



September 13, 2023

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

Committee of Adjustment
Received | Reçu le
Revised | Modifié le : 2023-09-14
City of Ottawa | Ville d'Ottawa
Comité de dérogation

RE: 1469 Portal Street, Ottawa, ON – New Secondary Minor Variance Application, and Re-circulation of Combined Consent and Minor Variance and Secondary Consent Applications (D08-01-23/B-00188 & D08-01-23/B-00189, D08-02-23/A-00181)

To Whom It May Concern,

On behalf of Mr. Christopher Simmonds (“Client”), this letter accompanies our new Application for a Secondary Minor Variance, as well as a request for re-circulation of the Combined Consent and Minor Variance and Secondary Consent Applications that were submitted to the Committee of Adjustment on July 13, 2023, for 1469 Portal Street (“Site”) in the City of Ottawa. The applications propose to sever the existing lands and create one (1) new lot to be used for residential purposes. The existing detached dwelling would remain on the retained lands. A new two-storey detached dwelling is proposed to be developed on the severed lands.

Applications for a Combined Consent and Minor Variance, and Secondary Consent were submitted to the Committee of Adjustment on July 13, 2023. Subsequently, at the Panel 2 hearing held on September 5, 2023, the application was adjourned sine die to permit additional time to address a number of technical issues, including an additional variance required for the proposed interior side yard setback for the existing detached dwelling on the Retained Lands as a result of the proposed Consent Applications. As such, a new Secondary Minor Variance Application is being submitted, as well as a request for re-circulation of the Combined Consent and Minor Variance and Secondary Consent Applications.

Additionally, on September 7, 2023, our Client met with the City Engineer and Committee of Adjustment Planner to discuss servicing options for the proposed development. A Site Servicing Plan, prepared by D.B. Gray Engineering (dated September 6, 2023) is included with this submission for information.

We are seeking five (5) minor variances to permit the requested severance and proposed development. The requested variances are as follows, with the newly requested variance **bolded**:

1. To permit a reduced lot width for the Severed Lands of 15.6 m, whereas the by-law requires 18 m;
2. To permit a reduced lot area for the Severed Lands of 534.7 m², where the by-law requires 665 m²;

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3. To permit a reduced front yard for the Severed Lands of 5.4 m, where the by-law requires 6 m;
4. To permit an increased permitted projection for a canopy for the Severed Lands from 1.8 m to 3 m; and
5. **To permit a reduced interior side yard setback for the Retained Lands of 1.2 m, whereas the by-law requires 1.8 m.**

The revisions from the original submission (July 13, 2023) are summarized as follows:

- The Draft Reference Plan has been revised to remove Part 2, which was shown as a proposed easement on the previously submitted plan. The lands formerly shown as Part 2 on the previously submitted Draft Reference Plan will be part of the new lot once severed. As such, the proposed lot area of the Severed Lands will be 534.7 m²; previously shown as 529.7 m²; and
- The proposed detached dwelling on the Severed Lands has been shifted to the west by 0.2 m to accommodate a future Hydro Ottawa installation at the east side of the new lot. Accordingly, the proposed east interior side yard setback for the Severed Lands is now 1.8 m, previously shown as 1.6 m.

Included with our application package are the following documents:

1. Primary Consent Application form including a complete authorization signed by the Registered Owner;
2. Secondary Consent Application form including a complete authorization signed by the Registered Owner;
3. Primary Minor Variance Application form including a complete authorization signed by the Registered Owner;
4. Secondary Minor Variance Application form including a complete authorization signed by the Registered Owner;
5. Revised Planning Letter – September 13, 2023 – prepared by WSP;
6. PIN Abstract – July 14, 2023;
7. Topographic Plan of Survey – no date – prepared by Annis, O’Sullivan, Vollebekk Ltd.;
8. Revised Draft Reference Plan – no date – prepared by Annis, O’Sullivan, Vollebekk Ltd.;
9. Revised Site Plan – September 12, 2023 – prepared by Simmonds Architecture; and
10. Revised Elevations – September 12, 2023 – prepared by Simmonds Architecture, including:
 - A200 – Front Elevation (North);
 - A201 – Right Elevation (West);
 - A202 – Rear Elevation (South); and
 - A203 – Left Elevation (East).
11. Tree Information Report – July 12, 2023 – prepared by Dendron Forestry Services; and
12. C-1 – Site Servicing Plan – September 6, 2022 – prepared by D.B. Gray Engineering Inc.

