



P-Squared Concepts
Minor Variance Cover Letter
135 Marlborough

City of Ottawa Committee of Adjustment
101 Centrepointe Drive, 4th Floor
Ottawa, ON K2G 5K7

February 03, 2025

Committee of Adjustment
Received | Reçu le

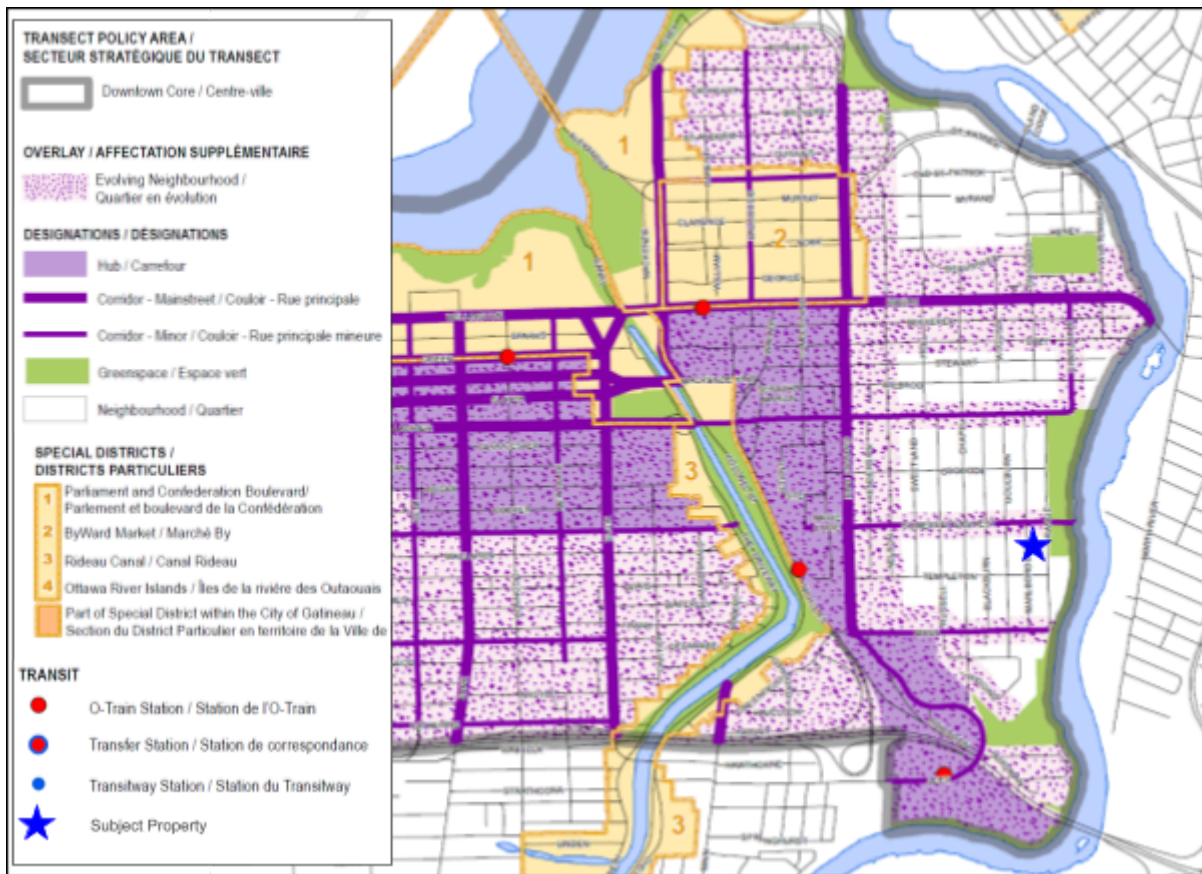
2025-02-06

City of Ottawa | Ville d'Ottawa
Comité de dérogation

Attn: Mr. Michel Bellemare
Secretary Treasurer

Re: 135 Marlborough (Minor Variance applications) - Ward 12
Paul Guevremont & Hanieh Khamesh-Zadeh
Lot 36, Registered Plan 183999, City of Ottawa

On behalf of our clients, we are submitting the enclosed Minor Variance application for the property located at 135 Marlborough. This application will allow the property owner to construct a new detached dwelling with one Additional Dwelling Unit and an accessory structure in the rear yard. The subject property is zoned R1TT - Residential First Density subzone T in the City of Ottawa Zoning By-Law 2008-250, as amended. The property is located in the Downtown Core transect and is designated as a Neighbourhood.



