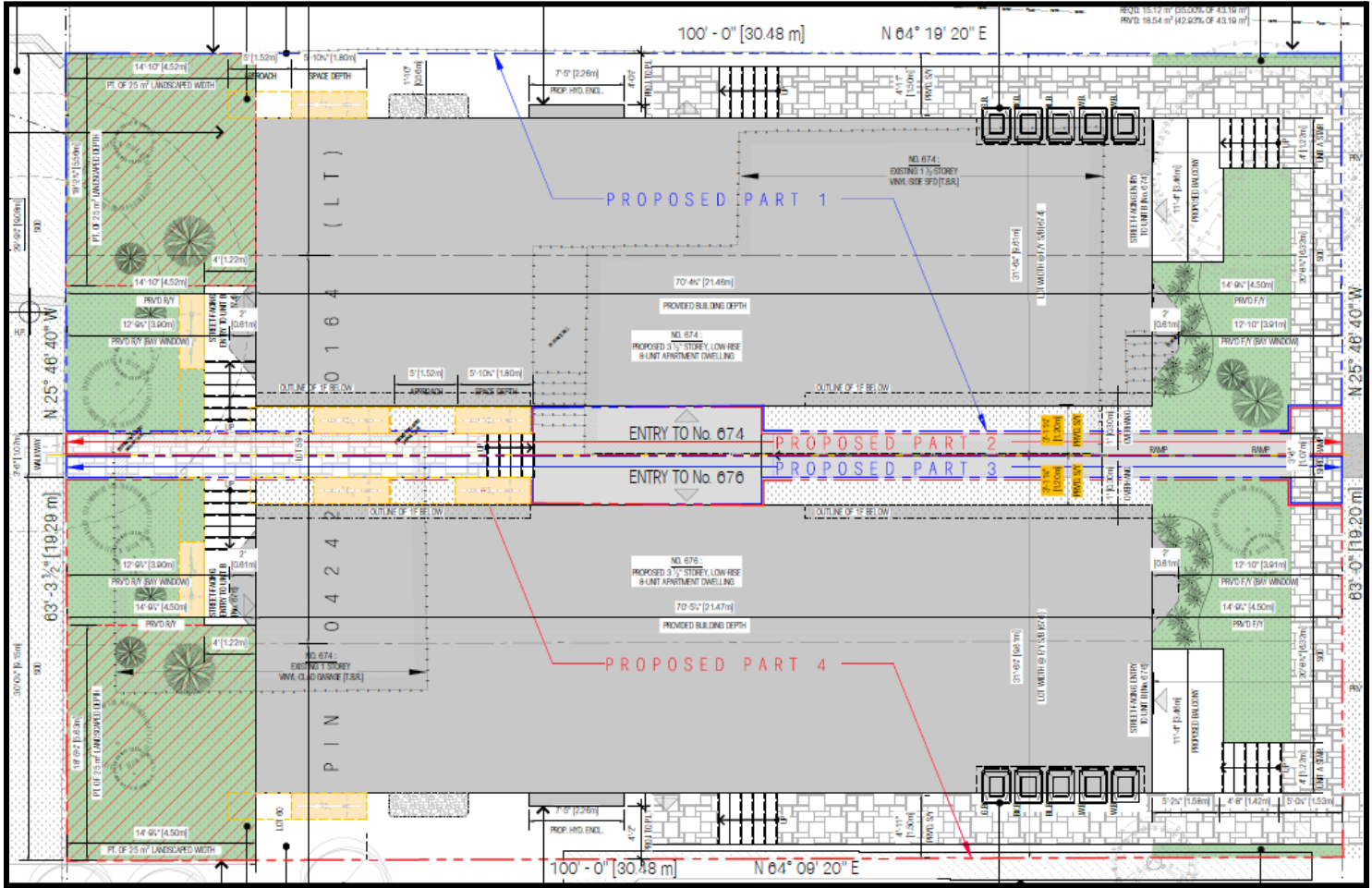
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View from the 'rear' of the site on Regis Ave.

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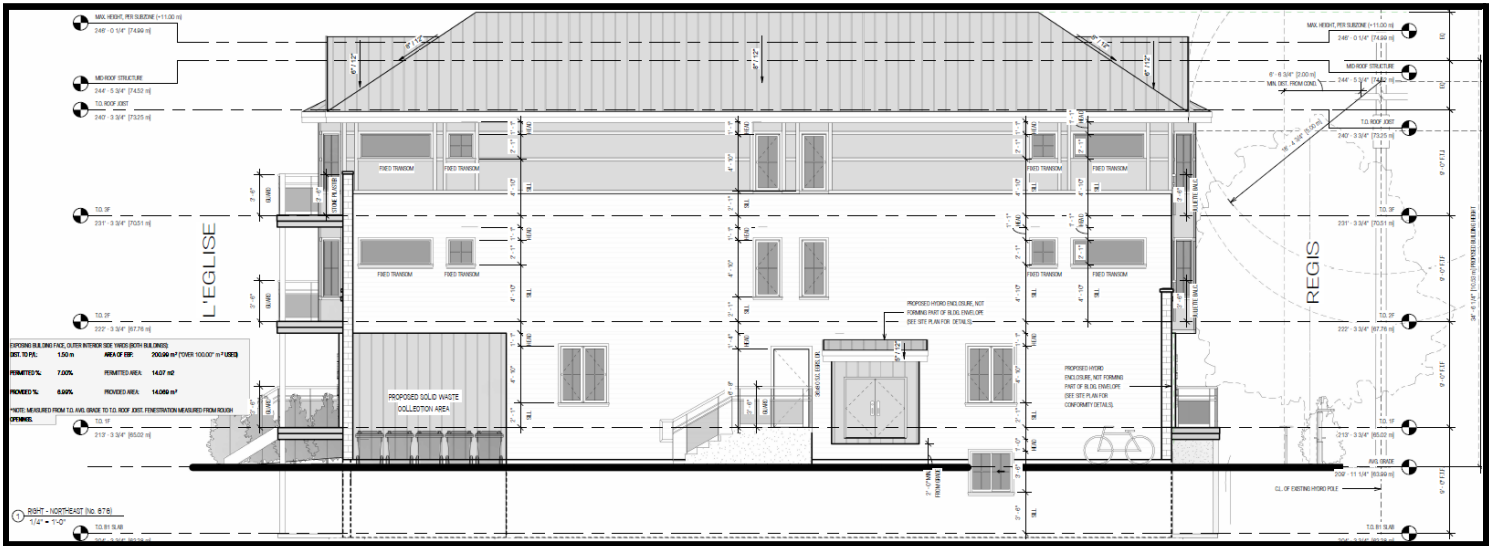
Proposed Site Plan showing Regis Ave on the left side of the image and Rue De L'Eglise on the right side of the image.



