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March 5, 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

2024-03-05

City of Ottawa | Ville d'Ottawa
Comité de dérogation

Re: **Application for Minor Variance for lands at 182 Daniel Avenue, Ottawa, ON.**
Part of Lot 13 (West Side Daniel Avenue)
Registered Plan 219
Ward 15, Kitchissippi
Zoning R1P[2159], Zoning By-law 2008-250

Dear Mr. Bellemare,

Katy Marie Lisa Shearer and Sandy Thomas Shearer have retained Miroca Design Consulting Services to act as agent on their behalf for the presentation of Minor Variance Application at the Committee of Adjustment for their lands known municipally as 182 Daniel 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, Elevation Drawings, and 3D Streetscape 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

The owners would like to construct a new 2-storey detached dwelling with a front-facing attached garage on their property, the existing dwelling is to be demolished.

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 | R1P[2159] | 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	15.24m
Min. Lot Area	440m ²	463.9m ²
Max. Building Height	8.5m	8.06m
Min. Front Yard Setback	6m	6.04m
Min. Corner Yard Setback	4.5m	N/A
Min. Rear Yard Setback	28% of lot depth (8.52m)	28.06% (8.55m)
Min. Rear Yard Area	25% of lot area (116.05m ²)	28.03% (130.12m ²)
Min. Interior Side Yard Setback	1.2m	1.21m
Front Yard Landscaping	40%	46.41%
Max. Driveway Width	5.5m	5.0m

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

Existing Conditions and Area Overview

There is a 1.5-storey dwelling on the property, which was constructed in the late 1940s, and has a floor area of approximately 1,250sq.ft. The property is accessed from Daniel Avenue which is a Local Road. Transit service is provided along Clearview Avenue to the North and Keyworth Avenue to the East. The area is well served by a range of commercial and community amenities, principally along Richmond Road to the South. Champlain Park is nearby to the North-East, the Kichi Zibi Mikan Parkway and the Ottawa River Pathway are to the North, alongside the Ottawa River.

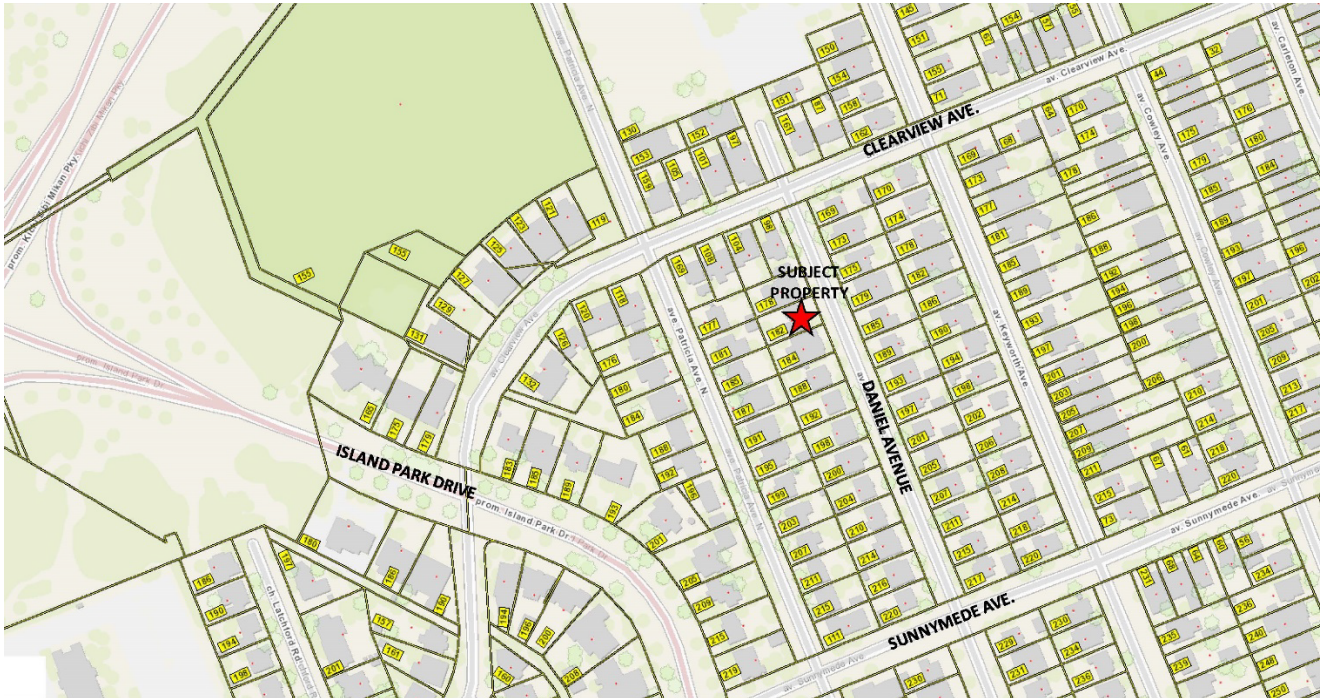


Figure 1: Existing home on Subject Property

Neighbourhood Character

The majority of the residential development of the Champlain Park Community took place in the 1940s/50s and features predominantly classic suburban characteristics. Housing along Daniel Ave. was characterized by small bungalows and 1.5-storey dwellings. The replacement of the existing homes by larger 2 and 2.5-storey singles and semi-detached dwellings has occurred throughout this area in the last 5 to 10 years to maximize residential development on these lots. Many of these new dwellings utilize the maximum allowable building envelope and building height.

