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May 27, 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

2024-05-29

City of Ottawa | Ville d'Ottawa
Comité de dérogation

Re: **Application for Minor Variance for lands at 556 Mansfield Avenue, Ottawa, ON.**
Lot 323 and Part of Lot 324
Registered Plan 4M-29
City of Ottawa
Ward 7, Bay
Zoning R1O, Zoning By-law 2008-250

Dear Mr. Bellemare,

Gay Elizabeth Bell and Brian Charles Bell have retained Miroca Design Consulting Services to act as agent on their behalf for the preparation and presentation of Minor Variance Application at the Committee of Adjustment for their lands known municipally as 556 Mansfield 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 Topographic Survey, prepared by Fairhall, Moffatt & Woodland Ltd., Ontario Land Surveyors
4. 1 full-sized copy and 1 reduced copy of the Site Plan and Elevation Drawings prepared by Miroca Design Inc.
5. 1 copy of the Tree Information Report and Tree Planting 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

To permit a front-facing attached garage for the construction of a 1-storey detached dwelling.

Relief Requested

In order to proceed, the owners require the Authority of the Committee for a Minor Variance as follows:

- a) To permit a front-facing attached garage, whereas the results of the Streetscape Character Analysis do not permit a front-facing attached garage. [Sec.139(3)(c), Sec.140(7)(a), Table 140A(ii)]

Zoning

Zoning Bylaw 2008-250 | R10 | Table 156A

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

Section 140 – Low-Rise Residential Development within the Mature Neighbourhoods Overlay

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
Min. Lot Width	15m	21.35m
Min. Lot Area	450m ²	650.67m ²
Max. Building Height	8.0m	8.0m
Min. Front Yard Setback	5.22m Average	5.27m
Min. Corner Yard Setback	4.5m	N/A
Min. Rear Yard Setback	28% of lot depth (8.53m)	28.14% (8.57m)
Min. Rear Yard Area	25% of lot area (162.58m ²)	27.95% (181.90m ²)
Min. Interior Side Yard Setback	Total is 3.0m with one yard no less than 1.2m	1.27m + 1.87m = 3.14m
Front Yard Landscaping	40%	57.12%
Max. Driveway Width	6.0m	6.0m

All performance standards of the zoning by-law are met in terms of lot width and area, building setbacks and height.

Proposed Development

The owners would like to construct a new 1-storey detached family home with an attached front-facing garage on their property; the existing dwelling is proposed to be demolished. The new home has been thoughtfully designed for the long-term needs of the owners to age in place, including accessible design features. The proposed attached garage has been designed to provide comfortable and convenient barrier-free access to the home, with direct access to an elevator bringing them up to the main level of the home, and down to the basement.

The attached garage provides a comfortable sheltered area for the owners to access their home and vehicle without the challenges presented by outdoor parking, such as snow, ice and wind. Parking within a garage is one of the best deterrents available for the City's ongoing car-theft challenges, additionally it provides protection for refuse containers away from scavenging creatures.

The home design is a classic style that will fit well in the context of the neighbourhood for years to come, preserving mature street trees and soft landscaping in the front yard for a desirable streetscape.

Existing Conditions and Area Overview

There is a 1.5-storey dwelling on the property, which is proposed to be demolished. The property is accessed from Mansfield Avenue which is a Local Road. Transit service is provided along Richmond Road to the North and Dovercourt Avenue to the South. The area is well served by a range of commercial and community amenities, principally along Richmond Road to the North. McKeller Park is nearby to the West, and Nepean High School and Broadview Public School to the East, the Kichi Zibi Mikan Parkway and the Ottawa River Pathway are to the North, alongside the Ottawa River.

