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June 27, 2023

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

**Attention: Michel Bellemare, Secretary - Treasurer**

Dear Mr. Bellemare:

**Reference: 435 Echo Drive  
Application for Minor Variance  
Our File No 122148**

**Committee of Adjustment**  
Received | Reçu le  
**2023-06-27**  
City of Ottawa | Ville d'Ottawa  
**Comité de dérogation**

Novatech has been retained by the owners of the property municipally known as 435 Echo Drive (the "Subject Property") to prepare and file an application for minor variance for increased height to facilitate the construction of a three-storey detached dwelling. A previous application for minor variances was filed on February 9, 2023 and heard by the Committee of Adjustment on March 15, 2023. In their decision dated March 24, 2023, the Committee of Adjustment approved the requested variances, with the exception of the variance for a reduced rear yard setback. An appeal to the Ontario Land Tribunal (OLT) was filed on April 12, 2023 and received by the OLT on April 27, 2023. A date for hearing has not been set by the OLT. This minor variance application requests relief that is unrelated to the previously requested minor variances under appeal and pertains to geotechnical issues recently identified by the owners' engineers.

This letter describes the existing conditions of the site and its surrounding context, the proposed development, and the rationale in support of the application.

Figure 1: Location of the Subject Property

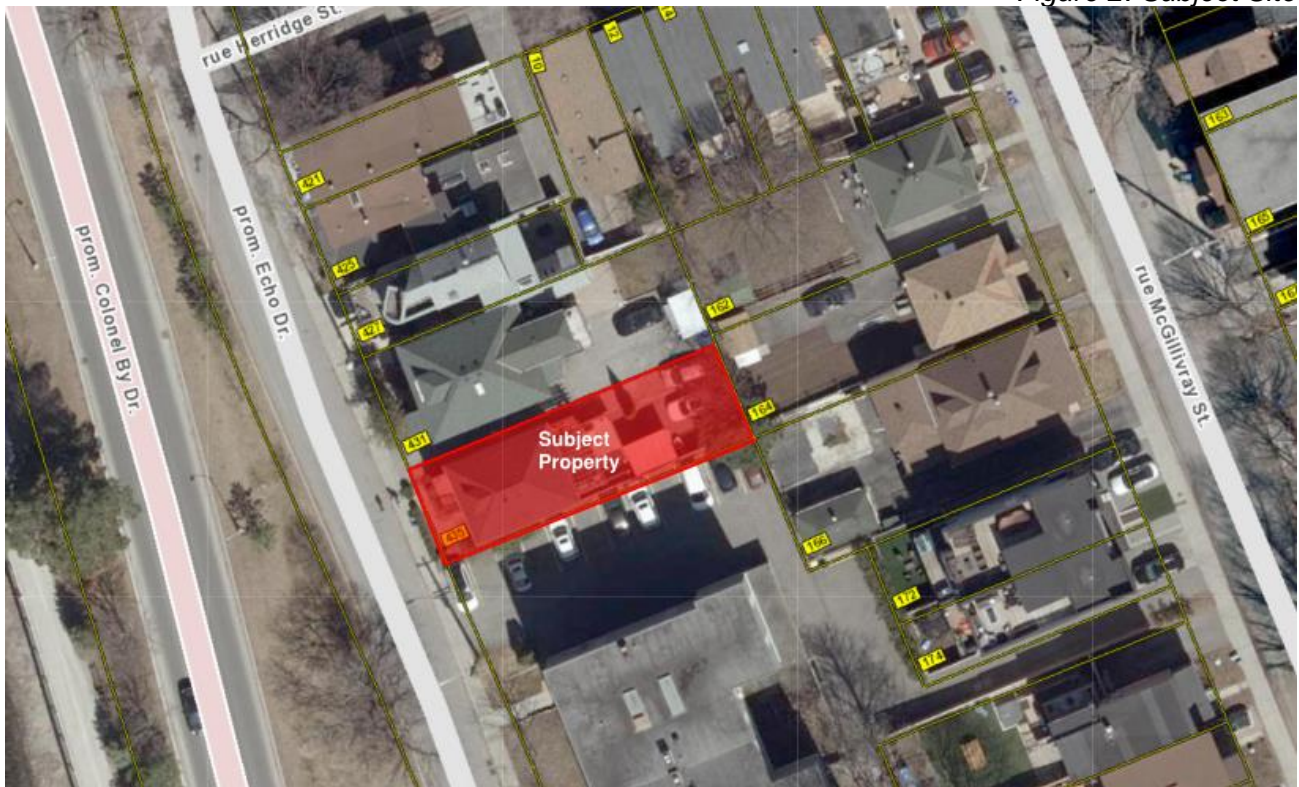


