

**P. H. Robinson Consulting**  
**Urban Planning, Consulting and Project Management**

City of Ottawa Committee of Adjustment  
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Ottawa, ON K2G 5K7

March 10 2023

**Committee of Adjustment**  
Received | Reçu le

**2023-03-16**

City of Ottawa | Ville d'Ottawa  
**Comité de dérogation**

Attn: Mr. Michel Bellemare Secretary Treasurer

436 George Street West - Minor Variance application,  
Part of Lot 9 and Part of Block E, Registered Plan 73, City of Ottawa (Ward 14)

On behalf of the owners of the property at 436 George Street West, we are submitting a Minor Variance application for the subject property. This is a revised application that was adjourned Sine Die on March 2nd, 2022.

The property currently contains a duplex building and the intent is to redevelop the property for an 8 unit low rise apartment building. A minor variance application is required related to both side yard setbacks which are adjacent to the Trillium Pathway and the O Train lands on the west and the neighbouring detached dwelling to the east.



**Front view of the property from George Street. Trillium Pathway (bike path) and O Train to the right (west) of the subject property.**



### **Aerial view of the subject property**

On the photo above, to the west of the property, is the Trillium Bicycle Path and the OTrain line and beyond that Railway Street (far right side of the photo above)

George Street is a one block residential street with one commercial use and a mixture of single detached, duplex and triplex buildings. At the corner of Preston/George Street there are a variety of commercial uses.

The requested Minor Variances for the subject property are as follows:

- Interior side yard setback (west side yard) . To allow for a reduced side yard setback of 0.5 m on the west side of the subject property adjacent to the Trillium Bicycle Path. The By-law requires a side yard setback of 1.5 m for a low rise apartment in this zone
- Interior side yard setback. (east side yard) To allow for a reduced side yard setback of 1.33 m on the east side of the subject property adjacent to a dwelling. The By-law requires a side yard setback of 1.5 m for a low rise apartment in this zone.

It should be noted that the lands to the west (shown to the right of the aerial image of the existing situation shown above) are lands that contain a recreation path on lands owned by the NCC and further to the west the O Train lands. The enclosed plans have been shared with the NCC and they have provided confirmation via email that the proposal does not rely upon impacts to the adjacent NCC property, therefore they have no further concerns regarding the proposal (please see the PDF of emails between the project designer and the NCC being filed at this time). There is not another residential property that is adjacent to the subject property on the west side. The proposed roof structure is a flat roof and there are no eavestroughs along the west side of the property into this setback area. The west facade of the subject property has limited window openings due to the reduced setback and has an area of a multi-coloured facade for added visual interest to this side of the building. This will minimise the impact of the west wall of the building on the adjacent lands.

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

### **Official Plan**

In November 2022, the Province approved a new Official Plan in which the subject lands are within a **Hub** in the **Downtown Core Transect Policy Area**, and also an **Evolving Neighbourhood Overlay**.

In the recently approved Official Plan, the subject lands are within the **West Downtown Core Secondary Plan**. Within this Secondary Plan the lands are within the **Dow Lake Station District**.

### **The Downtown Core Transect Policy Area**

The Downtown Core is planned for higher-density, urban development forms where either no onsite parking is provided, or where parking is arranged on a common parking area, lot or parking garage accessed by a common driveway. The following policies apply to private approaches:

- a) The privatisation of curb space through increasing private approaches, whereby an on-site private parking space for one or two landowners precludes the use of curb space for street parking and other purposes for all users:
  - i) Is generally discouraged; and
  - ii) May be prohibited on small or narrow lots, or where such private approaches are proposed to serve a small number of parking spaces. **The property is**

relatively narrow and onsite parking is not provided due to its proximity to public transit modes and active transportation options.