Schedule B1 - Downtown Core Transect, City of Ottawa Official Plan.



Aerial imagery showing the surrounding context of the subject site, Google Earth.

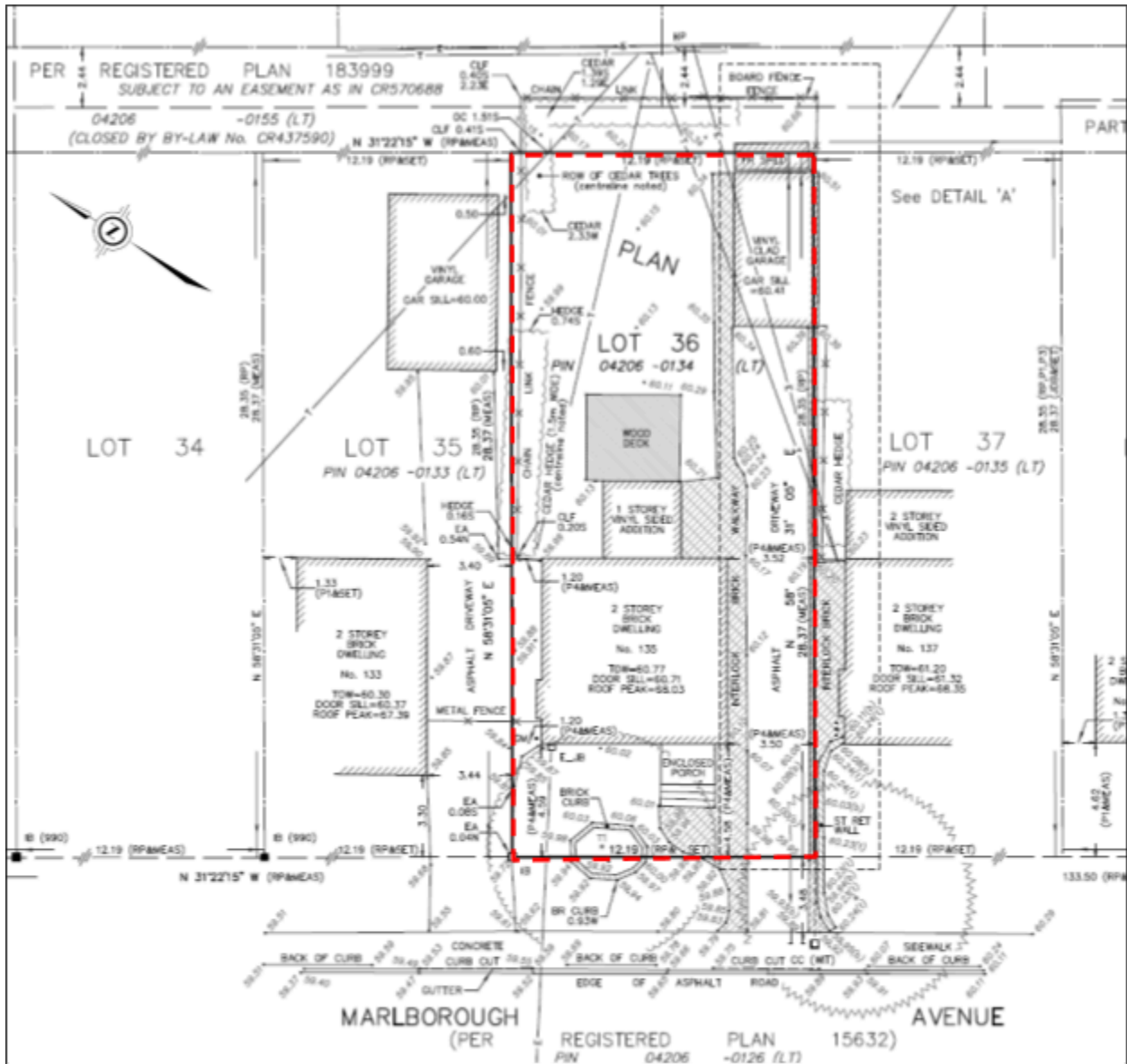


Subject property showing existing dwelling to be demolished, taken Oct 2024.

