



planning + design

# PLANNING RATIONALE

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**Date:** July 3 2021

**File:** 020521 - 87 Melrose

## SITE PLAN APPLICATION FOR 87 MELROSE

Q9 Planning + Design has been retained by Concorde Properties Inc., to prepare a Planning Rationale with regards to the requested minor variances and site plan control approval to permit an additional unit in the existing triplex at 87 Melrose Avenue in order to create a four-unit building.

The following presents the Planning Rationale cover letter required as part of the application submissions to permit this project.

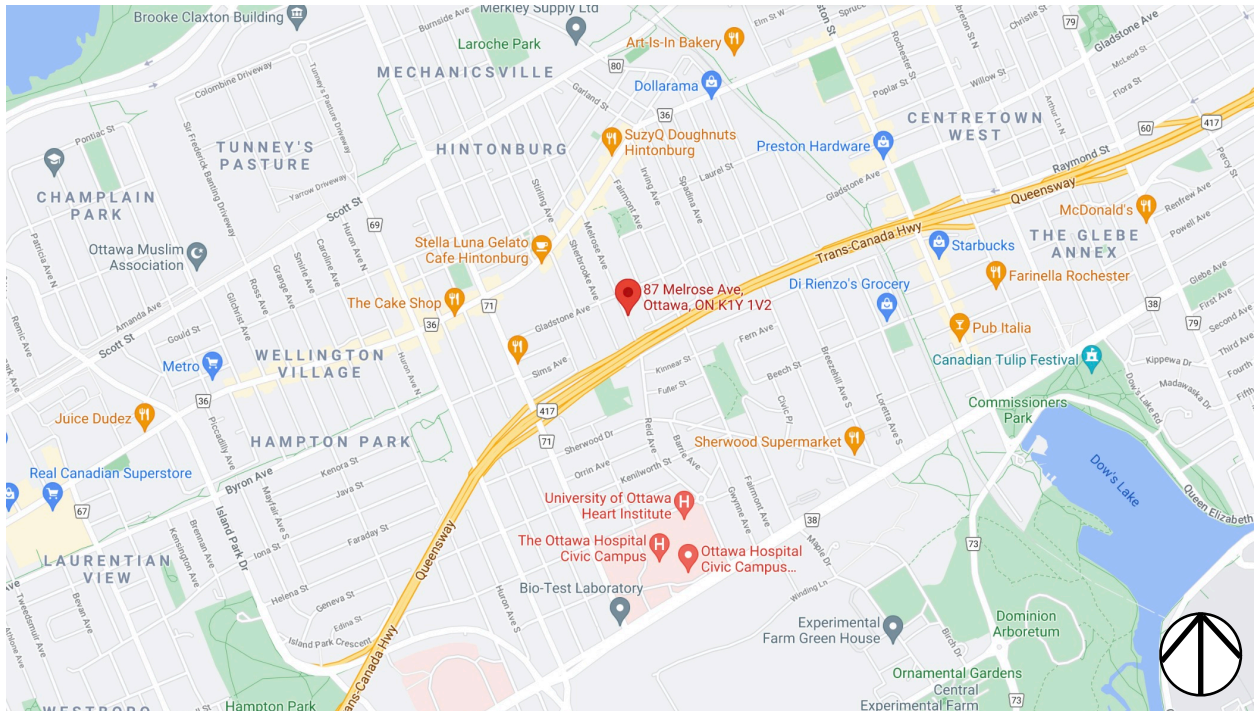


Figure 1: Location Plan

## OVERVIEW

The site is a rectangular shaped lot located on the east side of Melrose Avenue between Gladstone Avenue and Highway 417. There is an existing three-unit dwelling at this property.

With the recent changes to the R4 zones within the urban area, the proponent - Concorde Properties - is looking to renovate the building and site to provide a fourth unit in the basement.

As a fourth unit would classify this proposal as a low-rise apartment building, a Site Plan Control application is required.

Variances for the three-unit dwelling were obtained in 2015, a copy of that decision is provided as Appendix A. The variances sought were to reduce lot area, lot width, front yard setback, and a canopy projection. As the regulations applying to four-unit dwellings are different than they apply to three-unit dwellings, in addition to considering new provisions that have come into effect since the construction of this dwelling, new variances must be obtained and will be applied for following submission of Site Plan Control.

## SITE & CONTEXT

### Site

The subject site, 87 Melrose Avenue, is a lot with a preexisting triplex, situated in Hintonburg and is classified as being located in a Mature Neighbourhood Overlay and north of the Highway 417. The site itself is a rectangular shape lot (shown below) with Melrose Avenue running along the west boundary of the site and will serve as the site access. The site contains a planting area in the front, and two parking spaces in the rear currently that were not being used at site visit.

- [ Lot frontage: 10.6 m (Melrose Avenue)
- [ Lot Area: 257.56 m<sup>2</sup>
- [ Lot Depth: 25.60 m



Figure 2: Site Map

## Context

The proposed development, as noted, is situated in Hintonburg, a neighbourhood in Kitchissippi Ward in Ottawa, located west of the Downtown core. This community predominantly contains residential uses, with a commercial strip located along Wellington Street. The communities eastern border is the O-train Trillium line, just west of Preston Street, with Centretown West/ Somerset Heights neighbourhood to the east. To the north it is bounded by the Transitway along Scott Street. To the south it is bounded by the Queensway (Highway 417) and to the west by Holland Avenue. Despite the mature neighbourhood overlay identified for this area, the low-rise development conforms with the Streetscape Character Analysis and the streets overall identity is maintained.