b) Maintaining or enhancing unbroken curb space for short-term, visitor and permit-zone street parking and other common purposes and front yard space for trees and intensive landscaping, is given priority over private approaches; **An existing tree will need to be removed due to the proximity of construction and the existing hydro pole. The intent is to replace the existing tree with two plantings of Serviceberry trees as well various shrubs and ornamental grasses.**

c) Further to the above, development applications may be required to:

i) Reduce the number and/or width of private approaches on a site; **No private approaches are proposed.**

ii) Re-use existing private approaches; or **No private approaches are proposed.**

Motor vehicle parking in the Downtown Core shall be managed as follows:

a) Motor vehicle parking shall not be required in new development, other than visitor parking for large-scale residential development; **No on site parking is proposed.**

The **Evolving Neighbourhood Overlay** is applied to areas in close proximity to Hubs and Corridors to signal a gradual evolution over time that will see a change in character to support intensification, including guidance for a change in character from suburban to urban to allow new built forms and more diverse functions of land.

5.6.1.1 Provide built form direction for the urban area where intensification is anticipated to occur

1) The Evolving Overlay will apply to areas that are in a location or at stage of evolution that create the opportunity to achieve an urban form in terms of use, density, built form and site design. These areas are proximate to the boundaries of Hubs and Corridors as shown in the B-series of schedules of this Plan. The Evolving Overlay will be applied generally to the properties that have a lot line along a Minor Corridor; lands 150 metres from the boundary of a Hub or Mainstreet designation; and to lands within a 400-metre radius of a rapid transit station. The Overlay is intended to provide opportunities that allow the City to reach the goals of its Growth Management Framework for intensification through the Zoning By-law, by providing:

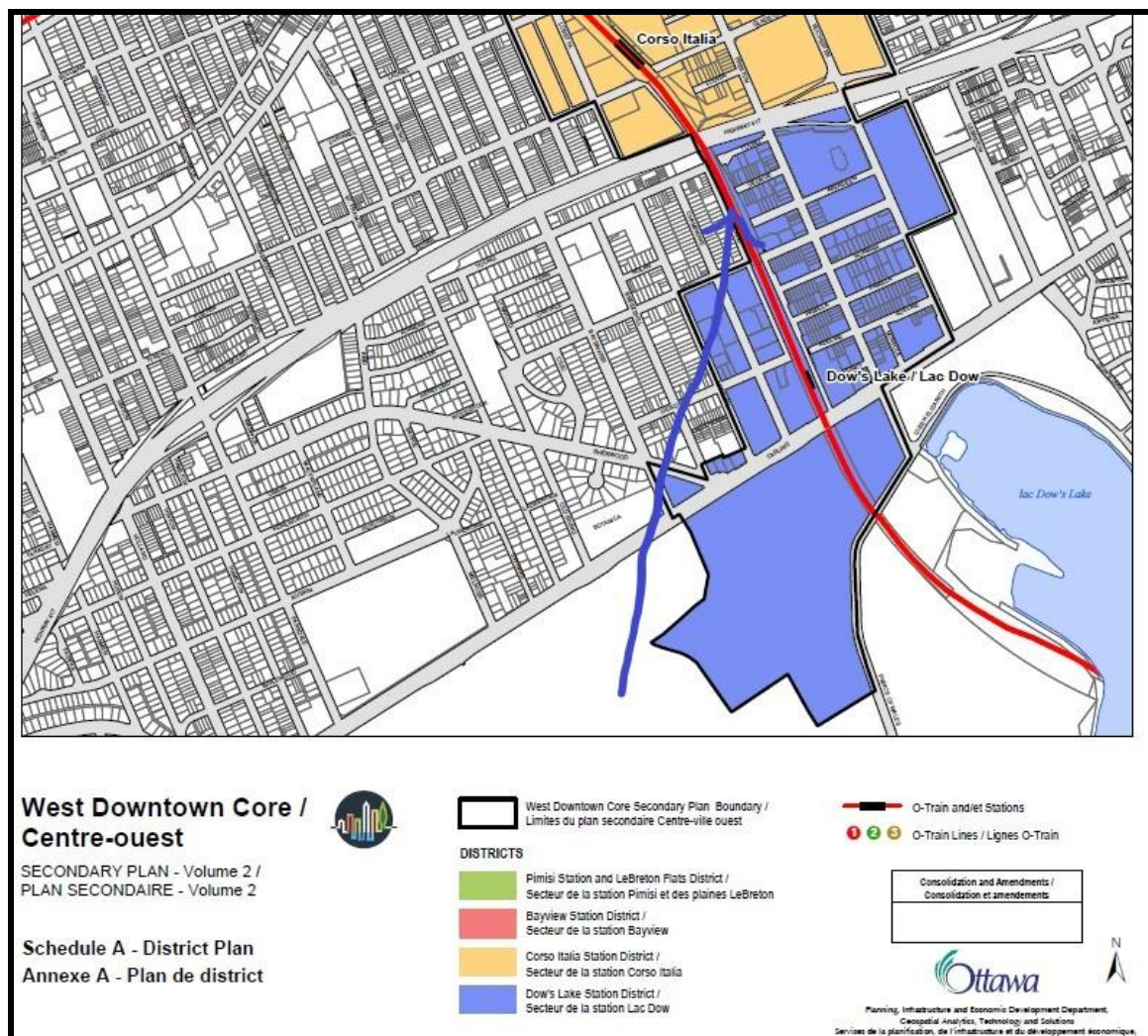
a) Guidance for a gradual change in character based on proximity to Hubs and Corridors, **The project represents a gradual change in character in terms of**