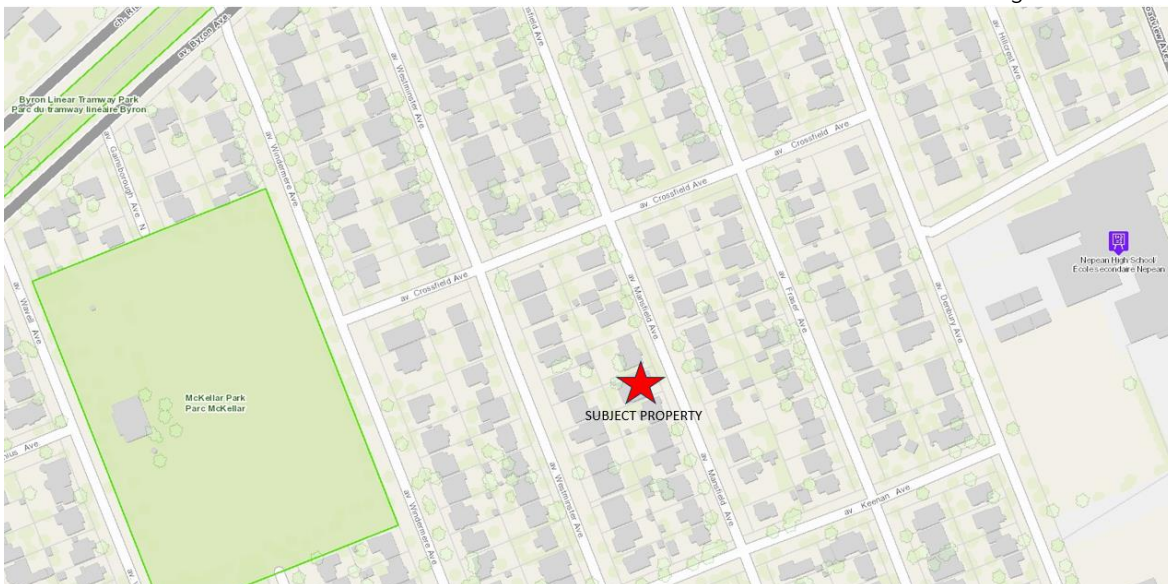
Figure 1: Existing home on Subject Property



Neighbourhood Character

The majority of the residential development of the McKeller Park Community took place in the 1940s/50s and features predominantly suburban characteristics. Housing along Mansfield Avenue is characterized by older 1 and 2-storey detached dwellings, with some more recent larger replacement and infill projects. Notably, both adjacent neighbours of the subject property are recent replacement homes featuring attached front-facing attached garages.

Figure 2: Site Location Map



Streetscape Character Analysis

The Streetscape Character Analysis was completed in March 2024, the information submitted for the SCA is provided below. The identified character is ABA, which does not permit front-facing attached garages. The City of Ottawa confirmed the character identification in a letter dated March 8, 2024, enclosed with this application.

As noted, there are 10 front-facing attached garages or carports, excluding the existing attached front-facing garage of the subject property. There are 11 lots with no front-facing garages or carports. See figures 3 & 4.

If the attached garage of the subject property could be included, the SCA result would be a tie (11 and 11), and the proposed garage would be permitted as of right. Additionally, since the proposed attached garage is replacing one-for-one, this development does not change the total number of existing attached garages on the block, and therefore does not impact any future SCA calculations.

Figure 3: Streetscape Character Analysis Form

TABLE 1 ATTACHED GARAGES AND CARPORTS		HOW MANY LOTS?
Character Group	see Table 140(A) Zoning By-law 2008-250	Total
A. No front-facing attached garage or carport		11
B. Front-facing attached garage or carport		10

TABLE 2 ACCESS AND PARKING CHARACTER		HOW MANY LOTS?
Character Group	Refer to Table 140(B) of Zoning By-law 2008-250	Total
A. No driveways along lot lines abutting a street		4
B. Individual single-wide driveways and Shared driveway		15
C. Individual double-wide driveways		2
<i>Note: If Group A is the most common, but the number of Group B and C lots combined outnumber Group A, then Group B is deemed to be dominant.</i>		
D. A. Legally-established front yard parking		0
<i>Note: Front yard parking is prohibited. The number of legally-created spaces needs to be determined only if a new front yard parking space (s) is proposed.</i>		

Table 3 MAIN DOOR CHARACTER		HOW MANY LOTS?
Character Group	Refer to Table 140(C) of Zoning By-law 2008-250	Total
A. Main door faces the front lot line and the street, or is accessed by a structure located along the front wall of the dwelling but does not face the front lot line and street		21
B. Main door does not face the front lot line and doesn't face the street		0
<i>Note: If you have a corner lot, A and B also apply when documenting doors along the corner side lot line</i>		

Figure 4: Streetscape Character Analysis Lot Identification Map



Figure 5: Existing Streetscape images, attached front-facing garages on Mansfield Avenue



The adjacent property to the north at #550 Mansfield Ave. was granted a similar minor variance for a double front-facing attached garage on January 21, 2022. Please refer to enclosed Decision and Plans – Appendix 2. While it is recognized that all applications stand on their own and are evaluated on their own merits, we feel that this recent front-facing garage approval directly next door to the subject property highlights the validity of our proposal at 556 Mansfield Ave.