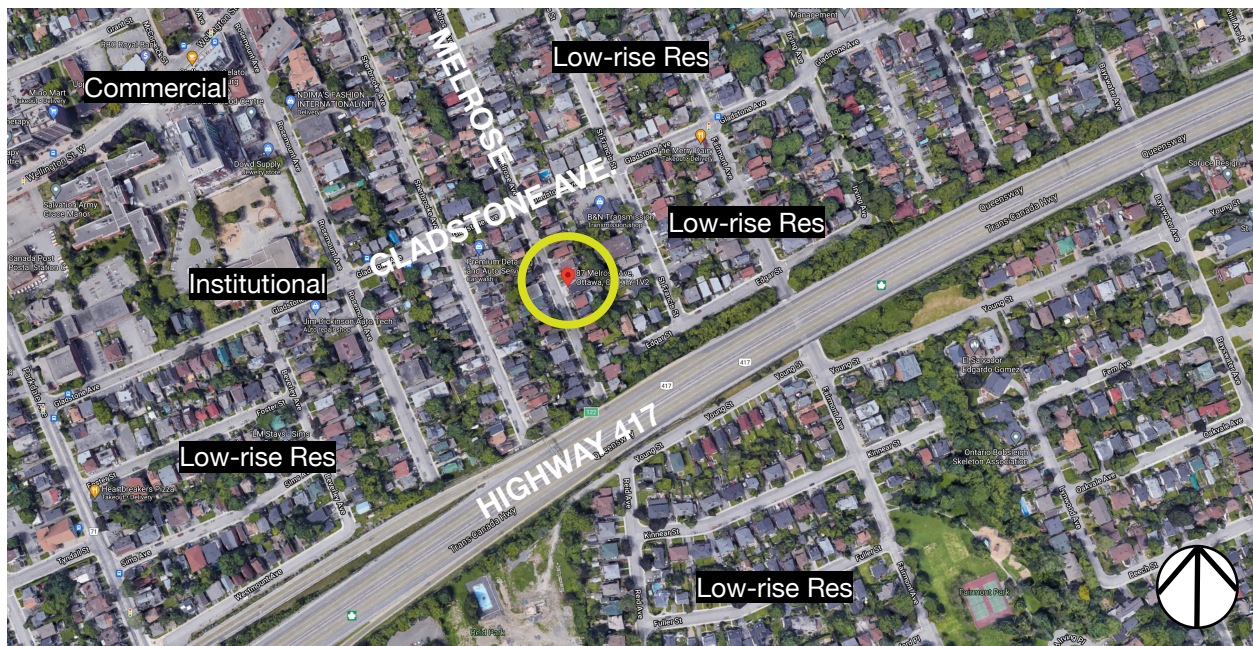


Figure 3: Context

The following represents a context map of the neighbourhood. This site is located in an area that is generally low-rise, being 4 storeys or less, and is in proximity to Wellington Street West commercial amenities as well as a short distance to Highway 417 access via Parkdale Avenue.

The existing community is highly walkable and bicycle friendly because of its commercial strip and is extremely accessible by both bus and train.

### **Housing Types & Road Patterns**

The majority of the homes in Hintonburg are older single detached properties, but as the neighbourhood has grown and became more popular, redevelopment has been highly prominent. Common housing types that are emerging in these areas are semi-detached homes, triplexes, and low-rise apartments such as the development taking place at the subject site. The

community presents a fairly standard fragmented parallel road network system which demonstrates blocks that are reconfigured into long, narrow rectangles and L-shapes.

The proposed development for the additional basement unit into the existing triplex at 87 Melrose Avenue is one component of that proposed redevelopment that is contributing to intensifying the area.

## PROPOSED DEVELOPMENT

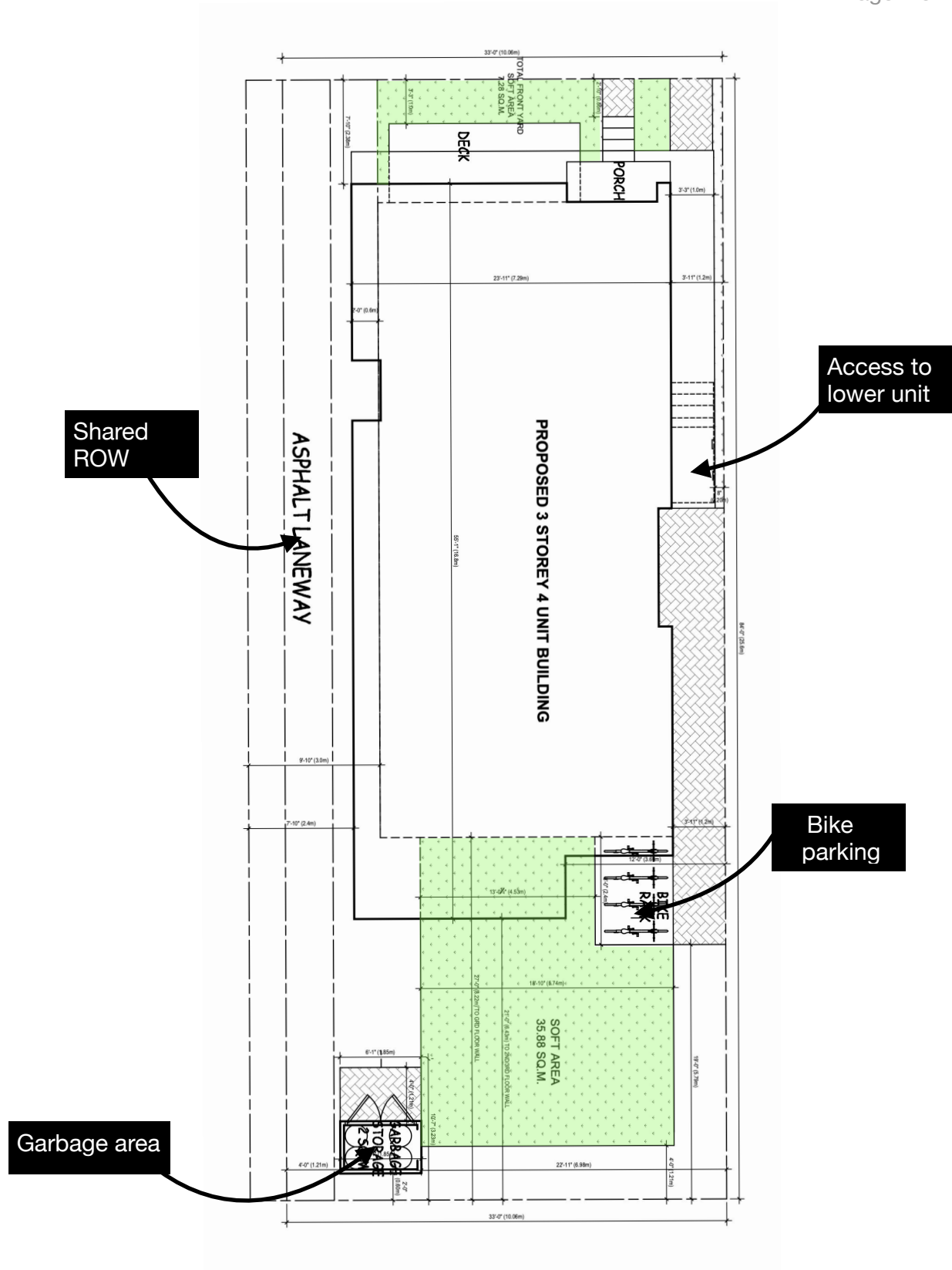
The proposed development is to modify the existing three-unit dwelling in order to provide a fourth unit in the basement level. Some alterations to the property are required to bring site into further compliance with this change.