A cheque in the amount of **\$2,500.00** (\$962 for re-circulation of the Combined Consent and Minor Variance and Secondary Consent and \$1,538 for a Secondary Minor Variance) for the payment of the planning application fees for the re-circulation of the Combined Consent and Minor Variance and Secondary Consent Applications and new Secondary Consent Application is included with the submission package to Committee of Adjustment staff.



Please feel free to contact us at Nadia.De-Santi@wsp.com or 613-690-1114, or Jill.MacDonald@wsp.com or 613-690-3936 if you have any questions regarding this submission.

Thank you.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'N. De Santi'.

Nadia De Santi, MCIP, RPP
Practice Lead

A handwritten signature in black ink, appearing to read 'Jill MacDonald'.

Jill MacDonald, MCIP, RPP
Project Planner



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City of Ottawa | Ville d'Ottawa
Comité de dérogation

September 13, 2023

Committee of Adjustment
110 Centrepointe Drive, 4th Floor
Ottawa, ON K2G 5K7

RE: 1469 Portal Street, Ottawa – New Secondary Minor Variance Application and Re-circulation of Applications for Combined Consent to Sever and Minor Variance and Secondary Consent

Dear Sir / Madam,

WSP was retained by Simmonds Architecture to prepare a planning letter in support of two (2) Consent to Sever (Primary and Secondary) and two (2) Minor Variance Application (Primary and Secondary) for the property municipally known as 1469 Portal Street (the “Site”) in the City of Ottawa. This letter provides a planning rationale and professional planning opinion in support of the applications. The intent of the applications is to sever the existing lands and create one (1) new lot to be used for residential purposes. The existing detached dwelling would remain on the retained lands. A new two-storey detached dwelling is proposed to be developed on the severed lands. This is a revision to the planning letter (dated July 13, 2023) previously submitted to the Committee of Adjustment on July 13, 2023.

As a result of the proposed severance line, the interior side yard setback for the existing dwelling on the retained lot is not compliance with the City’s Zoning By-law. Therefore, a new Secondary Minor Variance application has been included with this submission, along with Primary and Secondary Consent applications. A minor variance application for the severed lands will also be required.

Should you have any questions on the contents of this letter or submitted applications, please contact us at Nadia.De-Santi@wsp.com or 613-690-1114, or Jill.MacDonald@wsp.com or 613-690-3936.

Yours truly,

Nadia De Santi, MCIP, RPP
Practice Lead

Jill MacDonald, MCIP, RPP
Project Planner

1 Site Description

The site is legally described as ‘Lots 45 and 46 Registered Plan 453 City of Ottawa’ as per the Topographic Plan of Survey completed by Annis, O’Sullivan, Vollebekk Ltd. (no date). It has a land area of approximately 1,284.1 m² (13,821.9 ft²) and is generally rectangular in shape. The site has approximately 38.2 m (125.3 ft) of frontage along Portal Street (a Local Road running east-west) and 33.5 m (109.9 ft) along Cavendish Road (a Local Road running north-south).

As shown in **Figure 1-1**, the site is a corner lot located southeast of the intersection of Cavendish Road and Portal Street, west of Alta Vista Drive, in Ward 18 – Alta Vista in the City of Ottawa. The site is fully serviced by municipal water and sewer and is currently occupied by a 1.5 storey single-detached dwelling and an accessory building (garage) in the rear yard adjacent to Cavendish Road.

Figure 1-1: Site Location (geoOttawa, 2023)



The surrounding area is predominantly residential with a range of low-rise dwelling types and heights, with 1.5 to 2.5 storey dwellings featured. The site is located in proximity to nearby amenities such as the Billings Bridge Shopping Centre and the Ottawa Hospital Riverside Campus, as shown in **Figure 1-2**.

Figure 1-2: Community Context (WSP, 2023)



A site visit was conducted by WSP on June 4, 2023. Photos contained herein are from WSP, unless otherwise stated. Views of the site and its immediate surroundings are shown in **Figure 1-3 to 1-5**.