## Site and Context

### Site

The Subject Property is located in Old Ottawa East and is within the City of Ottawa's Capital Ward (Ward 17). The property is an interior lot located on the east side of Echo Drive. The Subject Property is in an area bounded by Herridge Street to the north, McGillivray Street to the east, Clegg Street to the south, and Colonel By Drive and the Rideau Canal to the west. The Subject Property has a frontage of 9.14 meters along Echo Drive, a lot depth of 30.18 meters, and a lot area of 275.85 square meters. The Subject Property is legally known as Part of Lot 10 Block K Plan 102, Parts 1 and 2 4R14876; Subject to an easement over Part 2 4R14876 as in CR265581; Together with an easement over Part 3 4R14876 as in CR265581, City of Ottawa.

*Figure 2: Subject Site*



The Subject Property is zoned R4-UD in the City of Ottawa Zoning By-law 2008-250. The property is subject to the Mature Neighbourhoods Overlay of the Zoning By-law. The Subject Property is within the Inner Urban Transect of the City of Ottawa Official Plan and is part of the Special District 3 – Rideau Canal.

The Subject Property is currently developed with a two-storey detached dwelling (Figure 3). A shared driveway is located to the north of the property which is shared with the neighbour to the north. Immediately to the south of the Subject Property is a low-rise apartment building. The neighbouring lots have a variety of sizes, with a number of lots that are both smaller and larger than the Subject Property. These lots house a variety of residential dwelling types, including detached dwellings, semi-detached dwellings, townhouse dwellings, and a low-rise apartment.

