

April 6, 2023

**Mr. Michel Bellemare**  
Secretary-Treasurer  
Committee of Adjustment  
101 Centrepointe Drive, Fourth Floor  
Ottawa, ON K2G 5K7

**RE: Application for Consent and Minor Variance  
577 Melbourne Avenue**

Dear Mr. Bellemare,

Fotenn Planning + Design ("Fotenn") has been retained by Danny Ibrahim to submit concurrent Consent and Minor Variance applications on their behalf for the property known municipally as 577 Melbourne Avenue in the City of Ottawa ("the subject property"). The subject property is legally described as Part 1 of Lot 32 (East Melbourne Avenue), Registered Plan 204, City of Ottawa.

The purpose of the Consent application is to facilitate the severance of the subject property in order to create two (2) lots for the purpose of developing two (2) separate detached dwellings. A concurrent Consent and Minor Variance and separate Minor Variance applications will seek to address the proposed severance and resulting zoning non-compliance of the proposed residential dwellings on both the retained and severed lots. This application will be seeking relief from specific provisions of the Zoning By-law on both the retained and severed lots, including rear yard and side yard setbacks as well as provisions of Section 140.

Please find enclosed the following materials in support of the application:

- / A cover letter/report explaining the nature of the applications;
- / The consent application form;
- / The Minor Variance application form;
- / Streetscape Character Analysis;
- / A draft reference Plan prepared by Shipman Surveying Ltd.;
- / Tree Information Report prepared by Trillium Tree Experts;
- / Parcel abstract confirming the names of all registered owners of the properties; and,
- / Site Plan.

Please contact the undersigned at [saunders@fotenn.com](mailto:saunders@fotenn.com) or [bolduc@fotenn.com](mailto:bolduc@fotenn.com) with any questions or requests for additional materials.

Sincerely,



Evan Saunders, M.PL  
Planner



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**FOTENN**

# Application Overview & Surrounding Context

Fotenn Planning + Design (“Fotenn”) has been retained by Danny Ibrahim to prepare this cover letter in support of a concurrent Consent and Minor Variance application and a separate Minor Variance application for the retained lot for the property known municipally as 577 Melbourne Avenue. The purpose of the Consent application is to sever the subject lands to facilitate the development of two (2) single-detached dwellings. The severance will result in two (2) similar rectangular lots with frontages on Melbourne Avenue. The existing single-detached home is to be demolished as part of the redevelopment of the lands.

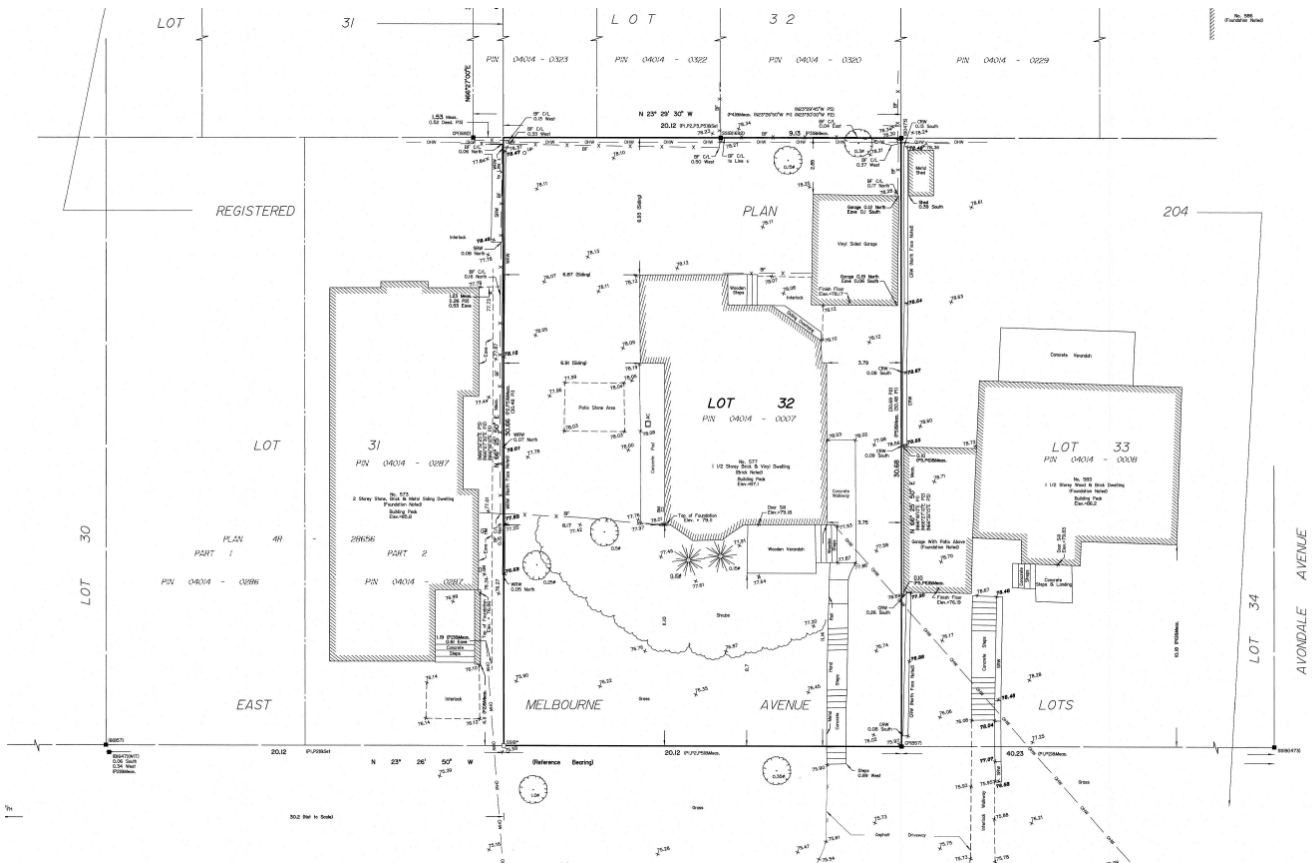


Figure 1: Plan of survey of the subject property showing the existing development on the site.

The purpose of the Minor Variance applications is to seek relief from specific provisions of the Zoning By-law in order to facilitate the construction of the proposed developments on the subject property. The proposed buildings on the two (2) lots created through the concurrent Consent application are non-compliant with the applicable Zoning By-law provisions. The variances sought through this application relate to provisions from Part 5 and 6 of the Zoning By-law, specifically, interior side yard setbacks, rear yard setbacks, soft landscaping strips between the walkway and driveway, as well as a double-wide driveway and double-car garage where prohibited according to the dominant patterns found in the Streetscape Character Analysis (SCA).



Figure 2: Subject Lands (outlined in blue).

## 1.1 Overview of Subject Property

The subject property, which is legally described as Part 1 of Lot 32 (East Melbourne Avenue), Registered Plan 204 in the City of Ottawa, has a lot frontage of 20.12 metres along Melbourne Avenue and a lot depth of 30.68 metres, resulting in a total area of approximately 613.41m<sup>2</sup>. The property is currently occupied by a one-and-a-half storey detached dwelling and a detached garage at the rear yard of the property. The front yard features two (2) prominent mature trees that are being maintained as a part of this proposal, as will be discussed in a later section.

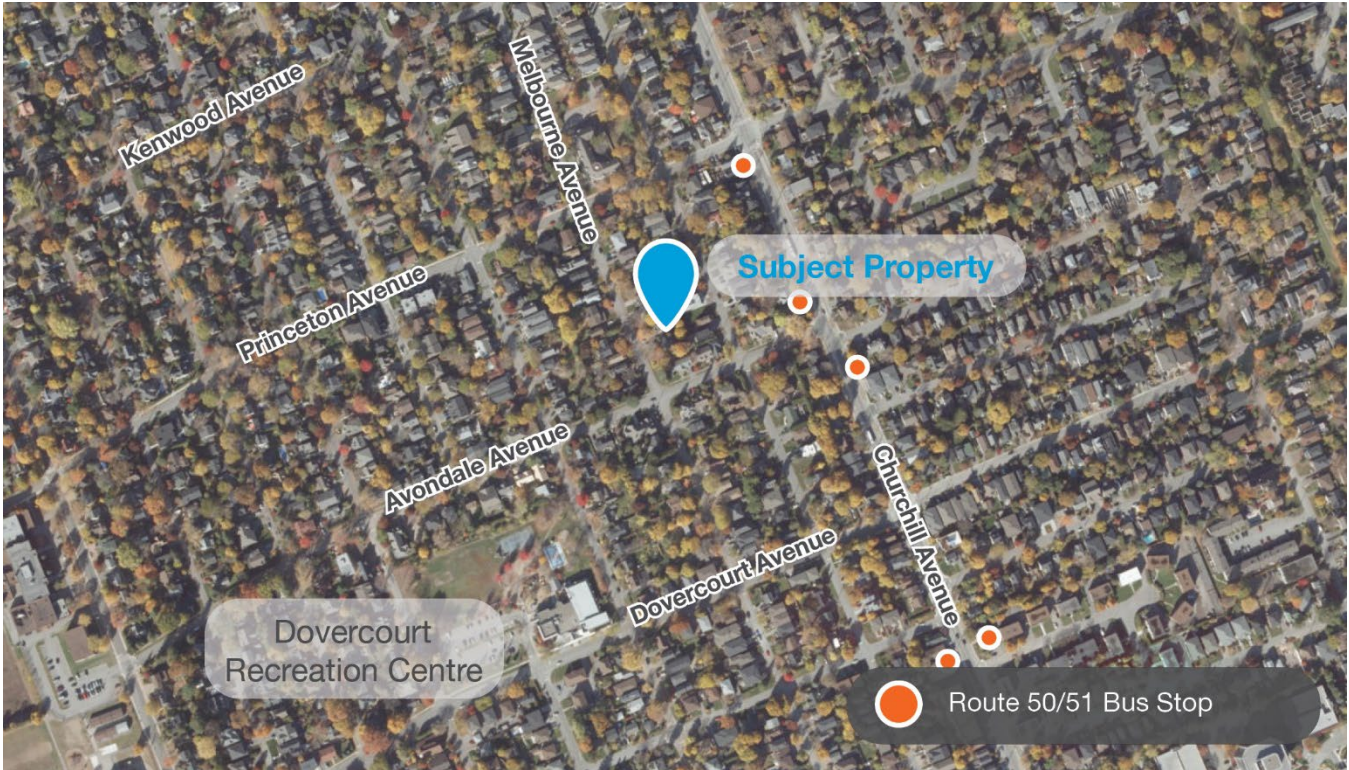


Figure 3: Surrounding context (subject property identified).

