

Committee of Adjustment  
101 CentrepoinTE Drive  
Ottawa, ON K2G 5K7

April 5, 2023

This document is presented in the language it was provided.  
Ce document est présenté dans la langue dans laquelle il a été fourni.

Attention: Mr. Michel Bellemare  
Committee of Adjustment, Secretary-Treasurer

Dear Mr. Bellemare,

Re: Application for Minor Variances  
22 Sims Avenue, Ottawa ON

Committee of Adjustment  
Received | Reçu le

2023-04-13

City of Ottawa | Ville d'Ottawa  
Comité de dérogation

JD Planning has been retained by Hybrid Urban Development Inc. (the 'Owner') to submit an Application for Minor Variances for the property municipally known as 22 Sims Avenue (the 'site'). The proposal is to demolish the existing dwelling and construct a new three-storey apartment building with seven dwelling units. To facilitate the development, the following minor variances to the zoning by-law are required:

- To permit a lot area of 260.5 m<sup>2</sup> whereas the by-law requires a minimum lot area of 300 m<sup>2</sup> for a low-rise apartment dwelling with a maximum of eight units (s.162);
- To permit a front yard setback of 2.4 m whereas the by-law requires the front yard setback to align with the average of the two abutting lots' front yard setbacks, or 2.9 m in this case (s.144(1)(a))
- To permit a rear yard setback of 18% of the lot depth or 4.0 m whereas the by-law requires 25% of the lot depth or 5.62 m in this case (s.144A(i));
- To permit a rear yard area of 18% of the lot area or 47.0 m<sup>2</sup> whereas the by-law requires 25% of the lot area or 65.13 m<sup>2</sup> in this case (s.144(3)(a)).



Figure 1. Exterior rendering of proposed new development prepared by Justin Seguin Architecture + Interiors



## SITE & SURROUNDING CONTEXT

The site is located in the Hintonburg neighbourhood in Ward 15 – Kitchissippi, which is located south of the Ottawa River, east of Parkdale Avenue, west of the Trillium Rail Corridor, and north of Highway 417. The neighbourhood is characterized by a mix of older, low-rise residential uses, newer low-rise infill, as well as commercial restaurant and retail uses oriented along Wellington Street West, and small format commercial along Gladstone Avenue. More specifically, the site is located in the block bounded by Sims to the north, Beverley Avenue to the east, Westmount Avenue to the south and Parkdale Avenue to the east. The site is located just north of Highway 417.

The immediate neighbourhood is generally characterized by low-rise single- and semi-detached residential dwellings in a range and mix of ages, sizes and styles with either front yard soft landscaping, or porches that are adjacent to the sidewalks. Further to the north are mid- to high-rise apartment dwellings along Parkdale Avenue, Gladstone Avenue and Wellington Street West. Wellington Street West contains various low- to mid-rise mixed-use developments including residential and commercial. This area is undergoing redevelopment with the construction of mid- to high-rise residential and mixed-use buildings, while the immediately surrounding neighbourhood has primarily retained a lower-rise profile with the introduction of new infill development in the format of semis or townhouses.

Within the surrounding area there are several schools: Connaught Public School to the north; Saint Francis of Assist Catholic Elementary School to the northeast; Devonshire Community Public School further to the northeast; Parkdale Montessori School to the south; Fisher Park Public School to the southwest; and, Elmdale Public School further to the southwest.



Figure 2. Aerial mapping of subject site and immediately surrounding context (GeoOttawa, 2021 mapping)



The following building types and uses about the site, with the property parcels and configuration shown in Figures 2 and 3.

- **North (front yard)** Two-storey single-detached dwellings
- **East (side yard)** Two-and-a-half storey single-detached dwellings
- **South (rear yard)** Two-storey single-detached dwelling (fronting onto Westmount Avenue)
- **West (side yard)** Two-and-a-half storey single-detached dwelling; three-storey semis/towns



Figure 3. Aerial mapping of subject site and immediately surrounding context (GeoOttawa, 2021)

The site presently contains a one-storey stucco single-detached dwelling and rear vinyl addition toward the east side of the property with a driveway, carport, and parking space on the west. The dwelling and addition are to be demolished, and neighbouring trees are to be protected.

The site consists of the following specifications and legal description:

<b>Area</b>	260.5 m <sup>2</sup>
<b>Frontage</b>	11.70 m on Sims Avenue
<b>Depth</b>	22.4 m
<b>Legal Description</b>	Lot 36, Registered Plan 106706, City of Ottawa
<b>PIN</b>	All of 04092-0068

The existing site survey extract is presented in Figure 4 below.