*Figure 3: Existing Building on the Subject Property*



### **Surrounding Context**

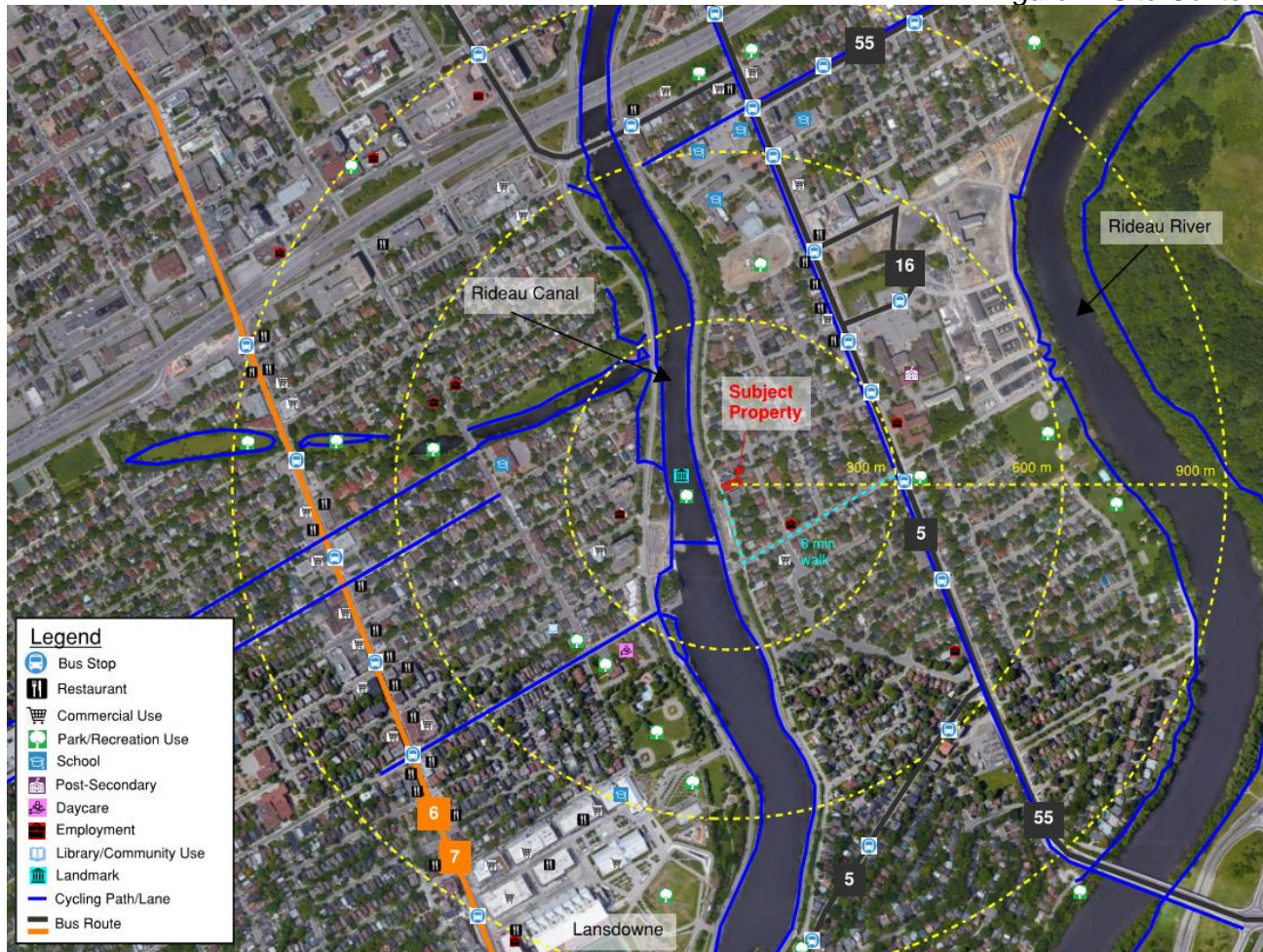
The Subject Property is primarily surrounded by low-rise residential uses. These neighbouring residential uses include a mix of dwelling types, including detached dwellings, semi-detached dwellings, townhouses, and low-rise apartment buildings. Most of these dwellings are between two and four storeys, with a number of three-storey buildings within the same block as the Subject Property. Many neighbouring properties have been constructed with red brick, with some newer properties constructed with a mix of masonry and siding/wood paneling.

The Subject Property is located in proximity to Colonel By Drive, which is designated as a Federally-owned Road on Schedule C4 – Urban Road Network of the Official Plan. This provides a north-south connection along the Rideau Canal and will provide vehicle access to a number of areas in the City including downtown, uOttawa, and Carleton University.

Within 300 meters of the Subject Property, there are primarily residential uses (Figure 4). The Rideau Canal is also located within 300 meters, as well as a number of related amenities including the Flora

MacDonald Footbridge and the Rideau Canal Western and Eastern Pathways. Within 600 meters of the Subject Property, there are mostly residential dwellings, as well as some commercial uses and restaurants along Main Street. There are also a number of park spaces and recreational facilities, including Paterson Creek to the west of the Rideau Canal, Brantwood Park, and the Rideau River Trail Park. Within 900 meters of the Subject Property is Lansdowne and Bank Street, which offer a variety of shops, restaurants, and entertainment venues.

Figure 4: Site Context



## Proposed Development

The proposed Minor Variance application will facilitate the development of a three-storey detached dwelling on the Subject Property (Figures 5 & 6). The dwelling will include a front-facing balcony, rooftop terrace, front porch, and generous soft landscaping and planting beds in the front yard. The existing shared driveway with the neighbour to the north will remain and will provide access to a parking space to the rear of the property. The proposed development is designated to accommodate the needs of a family while remaining compatible with the built form and character of the neighbourhood.

The proposed development is located on a property where the groundwater level is located at a geodetic elevation of around 64.2 metres, which is only 1 metre below the existing average ground

surface elevation. The existing groundwater level creates issues related to lot grading and servicing and will require that the proposed development be raised, to minimize potential flooding and groundwater issues.