The details pertaining to the proposed severed and retained portions of the subject lands are described below and illustrated in Figure 4:

Table 1: Proposed retained and severed parcel descriptions.

	<b>Retained</b>	<b>Severed</b>
<b>Parcel Description</b>	Part 1 on Draft Reference Plan  Lot 32 (East Melbourne Avenue), Registered Plan 204 in the City of Ottawa	Part 2 on Draft Reference Plan  Lot 32 (East Melbourne Avenue), Registered Plan 204 in the City of Ottawa
<b>Parcel Frontage</b>	10.06 metres	10.06 metres
<b>Parcel Depth</b>	30.66 metres	30.68 metres
<b>Parcel Area</b>	308.5m <sup>2</sup>	308.6m <sup>2</sup>

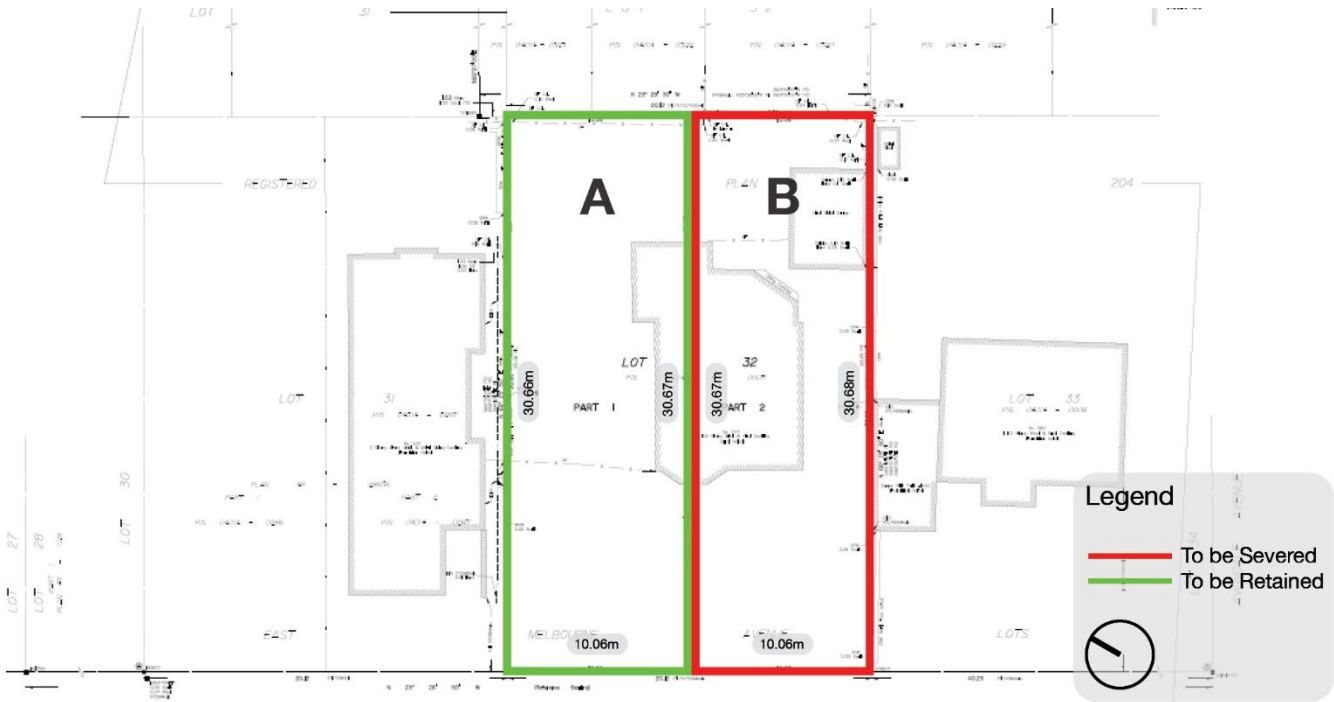


Figure 4: Graphic displaying the proposed severance, indicating the retained and severed lands.

## 1.2 Surrounding Context

The subject lands are located in the Westboro neighbourhood in the City of Ottawa. The area surrounding the subject lands is characterized by similar low-rise residential uses and accompanying institutional and open space uses. The description of the surrounding context is as follows.

**North:** The area to the north of the subject property is characterized by the low-density, low-rise built form of the residential areas found in the Westboro neighbourhood. The housing mix consists of single-detached, semi-detached, and low-rise apartment dwellings. Further north is the Richmond Road corridor, which is a characteristic mainstreet, defined by low-rise and mid-rise mixed-use buildings with retail frontages and residential uses above.

**East:** East of the subject property is Churchill Avenue North, a major collector road providing access between Richmond Road to the north and Carling Avenue to the south. The bus routes 50 and 51 have stops along Churchill Avenue, one of which is located approximately 170 metres from the subject property. Further east is the continuation of the Westboro residential neighbourhood, consisting of similar low-density residential built forms.

**South:** Immediately south of the subject property is the Dovercourt Recreation Centre and facilities which also includes the Westboro Park Tennis Courts, the Westboro Kiwanis Wading Pool, and the Westboro Kiwanis Park. The park has frontage on Roosevelt Avenue, Dovercourt Avenue, and Golden Avenue, serving the surrounding residential areas of Westboro and Highland Park.

**West:** The area to the west of the subject property is characterized by the low-rise residential neighbourhood of Highland Park. Further west, there are two (2) public schools: Nepean High School and Broadview Public School, serving the surrounding communities of Westboro, McKellar Park, and Highland Park.

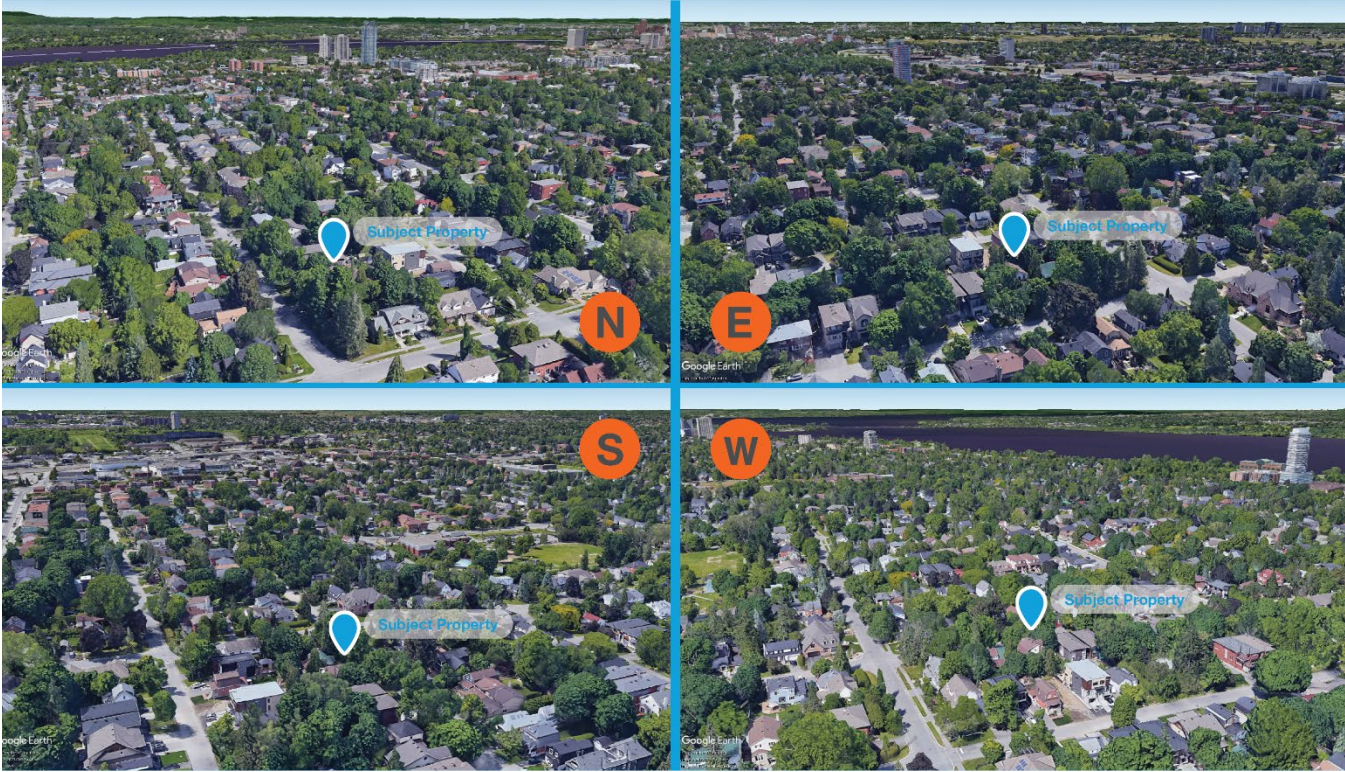


Figure 5: Aerial image displaying the context surrounding the subject property.