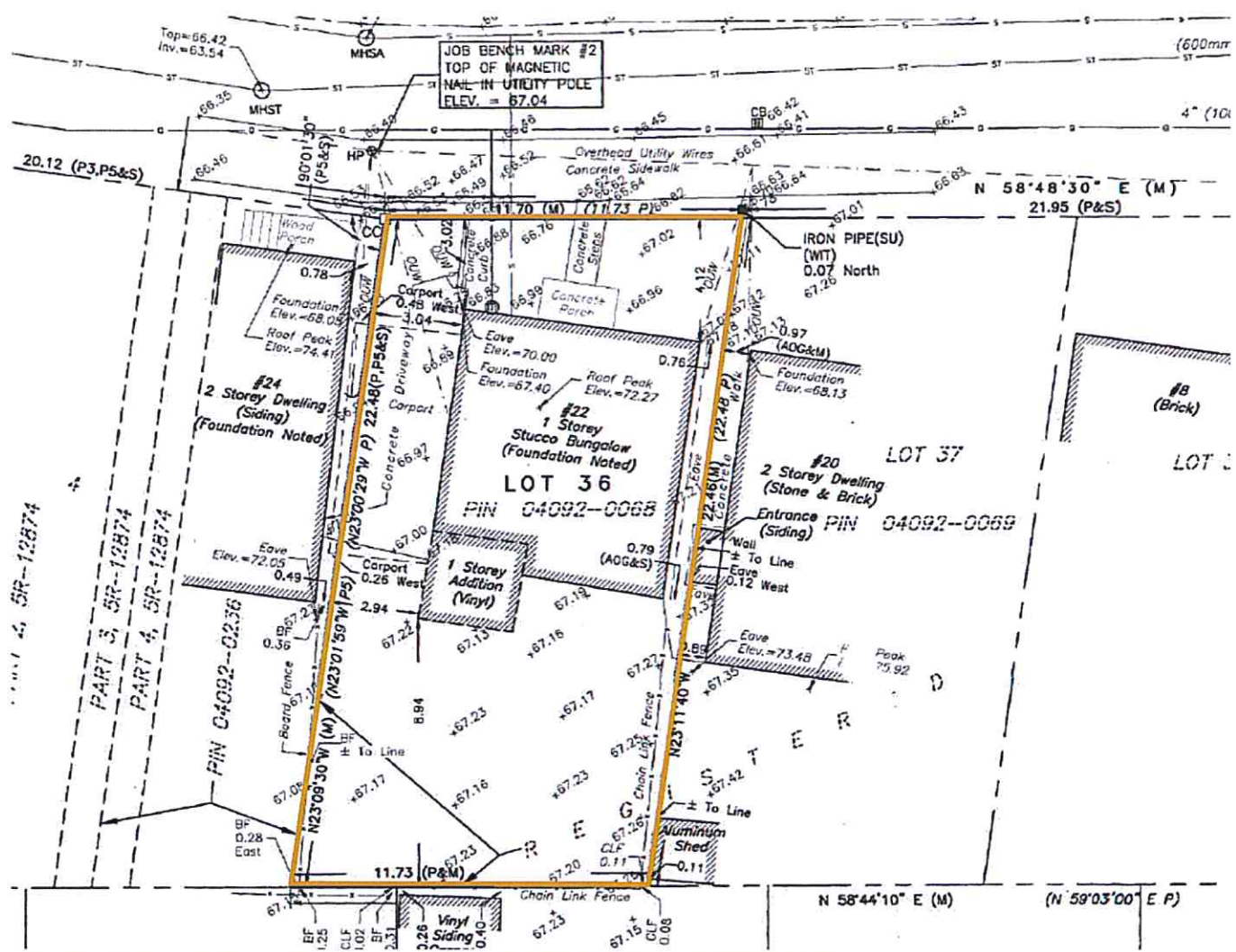


Figure 4. Extract of topographic survey prepared by Fairhall Moffatt & Woodland Ltd.

The site features an irregular lot shape with an angled front and rear lot line, and the surrounding uses are generally compact with narrow side yard setbacks for both adjacent properties at 20 Sims and 24 Sims Avenue.

Images 1 through 8 below demonstrate Google Streetview imagery (July 2022) of the subject site and immediately surrounding context along Sims Avenue showing a variety of housing forms and sizes, ranging from one-and-a-half to three-storeys in the form of single-detached, semi-detached and townhouses. There are other examples of low-rise apartment buildings along nearby streets to the north, including along Foster Street which is one block north of Sims Avenue. This is an eclectic neighbourhood with a wide variety of styles, ages and sizes of existing housing stock.



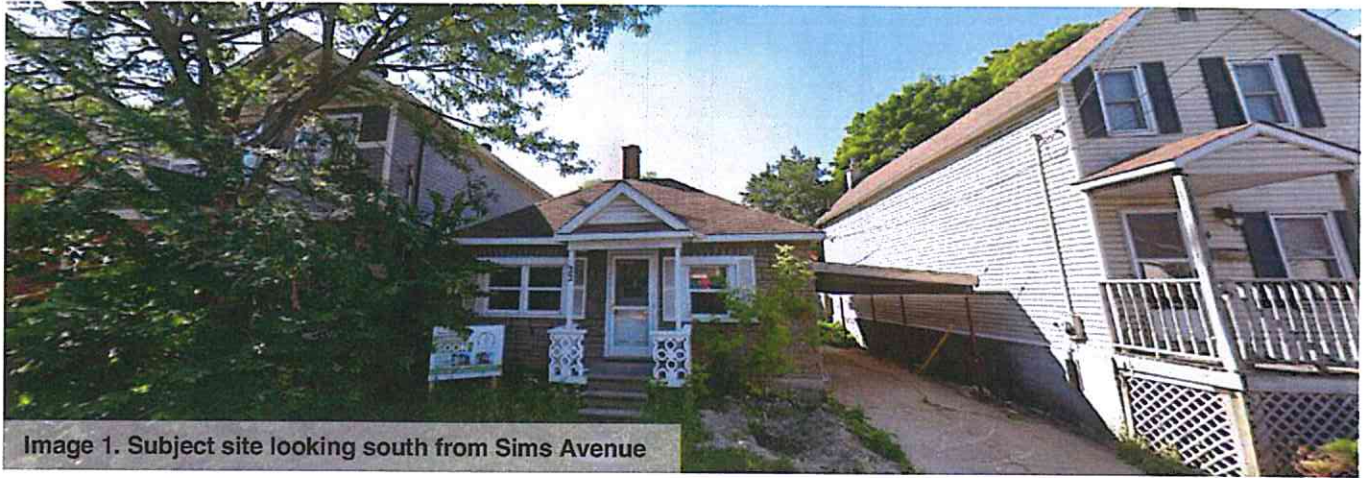


Image 1. Subject site looking south from Sims Avenue



Image 2. Subject site and surrounding properties looking southeast from Sims Avenue



Image 3. Subject site and surrounding properties looking southwest from Sims Avenue