overall site density.

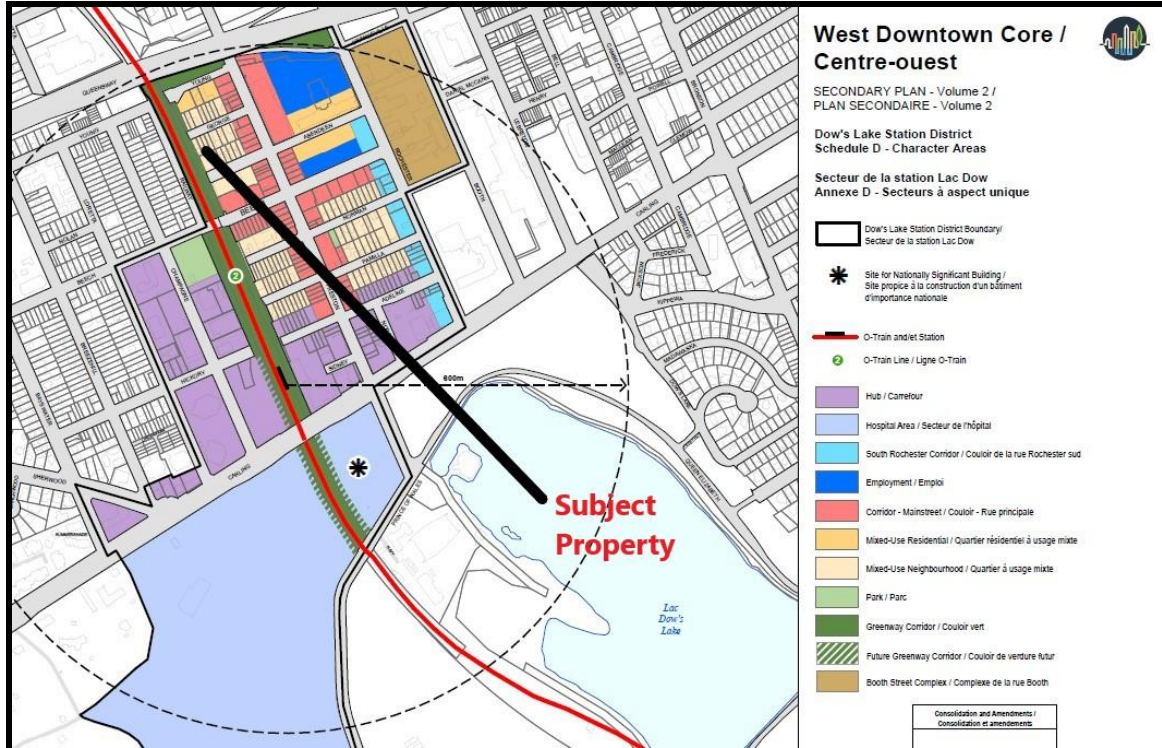
b) Allowance for new building forms and typologies, such as missing middle housing; **The proposal represents missing middle housing as a walk up apartment building with 8 units.**