Figure 2: Site Location Map



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.

This proposed new dwelling meets the intentions of the Official Plan as it is a residential use that is permitted in the Neighbourhood designation. It maintains the low-rise residential character of the neighbourhood by replacing the existing detached dwelling with a new detached dwelling. The new detached home will maintain the existing housing stock in the neighbourhood as a large-family home.

In keeping with the Official Plan directions, the proposed site design incorporates more lot coverage, and includes space for formal soft landscape, trees, and hard surfacing that is sensitive to the context of the street. The proposed new detached home is 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 redevelopment in the Inner Urban area rather than developing lands at the periphery of the City, and supports the growth targets for large-household dwellings for neighbourhoods. It contributes to a sustainable community by providing a residential use 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.

The home has been designed with careful consideration to prioritize the built-form relationship with the public realm, through emphasizing the large welcoming front entrance, windows, and front yard landscaping, and interaction space in the form of a front garden patio. (See Figure 3.)

Figure 3: Front Entrance Design



As such, we feel that the proposed minor variance meets 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 First Density, Subzone R1P. The intent of this zone is to limit development to detached dwellings, while allowing other residential uses to provide additional housing choices within detached dwelling residential areas. Development is to be regulated in a manner that is compatible with existing land use patterns so that the detached dwelling residential character of the neighbourhood is maintained or enhanced.

The proposed dwelling meets the intention of the Zoning By-law by providing a detached dwelling which is compatible with existing land use patterns and the single-family detached residential character of the neighbourhood.

The intent of The Mature Neighbourhoods Overlay, Section 140 of the Zoning By-law and the Streetscape Character Analysis is that development should be consistent with the streetscape's dominant characteristics.

The Streetscape Character Analysis surveyed 21 properties along this block of Daniel Avenue. Of the homes surveyed, 15 have no front-facing attached garage or carport, and 6 homes have front facing attached garages or carports, (excluding the subject property, which also features a front-facing attached garage.) This results in a SCA character group of ABA, which does not permit new front-facing attached garages.

While the arbitrary results of the SCA do not permit the garage, the homes immediately surrounding the subject property make up the majority of the attached garages along this block. Both adjacent homes have attached garages, as does the subject property, and the homes directly across the street. (See Figure 4.)

Figure 4: Attached Front-Facing Garages & Carports on Daniel Street



In the context of the established streetscape, the proposed new garage is more in keeping with the character of this part of the street than a home without a garage would be. Additionally, since the proposed garage is replacing one-for-one, this proposal does not change the total number of existing attached garages on the block, and therefore does not impact any future SCA calculations.

As such, we feel that the proposed minor variance meets the intent and purpose of the Zoning By-law.

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, family 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 variance is respectful of the existing character of the neighbourhood, and maintains the general intent and purpose of the Zoning By-law. By 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 variance is desirable for the appropriate development of the property.

4. The variance is minor

Relief is requested to permit a front-facing attached garage, whereas the By-law states that a front-facing garage is not permitted as per the outcome of the Streetscape Character Analysis.

The existing home at 182 Daniel Ave. already features a front-facing attached garage. Both neighbouring properties also feature front-facing attached double garages. The proposed new home is replacing one-for-one, in the same location as the already established garage and driveway. There is no change or impact to the established condition of the parking provided. The proposed design complies with all other provisions of Sec. 139 in terms of soft landscaping in the front yard, and garage setback from the front entrance.