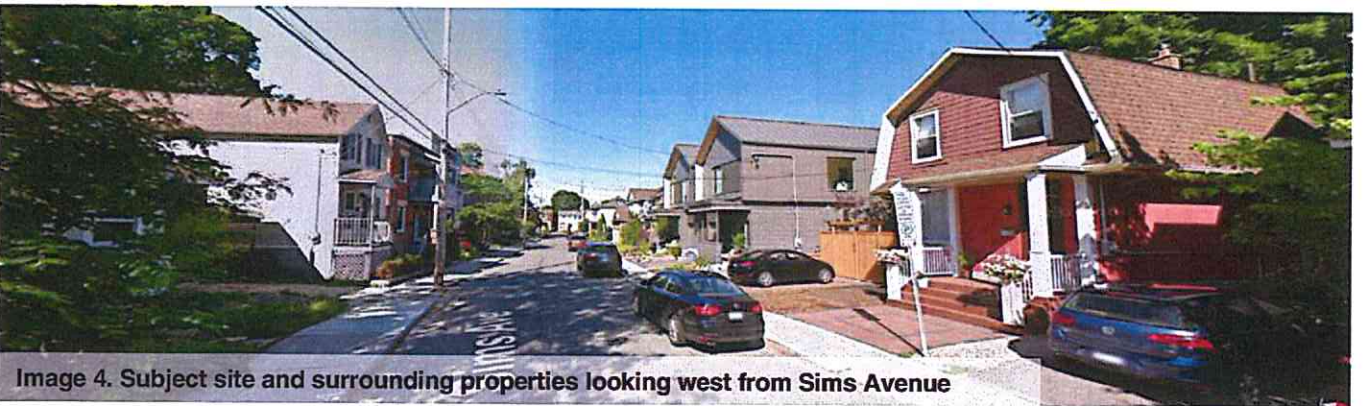


Image 4. Subject site and surrounding properties looking west from Sims Avenue





Image 5. Nearby three-storey dwellings looking southwest from Sims

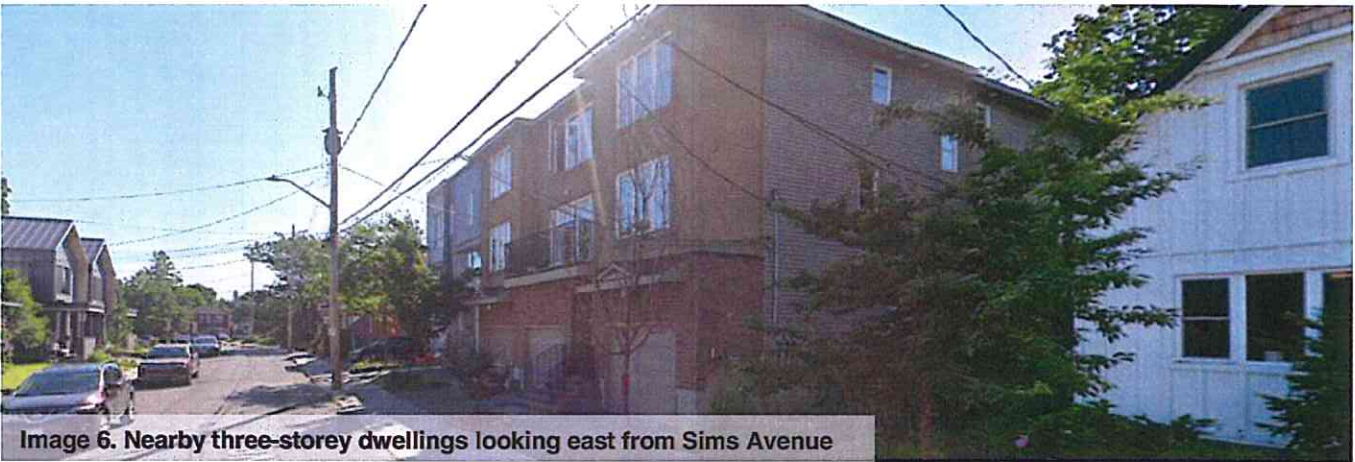


Image 6. Nearby three-storey dwellings looking east from Sims Avenue

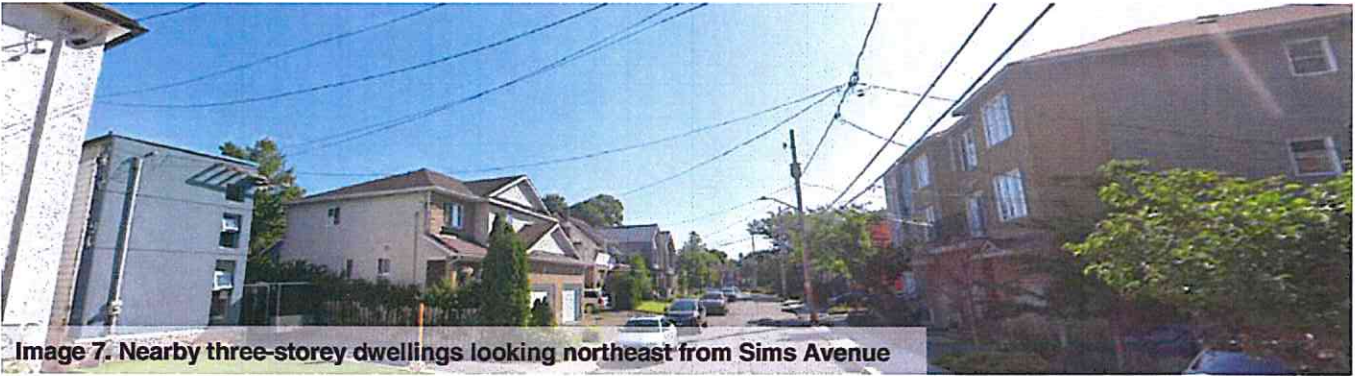


Image 7. Nearby three-storey dwellings looking northeast from Sims Avenue



Image 8. Nearby two-and-a-half-storey dwellings looking southwest from corner of Sims & Beverley



**PROPOSED DEVELOPMENT**

The proposal is to demolish the existing single-detached dwelling and construct a new three-storey low-rise apartment building with seven dwelling units. The building will feature a mix of one- and two-bedroom units. The upper two-bedroom unit features a terrace at the front overlooking the street which also provides a step-back at the third-storey from the street, serving to soften the massing of the building. The front façade features various articulations and a bay window with appropriate fenestration and a canopy over the principal entrance to engage with the street and provide light and air filtration to the units. At the ground level, there are planters and soft landscaping in the front yard, with a walkway leading to the entrance and along the interior side yard to the rear yard waste enclosure. There are four horizontal bicycle parking spaces in the rear yard and soft landscaping. There is a second entrance to the building at the rear. Windows along the interior side elevations are sensitively placed to avoid any overlook or privacy concerns, and there are no windows proposed towards the most rear or front of the building within the requested relief areas. The proposed dwelling features appropriate and compatible materiality with a high quality of urban design. The development details are presented in Table 1 below and a render of the building in Figure 5.

*Table 1. Development details*

Lot Width	11.58 m	Front Yard Soft Landscaping	23.0 m <sup>2</sup>
Lot Area	260.5 m <sup>2</sup>	Building Height	11 m
Rear Yard Setback	4.0 m	Building Footprint Area	126 m <sup>2</sup>
Rear Yard Area	47.0 m <sup>2</sup>	Rental Units	7 units
Front Yard Setback	2.4 m	Bicycle Parking	4 spaces



*Figure 5. Exterior rendering of proposed new development prepared by Justin Seguin Architecture + Interiors*



## PROVINCIAL POLICY STATEMENT 2020

The Provincial Policy Statement 2020 (PPS) provides policy direction on planning matters for the Province of Ontario, and decisions affecting all planning matters shall be consistent with the PPS policies. The proposed development is consistent with the applicable policies of the PPS, as demonstrated below.