c) Direction to build form and site design that support an evolution towards more urban built form patterns and applicable transportation mode share goals; and **The proposal is an evolution from an existing 2 unit building (duplex) to an 8 unit building which represents a more urban built form. Bicycle parking is being provided at 1 space/unit and no on site vehicular parking is being proposed.**

### West Downtown Core Secondary Plan



### Subject property within the Dow's Lake Station District in the West Downtown Core Secondary Plan



### Subject property within the Mixed Use Neighbourhood of the Dow's Lake Station District of the West Downtown Core Secondary Plan

The subject lands are within the **West Downtown Core Secondary Plan** and within the **Dow's Lake Station District** within that Secondary Plan.

The Dow's Lake Station District is primarily an Official Plan-designated Hub, a design priority area and a target area for intensification. Within the Dow's Lake Station District of the Secondary Plan, the subject lands are within a 'Mixed-Use Neighbourhood' area.

As per Section 4.1.5 of the Secondary Plan the low-rise street blocks flanking Preston Street, known as Little Italy, is a mixed-use neighbourhood that supports families and a wide range of demographics. Redevelopment in the form of infill will be encouraged to ensure the unique quality and characteristics that define the identity of Little Italy.

4.1.5. 1) Low-rise neighbourhood and mixed-use development up to four storeys will be permitted in the Mixed-Use Neighbourhood as shown in Schedule D: Dow's Lake Station District Character Areas of this secondary plan. **The proposed building is a 3 storey building which includes a basement and is within the height limits.**

4.1.5. 3) The City shall protect and enhance the built form character of Little Italy by encouraging infill development that is sympathetic to the historic built form character of the neighbourhood through the development review process. **The proposed building is in line with the general nature of residential development in the area. This area features many lots with narrow widths with relatively small side yard setbacks, and many not having on site parking opportunities.**

### **Provincially-approved Official Plan Designation – City of Ottawa Official Plan**

2.2.1 i) Direct residential growth within the built-up urban area to support an evolution towards 15-minute neighbourhoods. This Plan envisions directing residential intensification towards Hubs, Corridors and surrounding Neighbourhoods where daily and weekly needs can be accessed within a short walk. **This development proposes to replace a duplex (2 unit) dwelling with a low-rise apartment (8 unit) within a Hub in the Downtown Core transect. The property is within 200m to Preston St, and within 800m of Bronson Ave., both of which are north-south connector streets featuring various daily and weekly needs. It is also within 550m of Carling Ave, an east-west connecting street which also features various daily and weekly needs.**

4.2.1 2) The City shall support the production of a missing middle housing range of mid-density, low-rise multi-unit housing, in order to support the evolution of healthy walkable 15-minute neighbourhoods by:

b) Allowing housing forms of eight or more units in appropriate locations as-of-right within the Zoning By-law. **The proposed development is a multi-unit, low-rise apartment that supports the City's goals for 15-minute neighbourhoods. Preston St is serviced by line 85 (Bayshore / Gatineau), Carling is serviced by line 55 (Westgate / Elmvale), and Bronson is serviced by line 10 (Lyon / Hurdman).**

6.1.1 3) Development within a Hub:

e) Shall create a high-quality, comfortable public realm throughout the Hub that prioritises the needs of pedestrians, cyclists and transit users. **The proposal does not include any on site vehicular parking, however it does include 8 bicycle parking spaces and is located directly adjacent to the Trillium pathway.**

Due to the minimal impact that the side yard setback variance has on this proposed low rise apartment, as it relates to the surroundings and adjacent properties, the general intent and purpose of the Official Plan are maintained. Planning policies encourage this type of intensification without surface parking that allows for a sensitive form of infill. The west side of the property where one of the requested minor variances is located is adjacent to a cycle path and the O Train lands and there are not expected to be negative impacts on those lands as a result of this Minor Variance request.