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 falls within the Inner Urban Transect, categorized under the Neighborhood designation on Schedule A and Schedule B2 of the City of Ottawa’s Official Plan. The Inner Urban Transect aims to foster a blend of uses and transition toward a more urban built form pattern.

Aligned with the Official Plan's objectives relevant to this property, the aim is to accommodate a diverse array of ground-oriented, low-rise residential dwelling types within Neighbourhoods, thereby fostering the development of 15-minute communities. The proposal aligns with this goal by presenting a detached dwelling with a design that harmonizes with the overall massing and scale of neighboring homes. Furthermore, it presents a high level design that enhances the streetscape, offering complete vehicle enclosure and an overall more functional and accessible design for current homeowners.

In support of the new Official Plan's objectives, the proposed development adheres to the following policies:

- Policy intent (2) of Section 2.2.1: Provision of housing options for larger households.
- Policy intent (2) of Section 2.4.4: Construction of accessible, inclusive communities, and design considerations for all age groups, including children and older adults.

Consistent with the directives of the Official Plan, the proposed site design incorporates increased lot coverage while still allowing for ample space for soft landscaping, trees, and hard surfacing that complements the street context. The new detached home aligns with the low-rise residential character of the neighborhood, featuring height, massing, and setbacks that seamlessly integrate with the established surroundings while also embracing a more urban built form.

Moreover, this proposal adheres to the Official Plan's objectives by leveraging existing transit service, water and sewer infrastructure, as well as the network of roads, pathways, and designated cycling routes. It supports redevelopment within the Inner Urban area rather than expansion into peripheral lands, supporting the growth targets for large-household dwellings in neighborhoods. By situating residential use in close proximity to the rapid transit system and various community amenities, including employment and retail facilities, this proposal aims to minimize travel distances and enhance accessibility, thereby contributing to a sustainable community.

Given these considerations, we are confident that the proposed minor variance aligns with the intent and purpose of the Official Plan.

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

Section 140 and the Streetscape Character Analysis serve to ensure that new developments uphold good urban design standards while preserving the overall character of the streetscape. Rather than outright prohibiting garages, the focus lies on ensuring their design integrates seamlessly with the streetscape.

In this context, the proposed development aligns with the intended objectives. The home's design significantly contributes to the streetscape's appeal, strategically minimizing the visual impact of the attached garage. Achieved through thoughtful massing and the inclusion of a prominent front porch, the design redirects attention away from the garage towards the main structure and front landscaping. Additionally, preserving the existing mature Norway maple tree further diminishes the garage's prominence, enhancing focus on the house and its surroundings.

An assessment of neighboring properties reveals that a significant portion feature front-facing garages, including the subject property. This observation underscores the prevalence of garages within the area and indicates that replacing the existing garage with a new one in the same location would not disrupt the existing streetscape character.

Given these considerations, we believe that the proposed minor variance aligns with the overarching goals of the Zoning By-law, effectively balancing the need for functional amenities with the preservation of streetscape character.

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

The proposed new home, along with the requested garage variance, presents a thoughtful and suitable utilization of the land to cater to the long-term needs of the residents seeking a functional and accessible family dwelling. Situated within the heart of the city, this development contributes quality and functional housing that maintains a balance with ample greenery and amenity space, enhancing both the public streetscape and the private rear yard.

The low-rise detached design of the home aligns well with the existing land use and contributes positively to the residential character of the neighborhood. Moreover, it demonstrates a commitment to preserving the neighborhood's essence while meeting the evolving needs of its inhabitants.

In terms of zoning regulations, the minor variance being sought respects the established character of the neighborhood and upholds the overarching purpose of the Zoning By-law. Through adherence to good urban design principles, the proposal ensures the preservation of the overall streetscape character.