**Section 1.1.1** of the PPS states that healthy, livable, and safe communities are sustained by:

- a) “promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
- b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial) [...] to meet long-term needs;
- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;
- e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;
- f) improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society;”...

**Section 1.4.1** of the PPS states that “to provide for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area, planning authorities shall:

- a) “maintain at all times the ability to accommodate residential growth for a minimum of 15 years through residential intensification and redevelopment and, if necessary, lands which are designated and available for residential development; and
- b) maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands suitably zoned to facilitate residential intensification and redevelopment, and land in draft approved and registered plans”.

- In the above PPS policies, there is a significant emphasis on efficient development that is safe, respects the natural environmental, uses available infrastructure, and provides for the needs of the community in both the short- and long-term. The proposed seven-unit apartment dwelling will replace an existing single-detached dwelling and will add additional units and housing choice within the neighbourhood which is a permitted density increase. The apartment building has been designed in a context-appropriate and desirable manner and encourages intensification of an urban site on a lot that can adequately accommodate this type and size of building. The proposed development is an appropriate, compact form of development as encouraged by the PPS.
- The site is serviced by municipal water, sewer and storm services. The use of existing municipal roads and services is also an appropriate and efficient use of resources. The proposed development and minor variances represent a form of infill development and intensification that fits and functions well within the City’s Urban Area.



## OFFICIAL PLAN

The City of Ottawa's New Official Plan was adopted by Council on November 24<sup>th</sup>, 2021 (By-law 2021-386) and approved (with modifications) by the Ministry of Municipal Affairs and Housing on November 4<sup>th</sup>, 2022. The subject site is designated Neighbourhood, Evolving Overlay within the Inner Urban Transect Policy Area in the New Official Plan as shown in Figure 6.

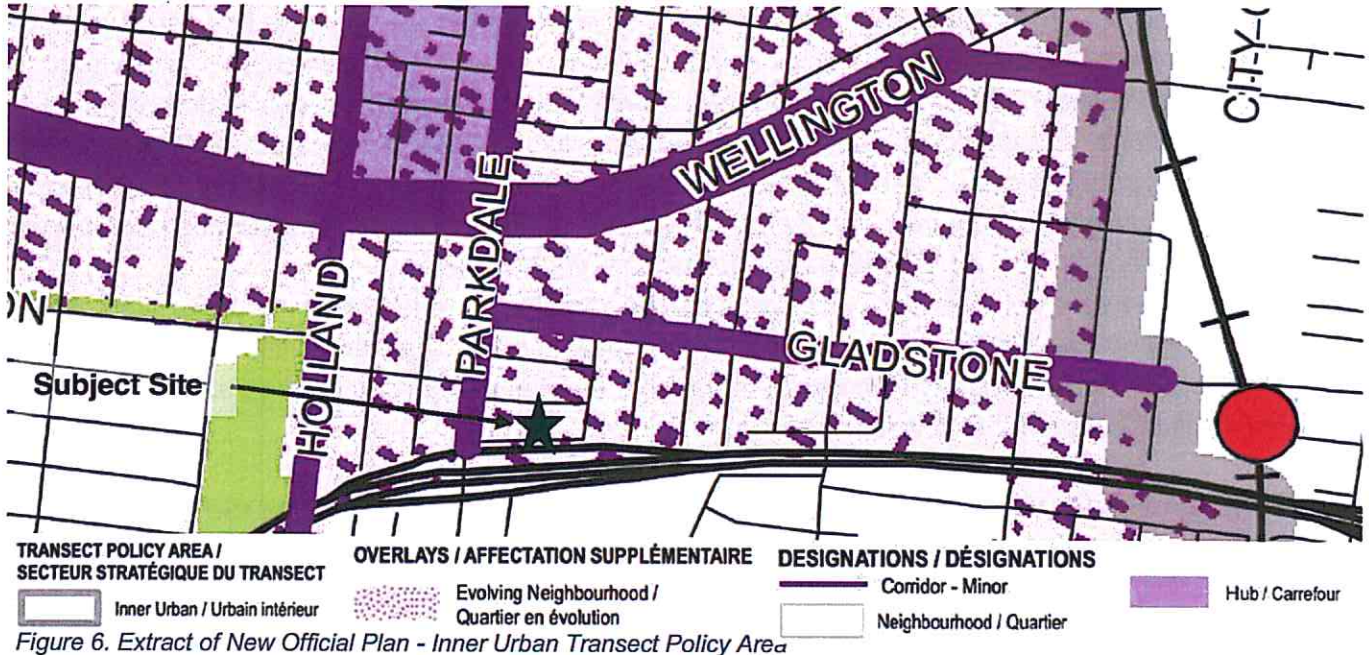


Figure 6. Extract of New Official Plan - Inner Urban Transect Policy Area

**Section 2.2.1 Intensification and Diversifying Housing Options** sets out policy intent for directing residential growth within the built-up urban area to support 15 minute neighbourhoods. Subsection i) states that “[t]his Plan envisions directing residential intensification towards Hubs, Corridors and surrounding Neighbourhoods where daily and weekly needs can be accessed within a short walk. This direction will support an evolution of these areas towards becoming 15-minute neighbourhoods. It will also contribute to the needs of an increasingly diverse population with a range of abilities, incomes, ages and cultural needs by enhancing accessibility to more vibrant areas with social interaction, cultural organizations, health services and community facilities; This necessitates both simplifying the rules for intensification and using design approaches to create the demand for living in multi-family housing typologies.” Subsection (iii) provides for policies related to improvement of public amenities and services, and states the following: “[t]o support the City’s strategy to achieve a 60 per cent intensification target by 2046, the City will:

- *“Direct residential intensification to Hubs, Corridors and residential Neighbourhoods within a short walking distance of those Hubs and Corridors;*
  - *Help Neighbourhoods evolve towards being inclusive, walkable, 15-minute neighbourhoods that will provide the public and private amenities that will attract new residents;*
  - *Require the production of denser, small-scale, low-rise infill housing of generally three or more units per existing lot that will increase the supply of growth allocated for the built-up area...”*
- The proposed new low-rise apartment dwellings provides a denser, small-scale low-rise infill with multiple dwelling units that is directly supported by the Official Plan. The development offers purpose-



built rental units in a dense urban fabric which supports the 15-minute neighbourhood policy direction. Further, the development provides adequate greenspace in both the front and rear yards and bicycle parking for varying commuter patterns.