### 1.3 Road Network

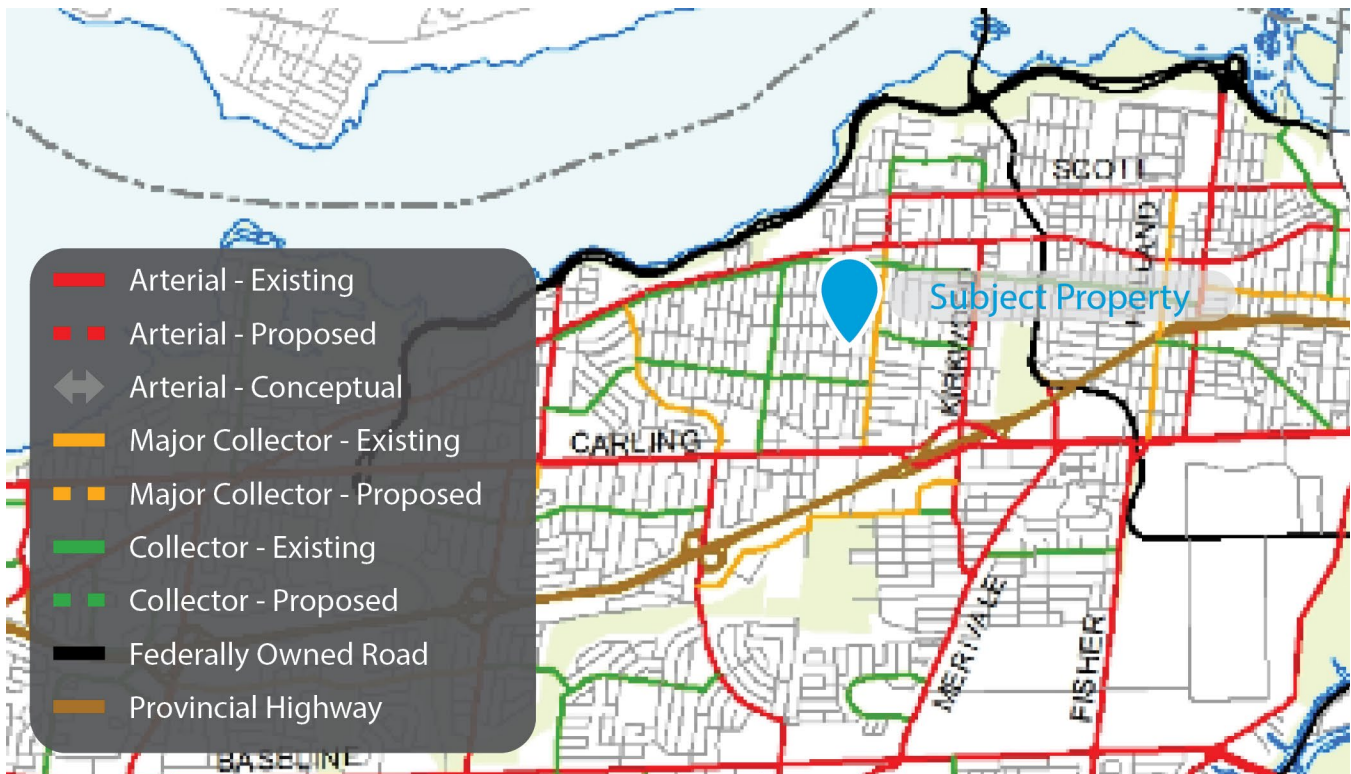


Figure 6: Schedule C4: Urban Road Network.

The subject property is located along Melbourne Avenue, which is designated a local road on Schedule E of the Ottawa Official Plan. The subject property has proximate access to Churchill Avenue North, which is designated a Major Collector, providing north-south access to Richmond Road and Carling Avenue, both of which are Arterial roads. Further, Melbourne Avenue provides access to Dovercourt Avenue to the south, which is designated a Collector. The subject property is well served by the existing road network due to its proximity to a Major Collector road, which provides connections to an Arterial road along Carling Avenue and the greater urban road network of the City of Ottawa.

## 1.4 Transit Network



Figure 7: OC Transpo Transit Map. (Subject property identified)

The subject property is located approximately 190 metres from two (2) bus stops along Churchill Avenue North for the routes 50 and 51. Routes 50 and 51 provide westward access to the Tunney's Pasture transit station and westward access to the Lincoln Fields transit station and Britannia Yacht Club, respectively.

## 1.5 Neighbourhood Amenities

Considering its location in the established Westboro neighbourhood, the subject property benefits from close proximity to many nearby amenities, including a range of commercial uses, community services, and greenspaces. A non-exhaustive list of neighbourhood amenities illustrates the wide range of uses, and include:

- / A wide variety of commercial and retail business to both the north along Wellington Street West and south along Carling Avenue;
- / Recreational centres and facilities, including the Dovercourt Recreation Centre, Hampton Park Recreation facilities, the Churchill Seniors Recreation Centre, and many other private recreational services;
- / Parks and Greenspaces, including Westboro Kiwanis Park, Clare Gardens Park, Hampton Park, Iona Park, Byron Linear Park, Maplelawn Gardens, Raven Park, Bellevue Manor Park, and Carlington Park.
- / Community Centres such as the Westboro Community Centre located just west of the subject site along Dovercourt Avenue, the Soloway Jewish Community Centre, the Fisher Park Community Centre, and the Alexander Community Centre; and,

Schools including Churchill Alternative School, Broadview Public School, Nepean High School, Notre Dame High School, St. Elizabeth School, Hilson Avenue Public School, and Elmdale Public School.



## 2.0 Proposed Development

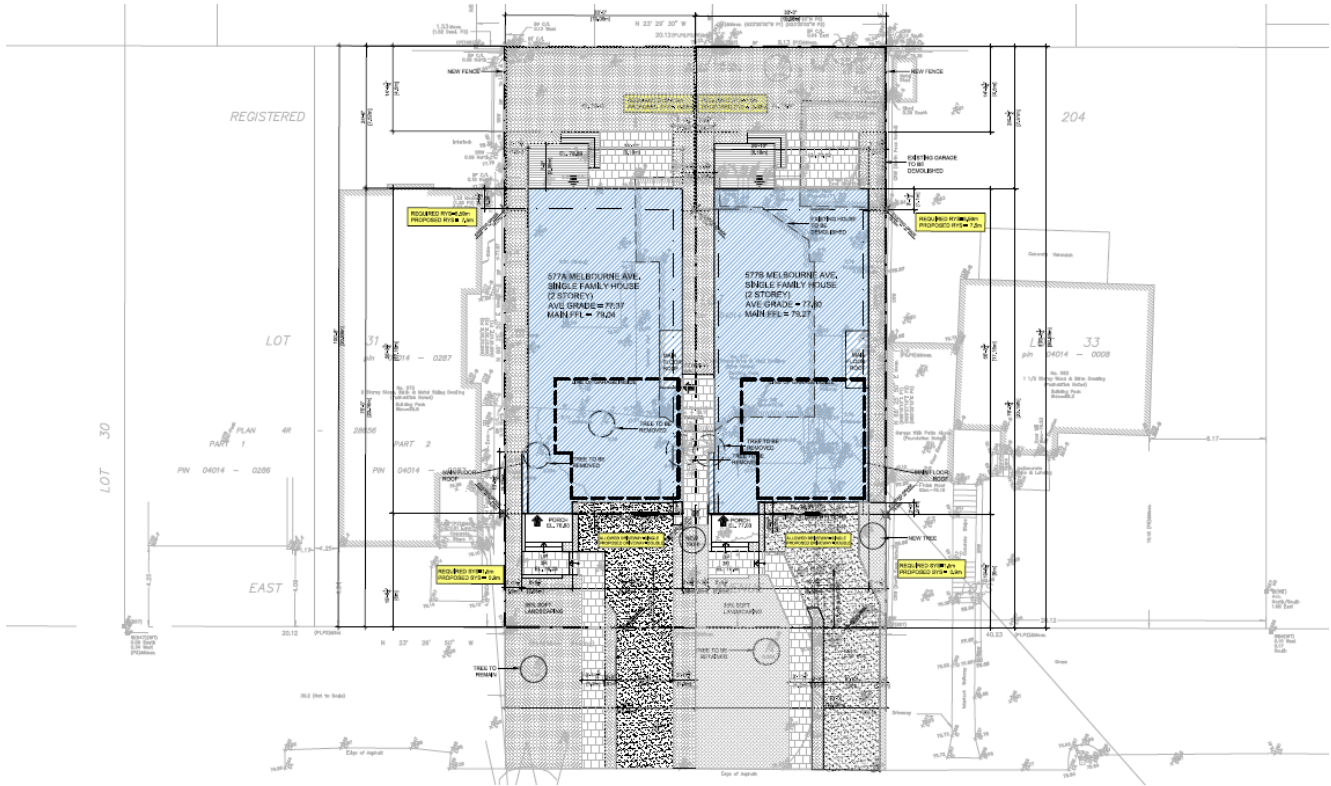


Figure 8: Proposed Site Plan.

### 2.1 Project Overview

The owners of 577 Melbourne Avenue are proising to sever their property in order to create two (2) lots for redevelopment, with the goal of demolishing the existing structure and building two (2) new detached residential dwellings. The proposed dwellings are two (2) two-storey buildings with flat roofs and with street-facing front doors and porches. The subject property’s grade change of over one (1) metre within the first six (6) metres of the front yard permits for a two (2) car garage to sit below the first storey of the buildings. The proposed development features a single-wide driveway and a landscape-separated walkway extending from the right-of-way onto the property. The driveway is then widened to allow for the ease of access of two (2) cars into the garage.



Figure 9: Front-facing elevation of the proposed developments.

The applicable zoning provisions on the site and the existing mature trees on and around the property presented considerable constraints on the built form, resulting in compact building envelopes requiring several variances from the Zoning By-law, addressed through this application. There are seven (7) existing trees on the property which were examined in the accompanying Tree Information Report (TIR) in relation to the proposed development. Three (3) trees are proposed to be removed, only one of which is due solely to the proposed development, while two (2) feature either weak structure or root growth under fibre lines requiring removal. The two (2) City-owned trees in the front yards of both lots are being retained, helping to maintain the front-yard character found in the surrounding community.

## 3.0 Policy and Regulatory Context

### 3.1 Provincial Policy Statement

The Provincial Planning Statement (PPS), which came into effect on May 1, 2020, is a policy document issued under the Planning Act which provides direction on matters of provincial interest related to land use planning and development. All municipal development policies, documents and decisions must be consistent with the PPS, read as a whole. The PPS recognizes that “land use must be carefully managed to accommodate appropriate development to meet the full range of current and future needs, while achieving efficient development patterns”.

