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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

2024-08-29

City of Ottawa | Ville d'Ottawa
Comité de dérogation

Re: **Application for Minor Variance for lands at 94 Withrow Avenue, Ottawa, ON.**
Lots 286, 287, 288, & 289
Registered Plan 375
City of Ottawa
Ward 8, College
Zoning R1FF[632], Zoning By-law 2008-250

Dear Mr. Bellemare,

Xiaohong Sun and Yijun Li 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 94 Withrow 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 Draft 4R Plan, prepared by Farley, Smith & Denis, 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 Arborist Consulting Ottawa
6. A cheque payable to the City of Ottawa, and a copy of the Parcel Register showing ownership.

Purpose of the Application

The subject property consists of four full lots on a Plan of Subdivision. The owner would like to divide the property into two separate parcels of land consisting of proposed Part 1 (plus ½ of lane) and Part 2 (plus ½ of lane). The existing 2-storey detached dwelling and detached garage are to be demolished, and it is proposed to construct two new detached dwellings, one on each new parcel of land.

Relief Requested

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

- Part 1
- a) To permit a reduced lot width of 15.30 metres, whereas the By-law requires a minimum lot width of 19.5 metres. [Table 156A]
 - b) To permit a reduced lot area of 443.0 square metres, whereas the By-law requires a minimum lot area of 600 square metres. [Table 156A]
 - c) To permit a reduced rear yard setback of 27.23% of the lot depth (7.88m), whereas the By-law requires a minimum rear yard setback of 28% of the lot depth (8.10m). [Sec. 144 (3)]
- Part 2
- d) To permit a reduced lot width of 15.30 metres, whereas the By-law requires a minimum lot width of 19.5 metres. [Table 156A]
 - e) To permit a reduced lot area of 442.9 square metres, whereas the By-law requires a minimum lot area of 600 square metres. [Table 156A]
 - f) To permit a reduced front yard setback of 5.42 metres, whereas the By-law requires a minimum front yard setback of 5.63 metres. [Sec. 144 (1)]

Zoning

Zoning Bylaw 2008-250 | R1FF[632] | Table 156A

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 | Proposed Part 1 (plus ½ lane) | Proposed Part 2 (plus ½ lane) |
|---------------------------------|---|-------------------------------|-------------------------------|
| Min. Lot Width | 15m | 15.30m | 15.30m |
| Min. Lot Area | 450m ² | 443.0m ² | 442.9m ² |
| Max. Building Height | 8.5m | 8.42m | 8.42m |
| Min. Front Yard Setback | 5.63m (<i>average</i>) | 5.67m | 5.42m |
| Min. Corner Yard Setback | 4.5m | N/A | N/A |
| Min. Rear Yard Setback | 28% of lot depth | 27.23% (7.88m) | 28.08% (8.13m) |
| Min. Rear Yard Area | 25% of lot area | 28.70% (120.4m ²) | 28.02% (124.1m ²) |
| Min. Interior Side Yard Setback | Total is 2.1m with one yard no less than 0.9m | 1.15m + 1.21m = 2.36m | 1.21m + 1.15m = 2.36m |
| Max. Lot Coverage | 45% | 42.12% | 42.13% |
| Front Yard Landscaping | 40% | 51.83% | 51.73% |
| Max. Driveway Width | 5.5m | 4.98m | 4.98m |

Existing Conditions and Area Overview

There is an existing 2-storey detached dwelling and detached garage on the property which are to be demolished. The property is accessed from Withrow Avenue which is a Local Road. Transit service is provided along Baseline Road to the north and Merivale Road to the east. The area is well served by a range of commercial and community amenities principally along Merivale Road to the east. Algonquin College and College Square Shopping Centre are nearby to the west.

Figure 1: Existing home on Subject Property




Neighbourhood Character

The City View residential neighborhood generally reflects a classic suburban model and was first established in the late 1940s into the 1960s. Housing along Withrow Ave., and throughout the neighbourhood, is characterized by single family bungalows and 2-storey homes on wide lots. There are countless examples throughout the neighbourhood of the replacement of the existing homes by larger 2-storey detached dwellings, through dividing the existing wide properties from full lots on the plan of subdivision. Many of these new dwellings utilize the maximum allowable building envelope and building height. This has occurred frequently throughout the City View Neighborhood over the past 10 years, maximizing the residential development on these properties, and creating a varied pattern of development in terms of lot fabric, and built form.