**View along pedestrian path to the west of the subject property (on the left)**

### **Zoning By-law**

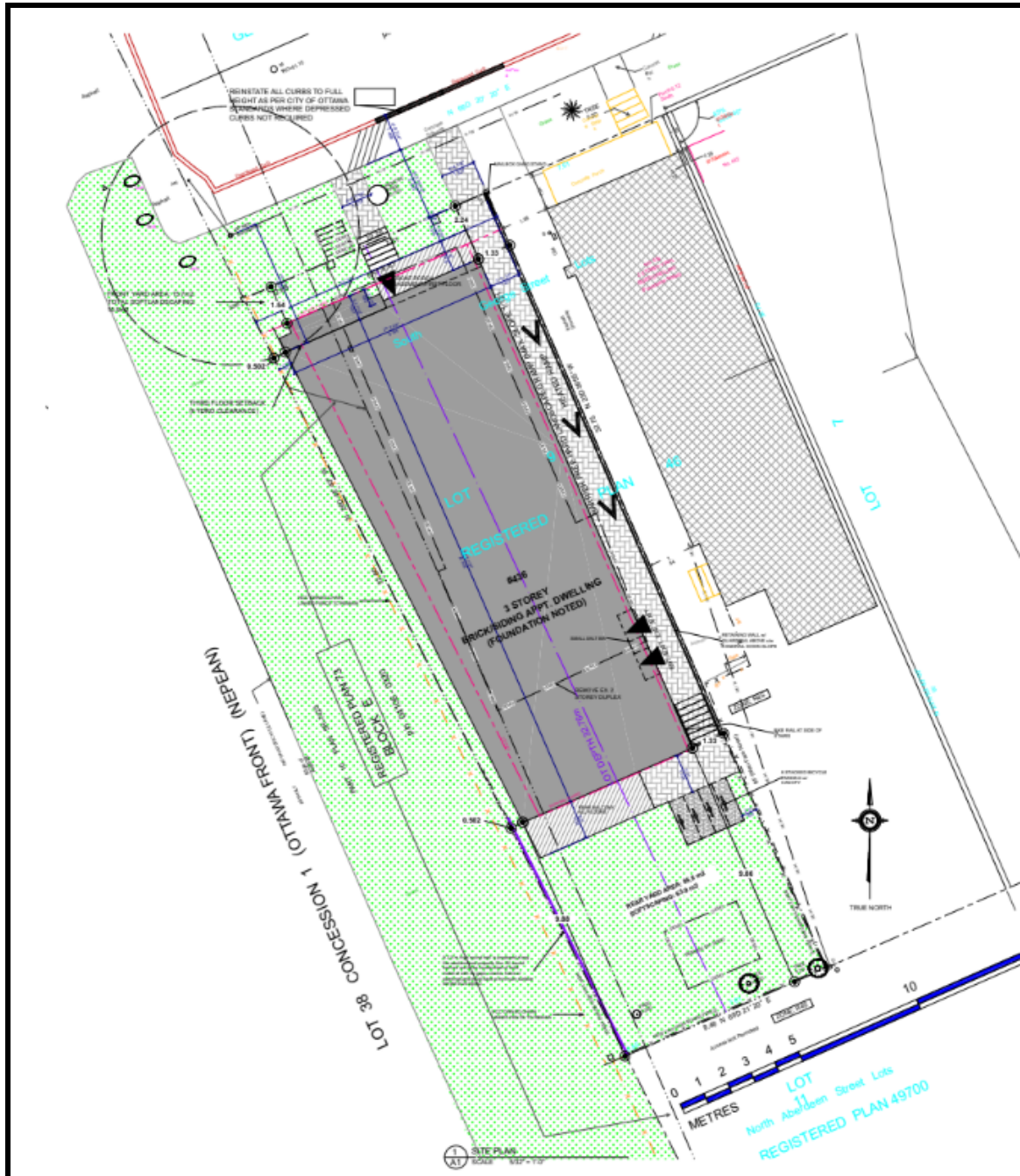
The property is in an R4UD zone which allows a low rise apartment (of up to 8 units) with a minimum lot width of 10 m and a minimum lot area of 300 m<sup>2</sup>. The property has a lot width of 10.18 m and a lot area of 306 m<sup>2</sup>.