Policies that support the development and intensification of the subject site include:

- / 1.1.1: Healthy, liveable and safe communities are sustained by:
  - Promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term (1.1.1a);
  - Accommodating an appropriate affordable and market-based range and mix of residential types, including single-detached (1.1.1.b); and,
  - 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 (1.1.1.e);
- / 1.1.3: Identifies Settlement Areas as the focus of growth and development, where:
  - Land use patterns in settlement areas are to be based on densities and a mix of land uses which efficiently use land and resources, are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available and avoid the need for their unjustified and/or uneconomical expansion (1.1.3.2); and,
  - New development taking place in designated growth areas should occur adjacent to the existing built-up area and shall have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities (1.1.3.6);
- / 1.4.3: Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs or current and future residents of the regional market area by:
  - Permitting and facilitating:
    - All housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities (1.4.3.b.1); and,
    - All types of residential intensification, including additional residential units, and redevelopment (1.4.3.b.2);
  - Directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs (1.4.3.c);
  - Promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed (1.4.3.d);
- / 1.7.1: Long-term economic prosperity should be supported by:

- Encouraging residential uses to respond to dynamic market-based needs and provide necessary housing supply and range of housing options for a diverse workforce (1.7.1.b).
- / 1.8.1: Planning authorities shall support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and preparing for the impacts of a changing climate through land use and development patterns which:
- Promote compact form and a structure of nodes and corridors (1.8.1.a);
  - Promote the use of active transportation and transit in and between residential, employment (including commercial and industrial) and institutional uses and other areas (1.8.1.b); and,
  - Encourage transit-supportive development and intensification to improve the mix.

**The Consent and Minor Variance applications, and the resulting proposed development on the subject property are consistent with the Provincial Policy Statement, 2020 in that it achieves its vision in addressing efficient development and land use patterns. The Consent application seeks to create two (2) residential lots with adequate site area to support development on the subject property, which is aligned with the PPS’s goal for development within existing built-up areas. The Minor Variance applications for the proposed developments on the proposed two (2) lots seeks to permit a compact built form within the existing physical constraints placed on the site. Furthermore, considering its location near two (2) prominent transportation corridors along Carling Avenue and Richmond Road, and its location within the established Westboro neighbourhood, the proposed redevelopment advances provincial goals of healthy, liveable and safe communities that efficiently utilize existing infrastructure, improving the mix of housing types, and supporting multi-modal transportation.**

## 3.2 City of Ottawa Official Plan (2022)

The Official Plan for the City of Ottawa was approved November 4, 2022. The Plan provides a framework for the way that the City will develop until 2046 when it is expected that the City’s population will surpass 1.4 million people. The Official Plan directs how the city will accommodate this growth over time and set out the policies to guide the development and growth of the City.

### 3.2.1 Inner Urban Transect

Schedule A of the Official Plan divides the City into six (6) concentric policy areas called Transects. Each Transect represents a different gradation in the type and evolution of built environment and planned function of the lands within it, from most urban (the Downtown Core) to least urban (Rural).

The subject lands are located in the “Inner Urban Transect” of the Official Plan. The Inner Urban Transect includes the pre-World War II neighbourhoods that immediately surround the Downtown Core, and the earliest post-World War II areas directly adjacent to them and is therefore characterized by both urban and suburban elements. The New Official Plan provides guidance for how the existing character of these neighbourhoods should be complemented while allowing for the development of walkable, service-rich, 15-Minute Neighbourhoods.

The Inner Urban Transect promotes greater densities than the Outer Urban and Suburban transects; the intended pattern of built form is urban. The transect is generally planned for mid- to high-density development, subject to their proximity to transit, their underlying land use designation, and municipal servicing capacity constraints. Section 5.2 sets the policies guiding development under this transect designation. The policies focus on enhancing the pattern of development to reflect the desired urban character, creating walkable and transit-supportive communities, as well as encouraging appropriate ‘missing-middle’ intensification within established neighbourhoods.

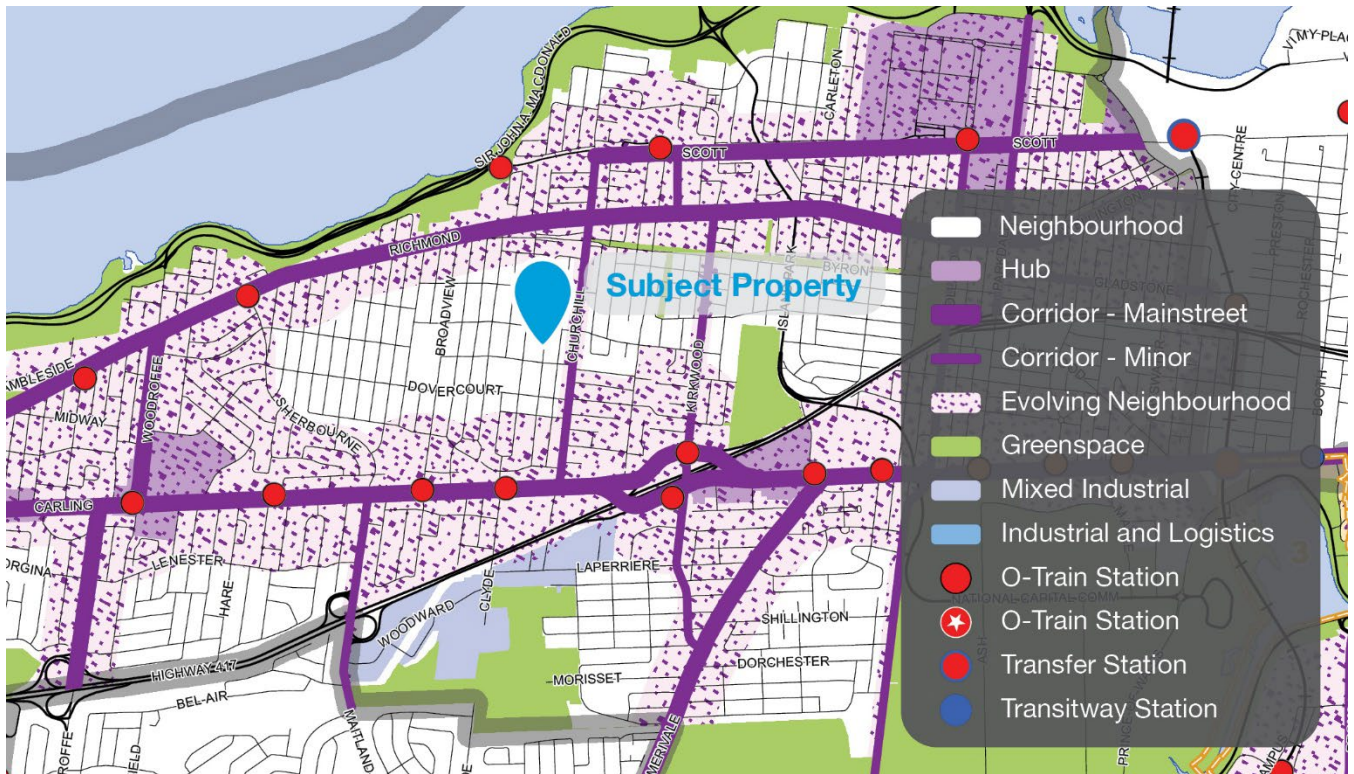


Figure 10: Schedule B2 – Inner Urban Transect.

### 3.2.2 Neighbourhood Designation

The subject property is designated “Neighbourhood” in Schedule B2 of the Official Plan (Figure 8). The Neighbourhood designation represents the core of the communities found in the urban and suburban areas of the City. The stage of evolution varies across neighbourhoods around the city, and the policies of the Official Plan recognize this, and help to guide development towards the desired 15-minute neighbourhood pattern of development. Section 3.2.3 outlines the role of Neighbourhoods in supporting a large portion of the intensification projected by the Plan as they develop in proximity to designations of greater density and mix of uses, such as Corridors and Hubs. The designation policies ensure intensification and development while remaining sensitive to the existing character of the neighbourhood.

Specific policies that apply to this proposal include:

- / 6.3.1.2) Permitted building heights in Neighbourhoods shall be Low-Rise;
- / 6.3.1.4) The Zoning By-law and approvals under the Planning Act shall allow a range of residential and non-residential built forms within the Neighbourhood designation, including:
  - o a) Generally, a full range of Low-Rise housing options sufficient to meet or exceed the goals of Table 2 and Table 3b;
  - o b) Housing options with the predominant new building form being missing middle housing, which meet the intent of Subsection 6.3.2, Policy 1);
- / 6.3.1.5) The Zoning By-law will distribute permitted densities in the Neighbourhood by:
  - o Allowing lower densities and predominantly ground-oriented dwelling forms further away from rapid-transit stations, Corridors and major neighbourhood amenities;
- / 6.3.2.3) Further to Policy 2), form-based regulation will provide for built form and site development characteristics that are:

- c) In all other cases, may provide for a mix of urban and suburban characteristics as described in Table 6, provided that such development does not unreasonably preclude evolution to more urban character over the life of this Plan.

### 3.2.3 Urban Design (Section 4.6)

Section 4.6 of the Official Plan outlines the specific policies guiding the design and relationship between developments across the City, specifically emphasizing adequate transitions, complementary built forms, and existing neighbourhood design characteristics.

- / 4.6.6.6) Low-rise buildings shall be designed to respond to context, and transect area policies, and shall include areas for soft landscaping, main entrances at-grade, front porches or balconies, where appropriate. Buildings shall integrate architecturally to complement the surrounding context.

The City of Ottawa's Official Plan outlines the general strategies for growth and development across the region, detailing specific policies for both urban and rural areas. The Plan highlights key features related to residential development within the Inner Urban Transect and the role of the Neighbourhood designation in accommodating a bulk of the intensification proposed through this Plan. This review examined the policies as they apply to the proposed Consent and Minor Variance applications on the subject property. The policies of the Official Plan were shown to be supportive of the proposed severance and Minor Variances on the retained and severed lots as the proposed developments provide for compatible development on conforming lots within a compact urban built form, characteristic of ongoing development happening in the surrounding context.

## 3.3 City of Ottawa Comprehensive Zoning By-law



Figure 11: Zoning map with the subject property identified. (GeoOttawa)

The subject property is zoned R3R[2687] H(8.5) – Residential Third Density, Subzone R, Urban Exception 2687, Height Limit of 8.5 metres (see Figure 10).