Figure 2: Site Location Map




TRANSECT POLICY AREA /
SECTEUR STRATÉGIQUE DU TRANSECT

 Outer Urban / Urbain extérieur


OVERLAYS / AFFECTATION SUPPLÉMENTAIRE


 Evolving Neighbourhood /
Quartier en évolution


SPECIAL DISTRICT /
DISTRICT PARTICULIER


 Ottawa International Airport Economic District /
District économique de l'Aéroport international d'Ottawa


DESIGNATIONS / DÉSIGNATIONS


 Hub / Carrefour


 Corridor - Mainstreet / Couloir - Rue principale

 Corridor - Minor / Couloir - Rue principale mineure


 Mixed Industrial / Industrie Mixte


 Industrial and Logistics / Industrie et Logistique


 Greenspace / Espace vert


 Neighbourhood / Quartier

TRANSIT

 O-Train Station / Station de l'O-Train

 Future O-Train Station / Station de l'O-Train (futur)

 Transfer Station / Station de correspondance

 Transitway Station / Station du Transitway

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 Outer Urban Transect, categorized under the Evolving Neighbourhood Overlay, on Schedule A and Schedule B3 of the City of Ottawa's Official Plan. The corresponding direction for neighbourhoods aims to accommodate residential growth with development standards that gradually transition away from a suburban model and move towards urban built forms. Allowing and supporting a wide variety of housing types with a focus on lower density missing-middle housing which generally reflects the existing built form context of the neighbourhood.

The proposed lot division results in the creation of one additional lot for residential development. Each lot will be developed with a 2-storey detached dwelling, each home will include one principal dwelling unit and an additional dwelling unit in the basement, for a total of 4 units. This development represents gentle intensification within the low-rise character of the neighborhood, aligning with the Growth Management Framework in Section 3 of the Official Plan. It effectively supports residential growth while maintaining a compatible built form and site design.

These detached dwellings contribute to the diversity of housing options available in the area, offering various unit sizes, densities, and tenure types. By gently increasing density, the development fosters 15-minute neighborhoods, promoting accessibility to public transit, commercial amenities, schools, and parks within walking distance. The location of the property is well-suited for residential intensification, aligning with the city's objectives to accommodate residential growth through intensification.

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 homes align with the residential character of the neighborhood, featuring height, massing, and setbacks that meet the intentions of the Zoning By-law and integrate with the established surroundings.

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 Outer 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 variances align with the intent and purpose of the Official Plan.

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

The property is zoned under Residential First Density, Subzone R1FF [632]. 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 lots meet the intention of the Zoning By-law, accommodating detached dwellings which are compatible with existing land use patterns and the detached residential character of the neighbourhood. The intent of the minimum lot width and lot area provisions is to ensure that lots are adequately sized to accommodate residential development. It has been demonstrated through numerous similarly sized lots and severances within the surrounding neighbourhood that the proposed lot sizes are functional for the proposed detached dwellings and will fit into the established streetscape.

The intent of the required front yard setback is to ensure that new homes are generally in line with the established setback from the street of the existing adjacent homes. This is to ensure orderly development that balances with the existing streetscape. The proposed 5.42m front yard setback of Part 2 is in fact setback further from the front lot line than the existing adjacent home at 90 Withrow Ave., which is setback 5.24m from the front lot line. Therefore, it does not present any obvious deviation to the streetscape to a passerby, and is generally in line with the average along the street. The requirements for front yard soft landscaping are also well exceeded, providing 51.73% soft landscape area, whereas a minimum of 40% is required.

The intent of the required rear yard setback is to ensure that new homes are generally in line with the established rear yard setback of adjacent homes, in order to maintain adequate rear yard privacy, amenity space, greenery and trees. The proposed 27.23% rear yard setback still maintains more than the required rear yard area at 28.70% of the lot area, whereas a minimum of 25% is required. The rear yard maintains adequate space for privacy, amenity area and greenery, including future planting of trees. The maximum lot coverage for City View is also respected, being 42.12% whereas a maximum of 45% is required.

Given these considerations, we believe that the proposed minor variances align with the intent and purpose of the Zoning By-law.

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

The proposed lot division and new detached dwellings represent a fitting use of the land to meet the long-term residential needs of the community. Located centrally, this development offers practical and diverse housing options while maintaining a harmonious balance with green spaces and amenities, enhancing both the public streetscape and private rear yards.

