

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

City of Ottawa Committee of Adjustment  
101 CentrepoinTE Drive, 4<sup>th</sup> Floor  
Ottawa, On, K2G 5K7

April 25 2023

Attn: Mr Michel Bellemare  
Secretary Treasurer

Re: **65 Acacia (Minor Variance)**  
Simon Saab and Jeffrey Abboud  
Lot 11, Registered Plan No. 189537 - City of Ottawa  
Committee File D08-02-22/A-00336

**Committee of Adjustment**  
Received | Reçu le  
**Revised | Modifié le : 2023-04-25**  
City of Ottawa | Ville d'Ottawa  
**Comité de dérogation**

On behalf of our client we are submitting the following Minor Variance for one of the properties known as 65 Acacia in order to permit a 3-storey, 7 unit apartment building. The property is zoned R4UD [2646]. Since the adjournment of this item on the April 19 2023 Panel 1 hearing, modifications have been made to the plans for the building to be constructed as a 7 unit building. No changes to the variances requested or the shape or size of the building result from this change. The upper level unit has been modified from 1 large two bedroom unit to 2 one bedroom units.

The proposal requires the following variance:

- Minimum lot area. We are requesting a reduced lot area of 285.7 m2. The zoning requires a minimum lot area of 300 m2 (as per Table 162A, (V), Zoning By-Law, as amended).
- Interior side yard setback. We are requesting a reduced interior side yard setback of 1.5 m. The zoning requires a minimum site yard setback of 2 m (as per Exception [2646] V, Zoning By-Law, as amended).
- Rear yard area. We are requesting a reduced rear yard area of 70 sq.m. The Zoning By-Law requires a minimum rear yard area of 116 sq.m (as per Exception [2646] V, Zoning By-Law, as amended).
- Amenity area. We are requesting a reduced rear yard amenity area of 56 sq.m. The Zoning By-Law requires a minimum rear yard amenity area of 102 sq.m (as per Exception [2646] V, Zoning By-Law, as amended).

For the purposes of this submission, the front facade is considered east-facing and the rear facade is west facing.

All other zoning requirements are met including front yard setback, parking and building height in the R4UD [2646] zone. Exception [2646] does not state that both properties need to be developed for the exception performance standards to apply. City staff have taken the position that the single lot is subject to the same site specific performance standards that were in effect when this lot was part of a larger development proposal. The interpretation from City Planning staff is that the performance standards listed in

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the table below are applicable to either lot or both lots in the event of a development proposal.

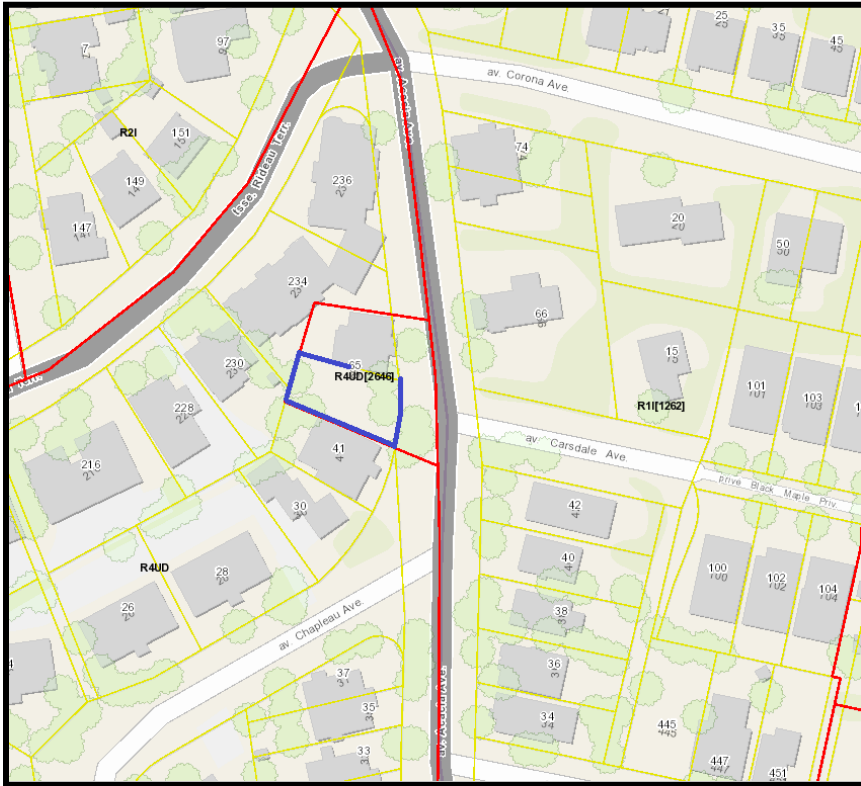
2646 (By-law 2020- 260)	R4P[2646]			<ul style="list-style-type: none"><li>• Minimum front yard setback: 0.9 m</li><li>• Minimum interior side yard setback: 2 m</li><li>• Minimum rear yard area: 116 m<sup>2</sup></li><li>• Minimum rear yard setback: 4.6 m</li><li>• Minimum rear yard amenity area: 102 m<sup>2</sup></li><li>• Minimum aisle width for a parking garage: 5.4 m</li></ul>
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**Exception clause 2646 applicable to lots 10 and or 11 (Registered Plan 189537).**