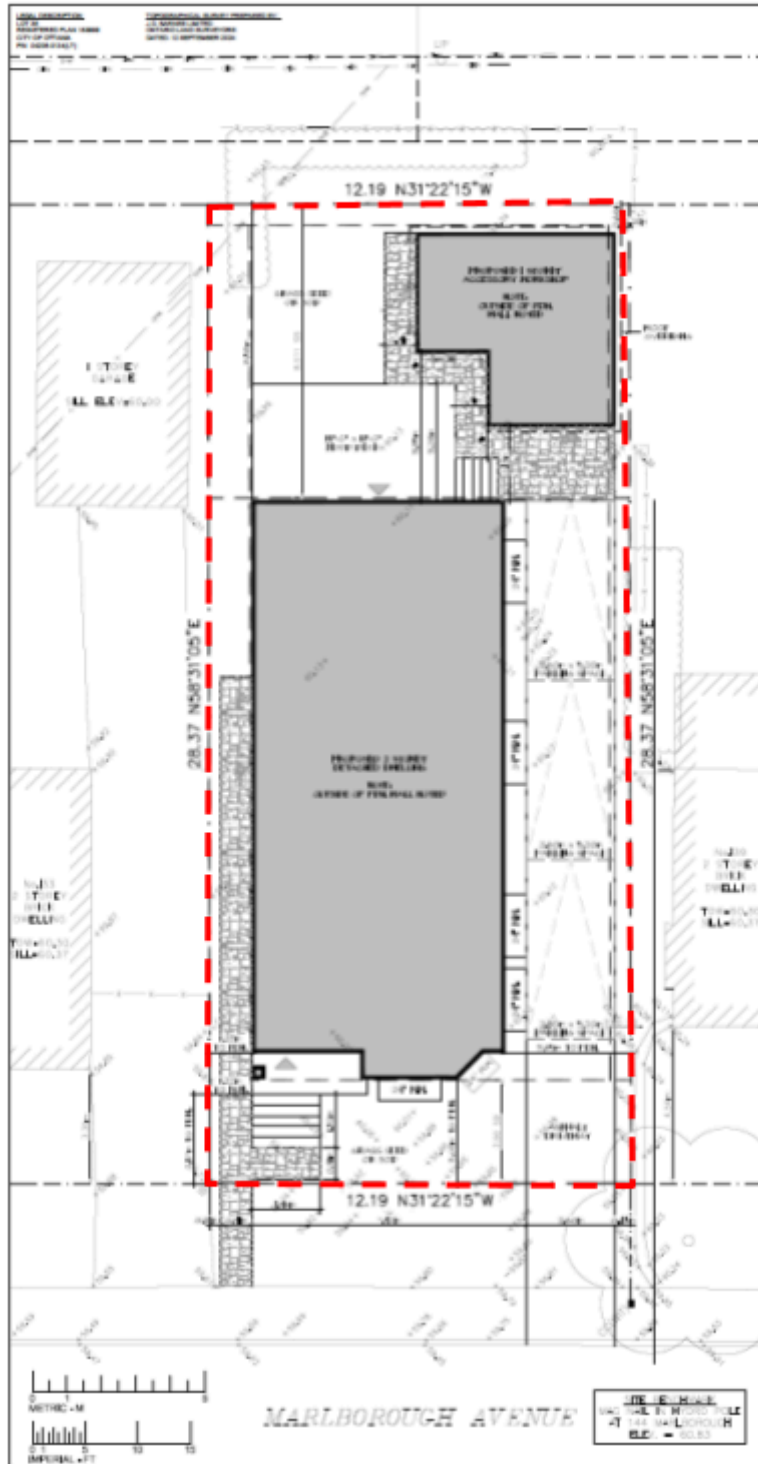
The proposal requires relief from the following Zoning By-Law sections:

- a) Deck projection. The proposed deck projection into the rear yard is 3.28 m, whereas the maximum deck projection is 2 m. (Table 65, (6), (b), (iv), Zoning By-Law 2008-250, as amended).
- b) Building height. The proposed building height is 9.34 m, whereas the maximum building height for R1TT is 8.50 m. (Table 156A, (IV), Zoning By-Law 2008-250, as amended).
- c) Accessory structure setback. The proposed setback for the accessory structure in the rear yard is 0.23 m, whereas the minimum required setback in the rear yard of an accessory building is 0.60 m. (Table 55, (3), (e), (ii), , Zoning By-Law 2008-250, as amended).

