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March 23, 2023

Secretary-Treasurer  
Committee of Adjustment  
City of Ottawa  
101 Centrepointe Drive  
Ottawa, ON K2G 5K7

**PLANNING JUSTIFICATION - APPLICATION FOR MINOR VARIANCE**  
**1241 KILBORN PLACE**  
**ARCADIS IBI FILE NO. 139432**

**1.0 Introduction**

We are pleased to submit this Planning Justification in support of an Application for Minor Variance for the property known municipally as 1241 Kilborn Place (the “subject property”). The subject property is occupied by a 17-storey apartment building with a combination of surface and underground parking and is owned by Homestead Land Holdings Limited (“Homestead”).

The minor variance requested is to allow for the enclosure of the existing parking garage ramp that is accessed from Kilborn Place (Figure 1). The variance request is to reduce the minimum interior side yard setback from 1.5 metres to 0.165 metres (within 21 metres of the front lot line) and from 6 metres to 4 metres (further than 21 metres from the front lot line) (Table 1).

The subject property is designated ‘Inner Urban’ in the City of Ottawa Official Plan Schedule A – Transect Policy Areas and ‘Corridor - Mainstreet’ and ‘Corridor – Minor’ in Schedule B2 – Inner Urban Transect, where the two corridors intersect (Figure 2). The subject property also has an ‘Evolving Neighbourhood’ overlay on Schedule B2.

The subject property is zoned R5C H(122) A.S.L (Residential Fifth Density Zone, Subzone C, subject to a maximum height of 122 metres above sea level) in City of Ottawa Zoning By-law 2008-250 (Figure 3). This zone permits a range of residential building types, including apartment buildings, and a limited number of ancillary commercial uses.

With respect to the City of Ottawa’s Tree Protection By-law 2020-340, the trees on the property in the area of the proposed development were measured and it was determined that the trees do not meet the “Distinctive Tree” definition in the By-law, and therefore a Tree Information Report is not required as part of this application. All trees on the adjacent property will be protected.

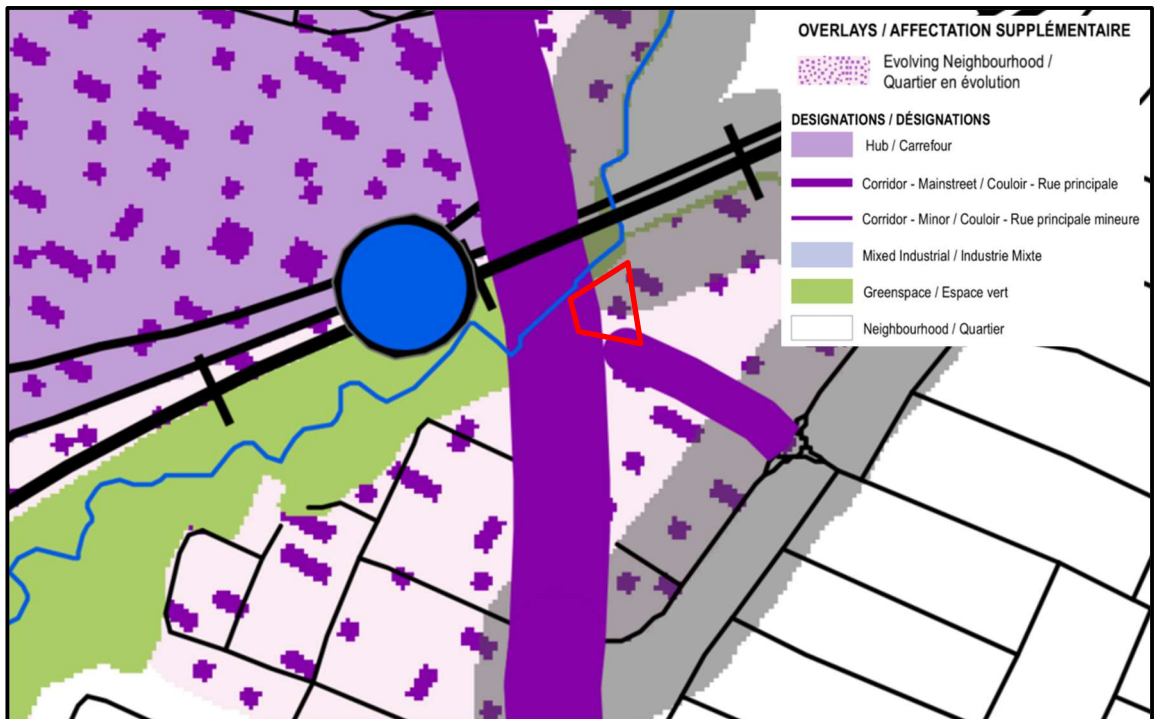
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**Figure 1:** View from Kilborn Place looking northwest, with the existing parking garage ramp and entrance outlined in red (Source: Google Maps)