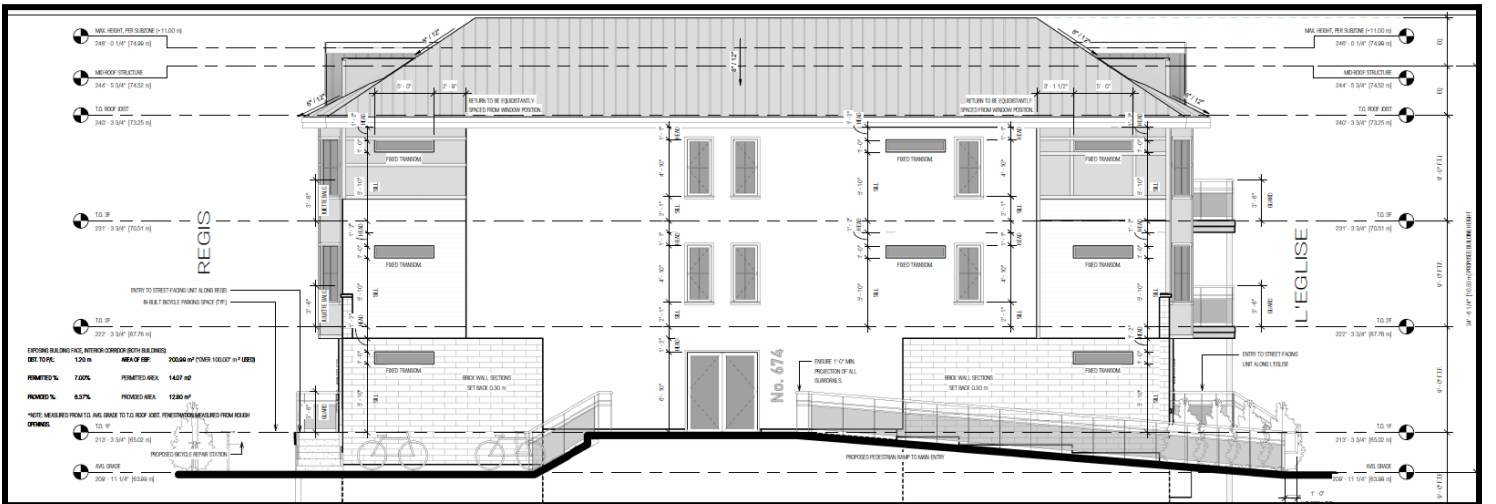
Elevation on Regis Ave (west).



Elevation on De l'Église St (east) demonstrating the area of windows compared to the facade area.

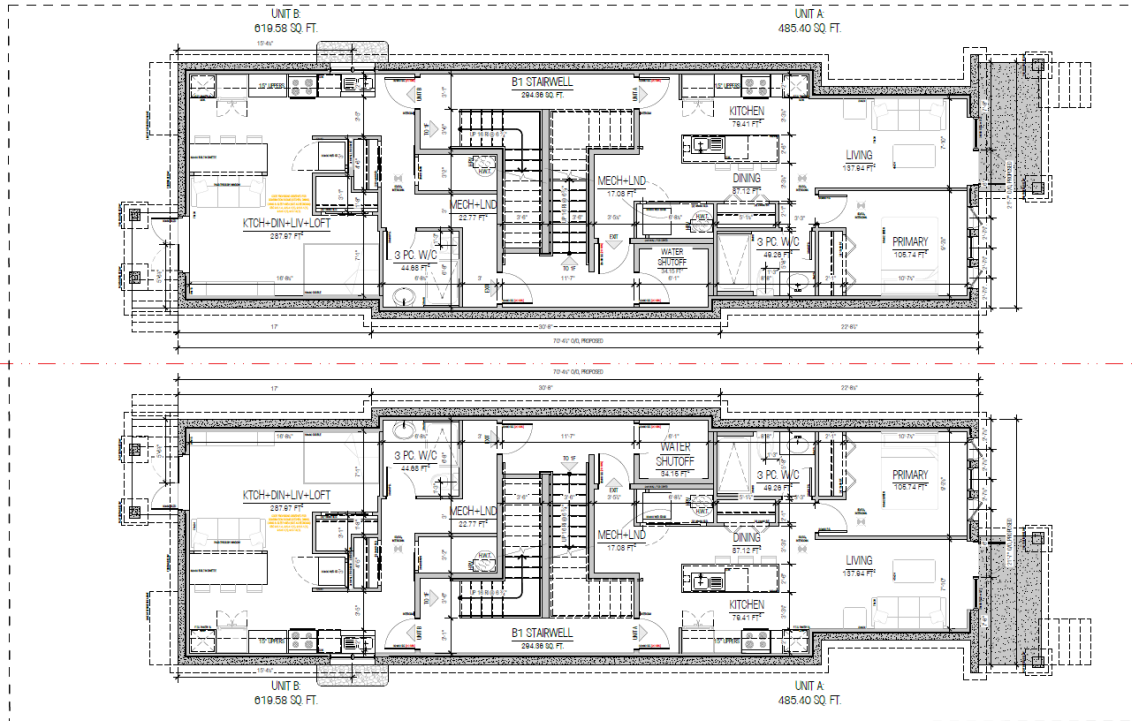


Exterior elevation (north) of the northern lot.
 the north elevation of the north building is identical to the south elevation of the south building