Changes to the site include the removal of the rear parking spaces to provide greater soft landscaping and amenity space, as well as improvements to the bicycle parking area and the garbage area.

The drive aisle on the south side of the property is required as it forms part of the shared Right-of-Way with the site to the south obtained by the Committee of Adjustment in 2015.

The following are some details about what is being proposed and what is existing:

		Status
<b>No. of Units</b>	+ 1 (4)	<b>Proposed</b>
<b>Lot Area</b>	257.51 m <sup>2</sup>	Existing
<b>Lot Frontage</b>	10.05 m	Existing
<b>Front yard setback</b>	2.38 m	Existing
<b>Front yard area</b>	23.9 m <sup>2</sup>	Existing
<b>Front yard soft landscaping</b>	7.28 m <sup>2</sup> (30%)	<b>Proposed</b>
<b>North interior side yard setback</b>	1.2 m	Existing
<b>South interior side yard setback</b>	2.4 m	Existing
<b>Rear yard setback</b>	8.22 m (at grade) 6.43 m (above)	Existing
<b>Rear yard area</b>	82.61 m <sup>2</sup>	Existing
<b>Rear yard soft landscaping</b>	35.88 m <sup>2</sup> (43%)	<b>Proposed</b>
<b>Bicycle Parking</b>	4	<b>Proposed</b>
<b>Deck projection (front)</b>	1.38 m / 1.0 m from lot line	Existing
<b>Porch projection (north interior)</b>	1.0 m / 0.2 m from lot line	Existing



## POLICY REVIEW

In order to obtain Site Plan Control approval and Minor Variance approval for the addition of a unit to the existing three-unit dwelling, a review of the relevant and applicable policies and provisions is required, these are discussed below.

### Provincial Policy Statement, 2020

The purpose of the Provincial Policy Statement (PPS) is to uphold and preserve planning matters of provincial interest, which include creating and maintaining healthy, sustainable and liveable communities where infrastructure is efficiently used and all persons, regardless of socioeconomic status or ability, are provided with equal opportunity for housing and access. These intents and purposes are laid out through Section 1.1.1.

Approval of these minor variances and site plan control application will result in an intensification from 3 to 4 units in an inner urban area, with close access to transit and walkable amenities. Further, basement units typically rent for less and therefore offers a more affordable price point. As such, this project is consistent with the PPS policies of Section 1.4 - Housing which stipulate the following:

- [ provide appropriate range and mix of housing and density
- [ maintain ability to accommodate growth for a minimum of 15 years through intensification and redevelopment
- [ promoting densities for new housing that efficiently uses land and services
- [ support transit supportive development

The intent and purpose of the PPS is to ensure development is efficient, safe, and consistent with best practices to provide for and support healthy, sustainable and liveable communities. This proposal offers an appropriate degree of intensification in the inner urban area. Based upon review of Section 1.1 and 1.5 of the PPS, the proposal is consistent with the PPS.

### City of Ottawa Official Plan

The property is designated as General Urban Area on Schedule B of the Official Plan. General Urban Area permits a variety of residential and non-residential uses, including those uses proposed with this application.

For informational purposes, the future urban designation in the proposed new OP (coming fall 2021) would be part of the Inner Urban Transect and is considered a Transforming Neighbourhood where mid-high densities are planned. The proposed residential uses and intensification from 3-4 units conforms to the existing and proposed Official Plan designation.



## City of Ottawa Zoning By-law

The City of Ottawa zones this site as R4UB - Residential Fourth Density Zone, subzone UB, as identified on the map below. This parcel is subject to the Mature Neighbourhood Overlay and the provisions of the Infill Zoning update By-law 2020-289. Please note that this By-law, while in force, is partly under appeal. The following is a review of the required versus provided zoning provisions for the proposed development, including a review of any other provisions that may be applicable, such as parking and landscaping requirements, as well as permitted projection provisions.



Proposed 4-unit Building	Required	Prev. Approved MV for Triplex	Provided for 4-Unit	Section / By-law
<b>Minimum Lot Width</b>	10 m	Req 12 m / Prov 10.058 m	10.05 m	S.162
<b>Minimum Lot Area</b>	300 m	Req 360 m <sup>2</sup> / Prov 257.5 m <sup>2</sup>	<b>257.51 m<sup>2</sup></b>	S.162
<b>Max Building Height</b>	11 m	n/a	9.89 m	S.162
<b>Minimum Front Yard Setback</b>	2.52 m	Req 2.52 m / Prov 2.38 m	<b>2.38 m</b>	S144(1)(a)