Both lots 10 and 11 are legally known as 65 Acacia and are owned by the same people, but they remain as separate lots because they are whole lots on a Plan of Subdivision. The Plan of Subdivision maintains the lot division and avoids the need to sever the lots in order to build a new residential building on lot 11.

The entirety of 65 Acacia, lots 10 and 11, was the subject of a minor rezoning and site plan application with the proposal calling for 12 rental units in a 4-storey building with a 265 sq.m footprint. The rezoning and site plan applications were approved; however, changes in construction costs and financing options caused the property owners to re-evaluate the scale of the project. The current proposal is a 3-storey, 7 unit apartment building with a footprint of 123.56 sq.m.

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Location Plan of 65 Acacia Ave.



Photo taken from Acacia Ave / Carsdale Ave looking at the **subject lands**.

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Photo taken from Acacia Ave / Carsdale Ave looking at the **subject lands** (left) and the existing building on 65 Acacia (right).



Photo taken from Acacia Ave / Carsdale Ave looking at the existing building on 65 Acacia (left) and the garages that serve a multi-unit residential building, and its rear facade, on Rideau Terrace (right).

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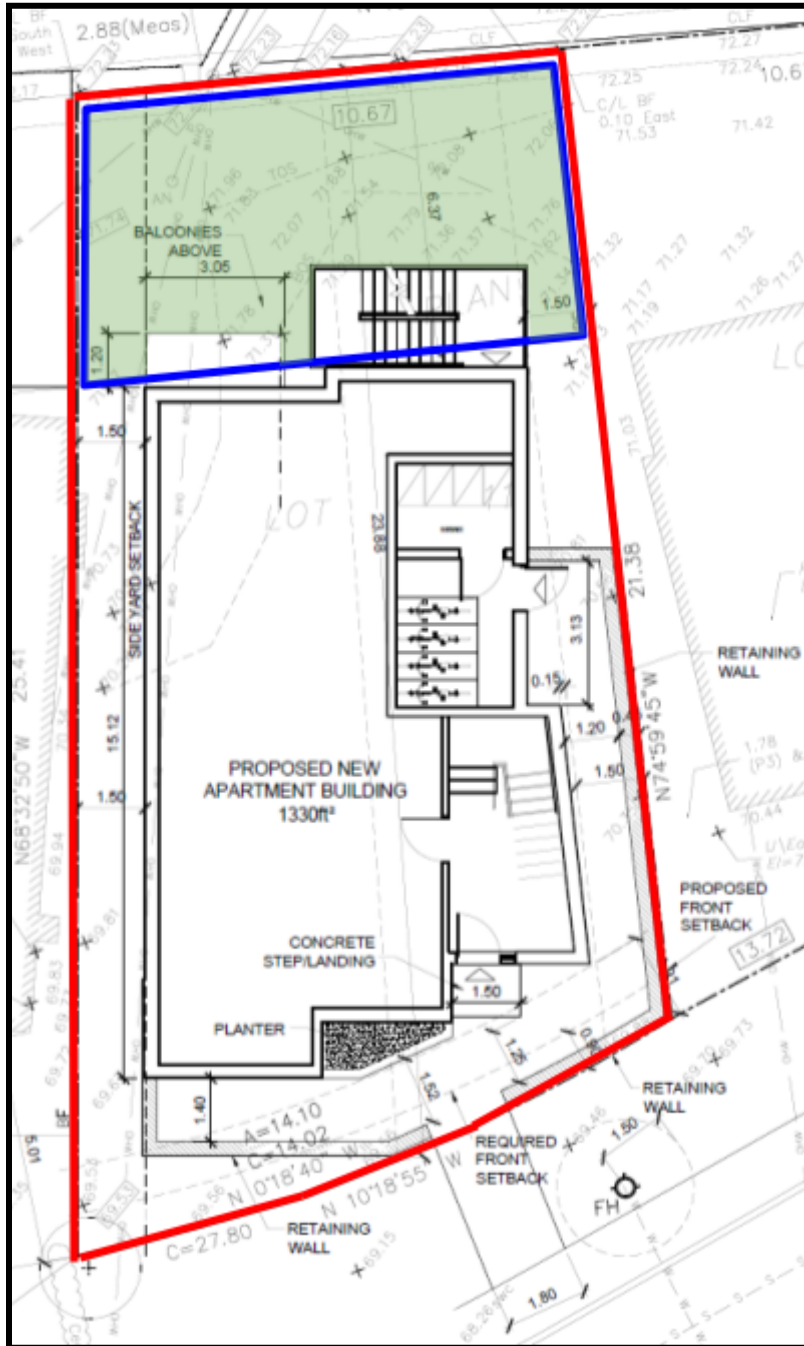
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**Photo taken from Chapleau Ave / Acacia Ave looking at the recently completed development of a triplex at 30 Chapleau Ave.**