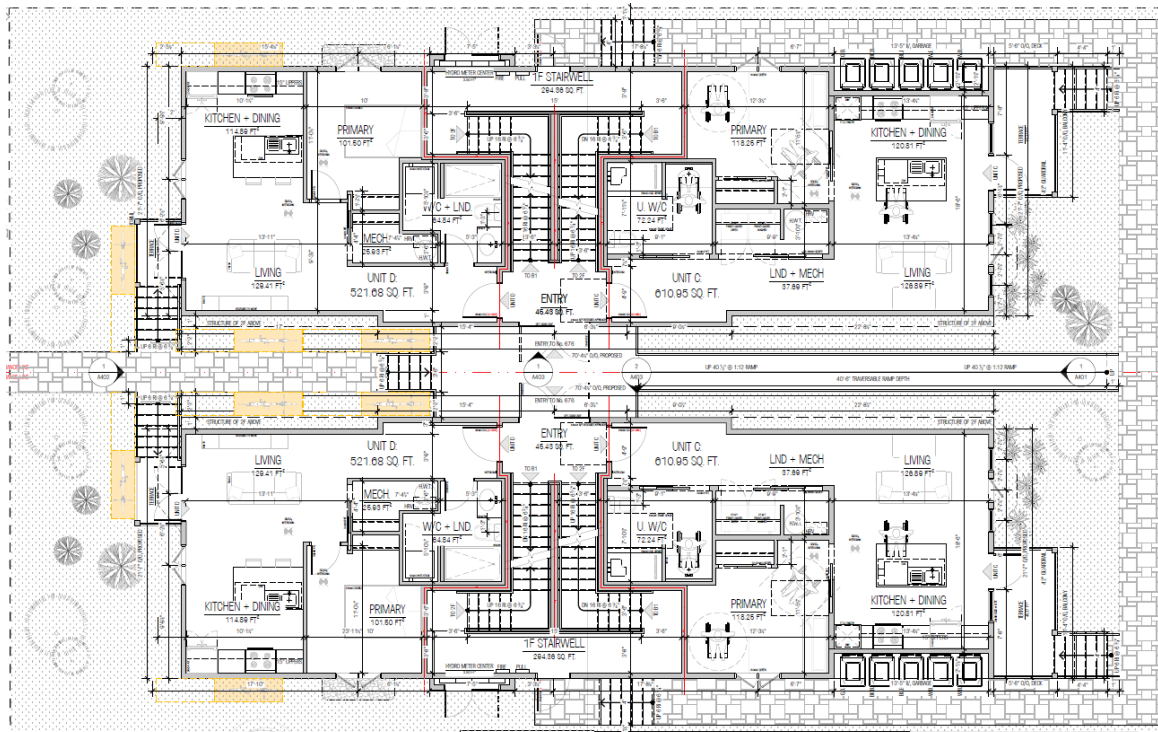


Interior elevation (south) of the northern lot.
 the south elevation of the north building is identical to the north elevation of the south building

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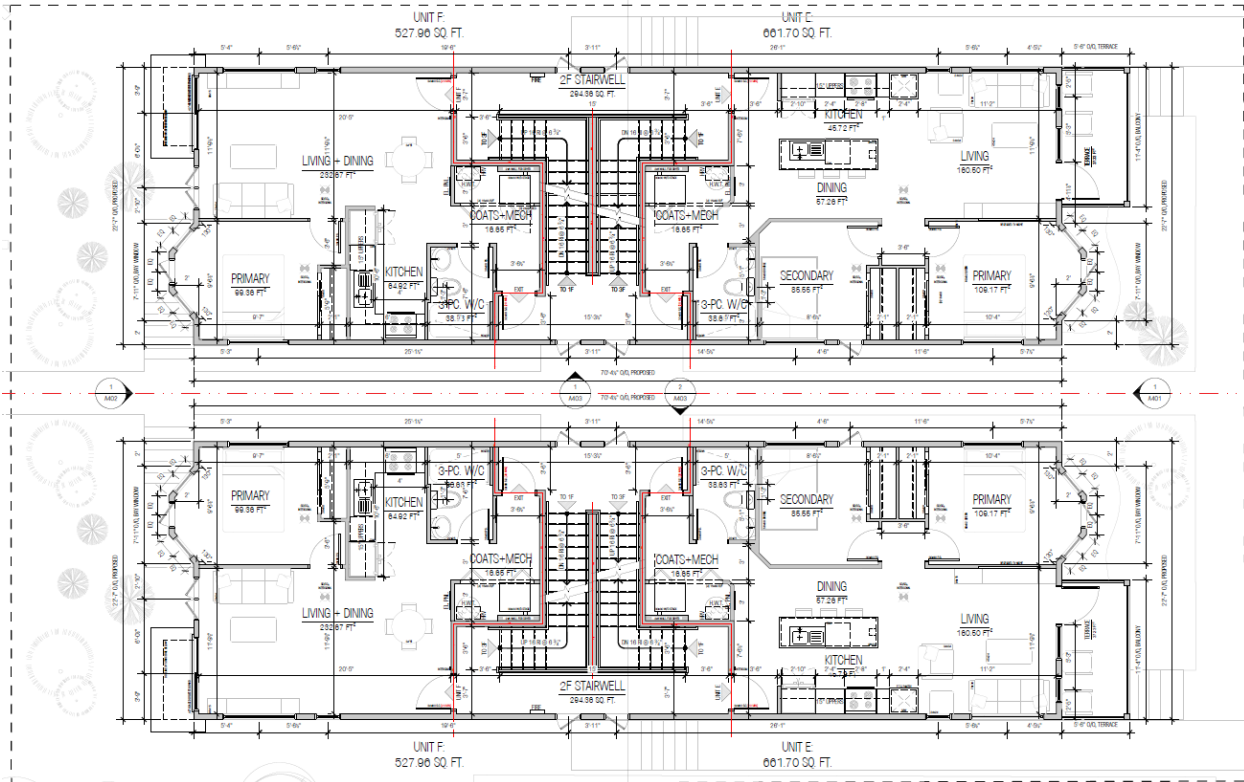
Basement floor plan (for illustration purposes).