Figure 1-3: Existing dwelling at 1469 Portal Street, looking south



Figure 1-4: Existing dwelling, garage and driveway, looking east from Cavendish Road



Figure 1-5: Lands to be severed, looking north towards Portal Street from rear property line





2 The Proposed Development

The proposed development requires four (4) applications – two (2) Consent to Sever Applications (Primary and Secondary), one (1) Minor Variance Application (Primary) for the severed parcel, and one (1) Minor Variance Application (Secondary) for the retained parcel. The two (2) Consent to Sever Applications are intended to create two (2) lots – 1459 Portal Street (address tentative) (“Severed Lands”) and 1469 Portal Street (“Retained Lands”).

The site, which is 38.2 m wide by 33.7 m deep, is proposed to be severed so that a new two-storey detached dwelling could be developed at the east portion of the lot, which is currently vacant. The proposed development on the severed lot would front onto Portal Street. The existing 1.5-storey dwelling and the accessory detached garage on the retained lot would remain, however it is noted that the attached stone porch at the east side of the existing dwelling is planned to be demolished.

The requested minor variances to facilitate the Consent to Sever applications and proposed development are to permit a:

1. reduced lot width for the Severed Lands from 18 m to 15.6 m;
2. reduced lot area for the Severed Lands from 665 m² to 534.7 m²;
3. reduced front yard for the Severed Lands from 6 m to 5.4 m;
4. increased permitted projection in the front yard for a canopy for the Severed Lands from 1.8 m to 3 m; and
5. reduced interior side yard for the Retained Lands from 1.8 m to 1.2 m.

An excerpt of the Site Plan, prepared by Simmonds Architecture, dated September 12, 2023, is provided in **Figure 2-1**.

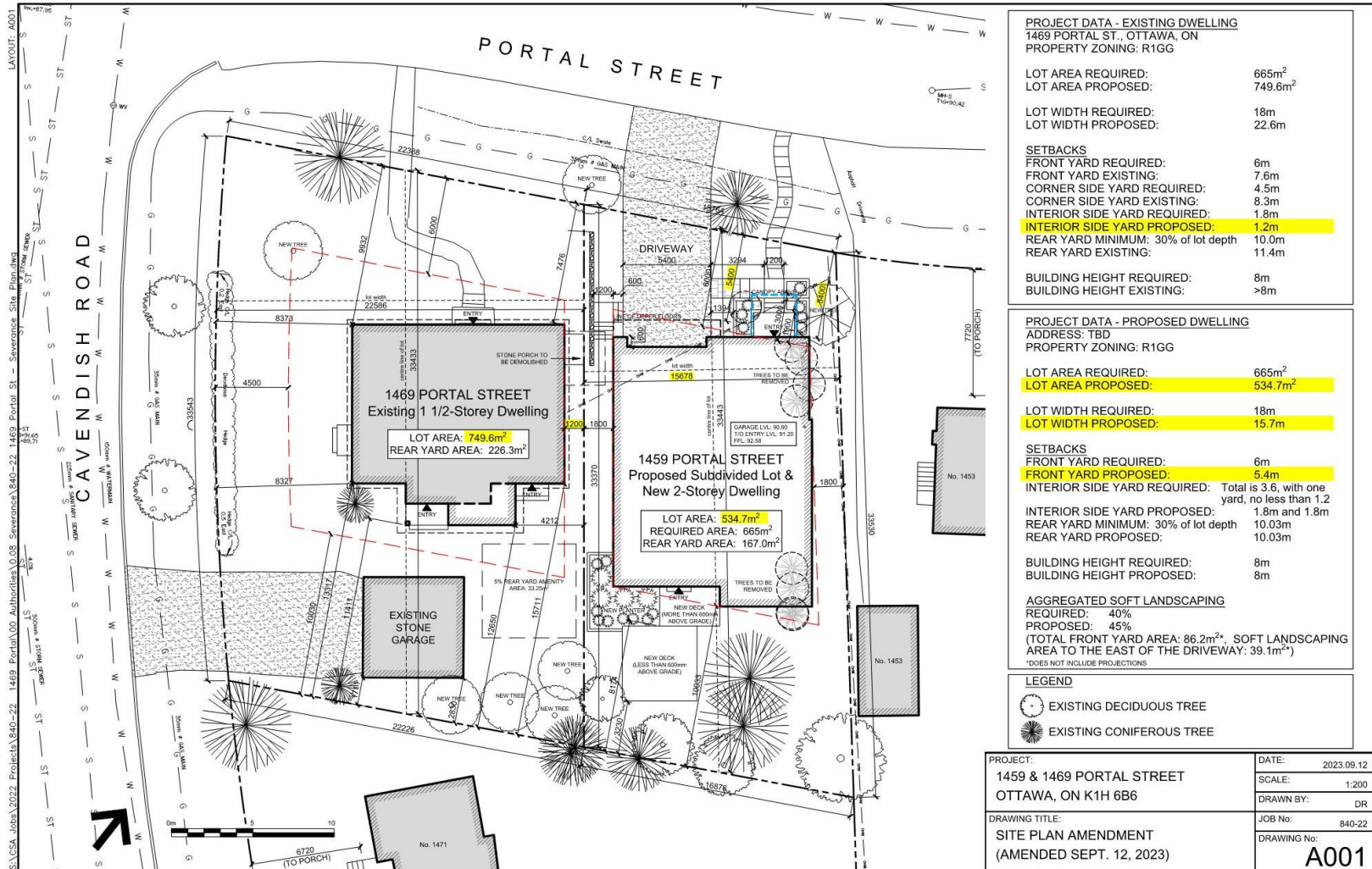
The Draft R-Plan, prepared by Annis, O’Sullivan, Vollebekk Ltd. (no date), is provided in **Figure 2-2** and in **Appendix B**. The Draft R-Plan has been revised to remove Part 2, which was shown as a proposed easement on the previously submitted plan. The lands formerly shown as Part 2 on the previously submitted Draft Reference Plan will be part of the new lot once severed.