Furthermore, the proposal aligns with the intentions outlined in the Official Plan by leveraging existing infrastructure services and proximity to community amenities, thus enhancing its desirability.

Environmental considerations are also paramount, with the proposal aiming to preserve mature trees and implement engineering and site planning that enhance lot grading and drainage. Additionally, measures are in place to address and minimize any potential impact or privacy concerns for neighboring properties.

The proposed minor variance is not only conducive to the property's development but also contributes positively to the neighborhood's fabric.

Given these considerations, we feel that the proposed minor variance is desirable for the appropriate development of the property.

4. The variance is minor

The assessment of whether a variance is minor hinges on whether it results in a minor change or causes any undue or adverse effects. In the case of the proposed variance to allow a front-facing attached garage, it's evident that it does not negatively impact the streetscape or neighboring properties.

The purpose of the Streetscape Character Analysis is to uphold strong urban design principles and ensure that new developments align with the existing character of the neighborhood without detracting from it. While it aims to prevent designs that overly emphasize attached garages at the expense of overall aesthetic harmony, it does not seek to outright prohibit garages.

Despite the proposed detached dwelling with a front-facing attached garage not strictly meeting the technical requirement of the dominant character, it still presents a well-designed addition to the street that maintains the overall character and doesn't adversely affect the streetscape.

An examination of neighboring homes reveals that a significant portion, specifically 10 out of 21, including those adjacent to the subject property, feature front-facing garages. If we consider the attached garage already present on the subject property, this count rises to 11 out of 21, demonstrating that front-facing garages are prevalent in the area.

This observation underscores that the replacement of an existing attached garage with a new one doesn't disrupt the existing character of the neighborhood.

The design of the home is intentionally crafted to minimize the visual impact of the attached garage. Through features like a prominent front porch and a concentration of built form away from the garage, visual attention is redirected toward the house and landscaping. Additionally, the preservation of an existing mature tree further diminishes the garage's visual prominence.

Overall, the requested minor variance is unlikely to have any significant impact on the property or neighborhood character. It aligns with parking conditions observed in neighboring properties and maintains consistency with what already exists on-site. Moreover, it doesn't introduce any noticeable inconsistencies or disruptions to the surrounding neighborhood.

Given these considerations, we are confident that the requested variance is minor and poses no adverse impact on the street's context or adjacent properties.

Urban Design Guidelines for Low-rise Infill Housing

The proposed new dwelling at 556 Manfield Avenue seeks to uphold strong urban design principles in consideration of the purpose and objectives of the Urban Design Guidelines for Low-rise Infill Housing. Such as incorporating setbacks which preserve and integrate existing natural features, and are consistent with the cultural landscape of the neighbourhood.

A balance of more lot coverage with ample greenery and amenity space, enhancing both the public streetscape and the private rear yard. A primary entrance that is inviting and visible from the street, and interesting articulation of the front façade. Through thoughtful massing and the inclusion of a prominent front porch, the design redirects attention away from the garage towards the main structure and front landscaping.

Figure 6: Proposed new dwelling – 3D Perspective Rendering



Pre-consultations

Pre-consultations were held with Penelope Horn in the Development Review Department whom indicated the Department's typical concerns with regards to all applications for front-facing attached garages.