The table below lists the permitted uses in the R3 zone:

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

Table 2: City of Ottawa Zoning By-law – R3R[2687] Zone and other applicable provisions.

<b>Zoning Mechanism</b>	<b>Provision</b>	<b>Proposed - Retained</b>	<b>Proposed - Severed</b>	<b>Compliance</b>
<b>Minimum lot width (m)</b>	10 metres	10.06		<b>Yes</b>
<b>Minimum lot area (m<sup>2</sup>)</b>	300m <sup>2</sup>	308.5m <sup>2</sup>	308.6m <sup>2</sup>	<b>Yes</b>
<b>Maximum Building Height (m)</b>	8.5 metres	8.5 metres		<b>Yes</b>
<b>Minimum front yard setback (m)</b>	6 metres	6.0 metres		<b>Yes</b>
<b>Minimum rear yard setback (m)</b> Section 144(3)(a)	8.6 metres	7.5 metres		<b>No</b>
<b>Minimum interior yard setback (m)</b>	1.5 metres	0.68 metres; 0.9 metres	0.68 metres; 0.9 metres	<b>No</b>
<b>Minimum walkway separation (m)</b> Section 139(4)(b)	0.6m	0 metres		<b>No</b>
<b>Double-wide driveway per dominant character</b> Section 140(7)(b)	Not Permitted	Provided		<b>No</b>
<b>Front-facing garage per dominant character</b> Section 140(8)(a)	Not Permitted	Provided		<b>No</b>

Table 3: Non-compliant zoning performance standards for both proposed buildings on both the retained and severed lots.

Zoning Provision	Required	Proposed
<b>Minimum Rear Yard Setback (Section 144(3)(a))</b>	8.6 metres	7.5 metres
<b>Minimum Interior Yard Setback (Urban Exception 2687)</b>	1.5 metres	Retained Lot: 0.68 metres (southern) 0.90 metres (northern)  Severed Lot: 0.68 metres (northern) 0.90 metres (southern)
<b>Section 139(4)(b)</b>	0.6 metres soft landscaping strip	Strip does not extend to front door
<b>Section 140(7)(b)</b>	Single-wide driveway	Double-wide driveway
<b>Section 140(8)(a)</b>	No front-facing garage	Front-facing garage

The proposed consent application creates two (2) lots that are zoning compliant as per Table 2. The concurrent Minor Variance application and separate Minor Variance application for the retained lot seeks to address the issues of compliance related to the proposed development on the subject property (Table 3). The two (2) proposed detached dwellings are both non-compliant related to several zoning provisions, including interior side yard setbacks, rear yard setbacks, soft landscaping strip between the walkway and driveway, as well as a double-wide driveway and double-car garage where it is prohibited according to the dominant patterns found in the Streetscape Character Analysis.



## 4.0 Ontario Planning Act – Consents

### 4.1 Legislative Authority

Section 53(1) of the Ontario Planning Act pertains to Consents and Plans of Subdivision. It states that an owner:

*“may apply for a consent as defined in subsection 50 (1) and the council or the Minister, as the case may be, may, subject to this subsection, give a consent if satisfied that a plan of subdivision of the land is not necessary for the proper and orderly development of the municipality.”*

Section 53(12) of the Planning Act notes that when determining if a consent is to be given, a council or the Minister:

*“shall have regard to the matters under subsection 51(24) and has the same powers as the approval authority has under subsection 51(25) with respect to the approval of a plan of subdivision and subsections 51(26) and (27) and section 51.1 apply with necessary modifications to the granting of a provisional consent”.*

### 4.2 Consent Criteria

Section 51(24) of the Planning Act sets forth the criteria for considering Plans of Subdivision with regards to the “health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality.” A response to each of the criteria from Section 51(24) is provided below.

*“In considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality and to,”*

- a) The effect of development of the proposed subdivision on matters of provincial interest (as referred to in section 2)  
**The proposed Consent conforms to the goals and policies of provincial interest and complies with the necessary policies of the Official Plan and the Zoning By-law.**
- b) Whether the proposed subdivision is premature or in the public interest  
**The proposed Consent would ensure development remains viable on both the severed and retained lots, creating two (2) lots capable of supporting two (2) detached dwellings where only one (1) currently exists. The increased density through intensification takes advantage of the existing lot fabric and servicing capabilities to meet the goals of the Official Plan.**
- c) Whether the plan conforms to the official plan and adjacent plans of subdivision, if any  
**The proposed Consent conforms to the policies of the City of Ottawa Official Plan as it maintains the low-rise built form of the neighbourhood while providing for increased density through infill intensification, as encouraged and demanded by the Neighborhood designation policies.**
- d) The suitability of the land for the purposes for which it is to be subdivided  
**The proposed Consent results in two (2) lots which are compliant with all applicable Zoning By-law provisions. The lots provide for adequate street frontage, lot depth, lot area, and servicing capabilities, supportive of the proposed development on the site.**
  - d.1) If any affordable housing units are being proposed, the suitability of the proposed units for affordable housing  
**This application is not considering any affordable housing on the subject property.**

- e) The number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them  
**The subject property is accessed via Melbourne Avenue, which is identified as a Local road in Schedule C4 – Urban Network in the City of Ottawa’s Official Plan (2022). The proposed Consent provides adequate road access to both retained and severed lands.**
- f) The dimensions and shapes of the proposed lots  
**The proposed Consent creates two (2) rectangular lots of similar dimensions, compliant with the applicable zoning provisions and which also generally reflect the existing lot fabric found in the surrounding area.**
- g) The restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structure proposed to be erected on it and the restrictions, if any, on adjoining land  
**The subject property is subject to a concurrent Minor Variance application, which is proposing to apply new zoning standards to enable the ultimate development on both the proposed retained and severed lots.**
- h) Conservation of natural resources and flood control  
**The proposed consent and resulting proposed development seek to preserve the two (1) mature trees in the front yard of the subject property, consistent with the front-yard character found on Melbourne Avenue. The proposed Consent will not result in any quantity or quality release issues related to flooding.**
- i) The adequacy of utilities and municipal services  
**The subject property is municipally serviced and is not anticipated to place undue strain on the existing servicing capacity for the area.**
- j) The adequacy of school sites  
**The subject property is located within one (1) kilometre of three (3) schools within the same neighbourhood, capable of serving elementary through high school students.**
- k) The area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes  
**No lands are proposed to be dedicated for public uses.**
- l) The extent to which the plan’s design optimizes the available supply, means of supplying, efficient use and conservation of energy  
**The buildings proposed on the subject property as a result of this proposed Consent will be subject to the energy usage directives outlined in Provincial legislation and the Ontario Building Code in order to receive a building permit.**
- m) The interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act or subsection 114 (2) of the *City of Toronto Act, 2006*. 1994, c. 23, s. 30; 2001, c. 32, s. 31 (2); 2006, c. 23, s. 22 (3, 4); 2016, c. 25, Sched. 4, s. 8 (2)  
**The scale of development proposed on the subject property does not meet the threshold to require Site Plan Control approval.**

## Four Tests of the Planning Act

Section 45 (1) of the Planning Act (R.S.O. 1990, c. P.13) outlines the “four tests” for determining the suitability of a proposed Minor Variance. If all four tests are met, the Committee of Adjustment is authorized to grant a variance.

There are a total of ten (10) variances being sought through this application, five (5) relate to the severed lot, and five (5) relate to the retained lot, should the proposed Consent be approved. The two lots feature mirrored variances, in which both sets are identical for the two (2) lots. The variances relate to Sections 139, 140, and 144 of the Zoning By-law and is outlined in further detail below:

- I. *Section 139(4) – A walkway located in a front yard or corner side yard is permitted subject to the following:*
  - o *Where a walkway extends from the right-of-way, it must be separated from any driveway by at least 0.6m of soft landscaping;*

**The proposed developments on both the retained and severed lots feature walkways separated from the driveway by a 0.6 metres soft landscaping buffer, but do not extend for the entire length of the walkways.**

- II. *Section 140(7) – A driveway in the front or corner side yard is:*
  - o *b) where not prohibited under (a), is permitted or prohibited according to the dominant pattern of driveways, subject to Table 140A and Table 140B;*

**The proposed developments on both the retained and severed lots feature double-wide driveways where the dominant pattern of driveways only permits single-wide driveways.**

- III. *Section 140(8) - An attached garage or carport facing the front lot line or side lot line abutting a street:*
  - o *a) is permitted or prohibited according to the dominant pattern of garages and carports, subject to Table 140A;*

**The proposed developments both feature front-facing garages where the dominant pattern of garages and carports does not permit them.**

- IV. *Section 144(3) – Where a lot’s rear lot line abuts either an R1, R2, R3 or R4 zone, or abuts a lane that abuts an R1, R2, R3, or R4 zone on either side, except in the case of a Planned Unit Development:*
  - o *the rear yard must comprise at least 25 percent of the lot area; and the minimum rear yard setback is pursuant to Table 144A or 144B below; and,*

**The proposed developments on both the retained and severed lots are setback 7.5 metres where 8.6 metres is required.**

- V. *Urban Exception 2687 (By-law 2021-75):*
  - o *Minimum interior side yard setback: 1.5 m.*

**The interior side yard setbacks of the proposed developments on both the retained and severed lots are 0.68 metres and 0.9 metres where 1.5 metres is required.**

**Should the concurrent Consent application be approved, the severed and retained lots are proposed to be developed with two (2) single-detached dwellings. The proposed development on the lots trigger zoning non-compliance for both the retained and severed lots. As outlined above, the several variances being sought for the two (2) lots will be evaluated using the four tests required by the Planning Act.**

The evaluation criteria are explored below:

### 1) The variance is minor in nature.

The proposed variances for both the retained and severed lots seek to facilitate the development of two (2) compact, urban detached dwellings on an existing lot. The cumulative impacts of the requested variances are minor in that they will not have significant impact on the land use or the functioning of the subject property, without creating undue adverse impacts on the community, or on the adjacent properties.

