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March 28, 2024

Committee of Adjustment

City of Ottawa
101 Centrepointe Drive,
Ottawa, Ontario K2G 5K7

Attention: **Mr. Michel Bellemare**
Secretary Treasurer
And Committee Members

Committee of Adjustment

Received | Reçu le

2024-04-18

City of Ottawa | Ville d'Ottawa
Comité de dérogation

Re: **Application for Minor Variance for lands at 1451 Woodward Avenue, Ottawa, ON.**
Lot 1111 and Part of Lots 1110 & 1112
Registered Plan 346
Ward 16, River
Zoning R2H, Zoning By-law 2008-250

Dear Mr. Bellemare,

Rosella Maria Giulia Santella and Ronald Formica have retained Miroca Design Consulting Services to act as agent on their behalf for the preparation of Consents to Sever and Minor Variance Applications for their lands known municipally as 1451 Woodward Avenue, Ottawa, Ontario.

The following materials have been enclosed in support of these applications:

1. 1 copy of the completed Application Form
2. 1 copy of this cover letter prepared by Miroca Design Consultants Inc.
3. 1 full-sized copy and 1 reduced copy of the proposed Draft Reference Plan, prepared by Fairhall, Moffatt & Woodland Ltd., Ontario Land Surveyors
4. 1 full-sized copy and 1 reduced copy of the proposed Site Plan and Elevation Drawings prepared by Miroca Design Consultants Inc.
5. 1 copy of the Tree Information Report & Tree Replacement Plan prepared by Dendron Forestry Services
6. A cheque payable to the City of Ottawa, and a copy of the Parcel Register showing ownership.

Purpose of the Application

The owners would like to construct two new 2-storey semi-detached homes on their property, the existing dwelling on the property is to be demolished. The proposed new dwellings will have a floor area of approx. 2,000sq.ft each.

Relief Requested

In order to proceed, the owner requires the Authority of the Committee for Minor Variances as follows:

Part 1:

- a) To permit a reduced lot width of 8.23 metres, whereas the By-law requires a minimum lot width of 9.00 metres. [Table 158A]
- b) To permit a reduced lot area of 245 square metres, whereas the By-law requires a minimum lot area of 270 square metres. [Table 158A]
- c) To permit a reduced interior side yard setback of 1.20 metres, whereas the By-law requires a minimum interior side yard setback of 1.5 metres. [Table 158A]

Part 2:

- d) To permit a reduced lot width of 8.23 metres, whereas the By-law requires a minimum lot width of 9.00 metres. [Table 158A]
- e) To permit a reduced lot area of 245 square metres, whereas the By-law requires a minimum lot area of 270 square metres. [Table 158A]
- f) To permit a reduced interior side yard setback of 1.20 metres, whereas the By-law requires a minimum interior side yard setback of 1.5 metres. [Table 158A]

Zoning

Zoning Bylaw 2008-250 | R2H

Section 139 – Low-Rise Residential in All Neighbourhoods Within the Greenbelt

Section 144 – Alternative Yard Setbacks Affecting Low-Rise Residential in the R1 to R4 Zones Within the Greenbelt

Table 1: Zoning Provisions

Zoning Provisions	Required	Provided: Part 1	Provided: Part 2
Min. Lot Width	9m	8.23m (MV)	8.23m (MV)
Min. Lot Area	270m ²	245m² (MV)	245m² (MV)
Max. Building Height	8m	8m	8m
Min. Front Yard Setback	6m	6.03m	6.08m
Min. Corner Yard Setback	4.5m	N/A	N/A
Min. Rear Setback	28% of lot depth (8.36m)	28.22% of lot depth (8.43m)	28.05% of lot depth (8.38m)
Min Rear Yard Area	25% of lot area (61.25 m ²)	28.28% of lot area (69.30m ²)	28.36% of lot area (69.49m ²)
Min. Interior Side Yard Setback	1.5m	1.20m (MV)	1.20m (MV)
Front Yard Landscaping	30%	32.95%	32.96%
Max. Driveway Width	2.75m	2.60m	2.60m

Existing Conditions and Area Overview

There is a 1-storey dwelling on the property which was constructed in the 1940s/50s, and has a floor area of approximately 1,000sq.ft. The property is accessed from Woodward Avenue which is a Local Road. Transit service is provided along Laperriere Avenue to the North, Kirkwood Avenue to the East and Raven Avenue to the South. The area is well served by a range of commercial and community amenities, principally along Merivale Road to the east and Carling Avenue to the North. Carlington Park and Recreation area is nearby to the South.