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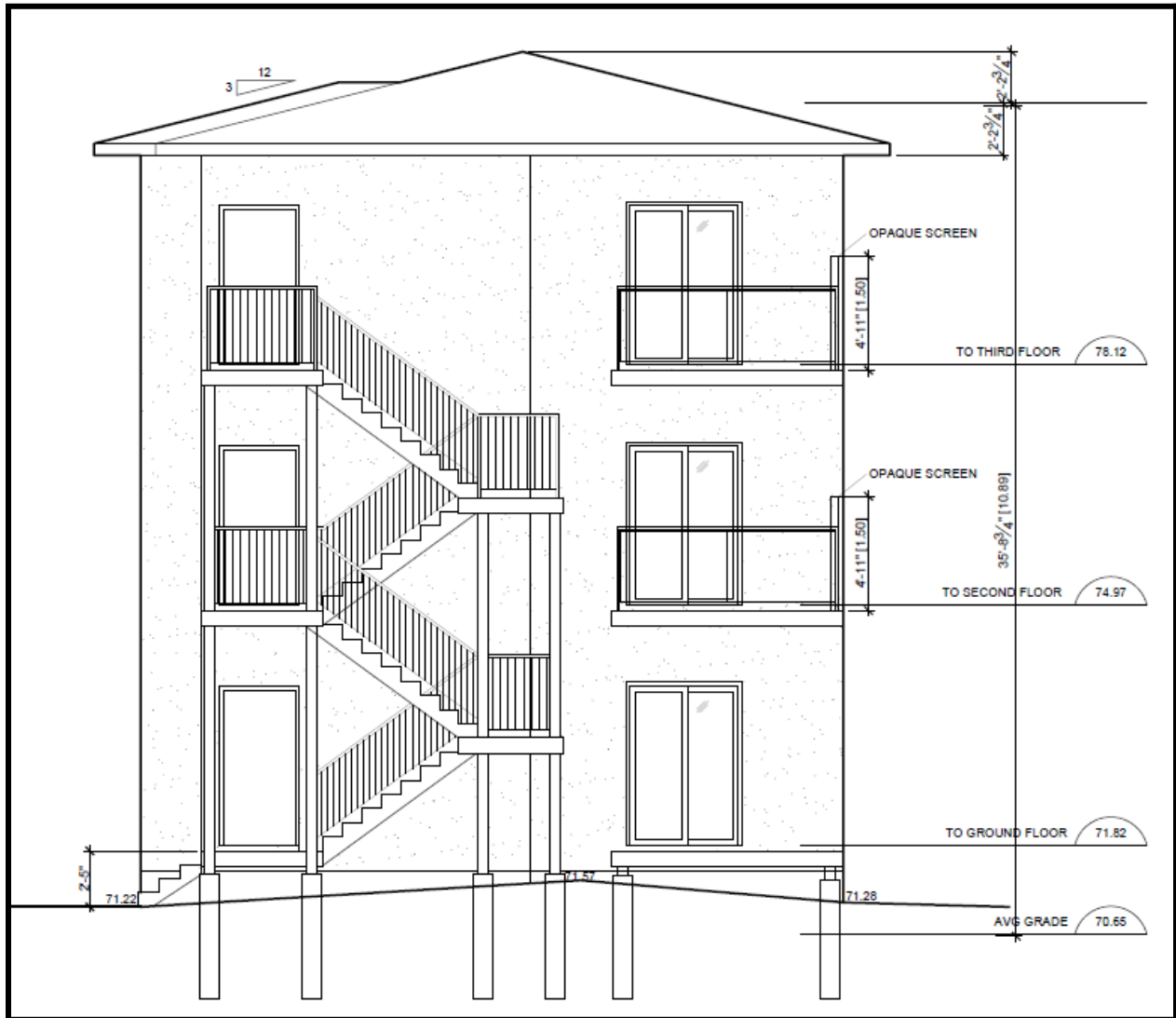
Site Plan of 65 Acacia Ave. showing the lot lines, rear yard area, and rear yard amenity area.

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Front elevation of 65 Acacia.



**Rear elevation of 65 Acacia.**

The four (4) tests of a Minor Variance as per Section 45 of the Planning Act are:

**1. The application is minor in nature**

The Minor Variance requested is a performance standard that cannot be changed. The available lot size is 285.7 m<sup>2</sup>. The discrepancy between the required lot area and the provided lot area is 14.3 m<sup>2</sup>. The requested interior side yard setback is 0.5 m less than the requirement. The requested rear yard area is appropriate for a development of this size but represents 60% of the required area. Similarly, the requested rear yard amenity area represents approximately 55% of the requirement.



The variances from the Exception [2646] are intended for a lot twice the size of the subject property, and therefore, if the requirements were decreased proportionately to the applicable lot size, we would be compliant on interior side yard setback, rear yard area, and rear yard amenity area.

It is our opinion that these Minor Variances are minor in nature as they only represent a 4.8% decrease in the minimum lot area requirement and the lot area cannot be increased. The requested interior side yard setback represents a 0.5m decrease and results in plenty of room for a pathway and the garbage to be brought to the front of the property along the side yard. The rear yard area represents approximately 25% of the lot area, and rear yard amenity area represents approximately 20% of the lot area.

These are appropriate percentages for a lot of this size. Additionally, the proposed rear yard setback is 1.77 m in excess of the site specific rear yard setback implemented via Exception 2646.(6.37 m provided as compared to 4.6 m required).

**2. The application is desirable for the appropriate development of the lands in question.**

Urban Design Guidelines for Low-Rise Infill Housing

Low-rise residential infill can contribute to achieving the strategic directions outlined in Section 2 of the Official Plan and address the cross-cutting issues of “Intensification”, “Energy and Climate Change” and “Healthy and Inclusive Communities”, described in Section 2.2.