Figure 5: Site Plan Excerpt for Proposed Development

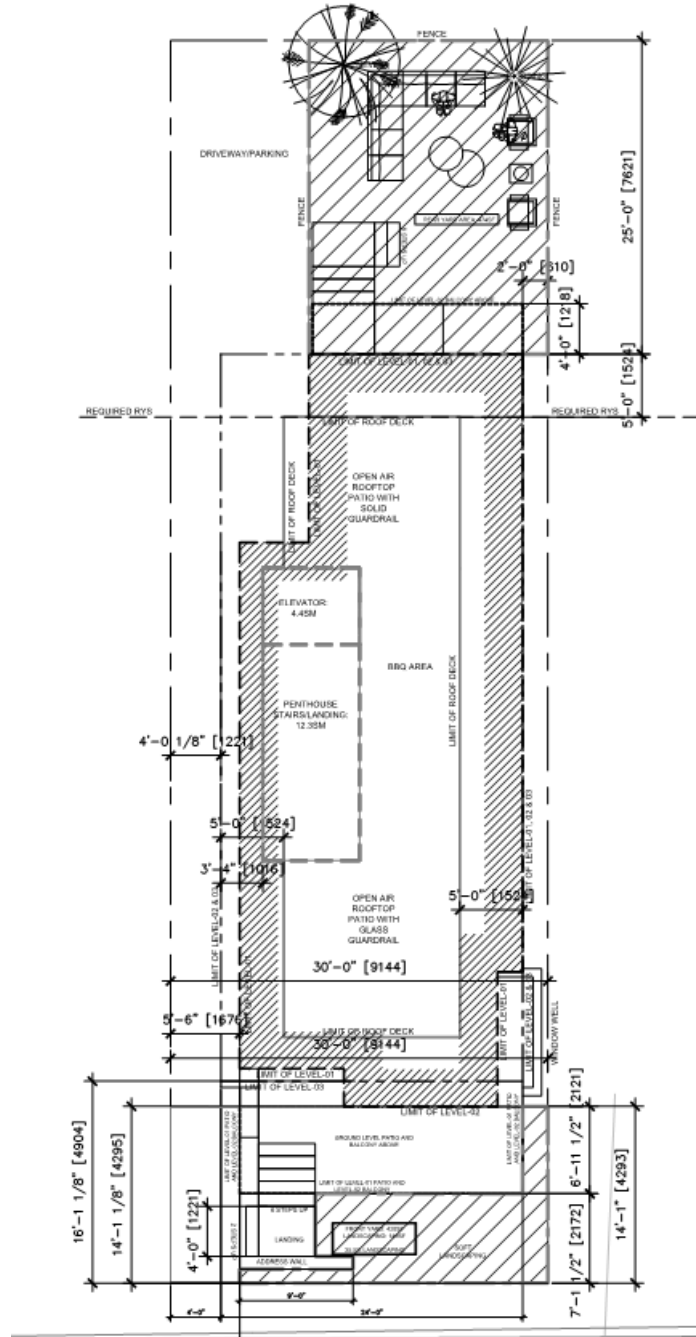


Figure 6: Elevations for the Proposed Development



**Minor Variance Application**

The proposed minor variance is listed below:

- a) To permit an increased building height of 11 metres; whereas the By-law permits a maximum building height of 10 metres for a detached dwelling (Section 162(17), Table 162A(R4-UD)).

*Note: All requested minor variances have been rounded to the nearest tenths decimal place, as instructed by the Committee of Adjustment.*