A Tree information Report (July 12, 2023) (“TIR”) was prepared by Dendron Forestry Services and is included with the submission to the Committee of Adjustment. The TIR includes an inventory of all trees protected under City of Ottawa Tree Protection By-law No. 2020-340 that are located on the site and on adjacent City property.

Of the fifteen (15) existing trees on the site, five (5) trees are recommended for removal and replacement as they are located within the proposed building envelope on the severed lot. It is recommended that an additional six (6) trees that form part of a wooded area at the rear of the property be preserved and maintained, with two (2) of these trees being considered as compensatory trees as both are highly desirable species and would contribute to the mature tree canopy on site post-development. As shown on the Site Plan, seven (7) new trees will be planted around the site, including three (3) trees along Portal Street and four (2) new trees in the rear yard of the Retained Lands.

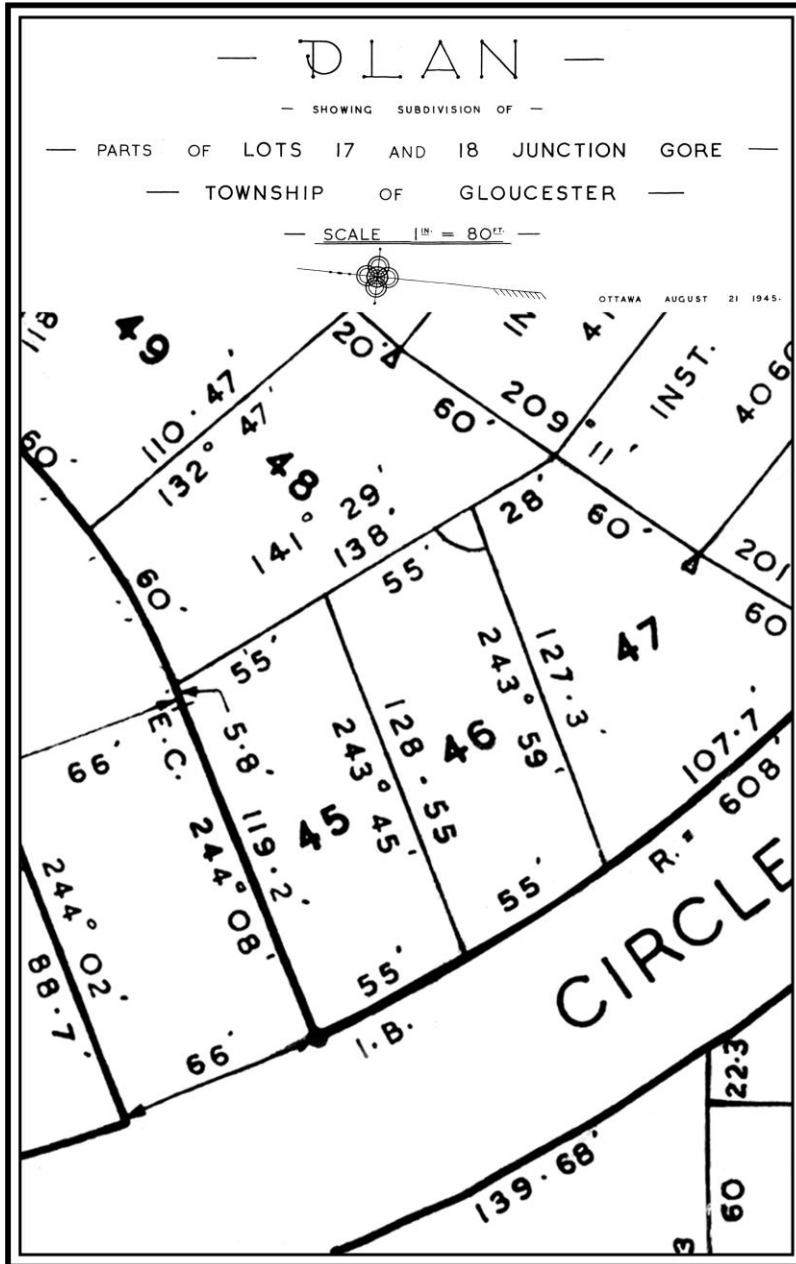


Figure 2-1: Site Plan (Excerpt), prepared by Simmonds Architecture (dated September 12, 2023)



It is also noted that the site was included on a former Draft Plan of Subdivision for 'Part of Lots 17 and 18 Junction Gore, Township of Gloucester', as shown in **Figure 2-3**. The site is shown on the former subdivision plan as Lots 45 and 46, with the entire property at 1469 Portal Street being subdivided into two (2) residential lots. As shown on the former draft plan of subdivision, Cavendish Road was originally referred to as "Eden Circle".

Figure 2-3: Former Draft Plan of Subdivision (approved by the Minister of Planning and Development on April 9, 1946)





3 Policy and Regulatory Framework

3.1 Provincial Policy Statement, 2020

The Provincial Policy Statement, 2020 (PPS) provides policy direction on matters of provincial interest related to land use planning and development. As a key part of Ontario's policy-led planning system, the PPS sets the policy foundation for regulating development and use of land.

The PPS seeks to strike a balance between the province's economic, social and environmental interests through the following:

- Promoting cost-effective development patterns which stimulate economic growth;
- Protecting resources for their economic use and/or environmental benefits; and