Figure 5: Existing Subject Property

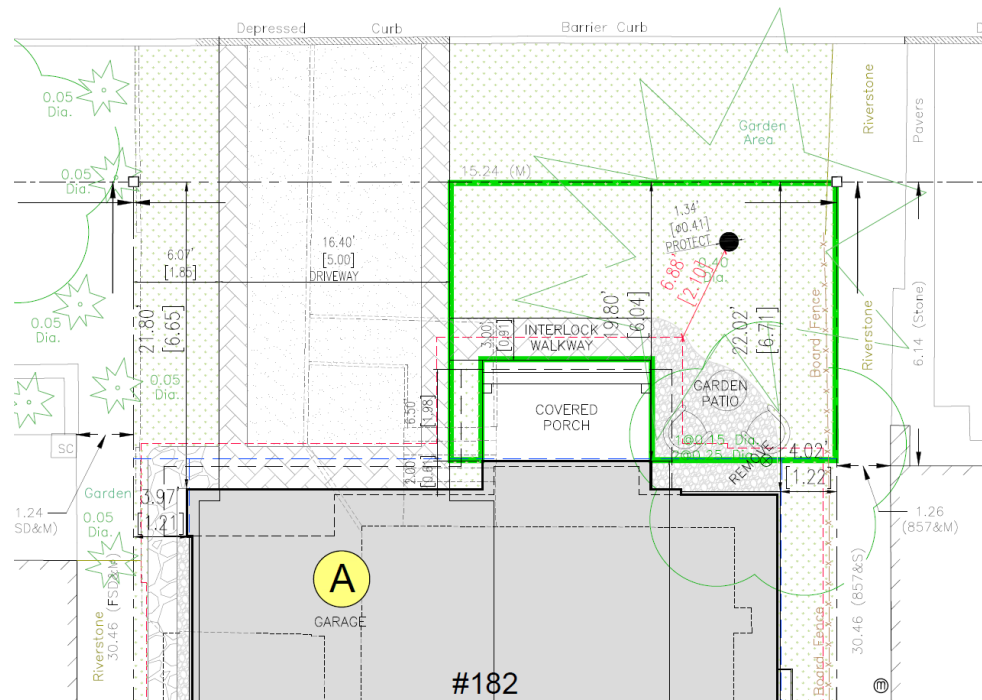


Figure 6: Proposed New Home 3D Rendering



The design exceeds the front yard soft landscaping requirements, maintaining 46.41% of the yard area on the south side of the driveway, whereas 40% is required. Plus, another 12% soft landscaping on the north side of the driveway, which equates to 58.4% of the total front yard as soft landscaping. The Colorado spruce in the front yard is also being maintained and protected.

Figure 7: Soft Landscaping



For these reasons, we feel that the variance requested is minor, and has no adverse impact to the context of the street.

Urban Design Guidelines for Low-rise Infill Housing

The proposed new dwelling at 182 Daniel Avenue was 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 dwelling features a primary entrance that is inviting and visible from the street, a garden patio for interaction with the public realm, and interesting articulation of the front façade.

Pre-consultations

Pre-consultations were held with Margot Linker in the Development Review Department who indicated the Department's typical concerns with regards to all front-facing attached garages. The proposal was also sent to the Planning Forester.

A letter explaining our application and plans was provided to the Hampton-Iona Community Association for their review and comments; they have no concerns with respect to the front-facing attached garage. Some discussion took place regarding the design with respect to the bur oak tree being removed.

A flyer explaining the proposal has also been distributed to all surrounding neighbours.

Trees

Existing trees on site were assessed by Dendron Forestry during the preliminary design stage for this file. There are 6 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.

The Colorado spruce in the front yard is in fair/poor condition, however it will be maintained and protected during construction. In the rear yard there is a Horsechestnut tree and an apple tree, both of which are in very poor condition and will not survive construction, they will be removed and replaced with new plantings.

Also in the rear yard is a mature Bur oak in good condition. Dendron Forestry's report noted that it may have been impacted somewhat by construction at 184 Daniel leading to future health concerns for the tree. This tree is also proposed to be removed due to conflict with the proposed new home footprint. Removal is permitted under the "as of right" clause of the Tree protection By-Law as it is within the building envelope.

We recognize the importance and value of Bur oaks, and particularly their significance in the Champlain Park community. Many options were explored with regard to planning around the tree, and the decision to remove it did not come lightly or without much consultation and contemplation.

The notch in the NW corner of the adjacent neighbour's home at 184 Daniel was the starting point for these conversations and the original design ideas. However, after analysing the tree report and consulting with builders and engineers regarding the proximity of the tree and the size of the CRZ, removal has become an unfortunate, but necessary, step. 184 Daniel had the advantage of distance from the tree which afforded more space to work with. The result shrank the impact of the CRZ on that home. Unfortunately, the immediate proximity to the proposed new home at 182 Daniel has a far larger potential impact and creates more concerns. The concerns lie not only about building within, or disturbing, the CRZ but with the ability and space required to work around the outside of the CRZ and the impact on the project. It is also noted in Dendron Forestry's report that the attempts to preserve the tree taken by the construction at 184 Daniel may still have negatively impacted the future health of the tree. A second round of construction, this time with a reduced stand off distance, could lead to further deteriorated health and elevated risk.

Finally, despite best intentions, if the tree's roots were unintentionally damaged during a second round of close proximity construction, there is a significant liability with regards to the potential for damage and impact on 184 Daniel, as much of the canopy overhangs that home. The owner wants to ensure the safety and protection of their neighbour's home.

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.