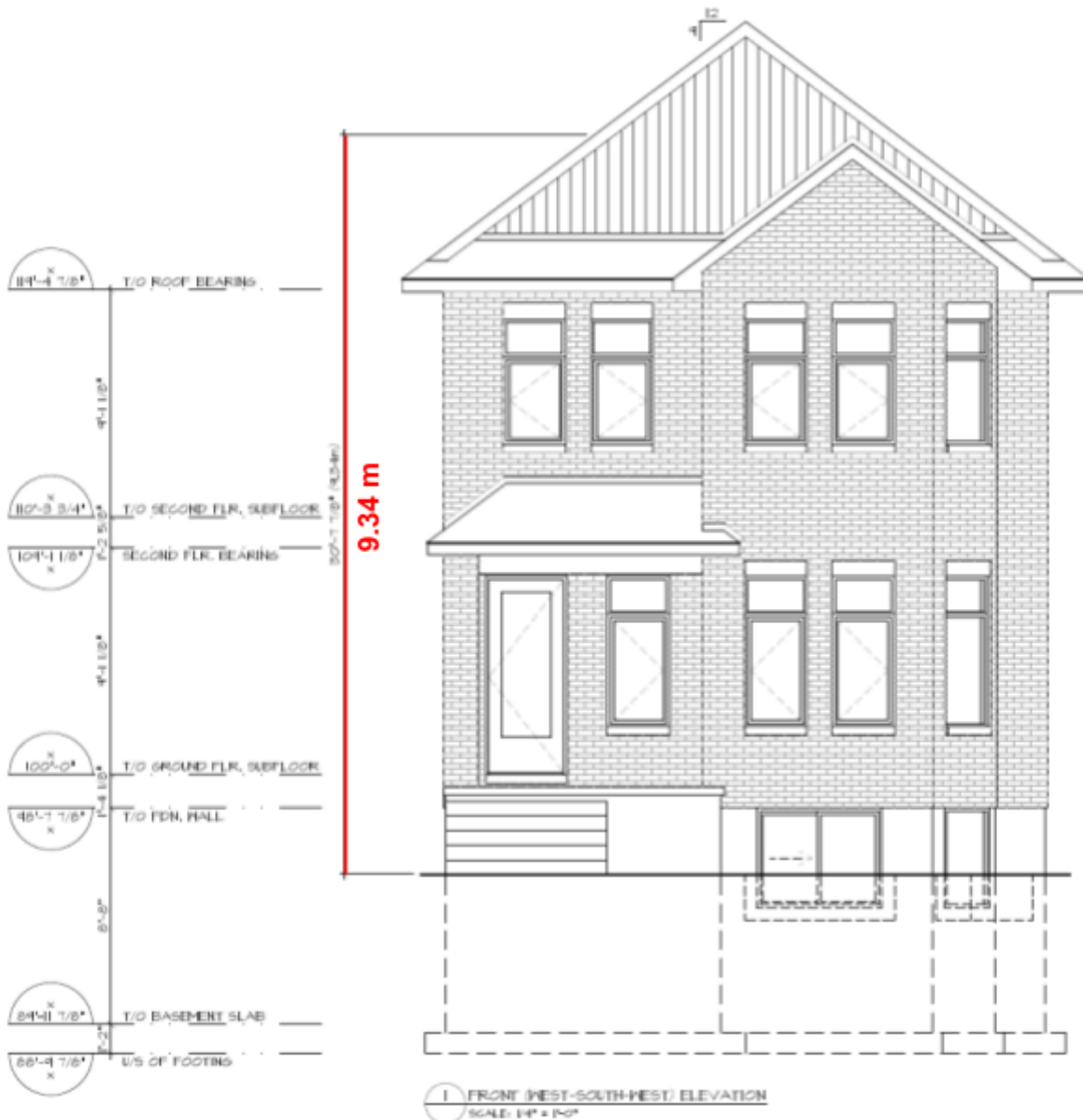
The existing dwelling on the subject property was constructed pre-1958. The existing property has a two-story dwelling, a one-story addition, a wood deck, and a one-story garage in the rear yard to be demolished. This application is to construct a new two-story detached dwelling with a wood deck projection in the rear yard, and an additional one-story accessory structure as a workshop in the rear yard. Variances needed for this property relate to the deck projection, accessory building rear yard setback and height of the principal dwelling. All other zoning provisions are met by this proposal including the front yard setback, side yard setback, rear yard setback of the principal dwelling, lot width, lot area, building height of the accessory building, distance of the accessory building from any other building, hard and soft landscaping, and parking requirements.