3.1.1 Ensure that new infill faces and animates the public streets. Ground floors with principal entries, windows, porches and key internal uses at street level and facing onto the street contribute to the animation, safety and security on the street.

*The proposal features a slightly elevated main entrance off Acacia Ave. The sloped pathway leading to the front door is necessary due to the slope of the property. The relationship between the ramp, building facade, and front yard landscaping will animate the streetscape and improve on existing conditions. The front facade window glazing will increase safety and security by providing ‘eyes on the street’.*

3.1.3 In determining infill lot sizes, recognize the provisions of the Zoning By-law, the Official Plan’s Transect-, Overlay-, and Neighbourhood policies, and local lot sizes, including lot width, the existing relationship between lot size, yard setbacks and the scale of homes

*The setbacks, existing lot size, and scale of the proposed development builds on the same characteristics of other recent developments in the area. It respects the New Official Plan’s Inner Urban transect goals, the Mature Neighbourhoods Overlay, and the majority of the Zoning By-Law requirements.*

**3.1.5** In cases where there is a uniform setback along a street, match this setback in order to fit into the neighbourhood pattern and create a continuous, legible edge to the public street.

*The building's front facade steps back to respect the front lot line and create a dynamic street-facing facade. Its front yard setback is the average of the abutting setbacks as per Section 144 of the Zoning By-Law which is intended to maintain the neighbourhood pattern and create a continuous street edge.*

**3.1.12** Position infill to take advantage of solar heat and reflected light. Create a layout where internal and external spaces benefit from solar orientation.

*The south-facing facade features some glazing, but is not overly glazed which restricts the amount of excess solar heat entering the units. Glazing on the west-facing facade is minimised to maintain privacy between residents of the new units and the near-by properties on Rideau Terrace. Living spaces are primarily positioned in the south-east and south-west portions of the building while corridors, circulation, and the garbage room are located in the north sections. This layout maximises daylight in the rooms that need it and sacrifice natural light in areas that do not need it.*

It is our opinion that the proposed development is appropriate for the lands in question due to its density, location in relation to transportation services, and occupancy.

### **3. It conforms to the general intent of the Official Plan (as adopted by the Minister of Housing).**

2.1 Policy 1. The City will accommodate an increase of 402,000 people by 2046 within its existing neighbourhoods and villages, in undeveloped greenfield areas within Ottawa's urban boundary and by expanding the City's urban boundary

*This land is currently under-utilised space for the residential dwelling on lot 10 of 65 Acacia. It has been unmaintained for a long period of time and has the ability to accommodate the proposed 7-units. Therefore, it contributes to the City's goals of building on greenfield sites within the urban boundary to accommodate an influx of citizens.*

2.2.4 Policy 1. Existing communities will evolve over time into healthier, more connected and complete 15-minute neighbourhoods as development and road re-construction occurs. The concept of 15-minute neighbourhoods is intended to guide the evolution of existing neighbourhoods, as well as new greenfield development.

*Lindenlea is designated as an Evolving Neighbourhood in the New Official Plan and the proposed development will strengthen and intensify the modern nature of the community. The development is also in close proximity to multiple public transit routes. It is approximately a 3 minute walk to Beechwood where multiple OC Transpo lines run at intervals between 10-30 minutes. The retail plaza on Beechwood Ave. that contains stores such as Metro, LCBO, Shell, as well as*

*various restaurants and personal service stores on Beechwood , are approximately 800m or a 10 minute walk from the subject property.*

3.3 (1) Residential growth within the greenfield portions of the urban area will be planned as complete 15-minute neighbourhoods through the creation of a framework for a compact design, mix of uses and densities, a fully-connected street grid and viable options for sustainable transportation modes.