Proposed 4-unit Building				Section / By-law
	Required	Prev. Approved MV for Triplex	Provided for 4-Unit	
<b>Minimum Rear Yard Setback (abutting AM zone)</b>	30% of lot depth = 7.68 m	n/a	<b>6.43 m</b>	S.162
<b>Minimum Rear Yard Area</b>	25% of lot area = 64.39 m <sup>2</sup>	n/a	82.69 m <sup>2</sup>	S.162
<b>Minimum Interior Yard Setback</b>	1.5 m	n/a	<b>1.2 m</b>	S.162
<b>Minimum Soft Landscaping</b>	At least 35 m <sup>2</sup> (min congregate area 25m <sup>2</sup> )	n/a	35.88 m <sup>2</sup>	S.161
<b>Total Aggregate Front Yard Soft Landscaping</b>	1.5-3m FYS = 20%	n/a	30%	S.144
<b>Maximum Walkway Width</b>	1.8 m	n/a	0.9 m	S.139
<b>Max. Permitted Projection (Canopy)</b>	max. 1.8 m / 0.6 m to lot line	1 m / 0.2	<b>1 m / 0.2 m to lot line</b>	S.65
<b>Front Yard Fixture to Prevent Front Yard Parking</b>	Front yard fixture to prevent parking	n/a	Proposed	S.161
<b>Parking</b>	No parking permitted for a low-rise building		0 spaces	S.161

The marked up site plan on the following page identifies the location of the variances that are being requested following the submission of the Site Plan Control Application.



## PLANNING ACT REVIEW

### Review of Section 45(1) Minor Variances

The Planning Act requires that minor variances are only to be permitted so long as they meet the four tests as set in Section 45(1), these tests are: whether the variance is minor, meets the intent and purpose of the Zoning By-law and the Official Plan, and lastly whether variance is suitable and desirable for the use of the land.

#### ***Are the variances minor?***

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##### Minimum Lot Area

When the variance for lot area was obtained in 2015, the existing by-law required a lot area of 360 m<sup>2</sup> for a three-unit dwelling and the proposed lot area was 257.5 m<sup>2</sup>. As of 2021, the by-law requires 300 m<sup>2</sup> for an 8-unit dwelling, and the proposed lot area is 257.5 m<sup>2</sup>. Given that the density permitted on a 300 m<sup>2</sup> site is 8 units, and only 4 units are proposed for a site that is only 43 m<sup>2</sup> less than required, it is clear that the reduction in lot area is very minor. This is especially considering that the City itself reduced the required lot areas from 360 for a 3-unit dwelling to 300 m<sup>2</sup> for a 8-unit dwelling.

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##### Minimum Rear Yard Setback

When this building was constructed, the applicable rear yard setback was 25% of the depth, which resulted in a requirement of 6.4 metres and was therefore compliant. The current by-law now requires 30% of the lot depth (regardless of the number of units). As such the impact of this variance is a result of the change in by-law to recognize the existing structure. It is noted that while the above two floors are only set back 6.43 m, the ground floor is setback 8.22 metres which is greater than the currently required rear yard setback of 7.68 m. It is the opinion of Q9 that the rear yard setback of 6.43 m is minor due to the fact that it was compliant only a few years ago and given that the at-grade provision of amenity and soft landscaping space is maintained.

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##### Minimum Interior Yard Setback

The applicable setback for a three-unit dwelling is 1.2 metres, however a 4-unit dwelling requires 1.5 metres. Given that all other zoning provisions between the two dwelling types remain the same it seems that there is no identifiable impact in providing 1.2 metres versus 1.5 metres. The built form remains the same and therefore the provisions of access, space, light also remains the same and therefore no impact is created at all.

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##### Minimum Front Yard Setback

The front yard setback was a previously established minor variance, and the required provision does not change with the change in dwelling type, this variance is only being sought in an abundance of caution given that the status of old variance applications was identified as being unclear by a member of staff and it is important to retain this relief for

the existing condition. No impact will result due to the change in dwelling type with regards to this particular variance. Variance is a housekeeping item.

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### Minimum Setback for Canopy Projection to Lot Line

Same as above, this is to recognize an existing condition, does not change with the change in dwelling type and creates no change in impact. Variance is a housekeeping item.

### ***Do the variances meet the intent and purpose of the Official Plan?***

The intent and purpose of the Official Plan as it applies to this zone, and requested variances to permit the proposal, is to accommodate a mix of residential types and supporting uses. The proposed conversion of a three-unit building to a four-unit building, as presented, are consistent with the intent and purpose of the Official Plan Designation of General Urban Area.

The proposed variances remain consistent with the intent and purpose of its General Urban Area Official Plan designation by maintaining residential use on the site while allowing for a sensitive infill development and intensification that results in improvements to the site and offers zero change in built form to the community.

Under the proposed new Official Plan, the site is designated as part of the Inner Urban Transect, which plans for generally mid- to high-density development. Within this designation, the site is classified as Transforming Neighbourhood, which generally wants to see the following built form:

- [ Zero or shallow front yard setbacks
- [ Principal entrance at grade
- [ Smaller lot, high lot coverage
- [ Minimum of two functional storeys
- [ Buildings attached with minimal side yard setbacks
- [ Small areas of formal landscape include hard landscaping
- [ No automobile parking.

Conclusively, this development provides an intensification of residential uses in an appropriate and sensitive manner, that is very strongly consistent with the intended built form as presented in the proposed Official Plan for the Inner Urban transforming neighbourhood.

### ***Do the variances meet the intent and purpose of the Zoning By-law***

The intent and purpose of the combined effect of minimum lot dimensions and building setbacks is to ensure that the use has sufficient green space and outdoor amenity for the intended user, to also ensure that neighbouring properties are not adversely affected by

overlooking or shadowing from structures or dwellings in adjacent yards, and to allow space for access and / or maintenance in the case of the interior yards.

All of the intents and purposes of the provisions being varied are met due to the fact that there is sufficient amenity, soft landscaping, provision of light and air, and no adverse impact to neighbours or intended users.

The difference between the required components and provided reality is either very minimal or non-existent given that the built form is existing. This informs that the intents and purposes of the relevant provisions are upheld.

***Are the variances suitable for the use of the land?***

The proposed renovation with the requested variances is a suitable and desirable use of the land. The proposed uses and built form are consistent with the surrounding neighbourhood development which sees a variety of built forms, multiple dwelling unit configurations and styles. It adds residential intensification to the area that is consistent with the intentions to the recent By-law changes that brought forth the R4 subzones. The proposal is consistent with the intent and purpose of relevant provincial and municipal policies, including Official Plan policies and the Zoning By-law.