Survey Plan completed by J. D. Barnes, 2024.



Site Plan completed by P-Squared Concepts Inc, 2025.



Front elevation completed by P-Squared Concepts Inc, 2025.

The four tests of a **Minor Variance** application from Section 45 (1) of the Planning Act are that the variances are minor in nature, are desirable for the appropriate development or use of the land and building, and maintain the general intent and purpose of the Zoning By-Law and Official Plan.

1. The variances are minor in nature

The requested variances are minor in nature since they do not create significant departures from the Zoning By-Law or cause adverse impacts on abutting properties or

the neighbourhood as a whole. The intent of this Minor Variance application is to allow for a slightly higher principal detached dwelling, minor increase of the deck projection, and a small decrease of the rear yard setback for the accessory structure, with compatibility maintained for the character and functionality of the surrounding area.

Variance A seeks to increase the allowable maximum deck projection from 2 m to 3.28 m. The proposed deck will remain 1.23 m from the northern side lot line and since the adjoining property has a garage structure exactly in front of the deck, this would block any potential view from the additional 1.28 m projection to the neighbouring property. Further, the accessory structure proposed to be developed on the subject property will block any views from the neighbouring land on the other side from the expanded deck. In addition, the deck projection proposed herein is modest in scale and will not represent an undue incursion into the rear yard, and with a depth of 3.28 m there still be 5.3 m remaining open space for outdoors use and landscaping in the rear yard. The requested increase will therefore not result in reducing rear yard space for landscaping, or any privacy concerns for neighbouring properties.

Variance B proposes an increase in building height from 8.50 m to 9.34 m. This is a minimal increase that allows the proposed dwelling to still be compatible in scale and design with other homes in the neighbourhood. This height increase is intended to make the building meet the requirements of the Ontario Building Code requirements for windows and lighting in the basement. The extra height will allow for a safe means of egress and to provide natural light and ventilation. A pitched roof was preferred in design to better align with the architectural character of the surrounding neighbourhood as opposed to a flat roof which would not be harmonious to the existing streetscape, but would be zoning compliant. This pitched roof is respectful to the design of properties in the area and enhances the overall character of the streetscape. The proposed dwelling would thereby remain compatible with the scale, form, and design of other homes in the neighbourhood while functional and aesthetic considerations are met.

Variance C decreases the rear yard setback for the accessory structure from 0.60 m to 0.23 m. The 0.23 m is a measurement to the proposed overhang and not the building edge, which would be 0.45 m off of the property line. This reduction presents no concerns with the drainage nor overhanging over onto neighbouring properties by the accessory building itself. It is also worth mentioning that the subject property currently has a garage in the rear yard that extends over the property boundary and partially onto the neighbouring property. Demolishing the garage and replacing it with a new accessory structure that is entirely within the property line and still maintains 0.45 m setback to the building edge brings the building closer to conformity and improves the privacy of neighbouring properties as well.

2. Desirable and appropriate for the development or use of land and building

The proposed development is the construction of a new detached dwelling with one additional dwelling unit, and an accessory structure in the rear yard, on a site located

within area A on Schedule 342. As such, this proposal is subject to the design guidelines listed in the Urban Design Guidelines for Low-rise Infill Housing (2023). The following section features excerpts from this guideline document and *responses*.

2.1 Building height

- The height of the building(s) should be sensitive to the height of surrounding buildings while considering the planned height for the neighbourhood. The use of building height transitions, setbacks, stepbacks, architectural and roofline treatments to reduce the impact of height shall be considered when the proposed building's height is greater than the planned height for the neighbourhood.

Response: The proposed building height of 9.34 m exceeds the permitted height by 0.84 m but remains sensitive to the height of surrounding buildings. The increase is necessary to comply with Ontario Building Code requirements for the basement. The design also includes a pitched roof, which enhances the architectural character of the streetscape and ensures compatibility with neighbouring properties.

2.27 Rear yards (Balconies)

- Avoid projecting balconies when the provided rear yard setback is proposed to be less than the required minimum. All balconies should provide screening measures to the side yard when closer than 3m to the neighbouring properties.