All other performance standards (building height, front yard setback, rear yard setbacks, rear yard amenity area) are met as a result of this proposal. One of the yards subject to the requested variance is adjacent to an open space area that has existing trees that will minimise the impact of this requested variance. The other yard subject to the variance will also have minimal negative impacts on the neighbouring property as the side yard setback is an improvement on current conditions (1.10 m at the south end of the existing building).

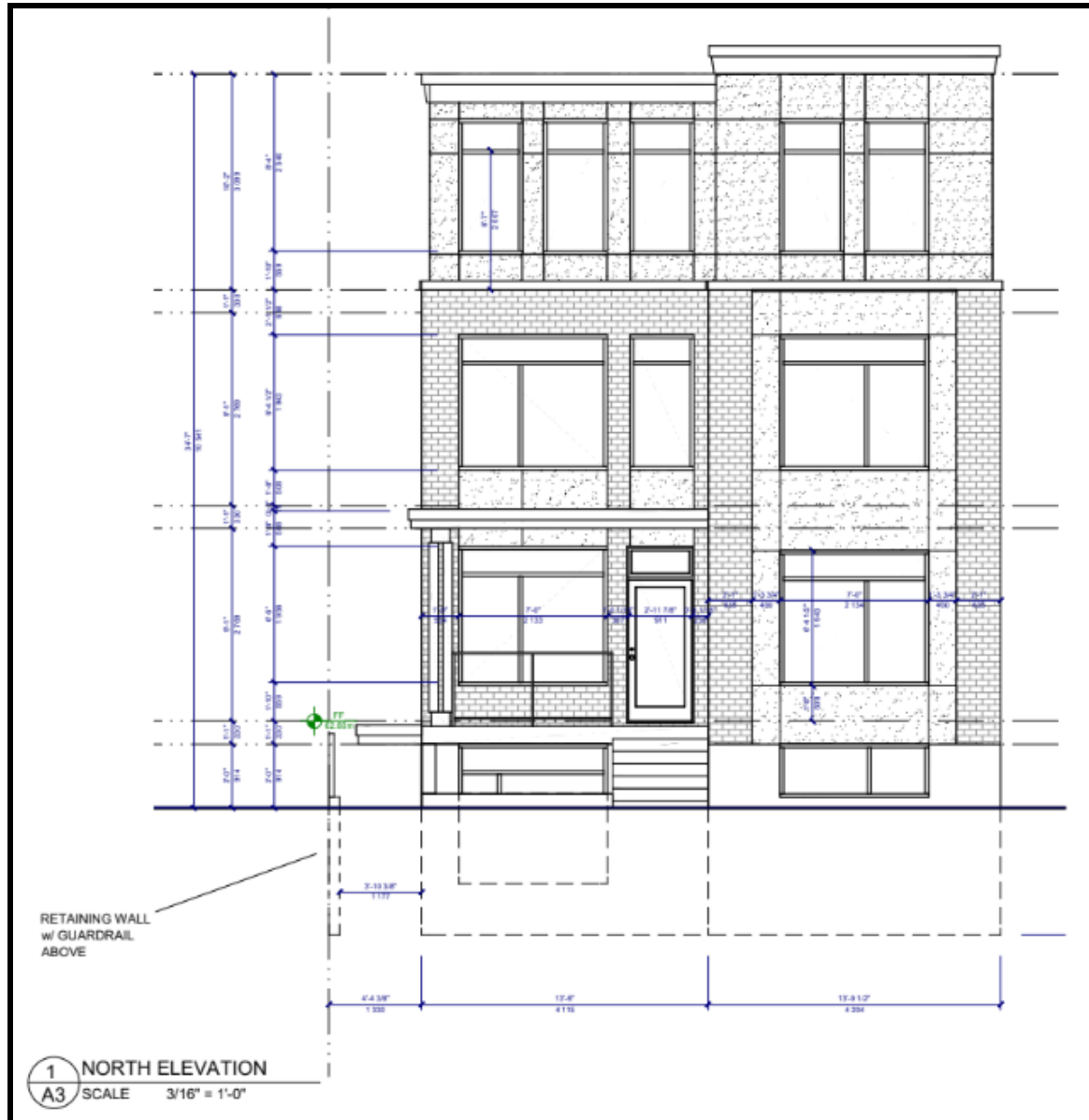
Due to the minimal impact on adjacent properties and no required or requested variances for front yard or rear yard setbacks or building height the impact of these variances are minor in nature and with the proposed use being an as of