Regarding zoning regulations, the minor variances requested uphold the established character and lot configuration of the neighborhood, aligning with the objectives of the Zoning By-law. The addition of these new detached dwellings with secondary units, supports gentle intensification, which is crucial for managing growth as outlined in the Official Plan. The proposal also leverages existing infrastructure and proximity to community amenities, aligning well with the goals outlined in the Official Plan and enhancing its appeal.

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. Given these considerations, 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 a reduced lot width of 15.30 metres for both lots, whereas the By-law requires a minimum lot width of 19.5 metres.

Relief is requested to permit a reduced lot area of 443.0 square metres for Parts 1, and 442.9 square metres for Part 2, whereas the By-law requires a minimum lot area of 600 square metres.

The proposed lots are consistent with the existing pattern of development found throughout the neighborhood. As demonstrated in Figure 3, showing similar reduced lots sizes. Despite the reduced lot sizes, both lots are still appropriately sized to accommodate detached dwellings.

The proposed lots will meet and exceed the requirements for soft landscaping, and the dwellings are respectful of the maximum 45% lot coverage required in the Zoning By-law for City View.

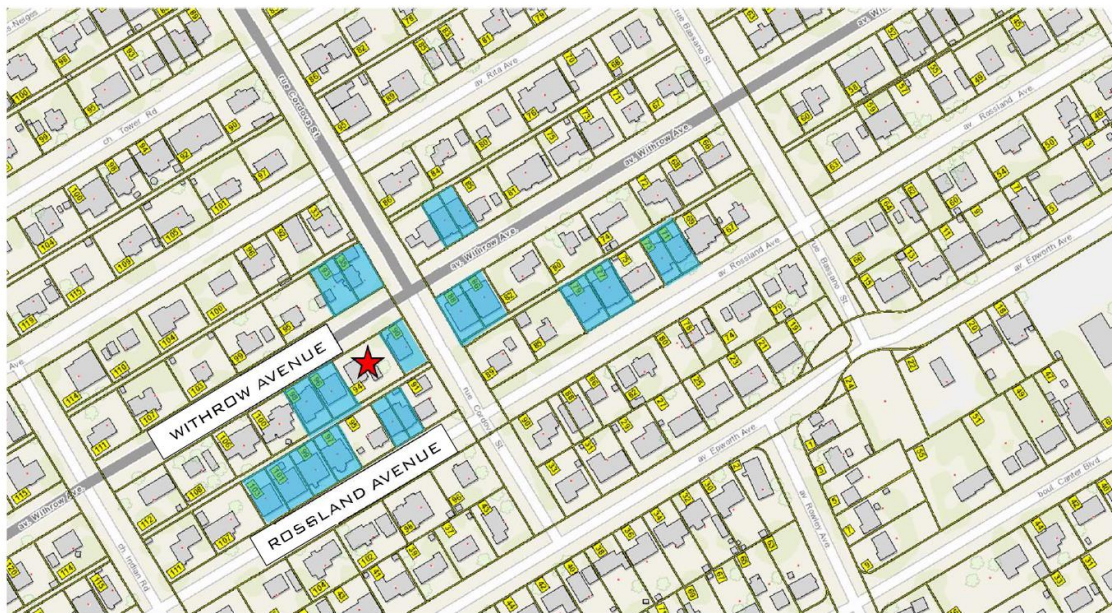
Given these considerations, we are confident that the proposed new lots can suitably accommodate the proposed dwellings, and the impact of the reduced lot widths and areas is minor.

Figure 3: Lot Fabric Map

LOT FABRIC MAP

SIMILAR REDUCED LOT WIDTHS AND AREAS FOUND THROUGHOUT THE NEIGHBOURHOOD INDICATED IN BLUE:

| |
|---|
| 88 WITHROW AVENUE |
| LW = 15.23 M, LA = 417.10M ² |
| 86 WITHROW AVENUE |
| LW = 15.23M, LA = 417.17M ² |
| 89 WITHROW AVENUE |
| LW = 10.52 M, LA = 289.68M ² |
| 87 WITHROW AVENUE |
| LW = 15.23M, LA = 9.24M ² |
| 90 WITHROW AVENUE |
| LW = 15.24M, LA = 418.00M ² |
| 96 WITHROW AVENUE |
| LW = 15.24M, LA = 417.99M ² |
| 98 WITHROW AVENUE |
| LW = 15.24M, LA = 417.99M ² |
| 93B WITHROW AVENUE |
| LW = 15.24M, LA = 417.72M ² |
| 77 ROSSLAND AVENUE |
| LW = 15.24M, LA = 417.92M ² |
| 97 ROSSLAND AVENUE |
| LW = 15.24M, LA = 418.01M ² |
| 99 ROSSLAND AVENUE |
| LW = 15.24M, LA = 418.01M ² |
| 101 ROSSLAND AVENUE |
| LW = 15.24M, LA = 418.02M ² |