## SUPPORTING REPORT AND PLANS

In support of the proposed increased from three units to four units, the following materials have been provided: Site Plan / Landscape Plan, Survey, Site Servicing Plan, and Servicing Report. The Servicing Report identifies that the sanitary sewer has adequate capacity but the existing water service is not of adequate size and is proposed to be upgraded in accordance with the recommendations of the report prepared by Kollgaard Associates, dated March 26 2021.

## CONCLUSION

As noted, the proposed conversion of the existing 3-unit building to a 4-unit building adds one more available rental unit with zero change to the built form, but will incorporate landscaping improvements to the site overall.

The variances that are needed to bring this proposal into conformity are minor in nature. The proposal meets the intent and purpose of the Official Plan to provide for contextually appropriate infill development and intensification under its designation as a General Urban Area. Furthermore, it meets the intent and purpose of the Zoning By-law, allowing for sufficient amenity and soft landscaping, the provision of light and air, and no adverse impact to neighbours. The proposal is desirable and are a suitable use of the land. Collectively considered, the proposals satisfy the four tests required under section 45(1) of the Planning Act. For this reason, the proposed development with the upgrade to the watermain service, is supported from a land use planning perspective.

The proposal allows for the provision of an additional rental unit where density is intended for in the applicable and future policy documents.

It is the opinion of Q9 Planning + Design that the proposed renovation and required variances are supportable from a land use planning perspective.

Yours truly,



Christine McCuaig, RPP MCIP M.PI  
Principal Senior Planner + Project Manager

CC: Jordan Tannis, Concorde Properties



**COMMITTEE OF ADJUSTMENT  
FOR THE CITY OF OTTAWA**

**COMITÉ DE DÉROGATION  
POUR LA VILLE D'OTTAWA**

**DECISION/DÉCISION  
MINOR VARIANCE/PERMISSION  
DEMANDE DE DÉROGATIONS MINEURES/PERMISSION**

(Section 45 of the *Planning Act*)  
(Article 45 de la *Loi sur l'aménagement du territoire*)

**File No./Dossier n°:** D08-02-15/A-00099 & D08-02-15/A-00100  
**Owner(s)/Propriétaire(s):** 91-93 Melrose Apartments Inc. (Under Agreement of Purchase & Sale)  
**Location/Emplacement:** 91, (87) Melrose Avenue  
**Ward/Quartier:** 15 - Kitchissippi  
**Legal Description/  
Description officielle:** Lots 2176 & 2178 and Part Lot 2180, Reg. Plan 201  
**Zoning/Zonage:** R4H Under Zoning By-law 2008-250 as amended by By-laws 2012-147 and 2014-189  
**Zoning By-law/ Règlement:**

Notice was given and a Public Hearing was held on May 6, 2015, as required by the *Planning Act*.

**PURPOSE OF THE APPLICATION/OBJET DE LA DEMANDE:**

On March 4 the Committee refused Applications for Consent (D08-01-14/B-00480 & D08-01-14/B-00481) and Minor Variances (D08-02-14/A-00432 & D08-02-14/A-00433) for this property.

The Owner has now revised its plans and has filed Applications for Consent (D08-01-15/B-00099 & D08-01-15/B-00100) which, if approved, will have the effect of creating two parcels of land. It is proposed to construct a three-storey, three-unit dwelling on one parcel and the existing four-unit apartment building will remain on the other parcel, as shown on plans filed with the Committee. The proposed parcels of land and the existing and proposed development will not be in conformity with the requirements of the Zoning By-law.



**RELIEF REQUIRED/DISPENSE REQUIRE:**

In order to proceed, the Owner requires the Authority of the Committee for Minor Variances from the Zoning By-law as follows:

A-00099: 91 Melrose Ave., Parts 5 to 8 on Draft 4R-Plan, existing apartment building

Under Zoning By-law 2008-250

- a) To permit a reduced lot area of 261.4 square metres whereas the By-law requires a minimum lot area of 360 square metres.
- b) To permit a reduced lot width of 10.327 metres whereas the By-law requires a minimum lot width of 12 metres.
- c) To permit a reduced landscaped area of 24.8% of the lot area or 64.83 square metres whereas the By-law requires a minimum landscaped area of 30% of the lot area or, in this case, 78.42 square metres.

Under Zoning By-law Amendment 2014-189

- d) To permit a reduced total amenity area of 52.776 square metres (13.194 square metres per unit) whereas the By-law requires a minimum of 15 square metres per unit, up to 8 units, which in this case for a four-unit apartment building would result in a total of 60 square metres.

A-00100: 87 Melrose Ave., Parts 1 to 4 on Draft 4R-Plan, proposed three-unit dwelling

Under Zoning By-law 2008-250

- e) To permit a reduced lot area of 257.5 square metres whereas the By-law requires a minimum lot area of 360 square metres.
- f) To permit a reduced lot width of 10.058 metres whereas the By-law requires a minimum lot width of 12 metres.
- g) To permit a reduced front yard setback of 2.376 metres whereas the By-law permits the front yard setback to be reduced to the average of the two front yard setbacks of the abutting two lots, where the front yard setback of at least one of the residential lots on either side of this residential lot is less than the required front yard setback for the zone but was lawfully established, which in this case is a minimum of 2.517 metres.
- h) To permit a permitted projection (canopy) to project to 0.2 metres from the north lot line whereas the By-law permits a maximum permitted projection (canopy) of 1.8 metres into a yard, but not closer than 0.6 metres to a lot line.

Under Zoning By-law Amendment 2012-147 (Infill Development Regulations)

- i) To permit a reduced front yard setback of 2.376 metres whereas the By-law requires a minimum front yard setback to be the average of the existing front yard setbacks of the abutting lots on which the buildings front the same street. In this case, the application indicates that the average front yard setback is 2.517 metres.

The applications indicate that the property is the subject of the above noted Consent applications under the *Planning Act*.