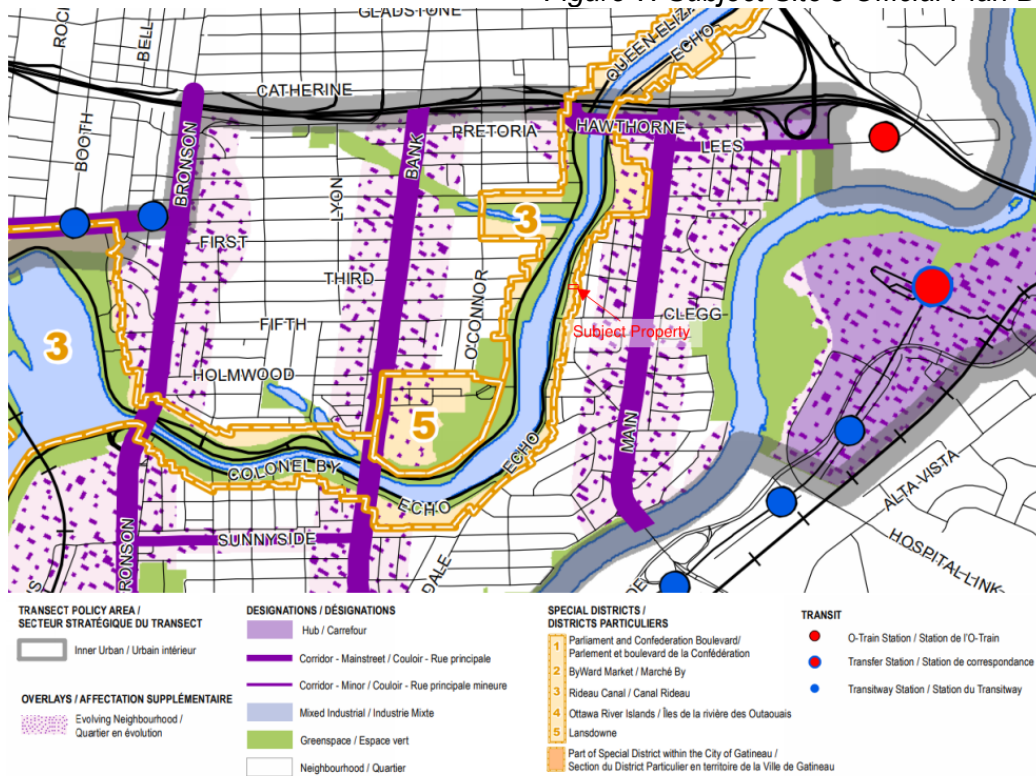
## Minor Variance Rationale

Section 45(1) of the Planning Act sets the four tests that a minor variance is required to meet in order to be permitted.

**The first test for a minor variance is that the general intent and purpose of the Official Plan is maintained.**

435 Echo Drive is within the Inner Urban Transect and is part of the Special District 3 – Rideau Canal in the City of Ottawa Official Plan (2022).

Figure 7: Subject Site's Official Plan Designation



### Inner Urban Transect:

The Inner Urban Transect is characterized by a mix of pre-World War II and post-World War II neighbourhoods with a mix of urban and suburban built forms and character. Policy 1 of Section 5.2.1 states:

*“The Inner Urban Transect’s built form and site design includes both urban and suburban characteristics as described in Table 6. Its intended pattern is urban.”*

The built form and site design of the proposed development fits well into the neighbourhood context while also including many urban characteristics mentioned in Table 6 of the Official Plan. The proposed development of a smaller lot will include a shallow front yard setback, abundant landscaping, and a three-storey height that will contribute to the streetscape along Echo Drive. The

increased height will have minimal impact on the streetscape and will add to the more urban built form along the street.

Policy 1 of Section 5.2.4 states:

*“Neighbourhoods located in the Inner Urban area and within a short walking distance of Hubs and Corridors shall accommodate residential growth to meet the Growth Management Framework as outlined in Subsection 3.2, Table 3b. The Zoning By-law shall implement the density thresholds in a manner which adheres to the built form requirements as described in Subsection 5.6.1, as applicable and that:*

- a) Allows and supports a wide variety of housing types with a focus on missing-middle housing, which may include new housing types that are currently not contemplated in this Plan;*
- b) The application of Zoning By-law development standards to be applied as one lot for zoning purposes to support missing middle housing;*
- c) Provides for a low-rise built form, by requiring in Zoning a minimum built height of 2 storeys, generally permitting 3 storeys, and where appropriate, will allow a built height of up to 4 storeys to permit higher-density low-rise residential development;*
- d) Provides an emphasis on regulating the maximum built form envelope that frames the public right of way rather than unit count or lot configuration; and*
- e) In appropriate locations, to support the production of missing middle housing, lower density typologies may be prohibited.”*

The proposed development will support the construction of a multi-generational family-friendly dwelling unit that fits into the neighbourhood context. Despite the increase in height, the proposed development will be three storeys and will fit into the neighbourhood context, where there are a number of two to four storey dwellings, including the low-rise apartment directly to the south. The location of the proposed development is appropriate for housing of this density.