**Figure 2:** Excerpt from City of Ottawa Official Plan Schedule B2 – Inner Urban Transect with the subject property outlined in red (Source: City of Ottawa)

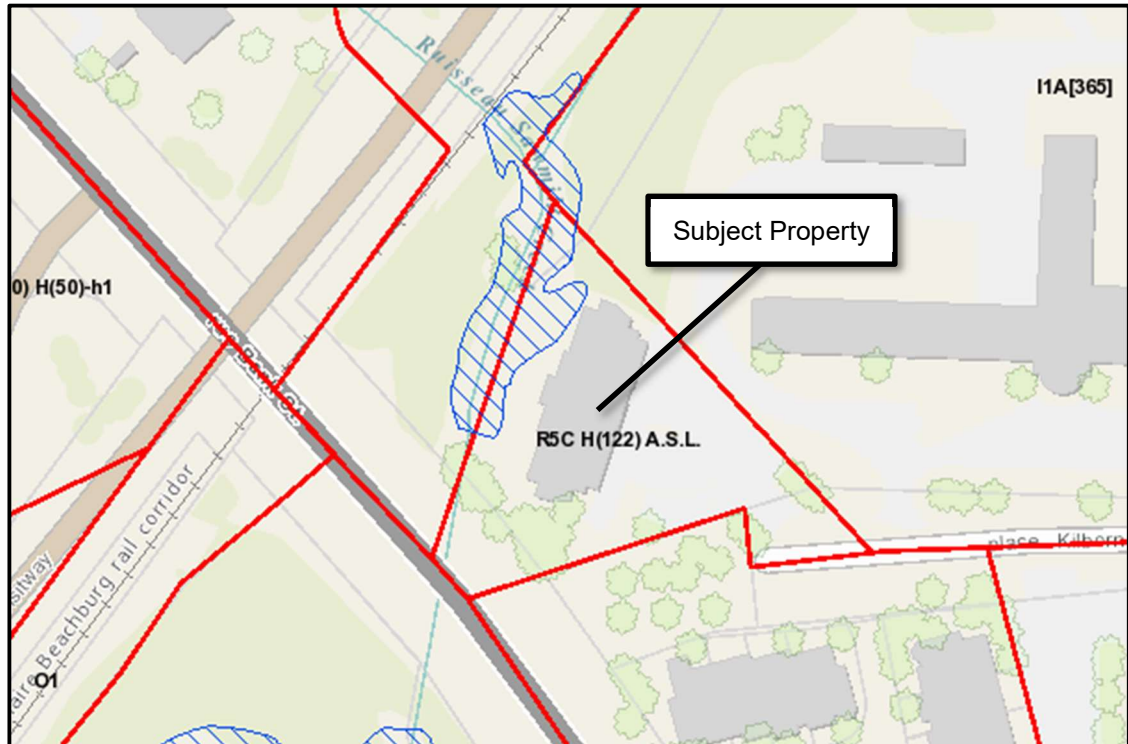
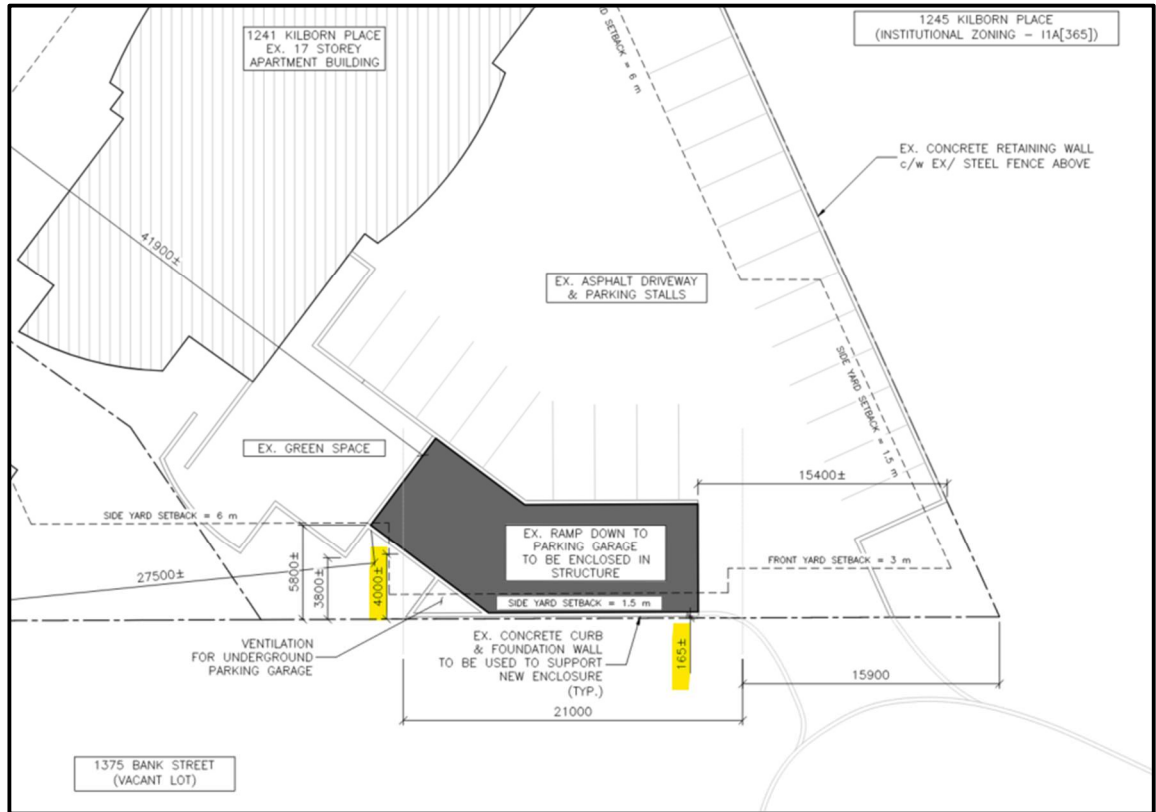