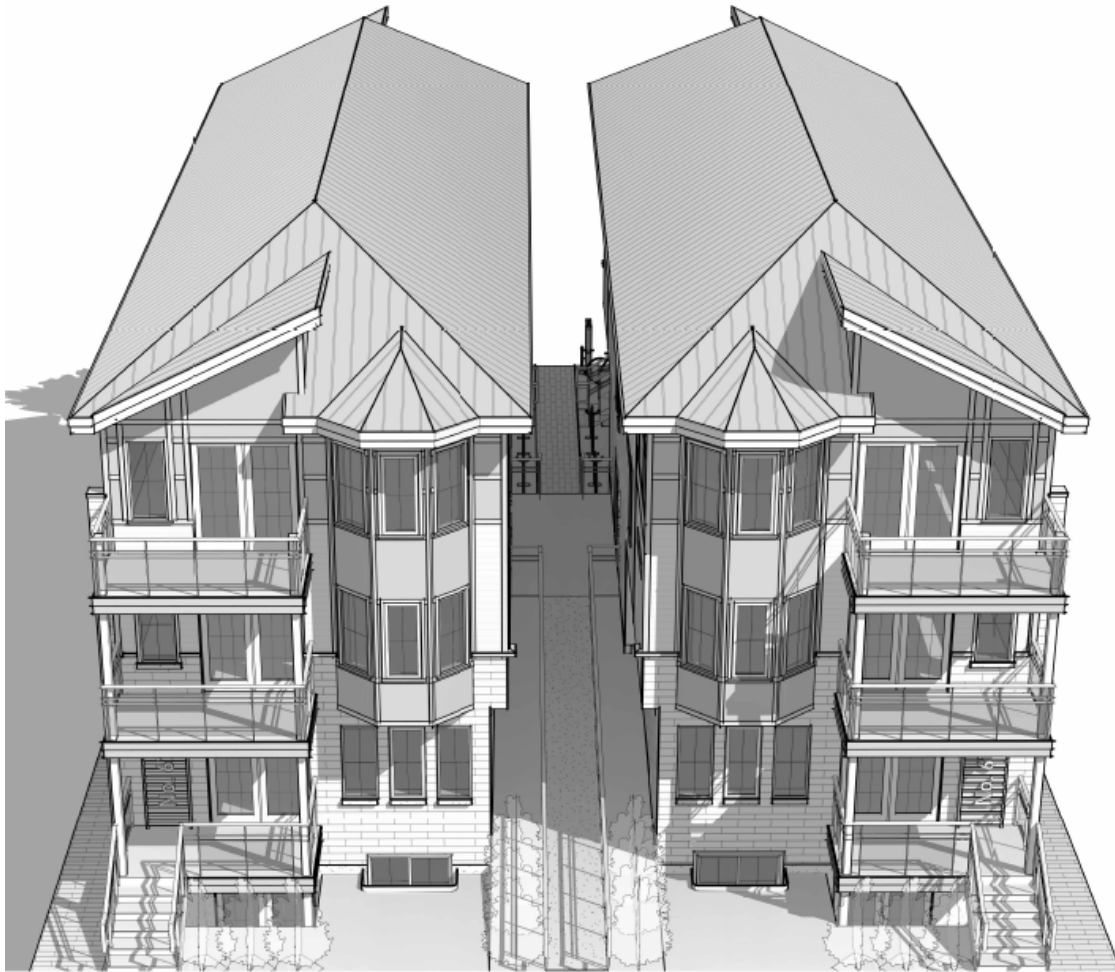
Main level plan (for illustration purposes).

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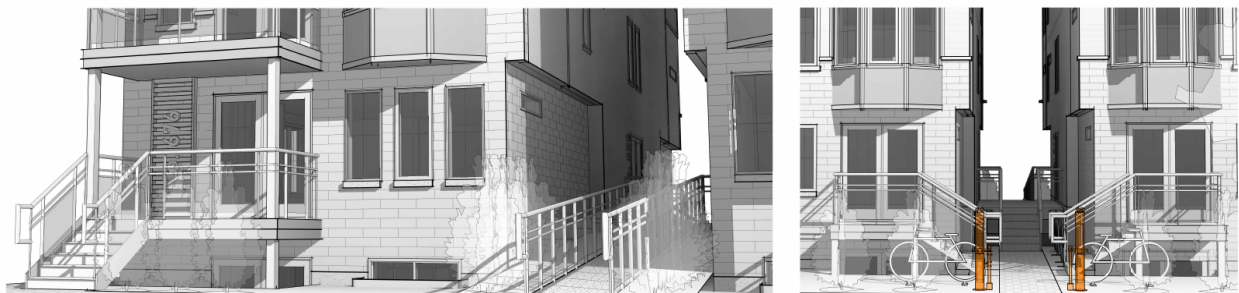
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Upper level plan (for illustration purposes).