*Special District Designation:*

The Subject Property is part of the Special District 3 – Rideau Canal designation. Section 6.6 provides policy direction for potential development in the City’s Special Districts, with Section 6.6.2.2 providing policy direction specific to the Rideau Canal Special District. The intent of the Rideau Canal Special District is *“to conserve its cultural heritage landscape while encouraging new sensitive opportunities for animation that enhance experiences for residents and tourists. With respect to the first row of properties, as shown on Schedule B2, the intent of the policies is that new development will respect and reinforce the existing character.”*

Policy 4 of Section 6.6.2.2 states:

*“The following policies will apply in the first row of properties along the Rideau Canal:*

- a) Where properties are within or on the edge of established Low-rise residential areas, development will be subject to all of the following:
  - i) Development will respect the existing patterns of building footprints, height, massing, scale, setback and landscape character within the associated streetscape. The associated streetscape will be determined by the existing low-rise properties on one, or if applicable, both sides of the same street, on the same block as the subject property;**



- ii) *In order to be consistent with nearby low-rise residential development, anticipated Secondary Plan process for the area as references in Subsection 6.6.3, Policy 1) will consider if Site Plan Control By-Law may extend within the Rideau Canal Special District; and*
  - iii) *Carefully consider the visual relationship between the site and the Canal, including the adjacent or nearby federal parkways and the preservation of mature trees by ensuring the continuity of the existing landscape patterns, orientation of buildings and preserving views to and from the Canal; and*
- b) *Outside of Low-rise residential areas, on the east side of the Rideau Canal along Colonel By Drive, and where properties abut Main and Hawthorne Streets, development will be subject to all of the following policies:*
- i) *Enhance the connection of new buildings to the Canal by including active frontages and enhanced pedestrian and cycling connections;*
  - ii) *Carefully consider the visual relationship between the site and the Canal, including the adjacent or nearby federal parkways by ensuring the continuity of existing landscape patterns, minimizing the visibility of loading, servicing and vehicular access and orienting the building to frame and protect the views to and from the Canal;*
  - iii) *Include new trees along the frontage of new development within the first row of properties bordering the Canal; and*
  - iv) *Policies for the two properties at intersection of Colonel By Drive/Echo and Main Street, 10 Main Street and 113 / 115 Echo are in the Old Ottawa East Secondary Plan.”*

The proposed development will respect the existing building pattern and streetscape. Despite the increased height, the proposed three-storey detached dwelling will be generally consistent with the height and built form of neighbouring properties, most of which are between two to four storeys. The increased height will not significantly alter the massing and scale of the building and will have a minimal impact on the streetscape, while allowing for appropriate pumping and servicing measures to be installed.

**The minor variances maintain the intent and purpose of the Official Plan (2022).**

**The second test for a minor variance is that the general intent and purpose of the Zoning By-law is maintained.**

The Subject Property is zoned Residential Fourth Density, Subzone UD (R4-UD) in the City of Ottawa Zoning By-law 2008-250.

The purpose of the R4 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:  
and
- (5) permit different development standards, identified in the Z subzone, primarily for areas designated as **Developing Communities**, which promote efficient land use and compact form while showcasing newer design approaches.

The following uses are permitted in the R4 zone, as per Section 161 of the Zoning By-law:

- |   |   |
|---|---|
| apartment <b>dwelling</b> , low rise  | <b>retirement home, converted</b> see Part 5, Section 122   |
| <b>bed and breakfast</b> , see Part 5, Section 121                          | <b>retirement home</b>  |
| detached <b>dwelling</b>  | <b>rooming house</b> ,  |
| <b>diplomatic mission</b> , see Part 3, Section 88                          | <b>secondary dwelling unit</b> , see Part 5, Section 133  |
| <b>duplex dwelling</b> , see Part 5, Section 138 (By-law 2010-307)          | <b>semi-detached dwelling</b> , see Part 5, Section 138 (By-law 2010-307)                                 |
| <b>group home</b> , see Part 5, Section 125                                 | <b>stacked dwelling</b> , see Part 5, Section 138 (By-law 2010-307)                                       |
| <b>home-based business</b> , see Part 5, Section 127                        | <b>three-unit dwelling</b>  |
| home-based daycare, see Part 5, Section 129                                 | <b>townhouse dwelling</b> , see Part 5, Section 138 (By-law 2012-334) (By-law 2010-307) (By-law 2014-189) |
| <b>linked-detached dwelling</b> , see Part 5, Section 138 (By-law 2010-307) | <b>urban agriculture</b> , see Part 3, Section 82 (By-law 2017-148) (By-law 2018-206)                     |
| <b>park</b>   |   |
| <b>planned unit development</b> , see Part 5, Section 131                   |   |