*This zone primarily permits residential development and its multi-unit design takes full advantage of the lot and surrounding transportation infrastructure. The bicycle parking supports use of the cross-town bikeway spine route Hemlock Rd as defined by the Transportation Master Plan Cycling Network map 1. Additionally, the OC Transpo lines that run through Beechwood and Acacia are lines 6, 7, 19, and 20. Line 6 runs from Rockcliffe to Greenboro (10 minute intervals), line 7 runs from St. Laurent to Carleton (15 minute intervals). Lines 19 and 20 run from St. Laurent to Parliament and Vanier, respectively (30 minute intervals).*

5.2.1 (3) The Inner Urban Transect is generally planned for mid- to high-density development, subject to:

(b) Limits on building heights and massing, as per the underlying functional designation, and the separation of tower elements, established through secondary plans or area-specific policy, the functional designations and urban design policies in Subsection 4.6. Etc.

*The permitted height as per the New Official Plan is mid-to high-density (more than 4 storeys). However, the maximum permitted height as per the Zoning By-Law is 11 m which equates to approximately 3.5 storeys. A 3-storey development is achievable on this lot due to its slope and the pitched-roof style and a 3-storey building, and its resulting density, is well-suited for this neighbourhood.*

5.2.2 (2) The transportation network for the Inner Urban Transect shall:

a) Prioritise walking, cycling and transit; and

*The site offers bicycle parking and is in close proximity to bus routes that access a wide variety of amenities.*

b) Accommodate motor vehicle access and movement provided doing so does not erode the public realm nor undermine the priority of pedestrians, cyclists and transit users.

*No vehicular parking is available on site as to not erode the public realm or undermine the priority of pedestrians/cyclists/transit users. Also, vehicular parking is prohibited on this lot due to the requirements of the R4UD zone based on the size of the lot.*

This proposal conforms to the general intent of the New Official Plan in regards to that fact it is a greenfield site in the urban boundary, its position in the Inner Urban transect,

and its Evolving Neighbourhood designation. It supports the evolution to a 15-minute walkable neighbourhood through its absence of vehicular parking, provided bicycle parking, and proximity to public transit stops.