Project render showing the De L'Eglise frontage from a bird's eye view.



Project render showing the ground floor unit access and ramp from the De L'Eglise frontage with bike repair stations.

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Render showing the proposed De L'Église frontage.



Render showing the proposed Regis frontage.

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Consent applications Section 53 (1) of the Planning Act indicates that ‘an owner, chargee or purchaser of land, or such owner’s, chargee’s or purchaser’s agent duly authorised in writing, may apply for a consent as defined in subsection 50 (1) and the council or the Minister, as the case may be, may, subject to this section, give a consent if satisfied that a plan of subdivision of the land is not necessary for the proper and orderly development of the municipality. 2021, c. 25, Sched. 24, s. 4 (1).’

The reasons why this division of land can proceed as a consent application and does not need to be done via a Plan of Subdivision are provided below in the responses to the applicable sections of Section 51 (24) of the Planning Act.

Section 51 (24) of the Planning Act states that in considering the draft of a subdivision, the following factors will be considered:

(a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2:

- (d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest; *There are no significant architectural, cultural, historical, or archaeological features on the property therefore there are no significant features to conserve.*
- (f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems; *The existing property has adequate provisions for communication, transportation, sewage, and waste systems therefore the proposed development will as well. The property is connected to municipal services, has access to public transit, and is serviced by telecommunication companies.*
- (h) the orderly development of safe and healthy communities; *Similarly sized lots are visible in the area. For example, the property directly north has been severed into two similar sized lots (approx. 230 m²) as the ones proposed in this application (approx. 290 m²). Additionally, directly east of the subject property is College Circle which contains many smaller lots for the purposes of townhouses.*
- (p) the appropriate location of growth and development; *The intention is to create reasonably sized lots compared to the ones already established in this neighbourhood, for the purposes of creating a denser development. This aligns with intensification guidelines of the Official Plan, and the purpose of the R4 zone.*
- (q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians; *The proposal includes the required amount of soft landscaping and additional proposed vegetation, no vehicular parking, and four (4) bicycle parking spaces per building. The property is approx. 300m from Montreal rd. and approx. 600m from St. Laurent Blvd. Both streets are very active bus routes and many of the routes on St. Laurent will connect pedestrians to the St. Laurent LRT station.*

(b) whether the proposed subdivision is premature or in the public interest. *The division of land as proposed is not premature and is in public interest. The Vanier area is characterised by small, residential lots on full municipal services and is one of the focus areas to accommodate population growth in the central areas of the City of Ottawa.*

(c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any. *Section 11.5. of the Official Plan states 4) In support of Subsection 5.2.4, Policy 1 b) and c) and Subsection 5.3.4, Policy 1 b) and c), the Committee of Adjustment shall consider for applications for Consent with lot patterns and dimensions that result in intensification in support of ground oriented medium density residential that is consistent with the planned context.*

(d) the suitability of the land for the purposes for which it is to be subdivided. *The lots will require Minor Variance approval to permit reduced lot areas and lot widths for a low-rise apartment; however, the dwelling type proposed will be well-integrated into the fabric of the neighbourhood as a multi-unit low-rise dwelling.*

(i) the adequacy of utilities and municipal services. *The subject property is adequately serviced with municipal services and the proposed lots will have the same access to sufficient services.*

(j) the adequacy of school sites. *There are a variety of schools within a 1km radius of the subject site. For example, Queen Elizabeth Public School (public elementary) is within 450m, Robert E. Wilson Public School (public elementary) is within 550m, St.Laurent Academy (private) is within 650m, St. Joseph's Adult High School is within 700m, Assumption School (catholic elementary) is within 850m.*

This application is proposing to divide the existing property into nearly two equal parcels of land with an apartment on each lot. There is no need for any new road construction, there is no requirement to set aside a portion of the lands for protected lands (i.e lands in a wetland or a floodplain), there is no need for a servicing extension or upgrade. These are some of the triggers that would require these lands to be developed through a Plan of Subdivision rather than a Consent application. It would not be an efficient way to develop these lands and so we are submitting a consent application

The four tests of a **Minor Variance** application from Section 45 (1) of the Planning Act are that the variances are to maintain the general intent and purpose of the Official Plan and the Zoning By-law, are desirable for the appropriate development or use of the land and building, and are minor in nature.

1. Official Plan

Under the new Official Plan, the subject property is located within a 'Neighbourhood' designation and key sections/policies are indicated below with *responses* provided.

The intensification policies of the Official Plan direct residential growth within the built up urban area to support an evolution towards 15 minute neighbourhoods and provide housing options for larger families.

This project will allow for two buildings with 8 rental units each in an existing urban area and each building will contain 1 studio, 5 one-bedroom units, and 2 two-bedroom units to provide a variety of housing options. The property is within walking distance of Montreal Road and St Laurent Blvd which have a wide range of retail/shopping, transit routes and community facilities. For example, there are public transit opportunities on Montreal Road and St Laurent Blvd that lead to the LRT at the St. Laurent Shopping Centre. There are a number of parks and schools in close proximity to this property.