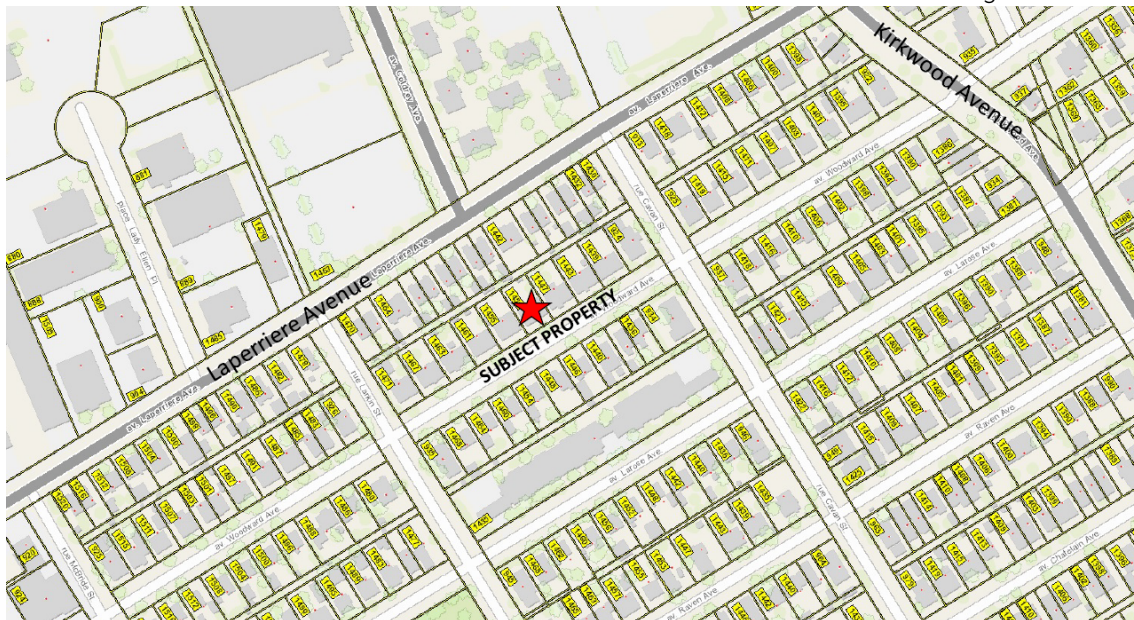
Figure 1: Existing home on Subject Property



Neighbourhood Character

The Carlington Community was generally built as a residential neighborhood from the 1940s into the 1960s, and is known for having many “vet homes” built for returning soldiers after WWII. Housing along this block of Woodard Avenue predominantly features bungalows and 1.5-storey homes with classic suburban characteristics.

Figure 2: Site Location Map



Urban Design Guidelines for Low-rise Infill Housing

The proposed new dwellings at 1451 Woodward Avenue were designed in consideration of the purpose and objectives of the Urban Design Guidelines for Low-rise Infill Housing. The proposal incorporates setbacks which preserve and integrate existing natural features, and are consistent with the cultural landscape of the neighbourhood. The design maintains rear yard amenity space that is generally consistent with the pattern of the neighboring homes. The proposed dwellings feature primary entrances that are inviting and visible from the street, and articulation of the front façade.

Four Tests

In support of the proposed application, the four tests for minor variances as provided for in Section 45(1) of the Planning Act, have been reviewed as follows:

1. General Intent and Purpose of the Official Plan is Maintained

This property is located within the Inner Urban Transect, under the Neighborhood designation on Schedule A, and Schedule B2 in the City of Ottawa's Official Plan. The Inner Urban Transect intends to accommodate a mix of uses, and move towards a more urban built form pattern.

The proposed new dwellings meet the intentions of the Official Plan as they a residential use that is permitted in the Neighbourhood designation. The proposal meets the intentions of the Official Plan by providing growth in the neighbourhood that is respectful of the established suburban context, while gradually moving towards a more urban model. The proposed new semi-detached homes increase the housing stock, by replacing a single bungalow with two 2-storey semi-detached dwellings, offering additional housing types and tenure of more units for missing-middle housing.

