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December 11, 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

2024-12-13

City of Ottawa | Ville d'Ottawa
Comité de dérogation

Re: **Application for Minor Variances for lands at 137 Marquette Avenue, Ottawa, ON.**
Lot 119
Registered Plan M-27
City of Ottawa
Ward 12, Rideau-Vanier
Zoning R4UA, Zoning By-law 2008-250

Dear Mr. Bellemare,

2872150 Ontario Inc. has retained Miroca Design Consulting Services to act as agent on their behalf for the preparation of Minor Variance Application for their lands known municipally as 137 Marquette Avenue, Ottawa, ON.

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 Plan of Survey, prepared by Farley, Smith & Denis 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 prepared by Trillium Tree Experts
6. A cheque payable to the City of Ottawa, and a copy of the Parcel Register showing ownership.

PURPOSE OF THE APPLICATION

The owner would like to construct a new 8-unit, 3-storey, low-rise apartment building. The existing 2-storey dwelling on the property is to be demolished.

RELIEF REQUESTED

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

- a) To permit a reduced rear yard setback of **25.5% of lot depth (7.83 metres)**, whereas the By-law requires a minimum rear yard setback of **30% of lot depth (9.21 metres)**. [Table 144A]
- b) To permit an increased building height of **11.45 metres**, whereas the By-law requires a maximum building height of **11 metres**. [Table 162A]

ZONING

Zoning Bylaw 2008-250 | R4UA

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
Min. Lot Width	12m	12.19m
Min. Lot Area	360m ²	374.23m ²
Max. Building Height	11m	11.45m
Min. Front Yard Setback	4.5m	4.55m
Min. Corner Yard Setback	4.5m	N/A
Min. Rear Setback	30% of lot depth (9.21 m)	25.5% of lot depth (7.83m)
Min Rear Yard Area	25% of lot area (90 m ²)	25.5% of lot area (95.44m ²)
Min. Interior Side Yard Setback	1.5m	1.67m
Front Yard Landscaping	40%	87.7%
Min. Rear Yard Soft Landscaping	50m ²	50m ²
Max. Driveway Width	3m	N/A

EXISTING CONDITIONS AND AREA OVERVIEW

There is a 2-storey detached dwelling on the subject property, which is proposed to be demolished. The property fronts onto Marquette Avenue, which is a Local Road. Transit service is provided along Peres-Blancs Ave. to the east, and Marier Ave. to the south. Many commercial and community amenities are nearby along Montreal Road to the south, and Optimiste Park is nearby to the west.

This property falls within the Inner Urban Transect, under the Neighbourhood designation on Schedule A and Schedule B2 of the City of Ottawa's Official Plan.

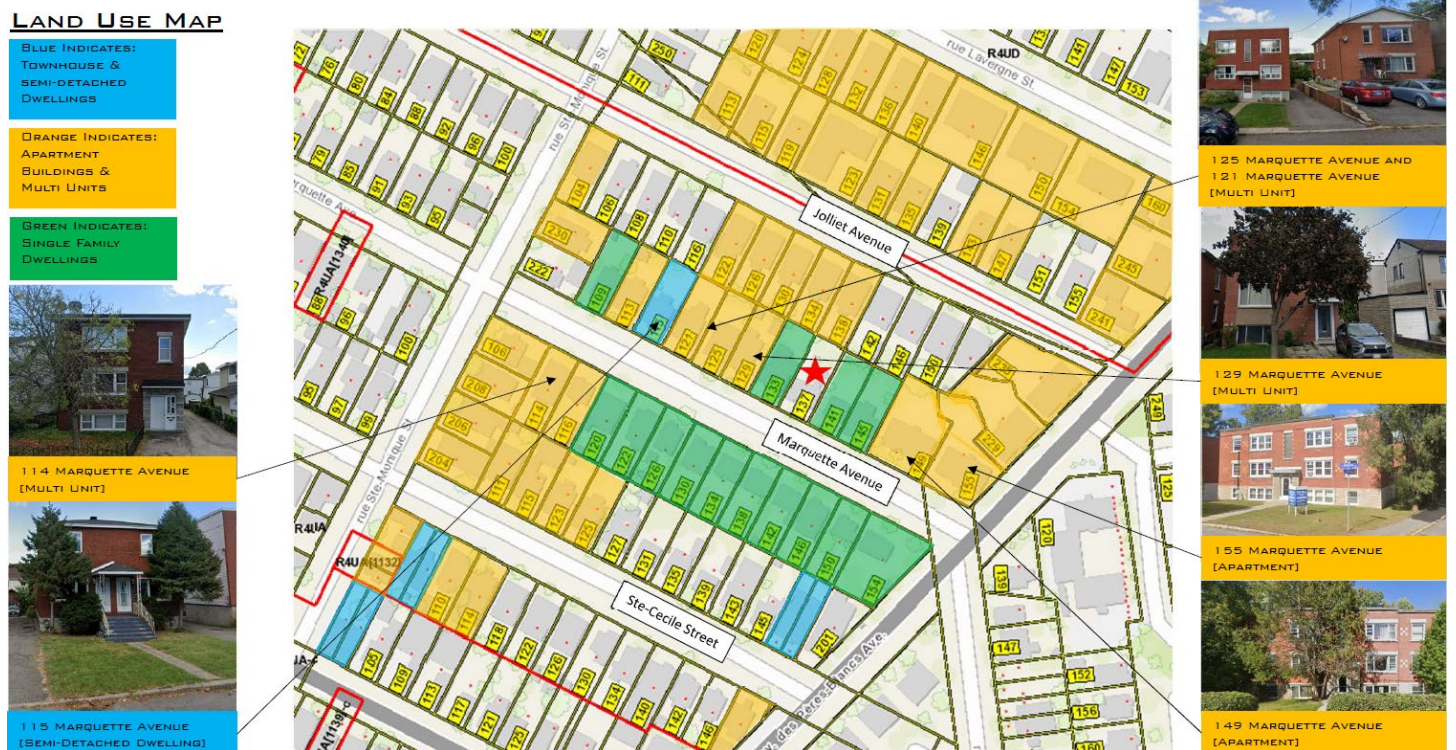
Figure 1: Existing home on Subject Property



