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March 20, 2025

Revised March 25, 2025 (zoning code typo)

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

Revised | Modifié le : 2025-03-25

City of Ottawa | Ville d'Ottawa
Comité de dérogation

Re: **APPLICATION FOR MINOR VARIANCES FOR LANDS AT 216 PERCY STREET, OTTAWA, ON.**

Part of Lot 5
(West Percy Street Lots)
Registered Plan 30
City of Ottawa
Ward 14, Somerset
Zoning R4UD[478], Zoning By-law 2008-250

Dear Mr. Bellemare,

Zhaokun Wang and Guiqin Zou have 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 216 Percy Street, 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 Annis, O'Sullivan, Vollebakk 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 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

Minor Variances for reduced rear yard setback, reduced interior side yard, and increased front steps projection to permit construction of a new 3-storey, 8-unit low-rise residential building.

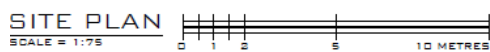
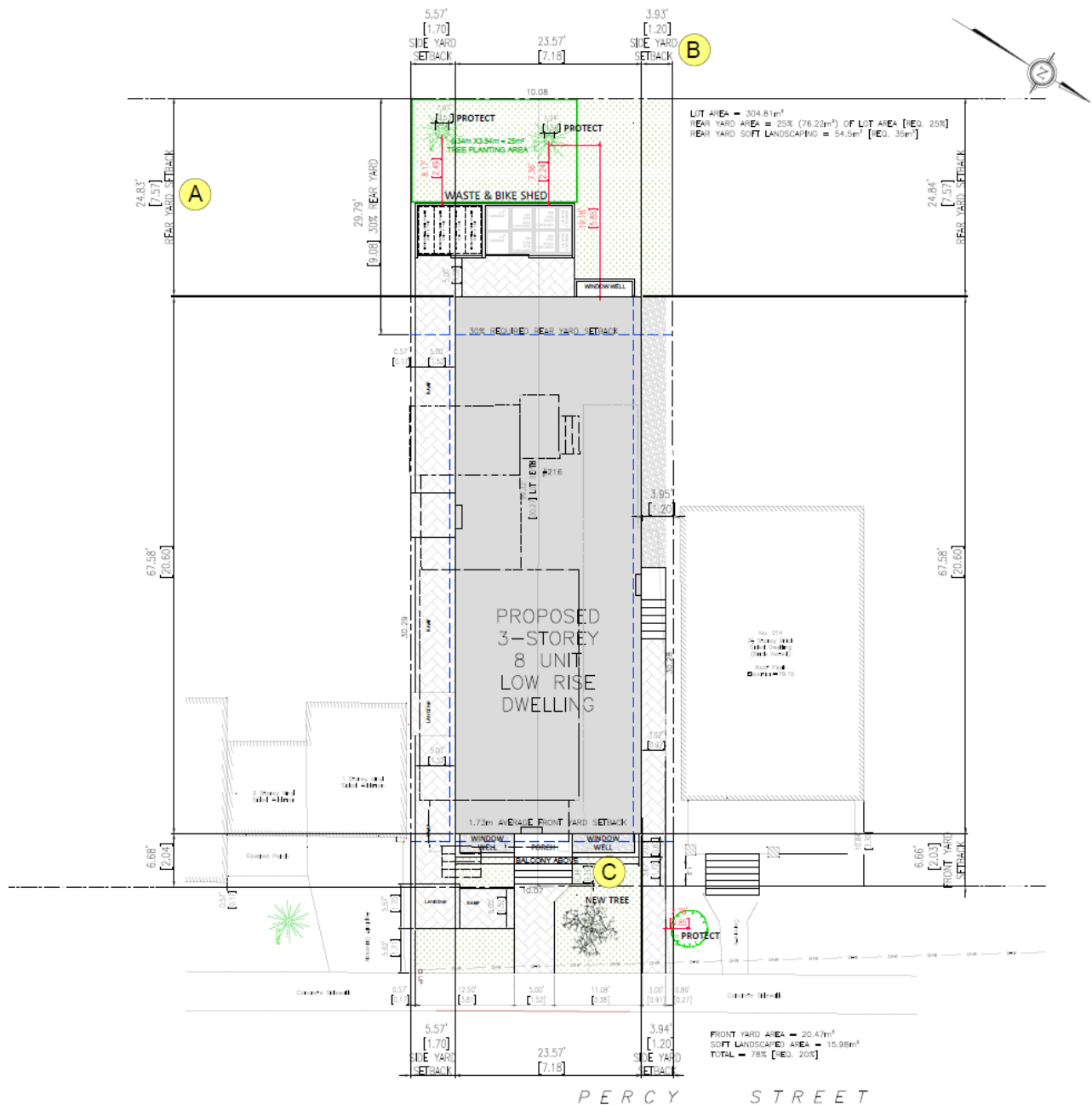
216 Percy Street - Application for Minor Variances