The proposed detached dwelling is a permitted use in the R4 zone.

The zoning provisions that apply to the Subject Property can be found in the table below.

Table 1: Zoning Provisions for the Subject Property

| Zoning Provision                              | Required – detached dwelling           | Provided                        |
|---|--|---------------------------------|
| Minimum Lot Width (m)                         | 7.5 m                                  | 9.1 m                           |
| Minimum Lot Area (m <sup>2</sup> )            | 225 m <sup>2</sup>                     | 275.9 m <sup>2</sup>            |
| Maximum Building Height (m)                   | 10 m                                   | 11 m                            |
| Minimum Front Yard Setback (m)                | 4.25 m<br>(Average of abutting lots)   | 4.3 m                           |
| Minimum Corner Side Yard Setback (m)          | 4.5 m                                  | N/A                             |
| Minimum Rear Yard Setback (m)*                | 9.1 m<br>(30% of the lot depth)        | 7.6 m<br>(25.3% of lot depth)   |
| Minimum Rear Yard Area (m <sup>2</sup> )      | 69 m <sup>2</sup><br>(25% of lot area) | 69.7 m <sup>2</sup>             |
| Minimum Interior Side Yard Setback (m)        | 1.2 m / 0.6 m                          | 1.2 m / 0.6 m                   |
| Minimum Aggregate Front Yard Soft Landscaping | 35%<br>(13.7 m <sup>2</sup> )          | 35.5%<br>(13.8 m <sup>2</sup> ) |

|  |  |   |
|--|--|---|
| Maximum Driveway Width (shared driveway) | 3 m  | 1.7 m   |
| Front Yard Deck Projection               | Greater of 2 m or 50% of the required front yard (2.125 m) but no closer than 1 m to the property line | 2.1 m (49.4% of front yard setback)           |
| Balcony Projections*                     | 1.2 m  | 2.1 m (Front Balcony)<br>1.2 m (Rear Balcony) |
| Total Rooftop Access Area*               | 10.5 m <sup>2</sup>  | 12.3 m <sup>2</sup>                           |
| Rooftop Access Height                    | 3 m  | 3 m   |

*Note: Relief from the provisions with an asterisk were previously sought and are currently part of an appeal to the Ontario Land Tribunal.*

A variance for increased building height is required to facilitate the development of the proposed detached dwelling. Variances for increased balcony projection and an increased total rooftop access area were previously approved. A variance for a reduced rear yard setback was previously refused. This decision of the Committee of Adjustment is currently under appeal to the Ontario Land Tribunal.

Variance a) requests an increase in the maximum permitted building height from 10 metres to 11 metres. The intent of maximum building height provisions is to ensure that building massing and scale is appropriate for the neighbourhood and that there are no adverse impacts, such as shadowing or loss of privacy, on neighbours. Despite the increased building height, the proposed development meets this intent. The increased building height is required due to the groundwater and geotechnical conditions of the Subject Property. In order to develop the Subject Property and meet the necessary engineering and construction standards and to minimize risk of flooding, the proposed detached dwelling needs to be raised by one metre. This increase in height is only required due to the conditions of the site. If there were no groundwater issues on the Subject Property, the proposed development would be able to conform with the maximum permitted building height.

The intent of a maximum permitted height of 10 metres is to allow for a detached dwelling with a maximum of three storeys. The proposed detached dwelling meets this intent as it does not exceed three storeys, despite the increased building height. In addition, the R4-UD zone that applies to the Subject Property permits building heights of 11 metres for certain built form types, including for three-unit dwellings, townhouse dwellings, and stacked dwellings. While the proposed development exceeds the permitted height for a detached dwelling, the proposed height does not exceed the maximum permitted height that has been envisioned for the R4-UD zone.