NEIGHBOURHOOD CHARACTER

Vanier North is a community in a state of urban renewal, known for its close proximity to downtown, and two prestigious cemeteries. The homes in Vanier North are mixed, with a variety of single dwellings and small multi-unit buildings ranging between the early 1900's and the 1960's. The neighbourhood has been experiencing infill over the last decade, replacing the exiting homes with larger detached, semi-detached, and multi-unit dwellings, maximising residential development in the area. Housing along Marquette Avenue is a blend of older 2-storey detached homes and multi-unit buildings.

Figure 2: Land Use Map



137 Marquette Avenue - Application for Minor Variances

URBAN DESIGN GUIDELINES FOR LOW-RISE INFILL HOUSING

The proposed new multi-unit building at 317 Marquette 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.

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, under the Neighbourhood designation on Schedule A and Schedule B2 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 more 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 new apartment building increases the housing stock, by replacing a single-family dwelling with a new 8-unit residential building, (a net increase of 7 units). This development represents gentle intensification within the low-rise detached 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.

The proposed minor variance for reduced rear yard setback helps to facilitate the construction of more 2-bedroom units within the proposed building; for a total of 6-2BR and 2-1BR units. Whereas if the building is limited to the 30% setback only 1BR units are possible. With more 2BR units this low-rise apartment building contributes 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 apartment building aligns 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 Inner Urban area rather than expansion into peripheral lands. 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 Zoning of the subject property is Residential Fourth Density, Subzone R4UA. The intent of this zone is to allow a wide mix of residential building forms ranging from detached to low rise apartment dwellings, while allowing a number of other residential uses to provide additional housing choices within the fourth 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 mixed building form, residential character of a neighbourhood is maintained or enhanced.

This proposal meets the intentions of the Zoning By-law by providing a new low-rise residential apartment building which is compatible with existing land use patterns and the mixed residential character of the neighborhood.

The intent of the minimum rear yard setback is to ensure that developments provide adequate space for private amenity area, bike parking, waste storage, soft landscaping and tree planting. It is also to ensure that the rear yard area encompasses at least 25% of the lot area, which this proposal does. As all of these features have been included within the reduced rear yard setback, we feel that the intentions of this provision have been met.

The intent of the maximum building height restriction is to ensure that the proposal maintains the low-rise streetscape and does not adversely impact adjacent properties. The minor variance requested to increase the building height is purely technical in nature. Existing average grade must be calculated based on the average of grade elevations at the intersection of interior side lot lines with the minimum required front yard and rear yard setbacks of the zone in which the lot is located. On sloping lots, such as the subject property, this dramatically skews the calculation relative to the actual visible grade of the property as viewed from the street. As noted on the elevations, the existing average grade is 1.17m below ground relative to the front grade of the building; this ± 1 m difference necessitates the minor variance. When viewed from the street grade, the buildings will be approx. 10m in height, which is below the maximum height permitted.

The proposed apartment buildings are 3-stories in height, which is in keeping with the intentions of an 11m height restriction. Since this variance is required due to skewed calculations, and the proposed buildings are 3-stories, we feel that the intentions of the provision have been met.

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 OF USE OF THE PROPERTY

The proposed new apartment building represents 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 replacement of a single-family dwelling with a new 8-unit building 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, drainage and storm water management. 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 rear yard setback. The intent of the minimum rear yard setback is to ensure that developments provide adequate space for private amenity area, bike parking, waste storage, soft landscaping and tree planting. It is also intended to ensure that the rear yard area encompasses at least 25% of the lot area, and to maintain the rear yard privacy for adjacent neighbours. All of these have been incorporated within the reduced rear yard setback. 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 for reduced rear yard setback, it is evident that it does not negatively impact the development.