**PUBLIC HEARING/AUDIENCE PUBLIQUE:**

The Committee heard from Mr. M. Dror and Mr. B. Casagrande, professional planning consultants for the Owner, from Mr. R. Martin, the project architect, and from Ms. L. Hoad representing the Hintonburg Community Association, all in support of the applications. The Committee also heard from Mr. J.-C. Renaud of the City's Planning and Growth Management Department.

The Committee noted that, in accordance with the written correspondence filed by the proponents, the applications should be amended as follows:

- c) To permit a reduced landscaped area of **25.5%** of the lot area or **66.66** square metres whereas the By-law requires a minimum landscaped area of 30% of the lot area or, in this case, 78.42 square metres.

The applications were amended accordingly.

Mr. Dror and Mr. Casagrande questioned the need for variance g), the requirement for which was unclear based on the status of the appeal of the relevant By-law before the Ontario Municipal Board. Following input from Mr. Renaud, it was agreed that the request for variance g) would remain in an abundance of caution.

**DECISION AND REASONS OF THE COMMITTEE:**      **APPLICATIONS GRANTED  
AS AMENDED**  
**DÉCISION ET MOTIFS DU COMITÉ:**                      **DEMANDES ACCORDÉES  
TELLES QUE MODIFIÉES**

The Committee, having considered the evidence presented and reviewed the plans and correspondence on file, is mindful of the directions given in the Provincial Policy Statement and the City's Official Plan, which encourage intensification and infill development throughout the urban area provided the proposal is compatible and the development enhances and complements the desirable characteristics of the community.

In deliberating on this application, the Committee is of the opinion that this proposal is an improvement over that which was previously before the Committee, and in particular

that the design of the proposed three-unit dwelling achieves a distribution of bulk and massing that will mitigate its impact on abutting properties and will be more compatible within the context of the neighbourhood. The Committee commends the proponents for their efforts in this regard, and takes particular note of the support of the Hintonburg Community Association.

While the Committee has some concerns with respect to the proposed parking layout, it nonetheless acknowledges the evidence presented by the proponents as well as by the City's Planning and Growth Management Department that the parking will be both functional and appropriate for the proposed use of the property.

Based on the foregoing, the Committee is satisfied, in all the circumstances and in this instance, that the variances sought are minor, that they are desirable for the appropriate development or use of the land and that the general intent of the Zoning By-law and the Official Plan is maintained. These applications are granted subject to the proposed construction being in accordance with the plans filed and Committee of Adjustment date-stamped March 27, 2015.

**NOTICE OF RIGHT TO APPEAL/AVIS DE DROIT D'APPEL:**

To appeal this Decision to the Ontario Municipal Board, an Appeal Form along with a certified cheque or money order payable to the Ontario Minister of Finance must be filed with the Secretary-Treasurer of the Committee of Adjustment by the **4<sup>th</sup> day of June 2015**, delivered to the following address:

Secretary-Treasurer, Committee of Adjustment,  
101 Centrepointe Drive, 4<sup>th</sup> floor, Ottawa, Ontario, K2G 5K7

The Appeal Form is available on the Board's website at [www.omb.gov.on.ca](http://www.omb.gov.on.ca). The Board has established a filing fee of \$125.00 for an appeal with an additional filing fee of \$25.00 for each secondary application. If you have any questions about the appeal process, please refer to the Board's website or contact the Committee of Adjustment office by calling 613-580-2436 or by email at [cofa@ottawa.ca](mailto:cofa@ottawa.ca).

Only individuals, corporations and public bodies may appeal Decisions in respect of applications for consent to the Ontario Municipal Board. A Notice of Appeal may not be filed by an unincorporated association or group. However, a Notice of Appeal may be filed in the name of an individual who is a Member of the Association or group on its behalf.

**NOTICE TO APPLICANT/AVIS AU RÉQUÉRANT:**

If your application has been approved, it should be noted that this Decision is not to be construed as satisfying all the requirements of Hydro Ottawa or the Building Code for the issuance of a building permit.


Applicants are advised to take note of comments received from City departments and other technical agencies like Hydro Ottawa and to consult where appropriate.

DECISION SIGNATURE PAGE  
PAGE DE SIGNATURE DE LA DÉCISION

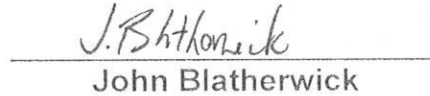
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Location/Emplacement: 91, (87) Melrose Avenue

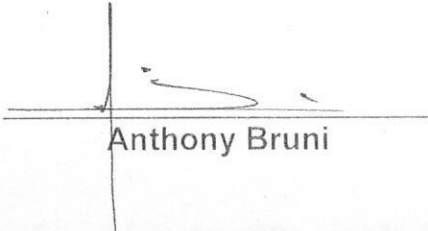
We, the undersigned, concur in the decision and reasons of the Committee of Adjustment.

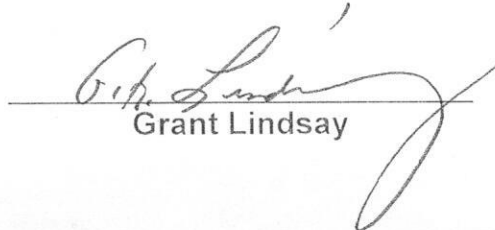
Nous, soussignés, souscrivons à la décision et à la justification ci-devant rendues par le Comité de dérogation.

  
\_\_\_\_\_  
D. John Naccarato  
Vice-Chair/Vice-président

  
\_\_\_\_\_  
Ann M. Tremblay

  
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John Blatherwick

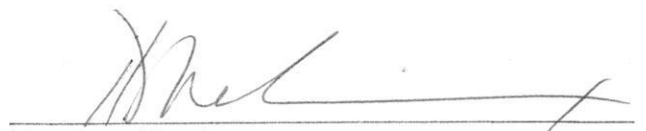
  
\_\_\_\_\_  
Anthony Bruni

  
\_\_\_\_\_  
Grant Lindsay

I, Heather MacLean, Secretary-Treasurer of the Committee of Adjustment for the City of Ottawa, certify that the attached is a true copy of the Decision of the Committee with respect to the application recorded.