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 minor variances for reduced lot width and area it is evident that it does not negatively impact the streetscape or neighboring properties.

Relief is requested to permit a reduced rear yard setback of 27.23% of lot depth for Part 1 whereas the By-law requires a minimum rear yard setback of 28% of lot depth.

The proposed 27.23% rear yard setback still maintains more than the required rear yard area at 28.70% of the lot area, whereas a minimum of 25% is required. The rear yard maintains adequate space for privacy, amenity area and greenery, including protection of existing, and future plantings of, trees. The maximum lot coverage for City View is also respected, being 42.12% whereas a maximum of 45% is required. 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 minor variance to allow a reduced rear setback, it is evident that it does not negatively impact the rear yard environment or neighboring properties.

Relief is requested to permit a reduced front yard setback of 5.42m for Part 2 whereas the By-law requires a minimum front yard setback based on the average of 5.63m.

The purpose of the requested minor variance for reduced front yard setback is to move the house forward on the site to provide more space for the black walnut tree in the rear yard, to better protect the roots and canopy.

The proposed 5.42m front yard setback of Lot 2 is in fact setback further from the front lot line than the existing adjacent home at 90 Withrow Ave., which is setback 5.24m from the front lot line. Therefore, it does not present any obvious deviation to the streetscape to a passerby, and is generally in line with the average along the street. The requirements for front yard soft landscaping are also well exceeded, providing 51.73% soft landscape area, whereas a minimum of 40% is required. 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 reduced front yard setback, it is evident that it does not negatively impact the streetscape or neighboring properties.

Urban Design Guidelines for Low-rise Infill Housing

The proposed new dwellings seek 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 yards. Primary entrances that are inviting and visible from the street, and interesting articulation of the front façades creating distinct identities for the units. Through thoughtful massing and the inclusion of prominent front porches, the designs redirect attention away from the garage towards the living area of the homes and front landscaping.

Provincial Policy Statement (2020)

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development across Ontario. Sections 1.1 – 1.4 of the PPS directs that land use planning shall be carried out in a manner that:

- Promotes efficient development patterns that contribute to long-term sustainability on a province-wide basis as well as in local communities;
- Takes advantage of opportunities for intensification and redevelopment that optimize the use of existing of planned infrastructure and public service facilities;
- Promotes a compact built form which supports the use of alternative transportation modes and public transit.

This proposal supports the policies of the PPS by providing intensification in the form of new family dwellings and secondary dwellings within the City's urban area where infrastructure and services already exist and are in close proximity to service facilities. The proposed use of land will promote an efficient, cost effective pattern of development located within proximity to a range of community services and amenities and well-oriented within the City's roadway and transit system.

Pre-consultations

Pre-consultations were held with Penelope Horn in the Development Review Department, whom indicated the City View neighborhood's concerns with regards to storm water management; and asked for confirmation of the building height, which has been provided on the enclosed elevations.

Discussions were also held with Nancy Young, Planning Forester, whom indicated no tree related concerns with the proposal, and recommended to plant 2 large-growing trees within the ROW, rather than medium trees on the frontage. With the planting location accounting for ditch reinstatement. This change has been included in the enclosed TIR.

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

Trees

Existing trees on site were assessed by Arborist Consulting Ottawa during the preliminary design stage for this file. There are 4 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.

Two blue spruces are within the building footprint and will be removed and replaced at a 2:1 ratio. Steps will be taken to protect and retain the honey locust on the neighbouring property. The black walnut in the rear yard of Part 2 will also be protected and retained; the house design has been modified and front yard variance is being requested in order to preserve the tree.

2 large replacement trees are proposed to be planted in the City right-of-way in the front yard, and 2 small-medium replacement trees are proposed in the rear yard.

Conclusion

With respect to the Minor Variance application, it is our opinion that the minor variances requested are 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 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.