- Directing development away from areas where there is a risk to public health and safety or of property damage.

Section 1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns includes policies to sustain healthy, liveable, and safe communities by promoting efficient and cost-effective development and land use patterns and standards, accommodating an appropriate affordable and market-based range and mix of residential types, including affordable housing, and other uses to meet long-term needs, and improving accessibility for persons with disabilities and older persons by addressing land use barriers, and promoting cost-effective development patterns and standards, among other considerations.

Policy 1.1.3.1 directs that settlement areas shall be the focus of growth and development. Policy 1.1.3.2 states that land use patterns within settlement areas shall be based on densities and a mix of land uses which:

1. "efficiently use land and resources;
2. 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; [...]"

Further, Policy 1.1.3.2 states that land use patterns within settlement areas shall be based on a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in Policy 1.1.3.3, where this can be accommodated.

Policy 1.1.3.3 states that planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment.



In addition, Policy 1.1.3.4 states that appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.

Policy 1.4.3 directs planning authorities to provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:

2. “permitting and facilitating:
 2. all forms of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3;
3. directing the development of new housing towards location where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;
4. 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; [...] and
6. establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.”

The proposed Applications for Combined Consent to Sever and Minor Variance Application and Secondary Consent are consistent with the 2020 PPS, as it is intended to enable residential development within a settlement area. The creation of one (1) new detached dwelling contributes to the range of available housing and utilizes land and existing infrastructure efficiently. The proposed Consent to Sever and Minor Variance Applications enable residential intensification on an existing residential lot within the City of Ottawa’s urban boundary.