**Section 2.2.4 Healthy and Inclusive Communities** states that “[t]he City’s physical layout and design play an important role in shaping health and well-being by enabling Ottawa’s diverse population to thrive and live their lives to the fullest.” The policy intent to achieve healthy and inclusive communities is to:

- 1) *“Encourage development of healthy, walkable, 15-minute neighbourhoods that feature a range of housing options, supporting services and amenities ... this includes a range of housing types and affordability, shops, services, access to food, schools and local childcare, employment, greenspaces, parks and pathways. They are complete communities that support active transportation and transit, reduce car dependency and enable people to live car-light or car-free.”*
- The proposed development offers a range of housing typology and tenure in the urban area, with a focus on living car-light and within close walking distance to urban amenities. The appropriate intensification of this property with seven rental apartment dwelling units contributes to the healthy communities’ policy of the New Official Plan.

**Section 3: Growth Management Framework** sets out the following policy intent for the urban area:

- *“To provide an appropriate range and mix of housing that considers the geographic distribution of new dwelling types and/or sizes to 2046;*
- *To prioritize the location of residential growth to areas with existing municipal infrastructure, including piped services, rapid transit, neighbourhood facilities and a diversity of commercial services;*
- *To establish a growth management framework that maintains a greater amount of population and employment inside the Greenbelt than outside the Greenbelt.”*

**Section 3.2: Support Intensification** sets out policies for intensification throughout the urban area, as follows:

- 3) *“The vast majority of Residential intensification shall focus within 15-minute neighbourhoods, which are comprised of Hubs, Corridors and lands within the Neighbourhood designations that are adjacent to them...”*
- 4) *“Intensification is permitted in all designations where development is permitted taking into account whether the site has municipal water and sewer services. This Plan supports intensification and the approval of applications for intensification shall be in conformity with transect and overlay policies as applicable.*
- 8) *“Intensification should occur in a variety of dwelling unit floorspace sizes to provide housing choices. Dwelling sizes are categorized into two broad categories, with a range of floorspaces occurring within each category:*
  - a) *Small-household dwellings are units with up to two bedrooms and are typically within apartment-built forms...*
- 10) *... Within Neighbourhoods, provide for a diversity of housing opportunities such that generally, higher densities will be directed closer to Mainstreets, Minor Corridors, rapid transit stations, Hubs and major neighbourhood amenities...”*



- The proposed low-rise apartment building provides an appropriate and reasonable density increase on an existing infill lot which is supported by the intensification policies and residential density targets of the New Official Plan. The provision of a multi-unit purpose-built rental apartment building with seven dwelling units is appropriate for this location given the proximity to transit, urban amenities, parks, schools, and Minor Corridors along Parkdale and Gladstone.

**Section 4.2.1: Enable greater flexibility and an adequate supply and diversity of housing options throughout the city** sets out the following policies:

- 1) *“A diverse range of flexible and context-sensitive housing options in all areas of the city shall be provided through the Zoning By-law, by:*
    - a) *Primarily regulating the density, built form, height, massing and design of residential development, rather than regulating through restrictions on building typology;*
    - b) *Promoting diversity in unit sizes, densities and tenure options within neighbourhoods including diversity in bedroom count availability;*
    - c) *Permitting a range of housing options across all neighbourhoods to provide the widest possible range of price, occupancy arrangements and tenure...*
  - 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:*
    - a) *Allowing housing forms which are denser, small-scale, of generally three or more units per lot in appropriate locations, with lot configurations that depart from the traditional lot division and put the emphasis on the built form and the public realm, as of right within the Zoning By-law”.*
- As noted, the provision of low-rise, multi-unit buildings with a diversity of housing tenure, including rental, is supported by the Official Plan policies. The proposed minor variances will facilitate the development of this form of “missing middle” housing typology, which is an appropriate and compatible form of infill intensification in the urban area.

**Section 5.6.1 Built Form Overlays** notes that “[t]he Evolving 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”. **Section 5.6.1.1** applies to areas that are in a “location or at a 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...” The OP therefore sets out policies for “gradual change in character based on proximity to Hubs and Corridors; allowance for new building forms and typologies, such as missing middle housing; and, [d]irection of built form and site design that support an evolution towards more urban built form patterns...”.

- The site is located within the Evolving Overlay and intensification through provision of a low-rise apartment meets the intent of the urban area policies.

**ZONING BY-LAW 2008-250**

The site is zoned Residential Fourth Density, Subzone UB, in the City of Ottawa Zoning By-law 2008-250, as demonstrated in Figure 7 below. The Residential Fourth Density zone permits low-rise residential



development in the format of detached, semi-detached, linked-detached, townhouse, and low-rise apartment dwellings. The purpose of the R4 – Residential Fourth Density zone is to:

- (1) allow a wide mix of residential building forms ranging from detached to low rise apartment dwellings, in some cases limited to four units, and in no case more than four storeys, in areas designated as General Urban Area in the Official Plan;
- (2) allow a number of other residential uses to provide additional housing choices within the fourth density residential areas;
- (3) permit ancillary uses to the principal residential use to allow residents to work at home;
- (4) 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...



Figure 7. Map showing R4UB zoning and subject site outlined blue (GeoOttawa 2021)

The applicable performance standards of the Zoning By-law are set out in Table 2 below, with the required variances highlighted in red.