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% of the lot depth**, whereas the By-law requires a minimum rear yard setback of **30% of the lot depth**. [Table 144A]
- b) To permit a reduced side yard setback of **1.2 metres**, whereas the By-law requires a minimum side yard setback of **1.5 metres**. [Table 162A]
- c) To permit the front steps to project up to **0.10 metres** from the front lot line, whereas the By-law permits a maximum projection of **0.6 metres** from the front lot line. [Sec. 65)(5)(b)(i)]

Figure 1: Site Plan Excerpt



ZONING

Zoning Bylaw 2008-250 | R4UD[478]

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	10m	10.07m
Min. Lot Area	300m ²	304.81m ²
Max. Building Height	11m	10.45m
Underlying Front Yard Setback	4.5m	2.03m
Average Front Yard Setback	1.73m*	
Min. Corner Yard Setback	4.5m	N/A
Min. Rear Setback	30% of lot depth (9.08m)	25% of lot depth (7.57m)
Min Rear Yard Area	25% of lot area (76.20 m ²)	25% of lot area (76.22m ²)
Min. Interior Side Yard Setback	1.5m	1.2m
Min. Soft Landscaping of the Front Yard	20%	78%
Min. Soft Landscaping of the Rear Yard	35m ²	54.5m ²

EXISTING CONDITIONS AND AREA OVERVIEW

There is a 2.5-storey detached dwelling on the subject property which is proposed to be demolished. The property fronts onto Percy Street, which is a Local Road. Transit service is provided along Gladstone Ave to the north, Bronson Ave to the west, and Catherine St. to the south. Many commercial and community amenities are nearby along Somerset St. W to the north, Bank St to the east, and Preston St to the west. McNabb Recreation Centre and Park are nearby to the north.

This property falls within the Downtown Core Transect, under the Evolving Neighbourhood designation on Schedule A and Schedule B1 of the City of Ottawa’s Official Plan.

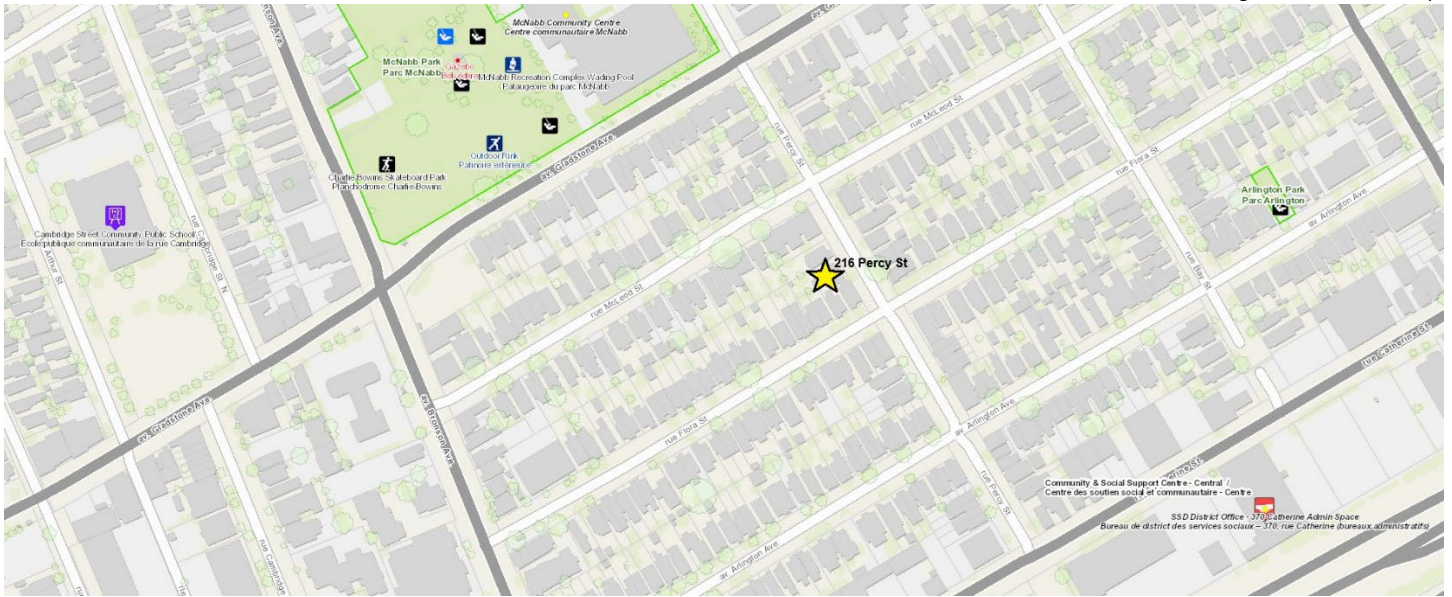
Figure 2: Existing home on Subject Property