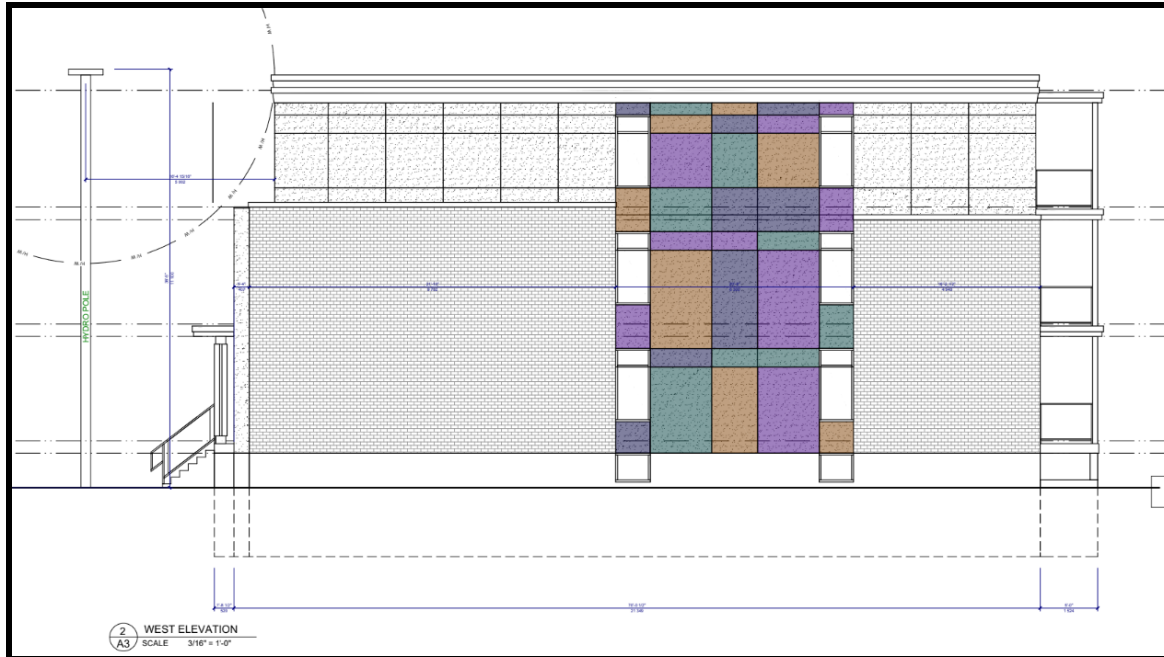
right use in this zone the impact of the variance is minimal in nature. The property has a flat roof and with the roof drainage being channelled to the east side away from the west side yard where there is a reduced side yard setback. The intent and purpose of the Zoning By-law is maintained and is desirable for the development of the land.