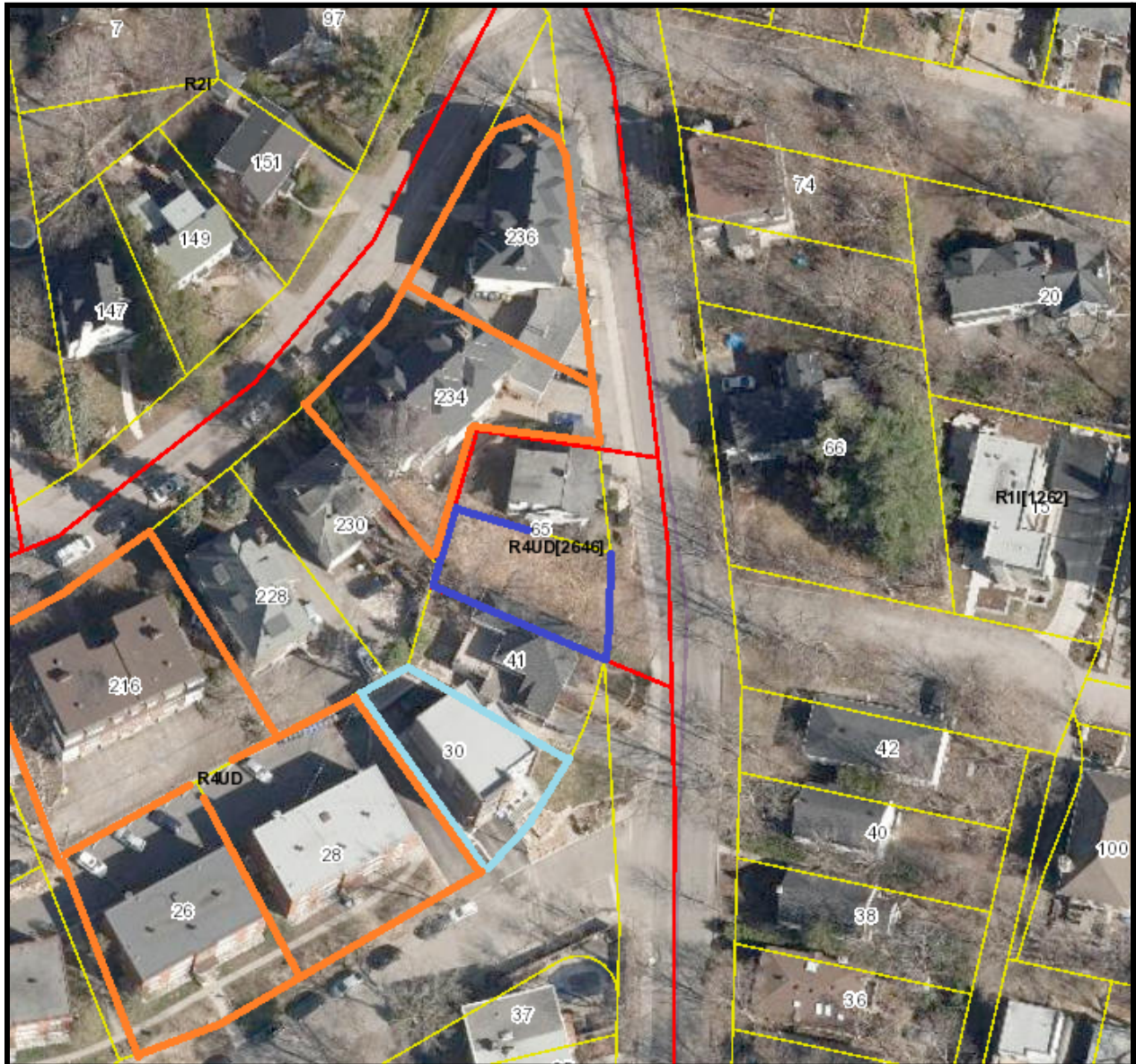
#### 4. It conforms to the general intent of the Zoning By-law.

The intent of this zone is to:

- allow a wide mix of residential building forms ranging from detached to low rise apartment dwellings, in some cases limited to four units (R4A-R4L inclusive), and in no case more than four storeys, in areas designated as **General Urban Area** in the Official Plan; *This property is in an R4UD zone and is permitted to have more than 4 units.*
- regulate development 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, etc. *The proposal is increasing the density of this low-rise neighbourhood while maintaining a height of 3-storeys, which is warranted as per the Evolving Neighbourhood designation in the New Official Plan. The development is consistent with recent projects in the same neighbourhood and is maintaining the neighbourhood's residential character.*

*The variance requested to reduce the minimum lot size from 300 m<sup>2</sup> to 285.7 m<sup>2</sup> is unavoidable for this proposal as the lot size cannot increase. The dwelling types permitted on a lot of this size, such as: detached, semi-detached, duplex, and townhomes, are not feasible projects in this neighbourhood at this time with the zoning that is in place. Additionally, it is our opinion that these dwelling types are not an appropriate density compared to the rest of the neighbourhood.*

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GeoOttawa image showing the **subject lands** in relation to a recently completed **4-storey triplex development** and **Multi-unit 3-storey developments**.

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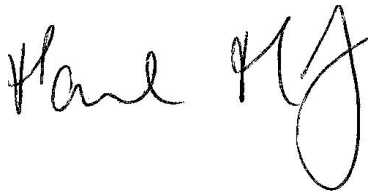
At this time we are also submitting the following in support of the application:

- Completed application form (1 original)
- Full size copy (and an 8 ½ x 11 reduction) of the site plan showing the proposed new building
- Full size copy (and an 8 ½ x 11 reduction) of the architectural elevation plans of the proposed building from all four sides
- Full size copy (and an 8 ½ x 11 reduction) of the survey plan of the entire property
- Owners authorisation
- Tree Information Report

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

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

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Paul Robinson, RPP

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Jasmine Paoloni, Junior Planner

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