NEIGHBOURHOOD CHARACTER

Centretown is characterized by a diverse mix of residential and commercial properties. Main streets like Bank and Elgin are lined with commercial buildings, while smaller streets such as MacLaren and Gladstone feature more dwellings. The neighbourhood maintains a blend of original dwellings alongside newer developments, including townhouses and low-rise to high-rise apartment buildings. A construction boom that began in the late 1990s significantly increased the number of condominiums and other high-rise buildings, particularly in the northern parts of Centretown, adding to its dynamic urban landscape. Housing along Percy Street features primarily older or original 2-2.5 storey dwellings in a mix of single family, semi-detached and multi unit dwellings and conversions.

Figure 3: Area Map



URBAN DESIGN GUIDELINES FOR LOW-RISE INFILL HOUSING

The proposed apartment building at 216 Percy Street has been designed in alignment with the Urban Design Guidelines for Low-rise Infill Housing, ensuring it meets the goals of preserving the neighbourhood's character. The design includes setbacks that protect and integrate existing natural features, while maintaining harmony with the surrounding area. A front porch and front-facing balconies above, which are typical of the neighbourhood, have been incorporated into the building's design. Additionally, side yard access to a rear yard amenity space mirrors the layout of neighboring dwellings, further blending the development with its environment.

Figure 4: Street Profile Drawing



PERCY STREET: STREET PROFILE

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 Downtown Core Transect, under the Evolving Neighbourhood designation on Schedule A and Schedule B1 of the City of Ottawa's Official Plan. The Official Plan directs that downtown neighbourhoods accommodate residential growth in alignment with the Growth Management Framework, emphasizing a range of housing types, including missing-middle housing and higher-density low-rise developments. All developments must respect the urban built form and enhance site design.

The proposed apartment building supports the Official Plan's goals by fostering growth with an urban design approach. By replacing a single-family dwelling with an 8-unit building, the proposal increases the housing stock by 7 units, supporting residential growth while maintaining the neighbourhood's character. Located within the Evolving Neighbourhood overlay, this project fulfills the Downtown Core policies by promoting intensification and urban design. It represents a clear example of gentle intensification.

In line with Table 6 – General Characteristics of Urban Built Form, the proposed site design features a shallow front yard setback, a principal entrance at grade, higher lot coverage, 3 functional stories, and minimal side yard setbacks. The site design also includes small formal landscaped areas at the front and rear, with space for soft landscaping, trees, and hard surfacing. With no vehicle parking provided, the development encourages the use of public transit and active transportation.

The proposed minor variance for a reduced rear yard setback allows for larger units and more 2-bedroom units in the building, contributing to housing diversity. Without this variance, only 1-bedroom and/or studio sized units would be possible. The inclusion of larger 1 and 2-bedroom units enhances the area's housing variety in terms of unit sizes, densities, and tenure types. By gently increasing density, the development supports the concept of 15-minute neighbourhoods, providing access to public transit, amenities, schools, and parks within walking distance.

The proposed minor variance for reduced interior side yard setback also affords more space to the building, while maintaining functional egress and rear yard access. Reductions to interior side yards are encouraged in the Official Plan. Table 6 indicates that one of the characteristics of Urban Built Form is buildings attached or with minimal functional side yard setbacks.