Figure 3: Existing zoning of the subject property (Source: GeoOttawa)

Table 1: Requested Variance

	SECTION	REQUIRED	PROPOSED
1	<p><b>164 – R5 Subzones</b>  <b>Table 164A</b>  <b>Column XI</b>  <b>Endnote 4</b>                      Minimum Interior Side Yard Setback</p>	<p>Within 21 metres of the front lot line:                      1.5 m</p> <p>Further than 21 metres from the front lot line: 6 m</p>	<p>Within 21 metres of the front lot line:                      0.165 m</p> <p>Further than 21 metres from the front lot line: 4 m</p>

The subject site is an existing, developed site containing a 17-storey apartment building with underground parking. The owner is proposing to enclose the existing parking garage ramp using the existing ramp wall as the base of the enclosure. Zoning interpretation provided by Planning staff identified that the front lot line is the portion of property line that abuts Kilborn Place (15.9 m) and the remainder of property line abutting City of Ottawa owned parcel at 1375 Bank Street is an interior side lot line. The existing ramp wall has an interior side yard setback of 0.165 metres within 21 metres of the front lot line and 4 metres at 21 metres from the front lot line. The variance request is to reduce the minimum interior side yard setback from 1.5 metres to 0.165 metres (within 21 metres of the front lot line) and from 6 metres to 4 metres (further than 21 metres from the front lot line) (Figure 4). There are no easements in front of the ramp that could hinder the proposed development. The enclosure is proposed to be constructed primarily with steel siding to a maximum height of 3.73 metres. The owner proposes to introduce climbing plantings that do not require much soil volume, such as ivy, within the remaining interior side yard setback to mitigate the appearance of the new wall from the City-owned parcel.



**Figure 4:** Proposed Ramp Enclosure Plan (Source: Art Engineering Inc.)

## 2.0 Planning Act, R.S.O. 1990, c.P.13

In support of this application, the following section outlines how the proposed variances satisfy the four (4) tests prescribed by Section 45(1) of the Planning Act. These four tests are as follows:

1. Does the variance maintain the general intent and purpose of the Official Plan?
2. Does the variance maintain the general intent and purpose of the Zoning By-law?
3. Is the variance minor in nature?
4. Is the variance desirable and appropriate?