Table 2. Zoning provisions and required variances

R4UB Zoning Review				
Provisions	Permitted / Required		Provided	
<b>Low-Rise Apartment, Maximum of 8 Units</b>				
Minimum lot width (m) *s.162	10.0		11.58	
Minimum lot area (m <sup>2</sup> ) *s.162	300.0		260.5 m <sup>2</sup>	
Maximum building height (m) *s.162	11.0		11.0	
Minimum front yard setback (m) *s.144(1)(a) (average of abutting lots' Min. 1.5 need not exceed 4.5 m)	2.9		2.4	
Minimum rear yard setback (m) Table 144A(i)	25% lot depth	5.62	17.8%	4.0
Minimum rear yard area (m <sup>2</sup> ) s.144(3)(a)(i)	25% lot area	65.13 m <sup>2</sup>	18%	47.0 m <sup>2</sup>
Minimum interior side yard setback (m) *s.162	1.5		1.5	



Any part of the rear yard area not occupied by accessory buildings and structures, permitted projections, bicycle parking and aisles, hardscaped paths of travel for waste and recycling management, pedestrian walkways, driveways, parking aisles and spaces must be softly landscaped *s.161(15)(a)		Yes	
Minimum area of soft landscaping in the case of a lot less than 360 m <sup>2</sup> in area (m <sup>2</sup> ) *s.161(15)(b)(i)&(iv)	35.0 m <sup>2</sup>		35.5 m <sup>2</sup>
	Aggregated into 25.0 m <sup>2</sup> rectangular area with longer dimension not more than 2x longer than shorter dimension		30.0 m <sup>2</sup>
Any part of any yard other than the rear yard not occupied by accessory buildings and structures, permitted projections, bicycle parking and aisles, hardscaped paths of travel for waste and recycling management, pedestrian walkways, permitted driveways and parking exclusion fixtures per (e) must be softly landscaped *s.161(15)(c)			Yes
Minimum aggregated front yard soft landscaping (provided front yard setback of 1.5 m to 3.0 m) (m <sup>2</sup> ) *Table 161	20%	5.5 m <sup>2</sup>	83% 23 m <sup>2</sup>
Front yard equipped with solid permanent fixtures to prevent motor vehicle parking *s.161(15)(e)(i)			Planting bed
Principal entrance to common interior corridor must be located on façade and provide direct access to street *s.161(15)(f)			Yes
Front façade window coverage *s.161(15)(g)	25%		> 25%
Any window counted towards the minimum fenestration requirement, other than windows in doors or at the basement level, must have a lower sill no higher than 100 cm above the floor level *s.161(15)(g)(iii)			Yes
Recessed front façade from front setback line *s.161(15)(h)	20% recessed additional 0.6 m		28% recessed up to 1.0 m
No additional recession of front façade required when one balcony or porch for each storey at or above the first storey is provided on a lot of less than 15 m wide *s.161(15)(j)(i)			N/A
Despite Table 65, a bay window projecting into a required front yard may extend to grade provided it is located on the part of a front façade other than the recessed part required by (j), has a horizontal area of 2 m <sup>2</sup> or less, and projects by no more than 1.0 m into the yard and no closer than 3.0 m to the front lot line *s.161(15)(k)			Does not extend to grade
Maximum projection of exit stairs providing required egress under the Building Code into rear yard (m) *s.161(18)(m)	2.2		No exterior egress
No motor vehicle parking permitted on a lot less than 450m <sup>2</sup> * s.161(19)(a)			No parking
Maximum walkway width for low-rise apartment *s.139(4)(c)(i)	1.8 (max)		1.2
Minimum width of unobstructed pathway for garbage (m) *s.143(1)(a)(i)	1.2		1.2
<b>Bicycle Parking</b>			
Minimum required bicycle parking spaces *s.111	0.5 spaces / unit 4 spaces		4 spaces
Bicycle parking may be located in any yard, and 50% of the required space or 15 spaces whichever is greater may be located in a landscaped area *s.111(7)			All parking spaces located in landscaped area
Minimum space size (m) *Table 111B	Horizontal	0.6 wide x 1.8 long	0.6 x 1.8
	Vertical	0.5 wide x 1.5 long	N/A
Minimum width of aisle to access bicycle parking (m) *s.111(9)	1.5		1.2



Minimum number of horizontal bicycle parking spaces at ground level \*s.111(11)

50% of required spaces  
2 horizontal spaces

4 horizontal spaces

## RATIONALE FOR MINOR VARIANCES

To facilitate the development, four minor variances to the Zoning By-law are required and have been reviewed against the four tests as presented in Section 45(1) of the Planning Act.

- a. To permit a lot area of 260.5 m<sup>2</sup> whereas the by-law requires a minimum lot area of 300 m<sup>2</sup> for a low-rise apartment dwelling with a maximum of eight units (s.162);
- b. To permit a front yard setback of 2.4 m whereas the by-law requires the front yard setback to align with the average of the two abutting lots' front yard setbacks, or 2.9 m in this case (s.144(1)(a))
- c. To permit a rear yard setback of 18% of the lot depth or 4.0 m whereas the by-law requires 25% of the lot depth or 5.62 m in this case (s.144A(i));
- d. To permit a rear yard area of 18% of the lot area or 47.0 m<sup>2</sup> whereas the by-law requires 25% of the lot area or 65.13 m<sup>2</sup> in this case (s.144(3)(a)).

### IS THE VARIANCE MINOR?

#### ***Variance A: Reduced lot area***

The proposed reduction in lot area of 260.50 m<sup>2</sup> from the required 300 m<sup>2</sup> to permit a low-rise apartment dwelling on the site is minor. This reduction will facilitate the development of a low-rise apartment dwelling on the site, which is a permitted use under the zoning. This is an existing infill lot within an R4 zone that permits low-rise apartment dwellings up to a maximum of 12 units, separated into two zoning provisions: up to a maximum of 8 units requiring 300 m<sup>2</sup> lot area, and up to a maximum of 12 units requiring 450 m<sup>2</sup> of lot area. The applicable provision in this case would permit a maximum of 8 units on a lot with 300 m<sup>2</sup> in area, and a lot width of 10 m. The required lot width is met on this site, and a required lot area reduction of only 39.50 m<sup>2</sup> is required. It is worthwhile to note that the zoning provision allows eight units on a site with 300 m<sup>2</sup> of lot area, meanwhile, the proposed dwelling provides one fewer units on site than permitted, and is therefore appropriately sized to accommodate sufficient amenity area, open space, bicycle parking and waste storage for the provided number of units. It is worthwhile noting that the properties within the immediately surrounding context as well as this area of Hintonburg in general provide smaller lot fabrics with a tight block pattern. Along Sims Avenue alone, there are several examples of existing semi-detached dwellings located on undersized lots per today's zoning standards, and therefore the reduced lot area will be compatible within the neighbourhood. Further, all provisions related to height, design, interior yard setbacks and required landscaped areas are being met, which demonstrates that the proposed reduction in lot area to accommodate the seven-unit apartment dwelling is minor.