The proposal aligns with the City's goal of residential intensification, making use of existing infrastructure, including transit services, water and sewer systems, and cycling routes. By promoting redevelopment within the Downtown Core, rather than expanding into peripheral areas, the proposal supports sustainability and accessibility. The property's proximity to rapid transit and community amenities, including employment and retail facilities, reduces travel distances, fostering a sustainable and accessible 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 R4UD[478]. 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 minimum side yard setback is to provide spatial separation between buildings and rear yard access. The existing dwelling on the property has 0m setback on the south side, the proposal improves that condition to a 1.7m setback, which provides space for the accessible ramp and access to the rear yard. The north side yard is reduced to 1.2m in order to afford more space to the building to accommodate interior exit stairs and more space in the units. The reduced north side yard maintains enough spatial separation for windows to provide natural light between the buildings, and a secondary means of egress from the building. For these reasons we feel that the reduced side yard setback meets the intentions of this provision.

The intention of the limits to permitted projections is to maintain soft landscaping, and prevent interference to adjacent neighbours and/or encroachment into the right-of-way. The proposed front steps do not encroach into the right-of-way, whereas many of the surrounding neighbours do. Additionally, the soft landscaping requirements for the front yard have been met and exceeded. The proposed front steps strongly mirror the established character of the entrances along Percy Street and throughout the neighbourhood, as such we feel that this variance enhances the development and is in keeping with the intentions of this provision. See Figure 6.

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 urban built form, enhancing both the public streetscape and private rear yard.

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. It is also relevant to note that the building could not be pulled further forward to align with the average front yard setback due to required clearances for the overhead hydro lines in the front yard. 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. See Figure 1.

Relief is requested to permit a reduced interior side yard setback. The intent of the minimum side yard setbacks is to provide spatial separation between buildings and rear yard access. The existing dwelling on the property has 0m setback on the south side, the proposal improves that condition to a 1.7m setback, which provides space for the accessible ramp and access to the rear yard. The north side yard is reduced to 1.2m in order to afford more space to the building to accommodate interior exit stairs and more space in the units. Reduced side yard setbacks such as this are very common in the surrounding neighbourhood, as demonstrated in Figure 5. They are also encouraged in the Official Plan to contribute to an Urban Built Form and maximize development on these lots.

Figure 5: Small Side Yard Setbacks

The 1.2m side yard maintains enough spatial separation for windows to provide natural light between the buildings, and a secondary means of egress from the building. In our opinion this reduced rear yard setback does not cause any undue or adverse effects on the development or adjacent properties, and is in keeping with the established pattern of development in the neighbourhood.



Relief is requested to permit an increased projection of the front steps. The intent of the limits to permitted projections is to maintain soft landscaping, and prevent interference to adjacent neighbours and/or encroachment into the right-of-way. The front steps will project up to 0.10m from the property line. This type of projection of the front steps is a common condition in the downtown area and along Percy Street, as demonstrated in Figure 6.

The proposed steps do not encroach into the right-of-way, whereas many of the surrounding neighbours do. Additionally, the soft landscaping of the front yard has been met and exceeded.

While the steps could be turned to avoid this projection, we felt it was more in keeping with the established character of the neighbourhood for the front steps to extend out towards the street. This provides a more welcoming front entrance, and mirrors the front entrances of many other dwellings along this street. 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 front steps, it is evident that they enhance the development, and there is no negative impact.

Figure 6: Front Entrance Character



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 216 Percy Street 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 downtown core, the development adds new housing options that meet demographic needs. The future dwelling's 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, downtown core 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 downtown core 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 216 Percy Street 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 Dendron Forestry Services during the preliminary design stage for this file, with updates throughout the design development. There are 2 Colorado spruce trees in the rear yard in good/fair condition which will be retained and protected. A small city-owned Ginkgo tree in front of the adjacent property to the north will also be retained and protected. It is proposed to plant 1 new small tree in the front yard at completion of construction in keeping with the Tree Protection Bylaw. Please refer to enclosed Tree Information Report and Planting Plan for details.

PRE-CONSULTATIONS

Pre-consultations were held with Dylan Geldartin the Development Review Department, whom indicated no concerns with the proposed minor variances. Julian Alvarez-Barkham, Planning Forester commented on the initial location of the bike parking and waste storage in the year yard, which we revised to better protect the existing spruce trees.

The proposed plans and a letter explaining the proposal was provided to the Centretown Community Association for their information and comments ahead of this submission.

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.

Mary Beth DiSabato
Miroca Design Consulting Services Inc.