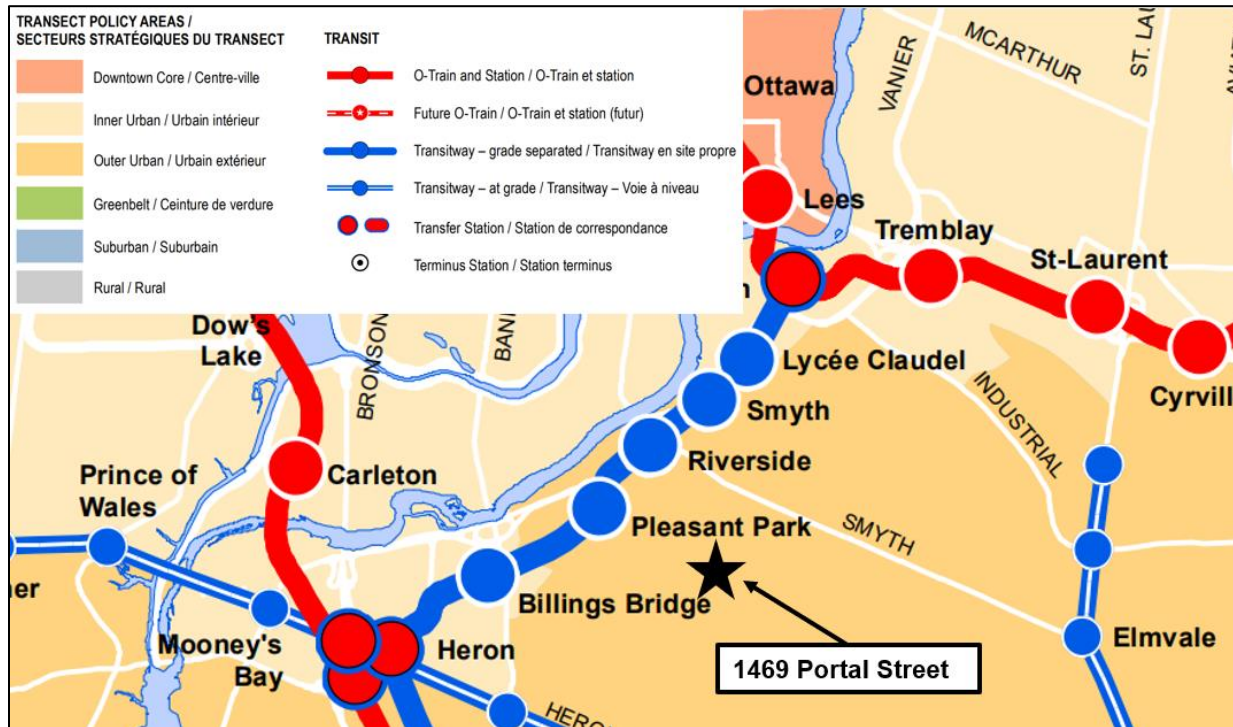
3.2 City of Ottawa Official Plan (Adopted November 24, 2021 and approved by MMAH with Modifications on November 4, 2022)

Ottawa City Council adopted the City of Ottawa Official Plan (“OP”) on November 24, 2021 and the OP was approved by the Ministry of Municipal Affairs and Housing on November 4, 2022 with modifications. The OP sets the vision for how the City will grow and develop to 2046.

In the OP, the site is located within the urban boundary and is part of the Outer Urban Transect as per Schedule A – Transect Areas, as shown in **Figure 3-1**.

The OP states that the Outer Urban Transect is a mature built environment whose classic suburban characteristics of low-density and residential uses are to be maintained and enhanced by the introduction of a diverse housing mix and public transit and active transportation options.

Figure 3-1: Schedule A - Transect Policy Areas (Excerpt), City of Ottawa OP (Adopted November 24, 2021 and approved by MMAH with Modifications on November 4, 2022)