6.3.1. 5) The Zoning By-law will distribute permitted densities in the Neighbourhood by:

- a) Allowing higher densities and permitted heights, including predominantly apartment and shared accommodation forms, in areas closer to, but not limited to, rapid-transit stations, Corridors and major neighbourhood amenities;
- b) Allowing lower densities and predominantly ground-oriented dwelling forms further away from rapid-transit stations, Corridors and major neighbourhood amenities; and *The proposed low-rise apartments will be at a lower density than those permitted uses located closer to rapid transit, corridors and major neighbourhood amenities*
- c) Provide for a gradation and transition in permitted densities and mix of housing types between the areas described in a) and b). *The proposal of low-rise apartments in this location allows for a transitional increase in density between uses permitted closer to Montreal Road and uses more appropriate in the interior segments of the neighbourhood further away from corridors and major neighbourhood amenities.*

6.3.1.2) Permitted building heights in Neighbourhoods shall be Low-rise, except:

- a) Where existing zoning or secondary plans allow for greater building heights; or
- b) In areas already characterised by taller buildings.

The proposed buildings are three storeys and 10.53 m high so they are considered to be low-rise. The surrounding area is a mixture of single family homes, duplex units, semi detached units, triplex units and also some 6-unit low-rise apartments buildings.

Section 11.5.9) The Committee of Adjustment shall, in addition to all other policies in this Plan, have regard for the following when evaluating minor variances to permit

low-rise infill apartment dwellings:

a) Variances to reduce the minimum required lot size may only be considered where adequate waste storage and management, bicycle parking and intensive soft landscaping can be provided. *All requirements for waste storage and management, bike parking, and amount of soft landscaping are met by the proposal. The waste management and storage is located on the exterior walls of the building and has a clear path to the street edge.*

c) 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; and
- ii) May reduce side yards to zero to enable attached building designs, where the written consent of the abutting lot owner is secured;

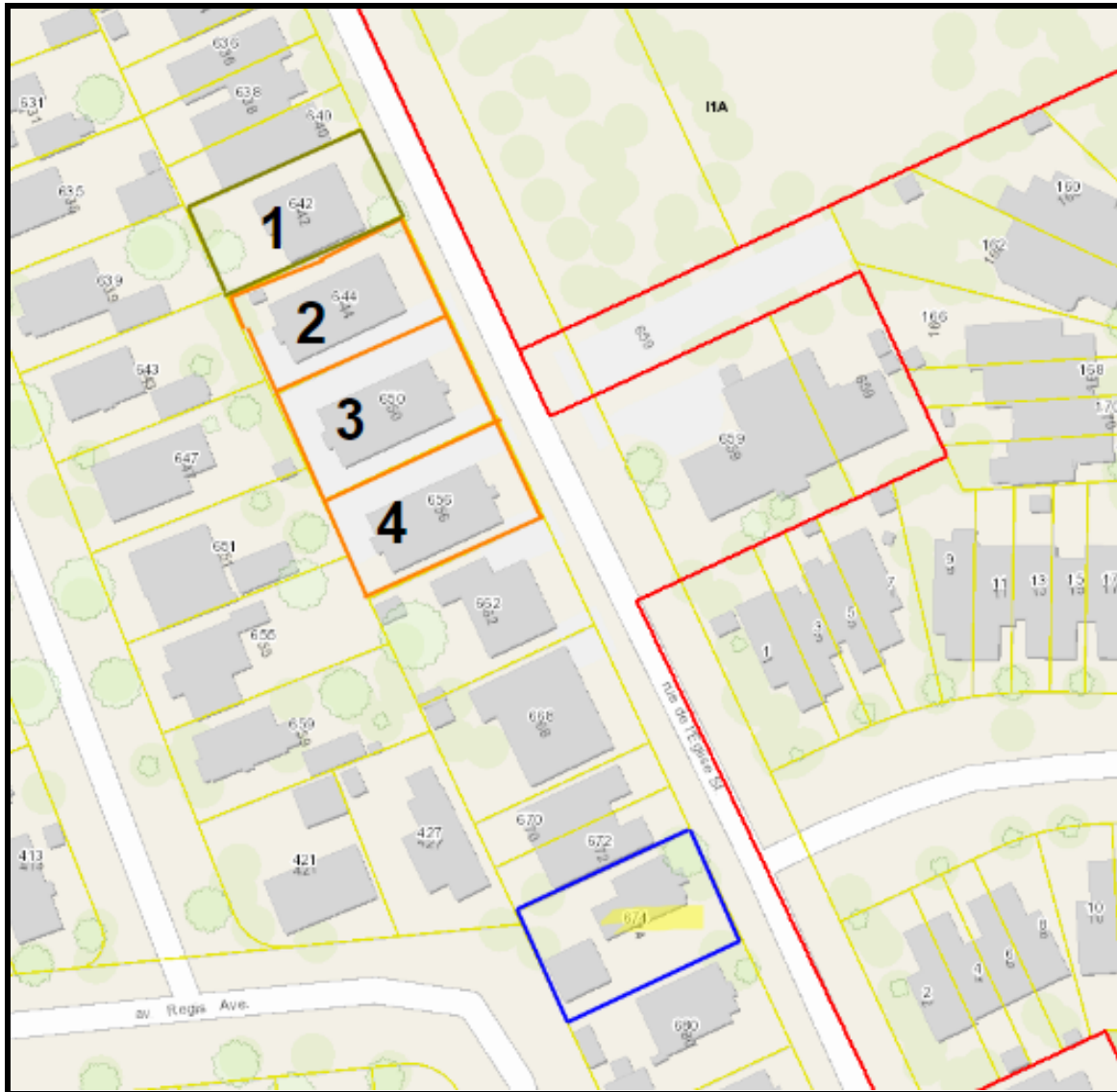
As mentioned above, waste management and bike parking provisions are compliant in the proposal. The reduction in side yard setback requested is from 1.5 m to 1.2 m, and this is not on the side of the building that the waste management will be handled. The 1.2 m side yard setbacks are not on the exterior side yards of the overall project, instead they face inwards between the proposed buildings.