## 3.0 Justification

### 1. Does the variance maintain the general intent and purpose of the Official Plan?

The subject property is designated 'Inner Urban' in the City of Ottawa Official Plan Schedule A – Transect Policy Areas and 'Corridor - Mainstreet' and 'Corridor – Minor' in Schedule B2 – Inner Urban Transect, where the two corridors intersect (Figure 2). The subject property also has an 'Evolving Neighbourhood' overlay on Schedule B2. Per policy 6.2.1.1)a, the entirety of the subject property abuts and is within 220m of the centreline of Bank Street (Mainstreet Corridor) and 120m of Kilborn Place (Minor Corridor), therefore meeting the criteria for both Corridor designations.

The Corridor designation applies to bands of land along specified streets whose planned function combines a higher density of development, a greater degree of mixed uses and a higher level of street transit service than abutting Neighbourhoods, but lower density than nearby Hubs. Corridors generally permit residential uses and such non-residential uses that integrate with a dense, mixed-use urban environment. The Mainstreet Corridor designation recognizes these corridors have different context than minor corridors and may require commercial or service uses on the ground floor. The Minor Corridor may include residential-only buildings, as is the case with the subject property, commercial-only buildings, and mixed-use buildings. The Evolving Neighbourhood overlay provides built form direction for the urban area where intensification is anticipated to occur.

The proposed variance maintains the general intent and purpose of the Official Plan as it supports the continued residential use of the subject property with an existing high-rise apartment building in that it ensures continued, safe access to underground parking.

## **2. Does the variance maintain the general intent and purpose of the Zoning By-law?**

The purpose of the Zoning By-law is to implement the policies of Official Plan and guide development in an orderly manner. City of Ottawa Zoning By-law 2008-250 places the subject property in the R5C H(122) A.S.L zone, which permits the existing high-rise apartment residential use. The requested variance will not change the existing use of the property.

The intent of the minimum interior side yard setback provision is to provide adequate spacing between buildings and maintain orderly side yards. The proposed garage ramp enclosure will utilize the existing concrete retaining wall and will not extend any farther into the interior side yard than the existing ramp, retaining wall and concrete curb which are visible in Figure 1. The enclosure of the existing garage ramp requires a minor variance, as the setback of the existing concrete retaining wall and curb that border the south property limit were approved under a previous Zoning By-law in approximately 1990 and which do not comply with the setback provisions of Zoning By-law 2008-250.

## **3. Is the variance minor in nature?**

The determination of whether or not an application is minor is not based on a mathematical calculation, but rather on whether the scale is appropriate and the impact of granting the variance is minor. This includes how the variance could impact the existing or planned functionality of the subject property and/or the surrounding lands. The proposed reduction to the interior side yard setback is not expected to adversely affect the functionality of the site as the existing concrete curb and retaining wall will become a full wall to form part of the ramp enclosure. There will be no change to the existing on-site traffic pattern for vehicles accessing the property from Kilborn Place.

Given the proximity and type of construction proposed in relation to the enclosure and the property line, the proposed cladding will include steel siding facing the abutting public open space to the south. The owner proposes to introduce climbing plantings that do not require much soil volume, such as ivy, within the remaining interior side yard setback to mitigate the appearance of the new wall.

## **4. Is the variance desirable and appropriate?**

The proposed reduction in interior side yard setback is desirable and appropriate as it will improve the functionality of the existing parking garage ramp on an existing developed site. The variance will allow for the enclosure of the garage ramp, which will eliminate the

need for the ramp's heating system and reduce the level of maintenance needed on the ramp. This in turn will improve the safety of the ramp and reduce disruption to tenants and other individuals accessing the underground garage.

#### 4.0 Closing

It is our professional opinion that the requested variance satisfies the four tests under Section 45 of the *Planning Act*, constitutes good land use planning, and should be approved.

Should you have any questions or require further information, please do not hesitate to contact the undersigned.

Sincerely,

**ARCADIS IBI GROUP**



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Tess Gilchrist, MCIP RPP  
Associate – Manager, Planning



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Holly Crawford  
Planner