Je, soussignée, Heather MacLean, secrétaire-trésorière du Comité de dérogation pour la Ville d'Ottawa, confirme que l'énoncé ci-joint est une copie conforme de la décision rendue par le Comité à l'égard de la demande visée.

May 15, 2015  
\_\_\_\_\_  
Date of Decision:  
Date de la décision:

  
\_\_\_\_\_  
Heather MacLean  
Secretary-Treasurer/Secrétaire-trésorière



**COMMITTEE OF ADJUSTMENT  
FOR THE CITY OF OTTAWA**

**COMITÉ DE DÉROGATION  
POUR LA VILLE D'OTTAWA**

**DECISION/DÉCISION  
CONSENT/AUTORISATION**

(Section 53 of the *Planning Act*)  
(Article 53 de la *Loi sur l'aménagement du territoire*)

**File No./Dossier n°:** D08-01-15/B-00099 & D08-01-15/B-00100  
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**Location/Emplacement:** 91, (87) Melrose Avenue  
**Ward/Quartier:** 15 - Kitchissippi  
**Legal Description/  
Description officielle:** Lots 2176 & 2178 and Part Lot 2180, Reg. Plan 201  
**Zoning/Zonage:** R4H Under Zoning By-law 2008-250 as amended by By-laws 2012-147 and 2014-189  
**Zoning By-law/Règlement:**

Notice was given and a Public Hearing was held on May 6, 2015, as required by the *Planning Act*.

**PURPOSE OF THE APPLICATION/OBJET DE LA DEMANDE:**

On March 4 the Committee refused Applications for Consent (D08-01-14/B-00480 & D08-01-14/B-00481) and Minor Variances (D08-02-14/A-00432 & D08-02-14/A-00433) for this property. The Owner has now revised its plans and wants to subdivide its property into two separate parcels of land. One parcel will contain the existing four-unit apartment building, and it is proposed to construct a three-storey, three-unit dwelling on the other parcel.

**CONSENT IS REQUIRED FOR THE FOLLOWING/AUTORISATION REQUISE:**

In order to do this, the Owner requires the Consent of the Committee for Conveyances, Grants of Easements/Rights-of-Ways and a Maintenance and Joint-Use Agreement. The property is shown as Parts 1 to 8 on a Draft 4R-Plan filed with the applications and the separate parcels will be as follows:

Application No.	Frontage	Depth	Area	Parts	Municipal Address
B-00099	10.36 m	25.61 m	261.4 sq. m	5 - 8	91 Melrose Avenue (existing four-unit apartment building)
B-00100	10.06 m	25.60 m	257.5 sq. m	1 - 4	87 Melrose Avenue (proposed three-unit dwelling)

It is proposed to establish reciprocal easements/rights-of-ways over Parts 2 & 3 for the benefit of Parts 5 – 8 and over Part 6 for the benefit of Parts 1 – 4, for the purpose of accessing the parking spaces to be located in the rear yard.

It appears that there is an existing Right of Way over Parts 3 – 7 as in Inst. No. N699669.

The proposed parcels of land and the existing and proposed development will not be in conformity with the requirements of the Zoning By-law and therefore, Applications for Minor Variances (D08-02-15/A-00099 & D08-02-15/A-00100) have been filed and will be heard concurrently with these applications.

#### **PUBLIC HEARING/AUDIENCE PUBLIQUE:**

The Committee heard from Mr. M. Dror and Mr. B. Casagrande, professional planning consultants for the Owner, from Mr. R. Martin, the project architect, and from Ms. L. Hoad representing the Hintonburg Community Association, all in support of the applications. The Committee also heard from Mr. J.-C. Renaud of the City's Planning and Growth Management Department.

The Committee noted that, in accordance with the written correspondence filed by the proponents, the Minor Variance Applications should be amended as follows:

- c) To permit a reduced landscaped area of **25.5%** of the lot area or **66.66** square metres whereas the By-law requires a minimum landscaped area of 30% of the lot area or, in this case, 78.42 square metres.

The Minor Variance Applications were amended accordingly.

Mr. Dror and Mr. Casagrande questioned the need for variance g), the requirement for which was unclear based on the status of the appeal of the relevant By-law before the Ontario Municipal Board. Following input from Mr. Renaud, it was agreed that the request for variance g) would remain in an abundance of caution.

**DECISION AND REASONS OF THE COMMITTEE:      APPLICATIONS GRANTED**  
**DÉCISION ET MOTIFS DU COMITÉ:                      DEMANDES ACCORDÉES**

The Committee, having considered the evidence presented and reviewed the plans and correspondence on file, is mindful of the directions given in the Provincial Policy Statement and the City's Official Plan, which encourage intensification and infill development throughout the urban area provided the proposal is compatible and the development enhances and complements the desirable characteristics of the community.

In deliberating on this application, the Committee is of the opinion that this proposal is an improvement over that which was previously before the Committee, and in particular that the design of the proposed three-unit dwelling achieves a distribution of bulk and massing that will mitigate its impact on abutting properties and will be more compatible within the context of the neighbourhood. The Committee commends the proponents for their efforts in this regard, and takes particular note of the support of the Hintonburg Community Association.

While the Committee has some concerns with respect to the proposed parking layout, it nonetheless acknowledges the evidence presented by the proponents as well as by the City's Planning and Growth Management Department that the parking will be both functional and appropriate for the proposed use of the property.