1.8 Rear yards (Siting and Setbacks)

- Maintain rear yard amenity space that is generally consistent with the pattern of the neighbouring buildings in the neighbourhood. Avoid breaking an existing neighbourhood pattern of rear yards by reducing required rear yard setbacks.

Response: The proposed deck projection of 3.28 m maintains a separation of 1.23 m from the northern side lot line, and while it is 1.28 m more than maximum permitted deck projection, it ensures privacy for adjoining properties, because screening is inherently achieved through the neighbouring garage structure and the proposed accessory structure, which block direct views from the deck into adjacent properties. Sufficient rear yard area is preserved for landscaping and outdoor use, meeting the intent of the guidelines while achieving functionality.

3.5 Private yard (Private Outdoor Amenity)

- Design and locate private outdoor amenity spaces to have direct access to sunlight and sky views.

Response: The proposed uncovered 3.28 m deck maintains 5.3 m of open space for landscaping without considering the width of the uncovered deck projection itself, which ensures that adequate outdoor amenity space is preserved while maintaining privacy.

3.15 Drainage

- Pre-development drainage patterns are to be preserved; excess drainage is not to be directed to adjacent properties.

Response: The accessory structure is designed to keep all drainage within the property boundary. The proposed setback of 0.23 m applies only to the overhang, with the main structure setback at 0.45 m, ensuring no adverse impact on neighbouring properties.

It is our opinion that the proposed variances are desirable and appropriate for the development of the land.

3. The variances maintain the intent of the Official Plan

The subject site is located within the Downtown Core transect designated as a Neighbourhood. It is approximately 98 m from Somerset East and about 98 m from Templeton- both of which are Minor Corridors. Proposed changes are to increase deck projection and building height of the principal dwelling, and to reduce the rear yard setback of the accessory structure. The following section features applicable excerpts from the Official Plan (2022) and *responses*.

2.1 Big Policy Move

- Policy 1) Achieve, by the end of the planning period, more growth by intensification than by greenfield development. The City will accommodate this growth within its existing neighbourhoods and villages, in undeveloped greenfield areas within Ottawa's urban boundary and by expanding the City's urban boundary.

Response: The proposed development contributes to intensification by adding an Additional Dwelling Unit and redeveloping the property to include a new detached dwelling. This proposal will use the land more fully within an existing neighbourhood, reducing the need for greenfield development and supporting the City's goal of accommodating growth within the urban boundary.

2.2.1 Intensification and Diversifying Housing Options

- i) Direct residential growth within the built-up urban area to support an evolution towards 15-minute neighbourhoods.
- iii) Improve public amenities and services. Direct residential intensification to Hubs, Corridors and residential Neighbourhoods within a short walking distance of those Hubs and Corridors;

Response: The proposed redevelopment supports residential growth within an established built-up urban area and improves the walkability of the neighbourhood as it provides a new detached dwelling and an additional dwelling unit, which encourages more sustainable and compact urban living. The subject property is located in the Neighbourhood designation and within the Downtown Core transect, near to Minor Corridor areas throughout, and proximity to amenities such as a baseball field, parks, sport centres, a library, Rideau river, University of Ottawa, convenient stores, and restaurants. Also, public transportation is available via Somerset St. East, and

Templeton St. The property is a 2 minute walk (140m) to Somerset E / Goulbourn bus station, a 3 minute walk (200m) to Range / Templeton bus station, and 17 minute walking distance (1.2 km) to UOttawa rail station. In addition, the site is approximately 1.1 km (15 min walk) to Loblaws McArthur Ave , and 1.8 (25 min walk) km Metro Rideau.

2.2.4 Healthy and Inclusive Communities

- 1) Encourage development of healthy, walkable, 15-minute neighbourhoods that feature a range of housing options, supporting services and amenities.

Response: The development supports a healthy and inclusive neighbourhood by adding an additional housing unit to the property, increasing housing diversity, and it also supports walkability because the property is located in a neighbourhood that offers access to a variety of local amenities and services. Property owners or tenants can access to their daily and weekly needs such as grocery stores, sport centers, parks, restaurants, library and etc. via alternative modes of transportation like walking, public transportation, cycling and ride-sharing.

4.6.5 Ensure effective site planning that supports the objectives of Corridors, Hubs, Neighbourhoods and the character of our villages and rural landscapes

- 1) Development throughout the City shall demonstrate that the intent of applicable Council-approved plans and design guidelines are met.