2. Zoning By-Law

The purpose of the R4UA zone is to allow for a wide mix of building forms ranging from detached dwellings to low-rise apartments; allow for a number of other residential uses to provide additional housing choices; regular the development so that it is compatible with existing land use patterns; and promote efficient land use and compact forms.

This development proposes two low-rise apartment buildings of 8 units on three floors + basement. This area of the city is familiar with multi-unit housing types as there are multiple examples of three-six unit buildings on De l'Eglise and Morgan St. The images below are to illustrate the proximity of these multi-unit buildings.

The **subject property** is shown with nearby **6 plex units** and **triplex units**.



Subject lands and properties to the north



Subject lands and properties to the south.

There are 5 low-rise apartments within 100m of the subject property as shown by the orange outlines (#2, 3, 4, 6, and 7). These low-rise apartment properties contain very few small areas of soft landscaping. Less than 50% of the lot areas excluding the building footprint is softly landscaped for buildings 2, 3, and 4, and all the low-rise apartment properties prioritised parking and pavement over amenity area and greenspace.

The total lot area of 674 De l'Eglise is 586.6 m² and the total lot width is 19.22 m. The subject property has a greater lot area and lot width than nearby low-rise apartments. Additionally, properties 2, 3, and 4 were built in the 1950s when vehicular parking was a higher priority than soft landscaping and therefore contain more asphalt for parking in their rear yards compared to the subject property. In the case of 674 De l'Eglise, the limited lot area and lot width do not trigger the need for additional variances for soft landscaping amounts, waste management, or bike parking.

3. Desirable and appropriate for the development or use of land and building

The Urban Design Guidelines for Low-Rise Infill Housing are to ensure that any new developments are a good fit for the neighbourhood and respect its character.

Key Urban Design Guidelines that this infill development meets include:

2.1 Contribute to an inviting, safe and accessible streetscape by emphasizing the ground floor and street facade of infill buildings. Locate principal entries, windows, porches and key internal uses at street level. *The front facade of the building at street level contains an entrance to the building. To accommodate barrier-free access a ramp is needed at a 1:12 slope. This results in the main building entrances being setback from the front facade. The front facade of the building contains large windows overlooking the street.*

2.2 Reflect the desirable aspects of the established streetscape character. *The proposed building is located at the front yard setback based on the zoning by-law*

4.1.1 Ensure new infill faces and animates the public streets. Ground floors with principal entries, windows, porches and key internal uses at street level and facing onto the street. *The ground floor contains the principal entry points for the building and there are large front facade windows which face the street. Additionally, the front facade contains balconies to animate the public street.*

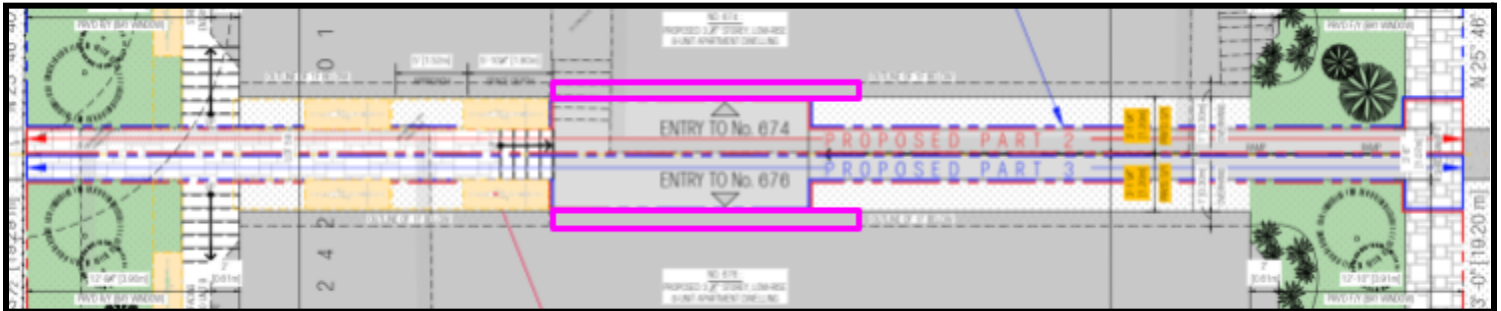
4.1.2 Locate and build infill in a manner that reflects the existing or desirable planned neighbourhood pattern of development in terms of building height, elevation and the location of primary entrances, the elevation of the first floor, yard encroachments such as porches and stair projections as well as front, rear and side yard setbacks. *The proposed building height is lower than the permitted building height and the primary entrances are in conformity with surrounding properties which are located along the front facade of the building. The rear setbacks are equal to zoning requirements and the front yard setback is in line with the zoning requirement.*

4.1.8 Determine appropriate side and rear separation distances between existing homes and new infill to ensure appropriate light, view and privacy. *The proposed side yard setbacks for the buildings are 1.2 m and 1.5 m for the two buildings proposed. The proposed side yard setbacks will allow for appropriate light and will provide suitable setbacks for privacy and views.*

As an intensification on each of the 'lots' of this overall property to two low-rise apartments, the proposal is in conformity with the Official Plan designation for the lands and maintains the general intent and purposes of the Official Plan which allows for a variety of ground oriented multi-unit housing forms.