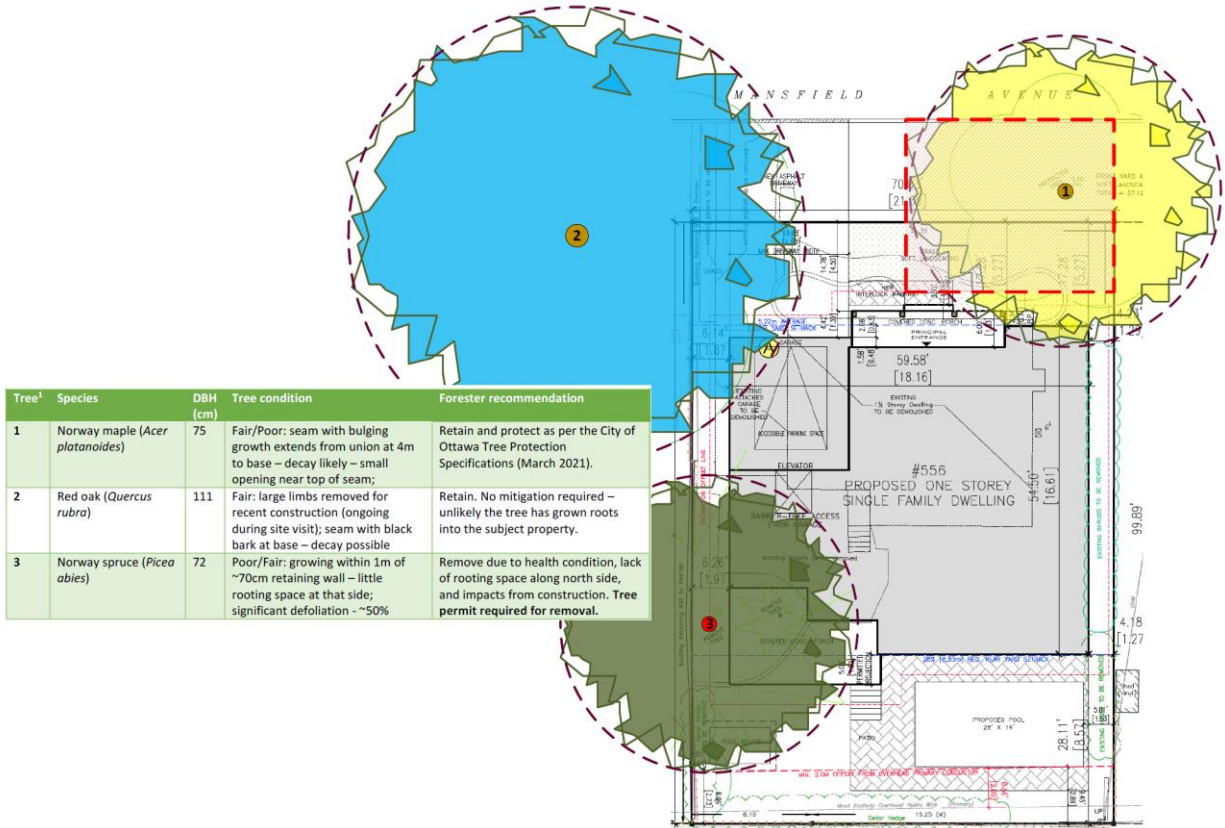
Discussions were also held with Nancy Young, Planning Forester, including a site visit to assess the proposed tree removal. The details of the discussions are including in the Tree Information Report section below.

A letter explaining our application and plans was provided to the McKeller Park Community Association for their review and comments.

Tree Information Report

Existing trees on site were assessed by Dendron Forestry during the preliminary design stage for this file. There are 3 trees on or adjacent to 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.

Figure 7: Map excerpt from TIR prepared by Dendron Forestry



The Norway maple (#1) in the front yard is in fair/poor condition, however it will be maintained and protected during construction. There is also a Red oak (#2) in the front yard of the adjacent property at 550 Mansfield which will not be impacted by the proposed construction.

There is a large Norway spruce tree (#3) in the rear side yard of the subject property which is proposed to be removed. It is in poor/fair condition, growing less than 1m from the adjacent property’s retaining wall, and showing significant defoliation.

The adjacent neighbours at 550 Mansfield have requested for this spruce tree to be removed as well, as they feel it is a hazard in failing health, and is causing damage to their retaining wall. Please see enclosed letter and photos from the owners of 550 Mansfield Ave – Appendix 1.

A meeting was held on site on May 22, 2024 between Nancy Young, Infill Forester, and the general contractor representing the property owners, under direction from Miroca Design.

Upon review of the condition of the spruce tree and the extent of work proposed around it, Ms. Young suggested that is not hazardous in its current condition however agrees with our arborist that it is starting to show signs of decline. Ms. Young indicated that from a building perspective, given the tree's condition and evident surface roots, they would consider any excavation closer to the tree than the existing rear foundation of the existing garage to be detrimental to the tree.

Various options have been explored to notch the house to maintain this setback, however the resulting loss of important barrier free access and functional interior space for the homeowners will not suit their needs. The owner needs to be able to enter the house from the elevator at the back of the garage into the mudroom/access area behind the garage. Cantilevered construction is not an option because the elevator and adjacent mudroom/access area of the house need a proper concrete foundation for support at grade level and into the basement, and the excavation required would encroach far into the roots of the spruce tree.