- I. The proposed walkways provided adjacent to the driveways extending from the right-of-way to the front doors are a continuation of the existing condition on the subject property and the neighbouring property (583 Melbourne Avenue), as shown in Figure 10. Currently the walkway on the subject property is non-compliant with the Zoning By-law as it does not feature a 0.6-metre landscape strip between the walkway and the driveway. The proposed walkways would improve upon the existing conditions in the area, creating a visual impact from the street that represents the desired features of the Zoning By-law.



Figure 12: Existing walkway conditions on the subject property and the property adjacent.

The proposed walkways are only non-compliant due to the landscape strip being removed for a small portion of the walkways as they extend onto the properties and towards the front doors and garage doors. The purpose of this variance is to permit the walkways to serve as both a walkway as well as an extension of the driveways at the garage door, allowing for adequate space for two (2) cars to access the garage effectively while mitigating for the cumulative visual and hardscape impact of a wider driveway.

The variances sought are minor in nature as the portion of the walkways deemed 'non-compliant' are only a small portion of the entire driveways. The driveways and walkways extend well into the City's right-of-way (ROW) protection limits, and as a result represent the more prominent focus of the front yard condition impacting views from the street. The majority of the walkways, the portion most visible from the street, are compliant with regards to width and maintain a 0.6-metre landscape strip beyond the

property line (Figure 11). Only as the walkways near the front doors are the landscape strips removed, permitting a multifunctional use of the surfaces by both pedestrians and cars using the garages.

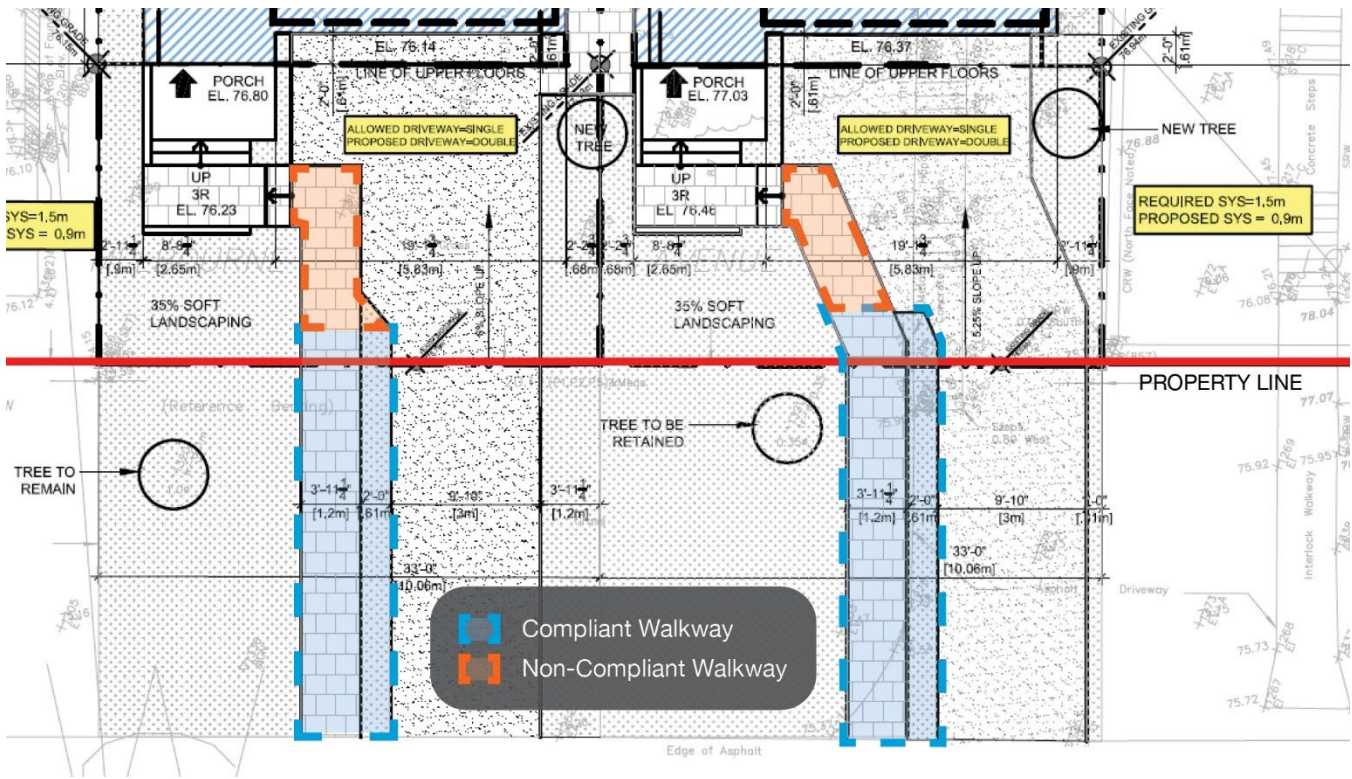


Figure 13: Graphic displaying the small portion of the proposed walkway that is deemed non-compliant.

**As shown in Figure 11, the variances sought to bring the walkways into compliance represents only a small portion of the walkways, and through presenting the walkways as compliant for a majority of their length, for the portions fronting the street, and allowing for multi-functional usage of limited front yard areas, these variances are therefore minor.**

- II. The front-yard conditions of the proposed developments feature double-wide driveways, which are technically non-dominant per the SCA. The proposed developments feature several design and lot configuration elements used to mitigate the impacts and ensure the variances are minor.

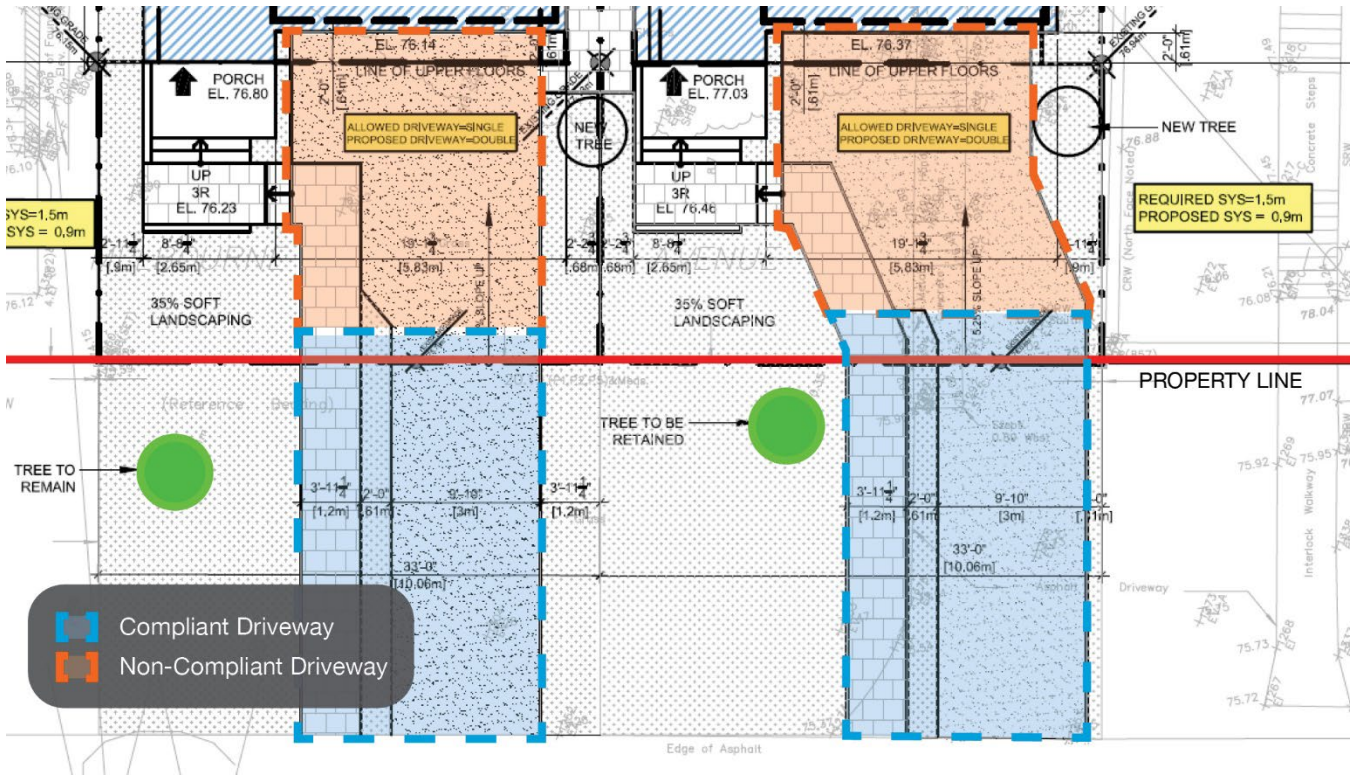


Figure 14: Proposed driveway conditions illustrating the compliant versus non-compliant segments of the driveway.

The front yards of the properties are defined largely by the ROW protections provided for Melbourne Avenue. Although appearing to be large in size, the property lines are set back approximately 8 metres from the roadway, restricting many changes to the front yard conditions. The driveways, needing to extend through the ROW, are 3 metres wide. These conditions represent a fully compliant driveway and walkway, as per the Zoning By-law. The driveways are only widened into the property to allow access for two (2) cars into the garages. The portions that are widened are also functional as walkways, serving to make effective use of the limited front yard space available on both lots, while also breaking up and overall reducing the hardscape typical of a double-wide driveway.

The proposed variances to permit double-wide driveways only applies to the portions of the driveways as they approach the buildings. The driveways approaching the street present conditions permitted and as intended by the Zoning By-law. The expansion of the driveways is not a prominent feature of the developments and its setback into the lots, as well as the rise in grade, help to prevent visual impacts from the street.

The proposed developments have also retained two (2) existing mature trees in the front yards which aid in reducing the impact from the street view perspective. The vegetation helps to emphasize the compliant front-yard conditions closest to the street and limits the exposure of the driveway conditions closer to the buildings, as intended by the SCA.