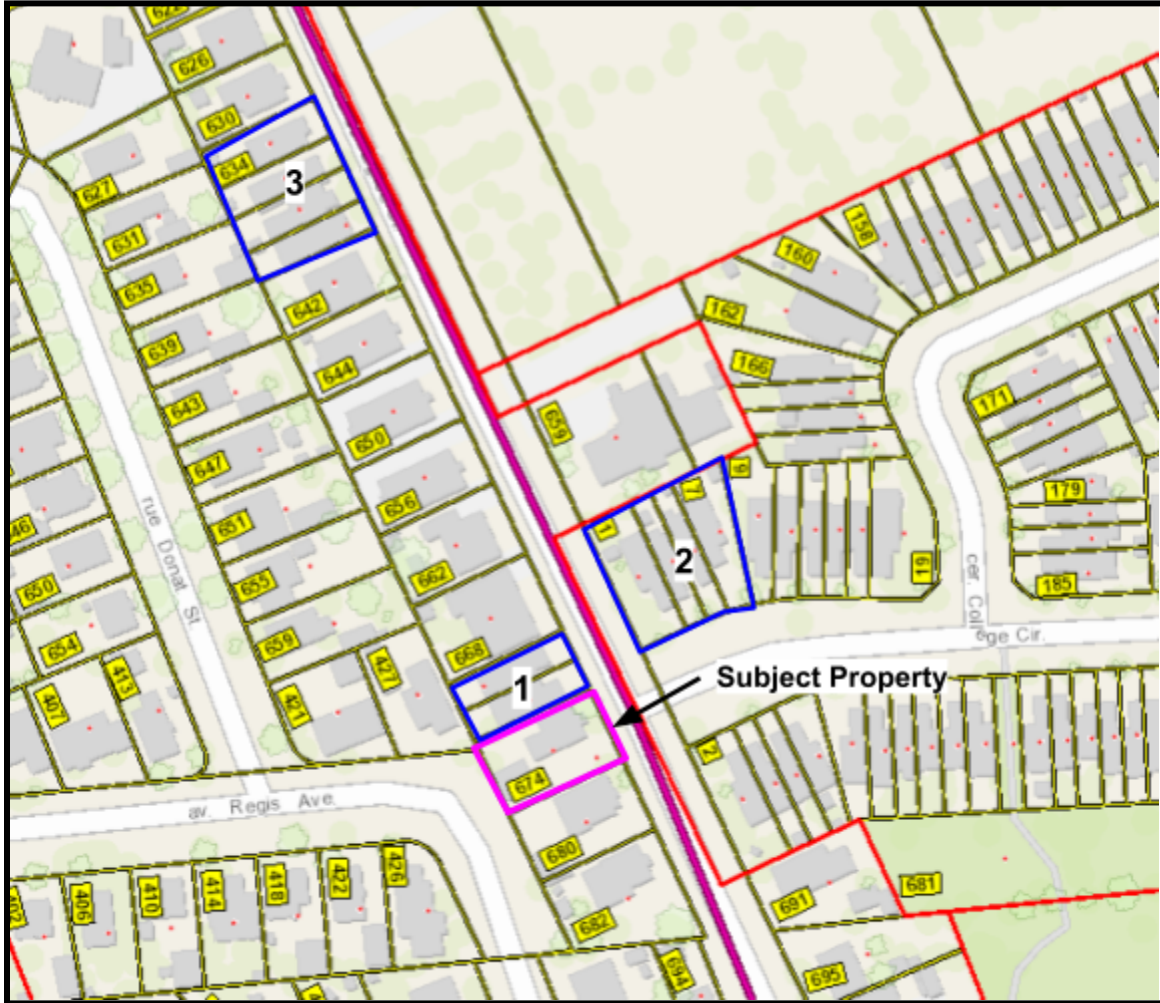
4. The variances are minor in nature

The actual lot width and area variances being requested represent approximately a 19.9% reduction in terms of lot width and approximately an 18.5% reduction in terms of lot area. We also have a variance to reduce the side yard setback for the yards between the two buildings by 0.3m. The proposed 1.2m interior side yard setback is only representative of approximately 44% of the facade at the ground level. The remaining 56% of the facade at the ground level respects the 1.5m side yard setback (**see diagram below**). This variation in interior setback is due to the OBC requirements for the internal staircase. The variance related to the front yard landscaping is not to do with the amount of soft landscaping present in the front yard, but its location. The Zoning By-Law requires that the front yard landscaping must abut the front lot line whereas our proposed landscaping does not due to the fact that a walkway is located along the front of the property and as a result the amount of soft landscaping is not compliant due to its location. It is compliant in terms of the area provided.



The area shown in pink is the area at the ground level subject to the 1.2m setback variance requested. The remaining facade at the ground level is setback the required 1.5m from the side lot line. The 2nd and 3rd floors are setback 1.2 m

The proposed apartments are zoning compliant for the yards facing each of the streets, one side yard each (perimeter side yards), softscaping areas in both of the street facing yards and building height regulations based on the zoning in effect. The lot area, width, and side yard setback variances requested are inherent with the existing shape and size of the lot as well as one of the interior side yards due to the size and location of the internal staircase required to facilitate two units per floor. The provision of 8 units also triggers the need for one barrier-free unit which has larger size requirements and therefore impacts the building footprint size. The landscaping variance is due to the front yard soft landscaping being disconnected from the front lot line by a walkway. This walkway is required as per the OBC requirements for barrier-free path of travel. If there was a City sidewalk present on the De L'Eglise frontage then the walkway would not be needed. The proposed design has ensured that no other variances are required for this development proposal.



Key map showing properties in the area with similar lot areas and lot frontages.



1. Semi-detached units abutting subject property to the north (R4UA zoning).



2. Townhouses across De L'Eglise St fronting onto College Circle (R3A zoning).

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3. Detached (634) and townhouse dwellings north of the subject property (R4UA zoning).

We are initiating contact with the community association (Vanier Community Association) and the neighbours.

Should you have any questions or require anything further, please do not hesitate to contact the undersigned at (613) 599 9216 or via email at probinson@probinsonconsulting.com

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