#### ***Variance B: Reduced front yard setback***

The proposed reduced front yard setback is minor both nominally and from a streetscape impact perspective in this case. The building is designed with setbacks and articulations along the front façade in response to the angled front lot line, and the 2.4 metre setback is the most restrictive point of the building to the lot line. With the exception of the permitted bay window projection, the remainder of the building is setback further than the requested reduction from the street, with the furthest point an additional 1.0 setback from the front lot line (3.4 metres). The provided articulations soften the massing



of the building, in addition to the stepped back third level terrace on the front façade. The proposed front façade windows animate and activate the streetscape and comply with the fenestration requirements of the zoning by-law. Further, the entirety of the front yard is softly landscaped, with planting beds and only one walkway leading to the principal entrance. The building is also setback further than the adjacent property to the west and is only 0.62 metres closer to the front lot line than the existing home. Finally, the side elevations which encroach into the requested front yard relief areas will have no windows to mitigate and privacy or overlook concerns onto the neighbouring properties' front yard to both the east and west. The design of the building again reflects the need to create a functional floorplate while responding to the angled front and rear lot lines, and the building design appropriately mitigates any potential privacy, overlook, or massing concerns resulting from the requested front yard setback reduction. As such, the proposed minor variance is minor.

***Variance C & D: Reduced rear yard setback and rear yard area***

The proposed reduction in rear yard setback from the required 5.62 metres or 25% of the lot depth to the proposed 4.0 metres or 18% of the lot depth and the reduced rear yard area from required 65.13 m<sup>2</sup> or 25% of the lot area to 47.0 m<sup>2</sup> or 18% of the lot area are minor in this case. Due to the angled front and rear lot lines of this property, the resulting development footprint must respond to those angles and features a closer rear setback along the east side of the property than the west. The requested 4.0 metre represents the setback at the most restrictive point to the rear lot line, while the setback increases towards the west corner of the building. The building footprint only occupies 63% of the total requested relief area within the rear yard, therefore minimizing the overall impact of the requested setback reduction.

In terms of rear yard area, because of the angled property line and building articulations, the measurement from the most restrictive point provides 18% of the lot area as rear yard space, but there is functionally 20% of the lot area provided. The rear yard is sufficiently large to provide amenity space, soft landscaping and buffering between the adjacent properties. There is also appropriate space to provide a waste storage building and more bicycle parking than required under the zoning by-law. The neighbouring trees are to be retained and protected on site throughout the construction process, and there is an existing chain link fence along the rear property line that is to remain. There is a vinyl sided garage located in the rear yard of the adjacent property to the south (which fronts onto Westmount Avenue) which offers an existing buffer between the rear yards and dwellings on these properties. Finally, the rear portion of the dwelling that encroaches into the required rear yard will not contain any windows to mitigate privacy and overlook concerns onto the neighbouring property to the east, and the provided side yard setback along the east side of the building is an improvement over the existing condition, providing additional soft landscaping and buffering between the adjacent dwelling. Considering the available amenity space, setbacks, and landscaping for the site, the proposed reduction in rear yard setback and area are minor.

**DOES THE VARIANCE MEET THE INTENT AND PURPOSE OF THE OFFICIAL PLAN?**

The intent and purpose of the Official Plan, specifically within Neighbourhoods in the Inner Urban Area Transect is to accommodate residential growth to meet housing and density targets and provision of 15-minute neighbourhoods within the urban area. The OP supports a variety of housing types, focusing on



missing-middle housing, which is defined as low-rise multi-unit residential dwellings between three and sixteen units. The intent of the Evolving area is to signal a gradual shift of intensification towards a more urban built form, and supports new built forms and typologies, including missing middle housing. The OP also notes that the development standards for built form and building envelope are to be consistent with the planned characteristics of the Evolving overlay area, which may be different from the existing characteristics.

Overall, the Official Plan supports infill intensification and densification through the provision of a wide variety of housing typology and built form, including low-rise multi-unit buildings with a variety of housing tenure. The proposed development of a low-rise purpose-built rental apartment building with seven dwelling units contributes to the housing targets of the Official Plan and the site is in a location which supports this development format. The proposed development is desirable for the context, and the proposed minor variances allow for sufficient and appropriate lot area, rear yard area, soft landscaping, amenity space, building separation in the rear yards, and privacy for future residents and neighbours. Further, redevelopment of this site contributes to the “15-minute neighbourhood” policy intent given its proximity to schools, parks, transit, and commercial/retail areas along the Parkdale and Gladstone Minor Corridors, and Wellington Street Major Corridor to the north. Overall, the proposed minor variances facilitate the development of a permitted and appropriate low-rise apartment building on an existing undersized infill lot of record, in an eclectic and diverse neighbourhood that can support this size and scale of intensification. As such, the proposed development and associated minor variances meet the intent and purpose of the policies set out in the Official Plan.

## **DOES THE VARIANCE MEET THE INTENT AND PURPOSE OF THE ZONING BY-LAW?**

### ***Variance A: Reduced lot area***

The intent and purpose of the lot area provision of the zoning by-law is to ensure that appropriate separation between buildings is maintained and to ensure that there is sufficient area on the lot to accommodate the dwelling and open space without overdeveloping the site. As noted, the applicable lot area provision applies a required 300 m<sup>2</sup> lot area for low-rise apartment dwellings up to 8 units. This is to ensure there is adequate area for required amenity space, landscaping, bike parking, waste storage, and light and air filtration while being of appropriate massing and scale for the context. This is an existing lot within the urban area that is in a neighbourhood and location where the zoning by-law supports and encourages higher-density infill development. The reduced lot area is an existing site condition which must be varied to permit the redevelopment of the site with the proposed apartment building, which is a permitted use under the zoning. The existing lot width exceeds zoning requirement, with 11.58 metres provided and 10.0 metres required. The required lot area reduction is due to the shallow lot depth of this block of lots and the angled front and rear lot lines, which narrows from east to west along Sims, creating a “pinch point” of a shallower lot on this site. The lot fabric and density of the surrounding neighbourhood is quite dense, with other examples of shallow and smaller lots in the vicinity. There will be sufficient space between the building and adjacent properties to access the rear yard, and the building design strikes a balance between providing an appropriate envelope for a multi-unit building while responding to the unique angling of both the front and rear lot lines. There will be soft landscaping in the front and rear yards to allow for open space on the site and appropriate storage for waste and bicycles in the rear.



Though there are required setback and area reductions in the front and rear yard, these are required in large part due to the irregular shape of the lot. Given these factors, the proposed variance for reduced lot area meets the intent and purpose of the zoning by-law.