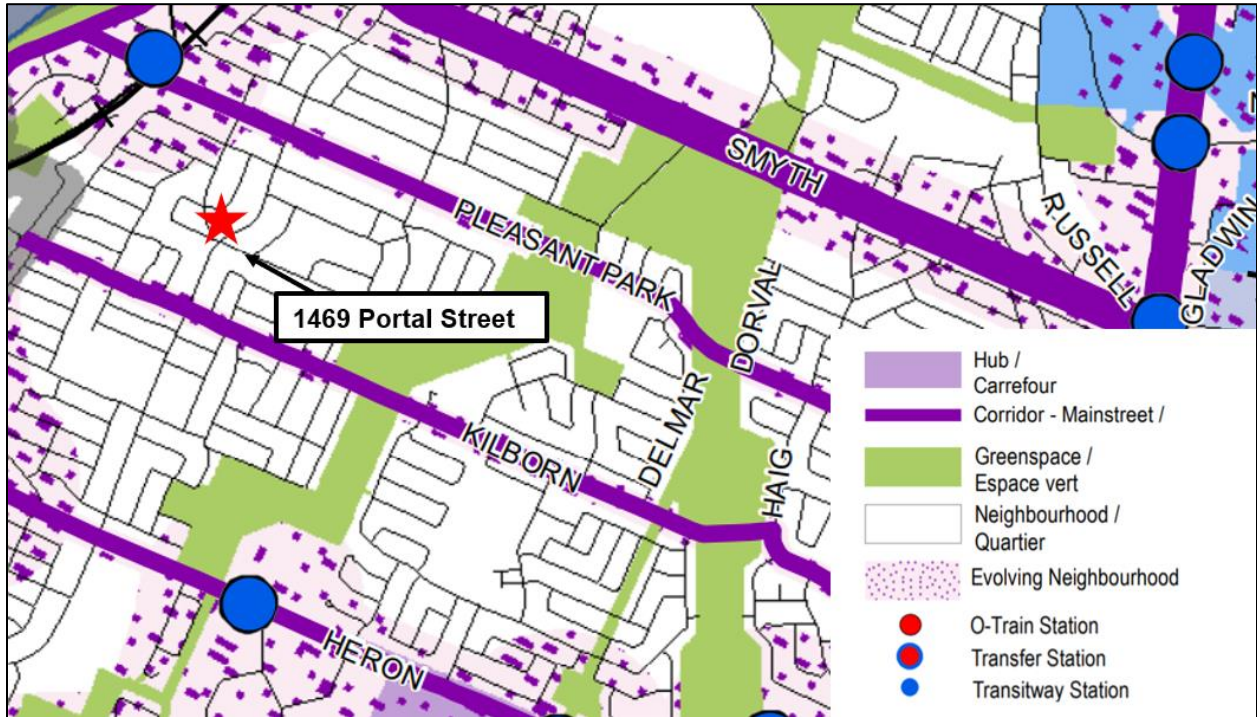
Lands designated as Neighbourhood in the Outer Urban Transect are intended to be developed as low-rise with a required maximum building height of three (3) storeys. Up to four (4) storeys is permitted where appropriate to permit higher-density low-rise residential development.

The site is designated as Neighbourhood as per Schedule B2 - Outer Urban Transect, as shown in **Figure 3-2**. The site is not located within 600 metres of an existing or planned Transitway Station. The Neighbourhood designation permits a range of residential and non-residential built forms. Low-rise building heights are permitted in the Neighbourhood designation. Section 13 of the OP defines low-rise buildings as up to and including four (4) storeys.

The proposed development conforms with the land use designation policies of the OP. It maintains the existing residential use in an established inner urban neighbourhood. The proposed building height of two (2) storeys, which therefore conforms with the maximum building height requirement of the OP of four (4) storeys.

The proposed development conforms to the policies of the Official Plan land designation policies.

Figure 3-2: Schedule B2 - Outer Urban Transect (Excerpt), City of Ottawa OP (Adopted November 24, 2021 and approved by MMAH with Modifications on November 4, 2022)