In keeping with the Official Plan directions, the proposed site design incorporates more lot coverage on smaller proposed lots, and includes space for soft landscape, trees and hard surfacing that is sensitive to the context of the street. The proposed new semi-detached homes are in-keeping with the low-rise residential character of the neighborhood, with height, massing and setbacks that fit in with the established context while also moving towards a more urban built form.

This proposal also maintains the intentions of the Official Plan by taking advantage of established transit service, water and sewer services and the network of roads, pathways, and designated cycling routes. It supports intensification in the Inner Urban area rather than developing lands at the periphery of the City, and supports the intensification targets for large-household dwellings for neighbourhoods. It contributes to a sustainable community by providing residential uses in close proximity to the rapid transit system, and a range of community amenities including employment and retail uses, thereby reducing travel and improving accessibility.

As such, we feel that the proposed minor variances meet the intent and purpose of the Official Plan.

2. General Intent and Purpose of the Zoning By-law is Maintained

The Zoning of the subject property is Residential Second Density, Subzone R2H. The intent of this zone is to restrict the building form to detached and two principal unit buildings, while allowing a number of other residential uses to provide additional housing choices within the second density residential areas. Ancillary uses are permitted for the principal residential use to allow residents to work at home. Development is to be regulated in a manner that is compatible with existing land use patterns so that the detached and two principal dwelling residential character of a neighbourhood is maintained or enhanced.

This proposal meets the intentions of the Zoning By-law by providing new semi-detached (two principal unit) dwellings which are compatible with existing land use patterns and the varied detached and semi-detached residential character of the neighborhood.

3. Desirable for the appropriate development of use of the property

We feel that this proposal is desirable for the area as it provides quality, functional housing, in the heart of the city, while still maintaining adequate private yard amenity space and greenery. The design is compatible with existing land use, and maintains or enhances, the residential character of the neighbourhood.

The minor variances for lot width & area are respectful of the existing character of the neighbourhood, and maintain the general intent and purpose of the Zoning By-law providing semi-detached homes. The reduction in interior side yard setback provides more space for soft landscaping in the front yard by shifting the driveways closer to the side yards. By increasing the density of the lot, while taking advantage of existing infrastructure services, and proximity to community amenities, this proposal is desirable for the intentions of the Official Plan.

The proposal will protect mature trees wherever possible, and engineering design and site work will be undertaken to improve the lot’s grading and drainage. The design is respectful of the adjacent properties, and seeks to avoid and/or mitigate any impact or privacy concerns for the neighbours.

For these reasons, we feel that the proposed minor variances are desirable for the appropriate development of the property.

4. The variance is minor

Relief is requested to permit reduced lot width and area for both parcels.

We feel that the reduced lot width and area of the proposed lots are functional for the proposed semi-detached homes. The homes meet most other performance standards of the zoning bylaw such as front yard setbacks, rear yard setback and area, and building height. The lots will maintain private rear yard green amenity space for the residents. Semi-detached dwellings are a permitted use in the R2 zoning, and there are multiple examples of 2-storey semi-detached homes immediately surrounding the subject property on Woodward Avenue and Laperriere Avenue. See Figure 3.

Figure 3: Semi-detached properties, indicated in blue.



Relief is requested to permit reduced interior side yard setbacks for both parcels.

The reduction in interior side yard setback provides more space for soft landscaping in the front yard by shifting the driveways closer to the side yards. Which is also in keeping with the typical side yard parking and smaller side yard setbacks found throughout the neighbourhood, as shown in Figure 4.

Figure 4: Existing Side Yard Setbacks <1.2m



Planning Act

Subsection 53(1) of the Planning Act states:

An owner, chargee or purchaser of land, or such owner's, chargee's or purchaser's agent duly authorized 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 proposed severance does not require a Plan of Subdivision, as the proposal is intended to facilitate the creation of two residential lots which will meet the intentions of the underlying zoning. The proposed severance does not require the construction of new public infrastructure, including roads and services. The subsequent building permit application will ensure that the proposed construction of the new semi-detached dwellings will conform to the appropriate performance standards, and that appropriate site servicing is in place, ensuring that this parcel is developed in a proper and orderly manner.

Subsection 53(12) of the Planning Act states:

A council or the Minister in determining whether a provisional consent is to be given shall have regard to the matters under subsection 51 (24) and has the same powers as the approval authority has under subsection 51 (25) with respect to the approval of a plan of subdivision and subsections 51 (26) and (27) and section 51.1 apply with necessary modifications to the granting of a provisional consent. 1994, c. 23, s. 32.”