Response: The proposed development represents good site planning in that it is carried out in a manner that addresses the needs of the property while maintaining compatibility with the surrounding neighbourhood. The slight height increase of the principal dwelling is a design to accommodate the Ontario Building Code requirement for windows and natural lighting in the basement that will increase the level of safety and livability. The pitched roof will also be complementary to the architectural character in the surrounding neighbourhood, which is sensitive to the streetscape. The additional deck projection of 1.28 m beyond the permitted limit is carefully designed to ensure privacy for adjoining properties. Views from the extended deck are effectively blocked by the neighbouring property's garage structure, which sits 1.23 m from the side lot line, and the proposed accessory structure on the subject property, which sits 0.91 m from the deck. The open space in the rear yard is 5.3 m for landscaping and outdoor use, which can ensure enough green space be preserved. Although the proposed overhang of the accessory structure reduces the setback to 0.23 m from the rear lot line, all the drainage and overhangs have been located within the property. In fact, the new accessory building replaces an older garage previously extended onto a neighbouring property partially and brings this site closer to conformance, improving the privacy of the abutting lots. The proposal does not vary any of the key zoning provisions, including front yard setback, side yard setback, and rear yard setback of the principal dwelling, lot width and lot area, building height of the accessory building, distance of the accessory building from any other building; hard and soft landscaping, and parking requirements. These variances support a development that aligns with the wider aims of the City's planning policies

while ensuring that the development is compatible with the character and functionality of the neighbourhood.

4.6.6 Enable the sensitive integration of new development of Low-rise, Mid-rise and High-rise buildings to ensure Ottawa meets its intensification targets while considering liveability for all

- 6) Low-rise buildings shall be designed to respond to context, and transect area policies, and shall include areas for soft landscaping, main entrances at-grade, front porches or balconies, where appropriate. Buildings shall integrate architecturally to complement the surrounding context.

Response: The proposed design is sensitive to the streetscape character and architecturally compatible with the abutting residences. The proposed building includes an added 0.84 m of height, but this height increase will not be very noticeable. This building height is consistent with the other two-story homes in the neighbourhood, most of which have basements, including 120, 128, and 130 Marlborough. Architectural integration into the existing development pattern for the proposed building includes a pitched roof, matching neighbouring property designs, and having front steps and landscaped front yards matching the prevailing character in the area. The proposed detached dwelling would be sensitive not only to the neighbourhood context but also to the transect area policies, compatible with the existing low-rise residential character. Ensuring functionality yet aesthetic harmony, hence livability is promoted, cohering well with the enhancement of the street character. This supports the thoughtful integration objectives in the low-rise development within the area and ensures that the proposed dwelling contributes positively to the neighbourhood.

5.1.5 Provide direction to the Neighbourhoods located within the Downtown Core Transect

- 1) Neighbourhoods located in the Downtown Core shall accommodate residential growth to meet the Growth Management Framework as outlined in Subsection 3.2, Table 3b. The Zoning By-law shall implement the density thresholds in a manner which adheres to the following: c) Provides for a Low-rise built form, by requiring in Zoning a minimum built height of 2 storeys, generally permitting 3 storeys, and where appropriate, will allow a built height of up to 4 storeys to permit higher-density Low-rise residential development

Response: Despite the minor increase in height, the design fits well with the scale and character of nearby properties. Moreover, adding an additional dwelling unit increases residential density on the site, directly supporting the Growth Management Framework's objectives for intensification in the Downtown Core. This carefully planned design aligns with the Official Plan by accommodating growth in a way that respects the established character of the low-rise residential area and maintains compatibility with the neighbourhood.

6.3.1 Define neighbourhoods and set the stage for their function and change over the life of this Plan

- 5) The Zoning By-law will distribute permitted densities in the Neighbourhood by:
 - a) Allowing higher densities and permitted heights, including predominantly apartment and shared accommodation forms, in areas closer to, but not limited to, rapid-transit stations, Corridors and major neighbourhood amenities.

Response: Although the subject property is located in a low-rise residential area, the proposal aligns with the Official Plan by modestly increasing density through the addition of an ADU. Since the property is in the Neighbourhood designation and also in close proximity to public transportation options like bus stations and rail stations, Somerset St. East, and Templeton St. as two Minor Corridors, services like parks, libraries, the university, and grocery stores, this would support the City's objectives for providing a range of housing options and ensuring efficient land use within neighbourhoods near urban amenities and services. While the proposal does not exceed low-rise building heights, it optimizes residential density in a manner that remains compatible with the surrounding area.