**The minor variances maintain the general intent and purpose of the Zoning By-law 2008-250.**

**The third test for a minor variance is that the minor variance is considered desirable for the use of land.**

The proposed development is desirable for the use of land as it will allow for the development of a family-sized dwelling unit that will accommodate a multi-generational household. Despite the minor increase in building height, the proposed building massing and height will fit in well with the neighbourhood, which is characterized by a variety of dwelling types that mostly range from two to four storeys. The proposed height increase is technical in nature and is required to accommodate the groundwater and geotechnical conditions of the Subject Property. The proposed height increase will ensure that the property owners' do not experience flooding issues in the future.

The minor variances are considered desirable for the use of land.

**The fourth test for a minor variance is that the variance is considered minor in nature.**

The proposed development requires a variance to permit an increased building height.

Variance a) requests an increased building height of 11 metres where the Zoning By-law permits a maximum building height of 10 metres. The requested variance would constitute an increase of one metre in the permitted building height. This increase is relatively small but will allow for the proposed development to accommodate the groundwater and geotechnical conditions of the Subject Property (Figure 8). The proposed increase in building height is being requested only to accommodate the conditions of the Subject Property and no increase in gross floor area will occur as a result of the increased building height.

*Figure 8: Rendering Showing Proposed Height (top) and Permitted Height (bottom)*



A Geotechnical Excavation Review of the Subject Property was conducted by Paterson Group, dated June 5, 2023. The Geotechnical Review identified that the existing average ground surface elevation is at a geodetic elevation of approximately 65.2 metres. Regarding groundwater levels, the report indicates that “[t]he soil samples below an approximate depth of 1.0 m were observed to be wet, corresponding to about geodetic elevation 64.2 m.” Based on the findings of the Geotechnical Report, the proposed development needs to be raised to ensure proper site drainage, grading, and servicing.

Despite the requested increase in building height, the proposed development will include appropriate floor-to-ceiling heights. Each storey of the proposed development will have a floor-to-ceiling height between 8.5 feet (2.6 m) and 9.5 feet (2.9 m). These floor-to-ceiling heights are appropriate to accommodate the needs of the family.

The proposed increase in the building height will have minimal impact compared to the 10 metre height that is permitted as-of-right. There are a number of three storey buildings in the neighbouring area, including a low-rise apartment building directly to the south of the Subject Property (Figure 9). The proposed building height will not exceed what is permitted in the R4-UD zone for other building typologies. The one metre increase in height will not result in any additional shadowing or privacy impacts, while addressing the groundwater conditions of the Subject Property.

*Figure 9: Existing Apartment Building Directly Adjacent to the Subject Property*



**The variances are considered minor in nature.**

## Conclusion

The proposed development at 435 Echo Drive maintains the general intent and purpose of the City of Ottawa Official Plan (2022) and the Zoning By-law 2008-250 by providing a family-sized dwelling unit that fits into the context of the neighbourhood. Despite the increased height, the proposed development will maintain a consistent height, massing, and scale as neighbouring dwellings, which are generally between two to four storeys. The increased building height is technical in nature and is required in order to address the groundwater and geotechnical conditions of the Subject Property, which requires the proposed detached dwelling to be raised. The proposed increase in the building height is desirable as it will minimize potential flooding issues for the property owners. The requested increase in building height is relatively small and will have as minimal of an impact on the neighbourhood as possible while still accommodating the groundwater conditions of the Subject Property. The proposed variance is therefore minor in nature. All four tests under Section 45(1) of the Planning Act have been met. The proposed development represents good land use planning.

In support of the application for minor variance, please find enclosed:

- Cover Letter (one copy)
- Complete Minor Variance Application Form (one original copy)
- Survey Plan (one 8.5x11 copy and one 11x17 copy)
- Site Plan (one 8.5x11 copy and one 11x17 copy)
- Elevation Drawing (one 8.5x11 copy and one 11x17 copy)
- Tree Information Report (one copy)

Should you have any questions regarding this application, please do not hesitate to contact me.

Yours truly,

**NOVATECH**



Simran Soor, M.PL  
Planner