The proposed severance has adequate regard for the subdivision criteria set out in Section 51(24) of the Planning Act, reviewed as follows.

51(24) In considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality and to,

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

The proposed severance has regard for the relevant matters of provincial interest, including the following:

- *the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;*
- *the minimization of waste;*
- *the orderly development of safe and healthy communities;*
- *the adequate provision of a full range of housing, including affordable housing;*
- *the appropriate location of growth and development;*
- *the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;*
- *the promotion of built form that, is well-designed, encourages a sense of place, and provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;*

(b) whether the proposed subdivision is premature or in the public interest;

The subject property is located within the City of Ottawa’s urban boundary, and within an established neighbourhood. The proposed severance is not premature and is in the public interest as it creates a desirable lot for infill and context-sensitive intensification.

(c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;

The proposed severance conforms to the relevant policies of the City of Ottawa Official Plan.

The proposed new lots support higher density low-rise development in the Inner Urban Area as outlined in the Growth Management Framework. The proposed severance and residential site design is in keeping with the criteria laid out in Table 6 for gradually transitioning suburban characteristics. The Official Plan promotes diversity in unit sizes, densities and tenure options within neighbourhoods, including diversity in bedroom count availability; and permits a range of housing options across all neighbourhoods to provide the widest possible range of price and occupancy.

The severances contribute to a sustainable community by providing residential uses in close proximity to the transit system, and a range of community amenities including employment and retail uses, thereby reducing travel and improving accessibility.

(d) the suitability of the land for the purposes for which it is to be subdivided;

The proposed severances result in the creation of equally sized lots. Minor variances are required to permit reduced lot widths and areas. Despite both lots requiring relief from the Zoning By-law, the severances are suitable for the use of land. The created lots are appropriately sized to accommodate the proposed development of semi-detached dwellings, which meet the front yard setback and rear yard setback and area requirements for amenity space and soft landscaping. The lots are similarly sized to other lots in the immediate area along Laperriere Avenue. The land is suitable for the severances.

(d.1) if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;

No affordable housing units are proposed.

(e) the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;

The proposal does not suggest any new roads and will not affect highways or the transportation system.

(f) the dimensions and shapes of the proposed lots;

The proposed severance will create one additional lot on this neighbourhood block. The existing and retained parcels are appropriately sized and functional to accommodate semi-detached dwellings. The size and dimensions of both parcels are appropriate in the context of the existing lot fabric and zoning, and will provide adequate space for private amenities and soft landscaping.

(g) the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;

With the exception of the provisions of the Zoning Bylaw, there are no other restrictions or proposed restrictions on the existing or proposed lots.

(h) conservation of natural resources and flood control;

The subject property is not located in any floodplains or areas of natural interest.

(i) the adequacy of utilities and municipal services;

The subject property is located within the urban boundary and has access to existing utilities and municipal services. The proposed development is not anticipated to have an impact on the adequacy of utilities and municipal services. Site-specific servicing details will be provided at time of building permit application.

(j) the adequacy of school sites;

The subject property is located in proximity to St. Elizabeth School, W.E. Gowling Public School, St. Nicolas Adult High School, Ganon Preschool, Edelweiss Private Academy, Ottawa Jewish Community School, and Notre Dame High School. The proposed severances are not anticipated to have an impact on the adequacy of school sites.

(k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;

Not applicable.

(l) the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and

Approval of the proposed severances will result in a more efficient use of the subject property. The proposed severances support infill development of the property with two semi-detached dwellings, which accommodates growth in the urban area. The proposed development will efficiently use existing infrastructure investments.

(m) the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act or subsection 114 (2) of the City of Toronto Act, 2006. 1994, c. 23, s. 30; 2001, c. 32, s. 31 (2); 2006, c. 23, s. 22 (3, 4); 2016, c. 25, Sched. 4, s. 8 (2).

The proposed development is not subject to site plan control.

In our opinion, the proposed severance meets the criteria set out in Section 51(24) of the Planning Act, a plan of subdivision is not required, and the proposed severance at 1451 Woodward Avenue represents good land use planning.

Provincial Policy Statement

Section 3(5) of the Planning Act states:

A decision of the council of a municipality, a local board, a planning board, a minister of the Crown and a ministry, board, commission or agency of the government, including the Tribunal, in respect of the exercise of any authority that affects a planning matter,

- a) *shall be consistent with the policy statements issued under subsection (1) that are in effect on the date of the decision;*

A decision by the Committee of Adjustment with respect to a planning matter must be consistent with the Provincial Policy Statement (PPS). The Provincial Policy Statement provides policy direction on matters of provincial interest that are related to land use planning and development.