**The driveway conditions proposed through this application are minor in nature as they only seek to widen the driveway well into the lots at the entrance to the garages, maintaining the desired hard and soft landscaping condition in the front yard. The thoughtful design, together with the existing depth of the right-of-way in front of the houses and the rising grade, mitigates for any potential impacts when viewed from the street.**

- III. The inclusion of front-facing garages is technically a 'non-dominant' character for the block of Melbourne Avenue, but as identified in the SCA, there was only a slight majority in difference to this front yard condition (11 no front-facing garage; 8 front-facing garage). The four (4) properties directly surrounding the subject property feature front-facing garages as shown in Figure 13. The two (2) properties to the north (573 and 571 Melbourne Avenue) both feature front-facing garages in a similar fashion to what is proposed in this application. These new developments have similar front-yard conditions to that of the proposed development and share other similarities related to rear-yard and interior side-yard setbacks, as will be discussed below. Additionally, 578 and 583 Melbourne Avenue, existing old-character homes feature front-facing garages.

The variances to permit this front-yard condition represent minor relief from the Zoning By-law as the condition is present and relatively common on the block, and more so in the immediate context surrounding the subject property. The retention of existing mature trees is also helpful in mitigating any impacts from the street of this condition as it emphasizes the immediate front-yard conditions instead of the conditions found deeper into the lots.

**The front-yard conditions proposed in this application for both developments are not uncharacteristic for this block, as indicated in the similar distribution found in the SCA, and are reflected in the existing conditions of the properties surrounding the lots. Thus, the variances in this respect are minor.**



Figure 15: Existing front-yard conditions on the surrounding properties displaying the front-facing garages and driveways.

- IV. The rear-yard conditions of the proposed developments and the subsequent variances sought through this application represent minor relief from the required 8.6 metres required by the Zoning By-law. The proposed rear-yard setback of 7.5 metres is not uncharacteristic for new development surrounding the subject property, notably the two (2) neighbouring properties to the north (573 and 571 Melbourne Avenue), as shown in Figure 15: 573 and 571 Melbourne Avenue, depicting the similar rear-yard

conditions. Additionally, the proposed development features a greater setback from the rear lot line than the existing structure on the property.



Figure 16: 573 and 571 Melbourne Avenue, depicting the similar rear-yard conditions.

As shown on the site plan (Figure 7), 573 Melbourne Avenue, which shares a near-identical setback with 571 Melbourne Avenue, features an approximate 7.5-metre rear-yard setback. The rear yard conditions are therefore similar to those of other new developments in the area. Additionally, the rear-yard conditions of 573 and 571 Melbourne Avenue feature a large amount of hardscaping. The proposed developments feature adequate and compliant soft landscaping buffers in the rear yards, further mitigating any potential impacts.

**The variances sought are minor in nature as they only seek to reduce the required setback from 8.6 metres to 7.5 metres, a decrease of 1.1 metres, and represents a characteristic condition seen in similar development on surrounding properties.**

- V. The four (4) variances related to the interior side yard setbacks are differentiated based on their relationship to neighbouring properties. The first set of variances is for the 0.9-metre setback from the side lot lines of 573 Melbourne Avenue to the north and 583 Melbourne Avenue to the south. The reduction from the required 1.5 metres to 0.9 metres is minor in nature as it still permits movement through to the rear yards, as is the intent of the zoning provision. Based on the usage of the buildings as individual dwelling units, the reduction does not impact the livability and functionality of the dwellings.

Additionally, as will be reiterated below, the 0.9 metre interior side yard setback is characteristic of new development in the area and is shown to not impact neighbouring properties and the functionality of their properties.



With regards to the 0.68-metre interior side yard setback found in between the two (2) proposed buildings, and the required variances for both lots, the smallest building separation is only present for a small portion of the building depth, resulting in a cumulative separation between the building of 1.36 metres. For 86% of the building's depth and 100% above the first storey, the separation between the proposed buildings is 1.66 metres (see Figure 14).

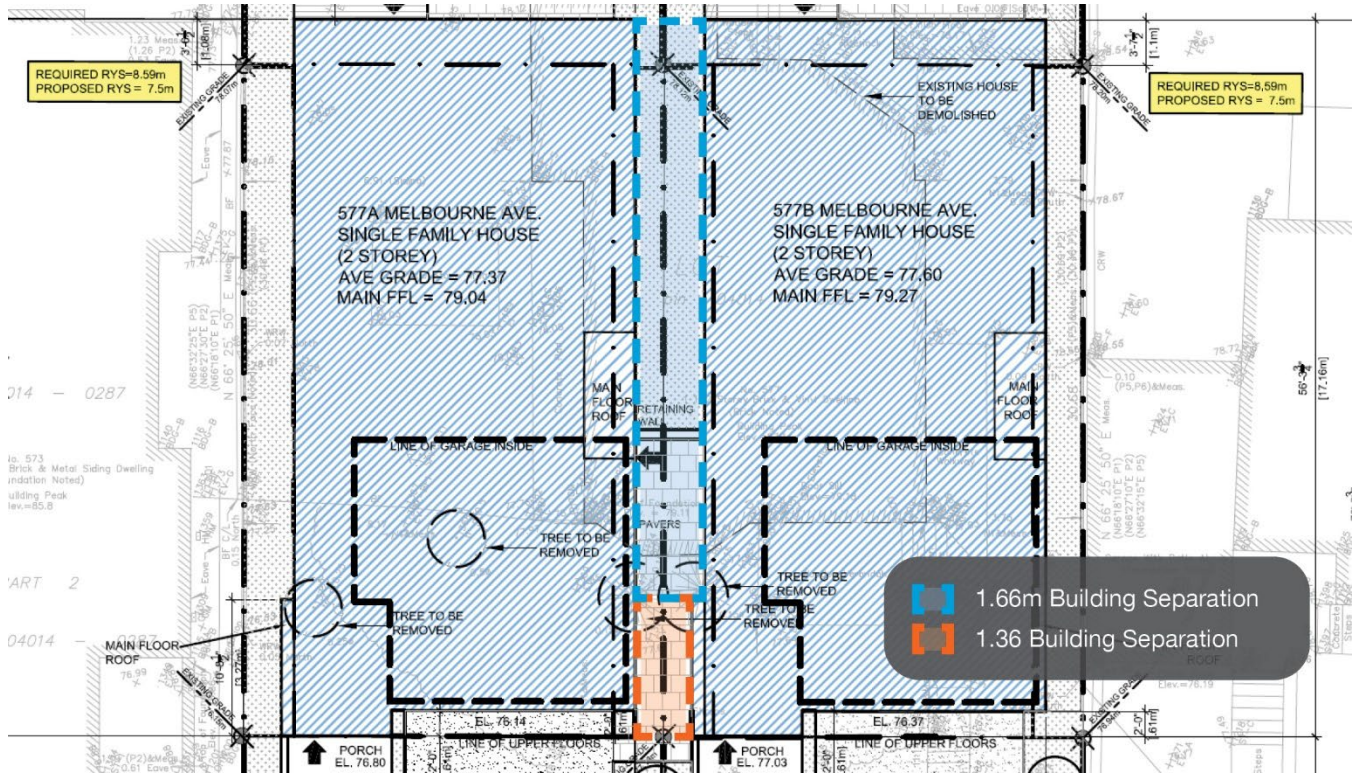


Figure 17: Graphic illustrating the cumulative impacts of the interior side-yard setbacks and showing the minimal extent in which the building separation is at its smallest.

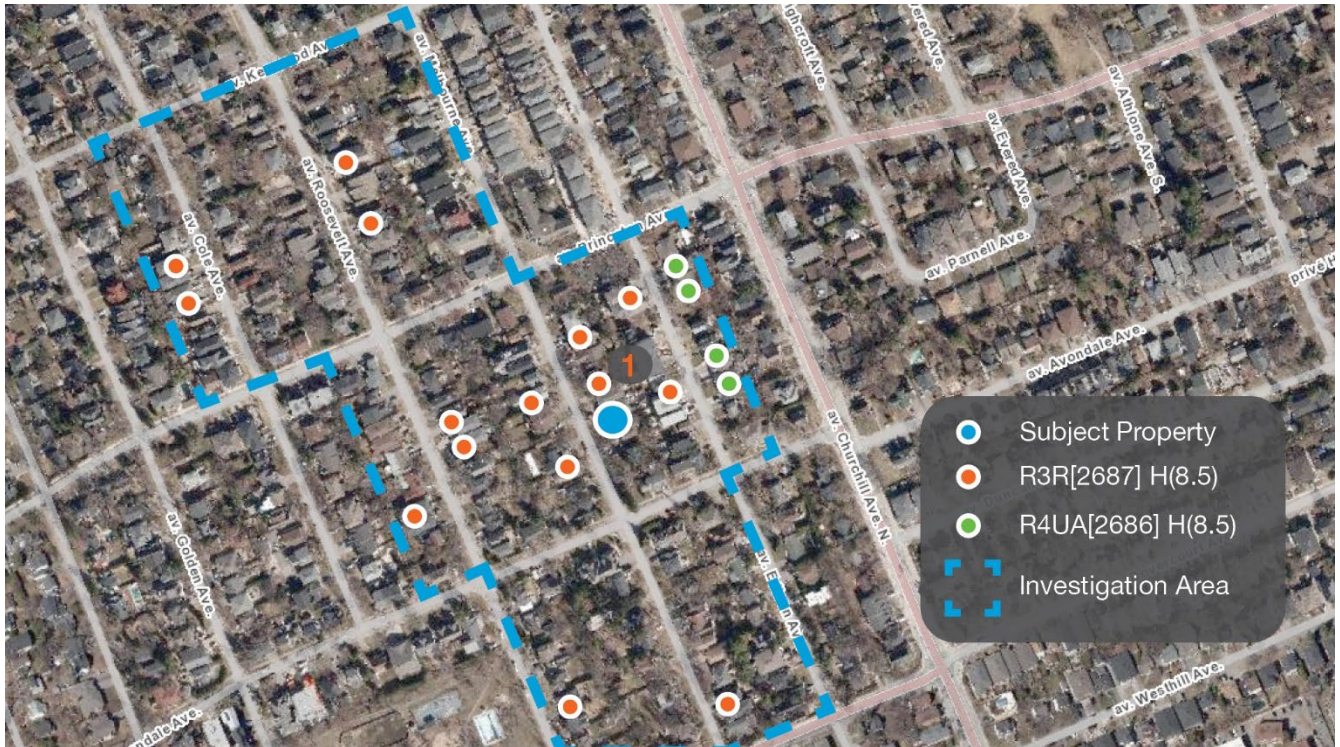


Figure 18: Graphic identifying instances of building separation being less than 3.0m, which indicates at least one of the properties is non-compliant with a 1.5m interior side yard setback. The properties are identified based on their zoning, in which there are two: “R3R[2687] H(8.5)” and “R4UA[2686] H(8.5)”. Both zones feature provisions or exceptions which require a minimum interior side-yard setback of 1.5 metres. The measurements are based on aerial imagery and the building footprints GIS layer provided by the City of Ottawa’s Open Data source. The point denoted by the “1” represents the properties adjacent to the subject property which are newly developed lots with an interior side yard setback similar to what is being proposed in this application. Please note: The measurements made are estimates and do not represent the actual setbacks, but it was attempted to most accurately and truthfully represent the properties with less than 3 metres of separation.