4. The variances maintain the intent of the Zoning By-Law

The purpose of the R1 zone is to:

- Restrict the building form to **detached dwellings** in areas designated as General Urban Area in the Official Plan;
- Allow a number of other residential uses to provide additional housing choices within detached dwelling residential areas;
- Regulate development in a manner that is compatible with existing land use patterns so that the detached dwelling, residential character of a neighbourhood is maintained or enhanced.

In the R1 Zone, Permitted Uses include **additional dwelling unit**.

According to Section 55, (1) An **accessory use** is permitted in any zone if:

- (a) it is on the same lot as the principal use to which it is accessory; and
- (b) it exists to aid and contribute to the principal use to carry out the function of that principal use.

The list of permitted uses in the R1 zone includes detached dwellings, additional dwelling units and accessory structures. As proposed, the application presents permitted uses (a new detached dwelling with one additional dwelling unit, and an accessory structure) that is compatible with the existing land use patterns and maintains the residential character of the neighbourhood.

The intent of limiting the deck projection into a rear yard is to maintain adequate private outdoor space, ensure that the rear yard remains functional and visually pleasant, and to reduce any privacy or overshadowing impacts on neighbouring homes. The increase

of deck projection, from 2 m to 3.28 m still supports such intent. The proposed deck will not unduly intrude on neighbour's privacy as its view is effectively screened by a neighbouring garage and also the proposed accessory structure on subject property. Remaining is a significant 5.3 m of rear yard space to allow for landscaping and outdoor use, adequate to maintain the functionality and aesthetic value intended by the yard. This modest projection does not compromise private amenity space and does not fall short of the requirements for landscaping but is rather compatible with the character of the neighbourhood.

Building height limits are intended to keep buildings' scale and design harmonious with adjacent structures, not overshadowing other structures and properties, and to maintain streetscape and neighbourhood character. The increase in height from 8.50 m to 9.34 m supports the intent of the zoning by being compatible with surrounding buildings. The additional height actually ensures compliance with the Ontario Building Code requirements with respect to basement egress and natural lighting for the purposes of safety and also livability. A pitched roof is a consistent approach to the architectural character of the neighbourhood and maintains architectural harmony to adjacent properties, rather than a flat roof which is an out-of-character feature. This increase is minor and will not result in any adverse impacts on the streetscape or neighbouring homes. It remains compatible with the low-rise character of the neighbourhood and yet improves the overall functionality and visual appeal of the proposed structure.

The intent of the rear yard setback requirements for accessory structures is to provide sufficient separation between buildings in neighbouring properties, ensure proper drainage is within the subject lot and maintain privacy, and to reduce possible visual impacts on adjoining homes. This is in support of a variance for a rear yard setback reduction from 0.60 m to 0.23 m for an overhang for an accessory structure only. The edge of the building will be located at 0.45 m from the property line, therefore, there would not be overhang onto any neighbouring properties and proper drainage will remain within the subject property. The new accessory structure would be entirely in the subject lot and in fact replacing the existing garage that extends onto the neighbouring lot, and thus It offers better conformity to zoning standards and privacy to neighbouring buildings. The design proposal is an improvement to site planning and in conformance with the general intent of the zoning.

These variances collectively support and maintain the intent and purpose of the Zoning By-Law in ensuring a functional and visually pleasing redevelopment of the subject property in a manner that represents thoughtful and context-sensitive adjustments and maintain the character of the area while ensuring functionality and livability of the property.

We request the Committee of Adjustment authorise the requested variances in accordance with the plans filed as they relate to the variances being requested.

At this time we are submitting the following in support of the application:

- Completed application form for the Minor Variance application;
- Property owner's authorization for submission of the applications;
- Tree Information Report;
- Site Plan showing the entirety of the proposed site;
- Elevations from all four sides;
- Application fees;
- Survey plan of the entire property.

When the notification signs are ready for this application please email the undersigned and we will arrange for their installation on the property.

Should you have any questions or require anything further, please do not hesitate to contact the undersigned at (613) 695 0192 or via email at planning@p2concepts.ca.

P-Squared Concepts Inc.

A handwritten signature in black ink, appearing to read 'J. Paoloni'.

Jasmine Paoloni,

B.A.S, LEED® Green Associate™