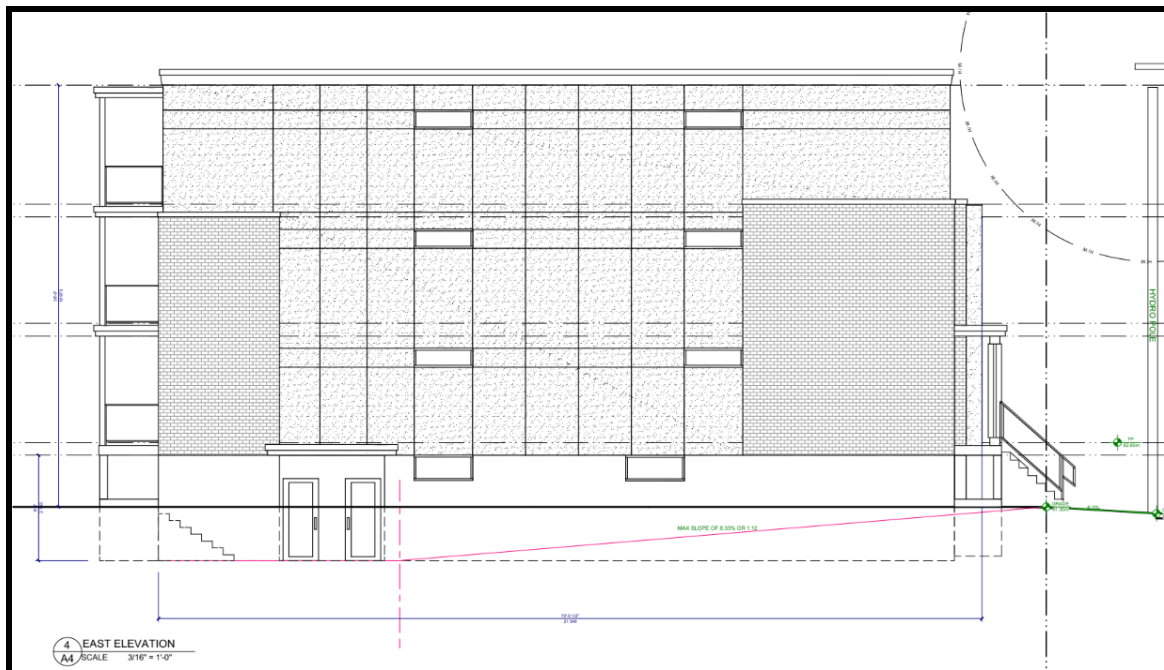
**PROPOSED SITE PLAN. OPEN SPACE AND PATHWAY AND O TRAIN TO THE WEST (LEFT HAND SIDE OF THE DRAWING).**



**NORTH ELEVATION OF THE BUILDING. LANDS SUBJECT TO THE MINOR VARIANCE RELATED TO A REDUCED SIDE YARD SETBACK ON EAST (1.33 M - LEFT HAND SIDE OF THE IMAGE) AND WEST (0.5 M RIGHT HAND SIDE OF THE IMAGE) SIDES OF THE FRONT ELEVATION.**



**WEST ELEVATION OF THE PROPOSED BUILDING (SUBJECT TO THE 0.5 M SIDE YARD SETBACK VARIANCE)**



**EAST ELEVATION OF THE PROPOSED BUILDING (SUBJECT TO THE 1.33 M SIDE YARD SETBACK VARIANCE)**

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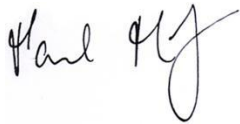
The application is minor in nature, it is desirable for the appropriate development of the land, and it is in keeping with the general intent and purpose of the Zoning By-law and the Official Plan.

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

- Completed application form for the Minor Variance applications
- Application fees for the recirculation application
- Survey plan (showing the location of the existing building on the lands)
- Site Plan and elevation plans of the proposed building
- Tree Conservation Report
- A Legal opinion from our clients legal counsel about the adjacent property owners claims about an unregistered easement on the subject property

Should you have any questions or require anything further, please do not hesitate to contact the undersigned at (613) 599 9216 or via email at [probinson@probinsonconsulting.com](mailto:probinson@probinsonconsulting.com)

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Jasmine Paoloni, Junior Planner