This degree of separation is not uncommon in the surrounding area and on neighbouring blocks. As illustrated in Figure 15, there are over 20 pairs of lots with cumulative interior side yard setbacks of less than 3 metres, which is resultants from at least one of the two properties having a setback of less than 1.5 metres. Notably, the two (2) lots adjacent to the subject property to the north (573 and 571 Melbourne Avenue) have a building separation of less than 3 metres as required by the Zoning By-law. These properties are newly developed and represent the desired built form for the area.

The analysis presented in Figure 15 was limited due to the new and ongoing nature of developments occurring in the area surrounding the subject property. Many of the properties appearing to host minimal interior side yard setbacks are not included in up-to-date aerial imagery or in the building footprints GIS layer provided by the City of Ottawa. This new development, which features built form elements similar to that of this proposal, reflects the ongoing transition of this area to a more urban and dense residential area.

**The interior side-yard setbacks proposed through this application, and the subsequent four (4) variances, are minor in nature as they maintain the functionality of the properties while representing the existing and planned character of the neighbourhood as illustrated in Figure 17. The internal setback variances to reduce the required setback to 0.68 metres is only for a portion of the building, in which the cumulative building separation is only a minor reduction from the required, and also characteristic for the surrounding area. In all cases, the reduced site yard setbacks maintain access to**

**the rear yards, reflect an existing, not uncommon pattern in the neighbourhood, and are minor in nature.**

**2) The variance is considered desirable for the development and use of the property.**

The proposal consists of a severance to create one (1) new lot from an existing wide lot (20.01 metres). The variances facilitate the redevelopment of the existing lot with proposed detached dwellings that align with the general character of the surrounding properties. As seen from the two (2) properties to the north (571 and 573 Melbourne Avenue) as well as the properties abutting the subject property to the rear (580, 578 and 576 Edison Avenue), the severing and development of conforming residential lots is encouraged in the Westboro neighbourhood.

The lots created through the proposed severance result in fully-zoning compliant properties capable of supporting the planned development for the Westboro neighbourhood. The minimal constraints on lot width and area permit a compact urban form, as seen on neighbouring lots. The purpose for the proposed Minor Variances is to seek relief from specific performance standards limiting the range of design styles, while maintaining the general character of the planned context. The proposed developments do not detract from the enjoyment of neighbouring properties as the variances merely permit minor changes to the as-of-right building envelope while maintaining functionality and characteristic design appeal. The design choices subject to the Minor Variances present a desirable built form based on the prescribed lot provisions and only seek minor adjustments to the permitted building envelope without resulting in undue impacts on the existing character of the area.

**The proposed variances sought through this application facilitate the efficient use of the subject property and permit a compatible built form through the proposed development, without resulting in any significant impacts on the existing and planned character of the neighbourhood. Therefore, the proposed variances for the retained and severed lots are appropriate for the development and use of the lands.**

**3) The variance maintains the general intent and purpose of the Zoning By-law.**

The proposed variances seek to maintain the intent and purpose of the Zoning By-law through mitigation measures as well as responding the existing and planned context for the area.

- I. & II. Variances I and II, sought for the walkways and driveways, maintain the purpose and intent of the Zoning By-law as they implement mitigation measures that seek to restore the front-yard condition to that of what is desired by the applicable provisions. Landscape separated walkways and driveways break up the cumulative impact of hardscape in the front yard.

The proposed double-wide driveways and walkways are provided as compliant features of the front-yard conditions for a majority of their length, extending from the ROW onto the properties. The applicable Zoning provisions seek to maintain a specific character for new developments from the perspective of the street. The proposed conditions include a compliant driveway width and walkway separation for the portions that are adjacent to and directly experienced by those on the street. The variances do not seek to shift away from the desired character, but rather seek to adjust the conditions deeper into the lots while maintaining the intent of the By-law for a majority of the front yard and the full length of the ROW, lessening the impact from the street.

**As a result, the proposed variances related to the double-wide driveways and walkway landscape strips maintain the intent and purpose of the Zoning By-law.**

- III. The proposed developments feature front-facing garages which, per the applicable Zoning By-law provisions of Section 140(8), are non-dominant and therefore not permitted. The proposed variances benefit from immediate context and site elements that help to ensure the intent and purpose of the By-

law is maintained. The By-law seeks to ensure that uncharacteristic development does not create undesired visual impacts on the street.

The properties surrounding the proposed developments, including the two (2) adjacent to the north, one (1) adjacent to the south, and the property across the street all feature front-facing garages. The immediate context surrounding the subject property suggests that the general character is being maintained and is constrained to this specific portion of Melbourne Avenue. The SCA also notes that the dominant pattern of garages is a relatively even split (11 to 8), meaning it is recognized that front-facing garages are not uncharacteristic for the block. The adjacent properties at 573 and 571 Melbourne Avenue, as new developments featuring front-facing garages, would also have represented a non-dominant pattern at the time of their development.

**Based on the surrounding context and relative general character of the block, these variances maintain the intent and purpose of the By-law through providing a front-yard condition that is characteristic of the surrounding properties and generally of the entire block.**

- IV. The Minor Variances for the proposed developments seek to reduce the required rear-yard setbacks maintains the intent and purpose of the Zoning By-law as it provides adequate buffering as well as it generally adheres the existing conditions found in the surrounding area.

The proposed variances for the rear yard setbacks are strengthened by the existing conditions established on the properties to the north (573 and 571 Melbourne Avenue). The purpose of the rear yard setback is to ensure adequate buffering between properties to the rear. As stated, the developments surrounding the subject property display conditions similar to those proposed in this application, which is representative of the minimal impacts seen as a result of the rear yard conditions of the surrounding properties. Additionally, the required soft landscaping buffer is provided and compliant in both rear yards, ensuring adequate privacy and functional buffering are maintained.

**The Minor Variances for the proposed development to reduce the required rear-yard setbacks maintains the intent and purpose of the Zoning By-law as it provides adequate buffering from existing properties, as well as it generally adheres the existing conditions found in the area.**

- V. The variances for the interior side yard setbacks seek relief from the existing urban exception (2687) requiring a minimum setback of 1.5 metres. The purpose for this setback is to ensure there is adequate space to enable the movement into the rear yard of the property, as well as preventing adverse privacy impacts. This is aimed primarily towards multi-residential dwellings where the site layout plays a prominent role in the long-term functionality of the building. Based on preliminary discussions with City Staff, it is recognized that based on the nature of the dwellings and their operational requirements as single dwelling units, the 0.9 metre setback is sufficient to allow access to the rear yard and will not result in undue impacts on surrounding properties.

With regards to the setbacks provided between the two (2) proposed buildings, the functionality of the buildings ensures that the spaces provided is sufficient for access to the rear and the side door as indicated on the site plan. Additionally, the coordinated design of the buildings helps to ensure there are no privacy impacts as a result of the reduced setbacks.

**The four (4) variances sought for the proposed developments maintain the intent and purpose of the Zoning By-law as they reflect the general conditions found in the surrounding area, and the functionality and design of the buildings is not compromised as a result.**

**4) The variance maintains the general intent and purpose of the Official Plan.**

The Official Plan designates the subject property as Neighbourhood in the Inner Urban Transect, which seeks to respect the existing character of its context, while supporting residential development of an urban built form. As outlined in Policy (1) of Section 5.2.4 of the Official Plan, Neighbourhoods within walking distance to corridors are poised to accommodate residential growth, per the Growth Management Framework of the Plan. Subsection (d) goes on to detail that built form requirements for development within the Neighbourhood designation emphasize the importance of framing the street rather than focusing on lot configuration. The policies highlight the desire for growth and a shifting of importance towards creating urban-focused developments rather than limiting design styles through prescriptive zoning performance standard metrics.

The proposed developments and required Minor Variance applications maintain the intent of the applicable Official Plan policies, specifically relating to the compatibility of the design and built form in compliance with the objectives of the Plan. Section 4.6.6(6) directs low-rise buildings to respond to the context of transect and designation policies, specifically through the inclusion of soft landscaping and front porches – both of which are emphasized in the proposed front-yard conditions. Additionally, the policies speak to complementing the existing context through architecturally-integrated design. The proposed developments and Minor Variances sought as a result, provide for a complementary design to that of the Westboro neighbourhood. The design and character established by the proposed Minor Variances does not result in any adverse impacts on the existing context as the developments provide for subtle integration into the existing neighbourhood through non-intrusive design elements as an example of discrete infill development.

**In order to establish the desired density for the area and encourage respectful intensification proposed by the Official Plan, the minor variances for both lots seek to permit an urban built form reflecting the new surrounding development, minimizing adverse impacts on old-character homes on the street. The intent and purpose of the Official Plan is maintained as a result of the proposed variances on the subject property.**

# 6.0 Conclusion

In our professional opinion, the Consent and Minor Variance applications represent good planning and meet the applicable evaluation criteria established in Sections 45, 51 and 53 of the Planning Act. The application therefore upholds sound land use planning principles and is in the public interest.

Please contact the undersigned at [saunders@fotenn.com](mailto:saunders@fotenn.com) and [bolduc@fotenn.com](mailto:bolduc@fotenn.com) with any questions or requests for additional material.

Sincerely,



Evan Saunders, M.PL  
Planner



Jacob Bolduc, MCIP RPP  
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