***Variance B: Reduced front yard setback***

The intent and purpose of the front yard setback provisions of the zoning by-law is to ensure that there is a consistent built form along the streetscape, and to leave adequate space for soft landscaping, planting and tree retention. The zoning by-law requires that the front yard setback be the average of the adjacent lots' front yard setbacks but need not exceed 4.5 metres or may not be less than 1.5 metres in this case. The adjacent property to the west provides a shallower front yard setback at approximately 1.5 metres, which is significantly closer to the property line than the requested building setback at 2.4 metres. There are other examples along Sims Avenue of dwellings with reduced front yard setbacks, and therefore the proposed building will not be out of character with the streetscape pattern. The proposed 2.4 metre setback is also significantly greater than the permitted minimum of 1.5 metres. The proposed building footprint responds to the angled front lot line, and the 2.4 metre setback is the most restrictive point, with the rest of the building being stepped back. There are various building articulations along the front façade and a stepped back third level which helps to soften the overall massing of the front façade. Further, the front windows serve to animate and create active engagement with the streetscape which contributes to a high quality of urban design. The front yard will be fully softly landscaped with provided planting beds and a walkway to the street. These factors demonstrate that the intent of the zoning is being met with the requested variance to reduce the required front yard setback by 0.58 metres.

***Variance C & D: Reduced in rear yard setback and rear yard area***

The proposed rear yard setback and rear yard area variances meet the intent and purpose of the zoning by-law. The intent and purpose of these provisions are to ensure there is adequate separation between abutting rear yards of buildings to provide light and air filtration and privacy, while offering appropriate on-site open and amenity space including soft landscaping. As previously noted, the angled orientation of the front and rear lot lines creates a development challenge with the front west side of the building being set as close to the front lot line as possible, with provided articulations to create a functional footprint. As such, the rear east corner of the building encroaches into the required rear yard setback to a maximum of 1.62 metres at the closest point; however, just less than 40% of the building envelope falls within the requested relief area due to the angle of the rear lot line. The building has been designed to provide no windows from the portions of the east and west façades that encroach into the rear yard setback to avoid any overlook or privacy concerns into the neighbouring rear yard, and the proposed side yard setbacks offer an increase from the existing conditions, meeting zoning and providing additional building separation to the east and west.

The proposed reduction in rear yard area is also minor and meets the intent of the zoning by-law considering there is still adequate rear yard area to accommodate usable amenity space, landscaped area, bicycle parking, waste storage, and setbacks between adjacent properties and buildings. The development maintains appropriate rear yard access via the provided interior side yards, provides adequate and usable rear yard amenity space and is of appropriate and permitted height. As such, the



overall massing and size of the building is otherwise permitted under the zoning by-law and responds to the reduced irregular lot shape and angled lot lines. Considering the above, the proposed variances for rear yard setback and area meet the intent and purpose of the zoning by-law.

### **IS THE VARIANCE DESIRABLE FOR THE APPROPRIATE DEVELOPMENT / USE OF THE LAND?**

The variances are desirable for the appropriate development and use of the land. The proposed variances will allow for the infill redevelopment of a presently underdeveloped site within a desirable and eclectic urban neighbourhood and will permit intensification and street activation with the introduction of a permitted residential land use. The proposed development introduces a new purpose-built rental apartment dwelling with seven units that offers diversity of housing choice in the neighbourhood and fits and works well in the context of the planned function of Hintonburg. The proposal complies with all zoning provisions save and except those detailed in this report, which are required due to the existing undersized lot area and due to the angled front and rear lot lines which create a challenging and unique development constraint.

The proposal is of appropriate size, massing and scale for the neighbourhood context as there are several examples of three-storey apartment-type dwellings in the area. Further, the proposed dwelling has been designed to meet the permitted height limit and provide the required 1.5 metre side yard setbacks for appropriate light and air filtration on site. The third storey is stepped back providing a small terrace at the upper level which also softens the massing effect of the building. Finally, the proposed development will feature improved interior side yard setbacks along the east property line compared to the existing building, providing additional building separation from the neighbours. The development will offer an appropriate form of intensification that is compatible with the neighbouring context. The surrounding neighbourhood contains a wide and mix of housing types, sizes, and forms, including low-rise single-semi-detached and townhouse dwellings, as well as low-rise apartments, ranging from one to three storeys. Overall, the proposed seven-unit residential dwelling is a permitted use of this land and offers an opportunity for residential intensification and diversity of housing choice, specifically “missing middle” housing and purpose-built rental units within the urban area on a lot that can support this form of development. The development contributes to the “15-minute neighbourhood” intensification goals of the Official Plan. When considered in this context, the four variances are minor and desirable for the appropriate development of the site.

### **CONCLUSION**

The subject site is a generally rectangular lot with an angled front and rear lot line in the Hintonburg neighbourhood, municipally known as 22 Sims Avenue, and presently contains a one- storey single-detached residential dwelling and carport. The Owner is proposing to demolish the existing dwelling and construct a new low-rise apartment building with seven dwelling units. To facilitate the development, four minor variances to the zoning by-law are required, including reduced lot area, front yard setback, and rear yard setback and area. The development of an apartment building is a permitted use under the current zoning and compatible with the neighbourhood fabric of the surrounding area and provides a form of desirable “missing middle” housing typology in the urban area which is the focus of infill intensification.



The proposed apartment building offers an opportunity to add a diversity of housing choice and tenure in a vibrant and walkable urban neighbourhood while remaining of a scale and massing that is compatible with the surrounding context. The rear yard setback and area requirements respond to the angled configuration of the rear yard toward the east interior property line, and the actual provided usable area in both the front and rear yards are functionally larger than the requested variances, which represent the most restrictive setbacks. Overall, the lot area, though undersized, offers appropriate space for this size and format of infill development which is a permitted and desirable use of the land. The building will be municipally serviced, and the site and neighbourhood have the capacity to support this type and form of development.

The proposed development and minor variances are consistent with the Provincial Policy Statement, 2020 conform to the policies of the City of Ottawa Official Plan and comply with the City of Ottawa's Zoning By-law 2008-250 save and except the minor variances detailed in this report. The minor variances meet the four tests under Section 45(1) of the Planning Act. The proposed development represents good land use planning and is recommended for approval.

Respectfully submitted,





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**Jessica D'Aoust, MCIP RPP M.PI**  
Principal + Senior Planner