Policy 1.1.1 states:

Healthy, liveable and safe communities are sustained by:

- a) *promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;*
- b) *accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;*
- c) *avoiding development and land use patterns which may cause environmental or public health and safety concerns;*
- d) *avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;*
- e) *promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;*
- f) *improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society;*

- g) *ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs;*
- h) *promoting development and land use patterns that conserve biodiversity; and*
- i) *preparing for the regional and local impacts of a changing climate.”*

The proposed severance promotes efficient development and land use by focusing growth in the urban area rather than developing lands at the periphery of the City. The proposal takes full advantage of existing services and infrastructure in the urban area, with thoughtful infill development of under-utilized land, which is sensitive to the existing neighbourhood character.

The proposed severance will not cause environmental or health and safety concerns. The subject property is within the urban area, and therefore the proposed lots will have adequate access to the necessary infrastructure and public service facilities, while reducing pressure to expand the urban boundary.

Policy 1.1.3.1 states:

Settlement areas shall be the focus of growth and development.

The proposal is in line with this policy as the proposed development is located within the City of Ottawa’s urban area. Dawson Avenue is considered part of the “Settlement Areas” as defined in Section 1.1.3 of the PPS.

Policy 1.1.3.2 states:

Land use patterns within settlement areas shall be based on densities and a mix of land uses which:

- a) *efficiently use land and resources;*
- b) *are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;*
- c) *minimize negative impacts to air quality and climate change, and promote energy efficiency;*
- d) *prepare for the impacts of a changing climate;*
- e) *support active transportation;*
- f) *are transit-supportive, where transit is planned, exists or may be developed; and*
- g) *are freight-supportive*
- h) *Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.*

The proposed severance is an appropriate and efficient use of the land as it takes full advantage of established transit service, water and sewer services and the network of roads and designated cycling routes. It contributes to a sustainable community by providing residential uses in close proximity to the rapid transit system, and a range of community amenities including employment and retail uses, thereby reducing travel and improving accessibility.

Policy 1.1.3.6 states:

New development taking place in designated growth areas should occur adjacent to the built-up area and shall have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.

The proposed severance supports this policy.

In our opinion, the proposed severances are consistent with the Provincial Policy Statement, and the proposed severance at 1451 Woodward Avenue constitutes good land use planning.

Trees

Existing trees on site were assessed by Dendron Forestry during the preliminary design stage for this file. There are 4 trees on the property which meet the City of Ottawa Tree Protection By-law guidelines for assessment. Please refer to enclosed Tree Information Report and Tree Replacement Report.

The red maple in the front yard is in decline, with much of the crown already removed and decay on the trunk, it is not suitable for retention during construction due to declining health. The white spruce belonging to the adjacent neighbour at #1447 is in good condition and will be protected during construction. The red maple and white spruce in the rear yard City right-of-way are both in fair/poor condition due to hydro pruning, they will be protected during construction.

It is proposed to plant two new medium-to-large deciduous trees on the property at completion of the project, both in the front yard to replace the City tree proposed for removal.

Pre-consultations

Pre-consultations were held with Justin Grift in the Development Review Department. A letter explaining the application and plans was provided to the Carlington Community Association for their review and comments.

Conclusion

With respect to the Consents, is it our opinion that the proposed severance does not require a plan of subdivision and meets the criteria of Subsection 51(24) of the Planning Act, as it is not premature and is a suitable and efficient use of the land with minimal impact on the public interest. The proposed severance also meets the intentions of the relevant policies and provisions of the Official Plan, and the Zoning By-law. The proposed severance is consistent with the Provincial Policy Statement by creating an additional lot for future development within the urban area.

As the requirements of Subsections 53(1) and 51(24) of the Planning Act are met and the proposal is consistent with the Provincial Policy Statement, we believe that the Consents sought represent good land use planning and are appropriate for the subject property.

With respect to the Minor Variances, it is our opinion that the variances are desirable for the appropriate development or use of the land, the general intent and purpose of the Official Plan and Zoning By-law are maintained, and the variances sought are minor.

We trust this is satisfactory. Please do not hesitate to contact us if you require further information.

Regards,

Michael Segreto
Miroca Design Consulting Services Inc.