Relief is requested to permit an increased building height. The intent of the maximum building height restriction is to ensure that the proposal maintains the low-rise streetscape and does not adversely impact adjacent properties. On sloping lots the existing average grade calculation is dramatically skewed relative to the actual visible grade of the property as viewed from the street. As noted on the elevations, the existing average grade calculation comes out 1.17m below ground relative to the front grade of the buildings. When viewed from the street grade, the buildings will be approx. 10m in height, which is below the maximum height permitted.

The building is not intentionally taller than the zoning requires, the foundation elevation is restricted by site grades as well as sewer depths in the street to avoid a sump pit and sanitary pump in the basement. Sump pits and sanitary pumps are very undesirable for basement apartments and could present problems in the future.

The assessment of whether a variance is minor hinges on whether it results in a minor change or causes any undue or adverse effects. Since this variance is required due to site conditions, the proposed building is 3-stories as the By-law intends, and the building is within the height restriction when viewed from the grade at the street, we feel the variance requested is minor and does not negatively impact the streetscape or adjacent properties.

PROVINCIAL PLANNING STATEMENT

The Provincial Planning Statement was issued under section 3 of the Planning Act and came into effect October 20, 2024. It replaces the Provincial Policy Statement that came into effect on May 1, 2020.

As per Section 3(5) of the Planning Act, a decision by the Committee of Adjustment with respect to a planning matter must be consistent with the Provincial Planning Statement (PPS). The Provincial Planning Statement provides policy direction on matters of provincial interest that are related to land use planning and development.

The proposed development at 137 Marquette Avenue aligns with the policies and direction of the PPS. The low-rise building is an example of efficient land use within the settlement area, supporting sustainable growth by concentrating development where existing infrastructure and services are already in place. By avoiding urban sprawl, this project reduces environmental and financial costs and advances key provincial goals such as housing diversity, affordability, and environmental sustainability. The proposed low-rise building contributes to creating complete, connected communities that balance present needs of residents while accommodating future growth.

Section 2.1: Planning for People and Homes

Policy 2.1.6 encourages planning authorities to support the achievement of complete communities through a balanced mix of land uses, housing options, transportation, and public facilities. The proposed low-rise building aligns with this policy by concentrating growth in a well-served residential area, promoting a range of housing options close to community amenities like schools, shopping centers, and recreational spaces.

Section 2.2: Housing

Policy 2.2.1 emphasizes the need for diverse housing options to meet the needs of current and future residents, with a focus on affordability and residential intensification. The proposed development directly supports these objectives by introducing efficient low-rise apartments to diversify the housing mix in the region. By utilizing underdeveloped land within the inner urban area, the development adds new housing options that meet demographic needs. The future homes' proximity to greenspace, parks, and active living options aligns with the PPS goal of improving residents' health and well-being.

Section 2.3.1: Settlement Areas

According to Policy 2.3.1, settlement areas should be the focus of growth and development. The proposed development is located within the City of Ottawa's established settlement area, inner urban transect, which is in keeping with the PPS's emphasis on directing growth to areas with existing infrastructure and public services. By developing within a settlement area, the proposed low-rise building ensures efficient land use and minimizes the need for costly infrastructure expansion. The site's integration into the city's transit network enhances accessibility and supports sustainable urban growth, consistent with the PPS goals of reducing sprawl and promoting livable, connected communities.

Section 2.4.1: Strategic Growth Areas

Policy 2.4.1 encourages development in strategic growth areas, such as major transit station areas, existing and emerging downtowns, grayfield and brownfield sites, lands along major roads, arterials, or other areas with existing or planned transit service. The proposed development is situated within the inner urban area with convenient access to public transit, aligning with this policy's goal of focusing growth where it can be supported by existing services and infrastructure.

In our opinion, the proposed development at 137 Marquette Avenue aligns with the Provincial Planning Statement by promoting efficient land use, optimizing urban infrastructure, enhancing housing diversity, and supporting the development of complete communities. This constitutes sound and sustainable land use planning.

TREES

Existing trees on site were assessed by Trillium Tree Experts during the preliminary design stage for this file. A neighboring Manitoba maple tree and a cedar hedge in the rear yard will be protected, the front yard crabapple tree will also be protected during construction. Please refer to enclosed Tree Information Report for details.

PRE-CONSULTATIONS

Pre-consultations were held with Penelope Horn in the Development Review Department, whom indicated that the department likely would not have concerns with the reduced rear yard setback, as the proposal includes adequate space for garbage storage, soft landscaping, and bike parking. There were no comments concerning the trees, expect to confirm that the required 25 square-metre planting area was provided in the rear yard, which it has been.

CONCLUSION

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.