Based on the foregoing, the Committee, having had regard to the matters set out in Section 51(24) of the Planning Act, R.S.O. 1990, c.P.13, as amended, is satisfied that, in this instance, a plan of subdivision is not necessary or desirable for the proper and orderly development of the Municipality. The Committee therefore grants the provisional consent, subject to the following conditions, **which must be fulfilled within a one-year period from the date of this Decision:**

1. That the Owner provide evidence that the accompanying Minor Variance Applications (D08-02-15/A-00099 and D08-02-15/A-00100) have been approved, with all levels of appeal exhausted.
2. That the Owner provide evidence that a grading and drainage plan, prepared by a qualified Civil Engineer licensed in the Province of Ontario, an Ontario Land Surveyor, or a certified Civil Engineering Technologist certified in the Province of Ontario, has been approved by the City of Ottawa Manager, Development Review - Urban Services Branch, or his delegate. The grading and drainage plan shall delineate existing and proposed grades for both the severed and retained properties and shall include additional existing grades outside the properties to identify surrounding drainage characteristics. This will include existing grades within the road right-of-way to clearly delineate road drainage characteristics and patterns. The grading and drainage plan may include the



provision for a rear yard catchbasin and corresponding connection to a storm sewer on City property, in which case, the Owner shall establish an agreement for construction, joint-use and maintenance agreement or grant an easement for the rear yard catchbasin and connection pipe over all the severed properties and retained properties, to be registered on title of all the properties, as a condition to be fulfilled prior to the stamping of the deed(s). This agreement shall be submitted to and approved by the Manager, Development Review – Urban Services Branch or his delegate. The Owner is put on notice that depressed driveways are discouraged but if necessary, must be connected to a Municipal Storm Sewer system with a 1:100 year Hydraulic Gradeline below the footing elevations. Excessive proposed grade changes around the buildings(s) to meet Zoning By-Law height restrictions will not be permitted.

3. That the Owner provide proof, to the satisfaction of the Development Review – Urban Services Branch that each parcel has its own independent storm (if applicable), sanitary and water services connected directly to City infrastructure. These services should not cross the proposed severance line. If they do cross or are not independent then the Owner will be required to relocate or construct new services from the City sewers/watermain, at his/her cost.
4. That the Owner satisfy the City's Building Services that the exterior wall of the existing building and its relationship to the proposed severance line complies with the requirements of the Ontario Building Code.
5. That the Owner file with the Committee a copy of the registered Reference Plan prepared by an Ontario Land Surveyor registered in the Province of Ontario, and signed by the Registrar, **confirming the frontage and area of the severed land. If the Registered Plan does not indicate the lot area, a letter from the Surveyor confirming the area is required.** The Reference Plan must conform substantially to the sketch filed with the Application for Consent.
6. That upon completion of the above conditions, and **within the one-year period outlined above**, the Owner file with the Committee, the "electronic registration in preparation documents" for the Conveyances, Grants of Easements/Rights-of-Ways and a Maintenance and Joint-Use Agreement for which the Consent is required.

**The Consent lapses one year from the date of this Decision.**

Please note that if a major change to a condition or conditions is requested, you will be entitled to receive Notice of the changes only if you have made a written request to be notified.

**NOTICE OF RIGHT TO APPEAL/AVIS DE DROIT D'APPEL:**

To appeal this Decision to the Ontario Municipal Board, an Appeal Form along with a certified cheque or money order payable to the Ontario Minister of Finance must be filed with the Secretary-Treasurer of the Committee of Adjustment by the **4<sup>th</sup> day of June 2015**, delivered to the following address:

Secretary-Treasurer, Committee of Adjustment,  
101 CentrepoinTE Drive, 4<sup>th</sup> floor, Ottawa, Ontario, K2G 5K7

The Appeal Form is available on the Board's website at [www.omb.gov.on.ca](http://www.omb.gov.on.ca). The Board has established a filing fee of \$125.00 for an appeal with an additional filing fee of \$25.00 for each secondary application. If you have any questions about the appeal process, please refer to the Board's website or contact the Committee of Adjustment office by calling 613-580-2436 or by email at [cofa@ottawa.ca](mailto:cofa@ottawa.ca).

Only individuals, corporations and public bodies may appeal Decisions in respect of applications for consent to the Ontario Municipal Board. A Notice of Appeal may not be filed by an unincorporated association or group. However, a Notice of Appeal may be filed in the name of an individual who is a Member of the Association or group on its behalf.

**NOTICE TO APPLICANT/AVIS AU RÉQUÉRANT:**

Applicants are advised to take note of comments received from City departments and other technical agencies like Hydro Ottawa and to consult where appropriate.

**DECISION SIGNATURE PAGE  
PAGE DE SIGNATURE DE LA DÉCISION**

**File No./Dossier n°:** D08-01-15/B-00099 & D08-01-15/B-00100  
**Owner(s)/Propriétaire(s):** 91-93 Melrose Apartments Inc. (Under Agreement of Purchase & Sale)  
**Location/Emplacement:** 91, (87) Melrose Avenue

We, the undersigned, concur in the decision and reasons of the Committee of Adjustment.

Nous, soussignés, souscrivons à la décision et à la justification ci-devant rendues par le Comité de dérogation.



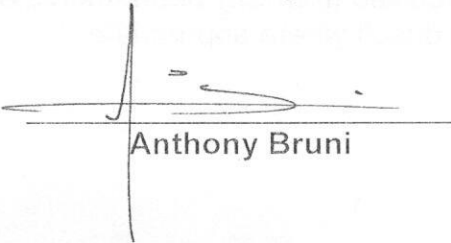
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D. John Naccarato  
Vice-Chair/ Vice-président



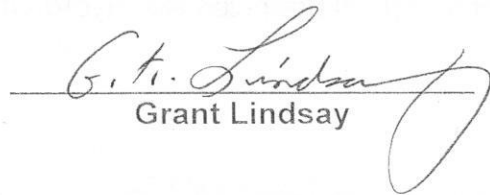
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Ann M. Tremblay



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John Blatherwick



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Anthony Bruni



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Grant Lindsay

I, Heather MacLean, Secretary-Treasurer of the Committee of Adjustment for the City of Ottawa, certify that the attached is a true copy of the Decision of the Committee with respect to the application recorded.

Je, soussignée, Heather MacLean, secrétaire-trésorière du Comité de dérogation pour la Ville d'Ottawa, confirme que l'énoncé ci-joint est une copie conforme de la décision rendue par le Comité à l'égard de la demande visée.

May 15, 2015  
Date of Decision:  
Date de la décision:

  
\_\_\_\_\_  
Heather MacLean  
Secretary-Treasurer/Secrétaire-trésorière