Extending the house into the south side rear yard with another minor variance to make up for the lost space is also not desirable. The space available for such an extension is extremely limited due to the 2.0m – 5.0m required setback from the overhead hydro lines in the rear yard. Furthermore, this would drastically impede the function of the barrier free access point within the house. The owners also intend to install a pool in their rear yard in the future, the space for which is already severely limited by the overhead hydro lines in the rear yard. Extending the house in this way would make the pool impossible, it would also be out of context with the adjacent neighbours rear yard setbacks, and would severely detract from the desirable greenspace in the rear yard.

Figure 8: Limited Excavation Area

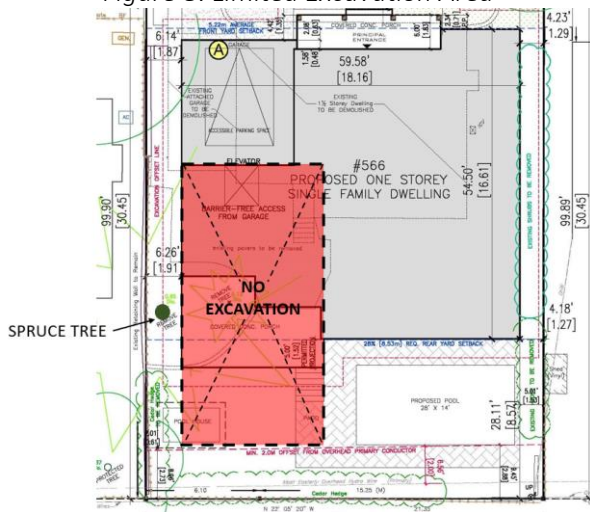
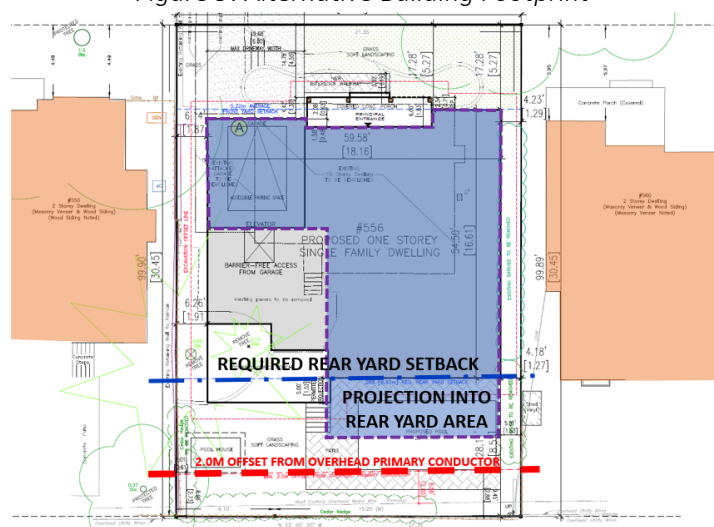


Figure 9: Alternative Building Footprint



Given the declining health of the tree, and the damage it has caused to the adjacent property owners retaining wall, the preference is to proceed with removal of the tree for the best outcome for the homeowners and adjacent property's owners.

Conclusion

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

Appendix 1

Correspondence from neighbour at 550 Mansfield, requesting removal of spruce tree #3

To the City of Ottawa Infill Forester,

With regards to the Norway Spruce located on the subject property, 556 Mansfield Avenue, we (the northern neighbours at 550 Mansfield Avenue) are in full support of its removal. This tree was noted to be in fair condition, at best, and nearing the end of its life cycle in 2021 when evaluated by Fred Stevens, head arborist from Manotick Tree. The root system of the tree north of the retaining wall was hydrovac'd as per the City's requirements during the construction of 550 Mansfield. Despite this, the condition of the tree continues to deteriorate. The tree has compromised the retaining wall and we have concerns about it collapsing in a high wind (derecho-type) event.

Regards,

Braden and Jessica Gammon



Appendix 2

Decision and Plans from recently approved minor variance at 550 Mansfield Ave.