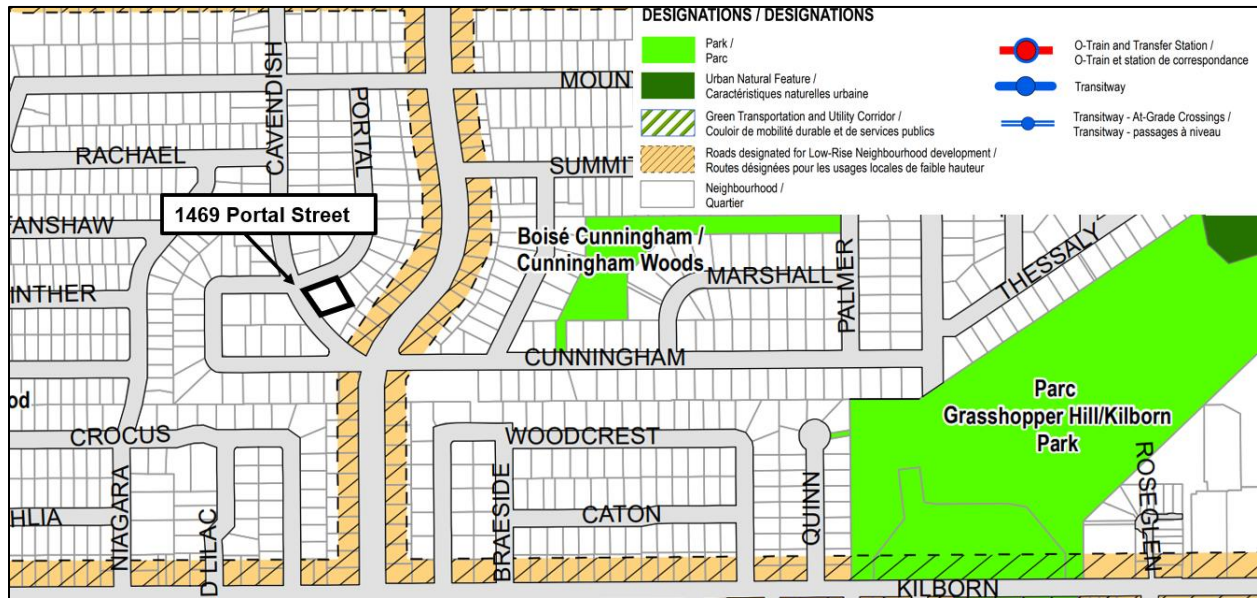
3.2.1 Alta Vista / Faircrest Heights / Riverview Secondary Plan

The site is located within the boundary of the Alta Vista / Fairview Heights / Riverview Park Secondary Plan (November 24, 2021) (“Secondary Plan”) and is designated as Neighbourhood on Schedule A – Designation Plan, shown in **Figure 3-3**.

Section 1.3 establishes the purpose of the Secondary Plan. Policy 1.3.(a) states that it will “ensure that neighbourhood development gently accommodates additional density in building types that complement the scale and form of the existing buildings, employing site designs that maintain the character of the existing neighbourhood, which is defined by low-rise buildings, green front yards and tall trees along the streets.” Policy 1.3.(d) states that it will be ensured that development is in compliance with the policies of the OP and compatible with low-rise neighbourhood areas.

Section 2: Policies includes policies for low-rise development in the Secondary Plan Area. Section 2, Policy 2) addresses private approaches. Policy 2.2(a) states that the “multiplication of individual driveways through increasing private approaches [...] whereby an on-site private parking space for one or two landowners reduces the amount of green front yard, space for healthy tree growth and the viable use of streetside space for street parking and other purposes for all users [...] (i) is generally discouraged”.

Figure 3-3: Schedule A – Designation Plan (Excerpt)



Section 2, Policy 8) requires that existing mature vegetation is to be retained or replaced with vegetation of comparable size, where possible. Where this is not possible, there shall be reinstatement of an appropriate quantity and quality of urban tree canopy on the site of the development.

The proposed development proposes additional low-rise residential development at the southeast corner of Cavendish Road and Portal Street. To accommodate the proposed detached dwelling, the existing private approach (driveway) from the site will be maintained for the retained lot.

Further, as per the TIR, prepared by Dendron Forestry Services (July 12, 2023), the proposed development on the Severed Lands requires the removal of five (5) existing trees to accommodate the new detached dwelling and driveway. As shown on the Site Plan, seven (7) new trees will be planted around the site, including three (3) trees along Portal Street and four (2) new trees in the rear yard of the Retained Lands. The remaining trees along the perimeter of the site, particularly along the rear of the site will be retained, preserving the tree coverage that is located around the perimeter of the site. The new private access will not impact the pedestrian realm as there is no sidewalk on the south side of Portal Street.

3.3 City of Ottawa Comprehensive Zoning By-law 2008-250 (Consolidation September 8, 2021)

Under the City of Ottawa Comprehensive Zoning By-law 2008-250 (Consolidation September 8, 2021), the site is zoned Residential First Density, Subzone GG (R1GG), as shown in **Figure 3-4**.

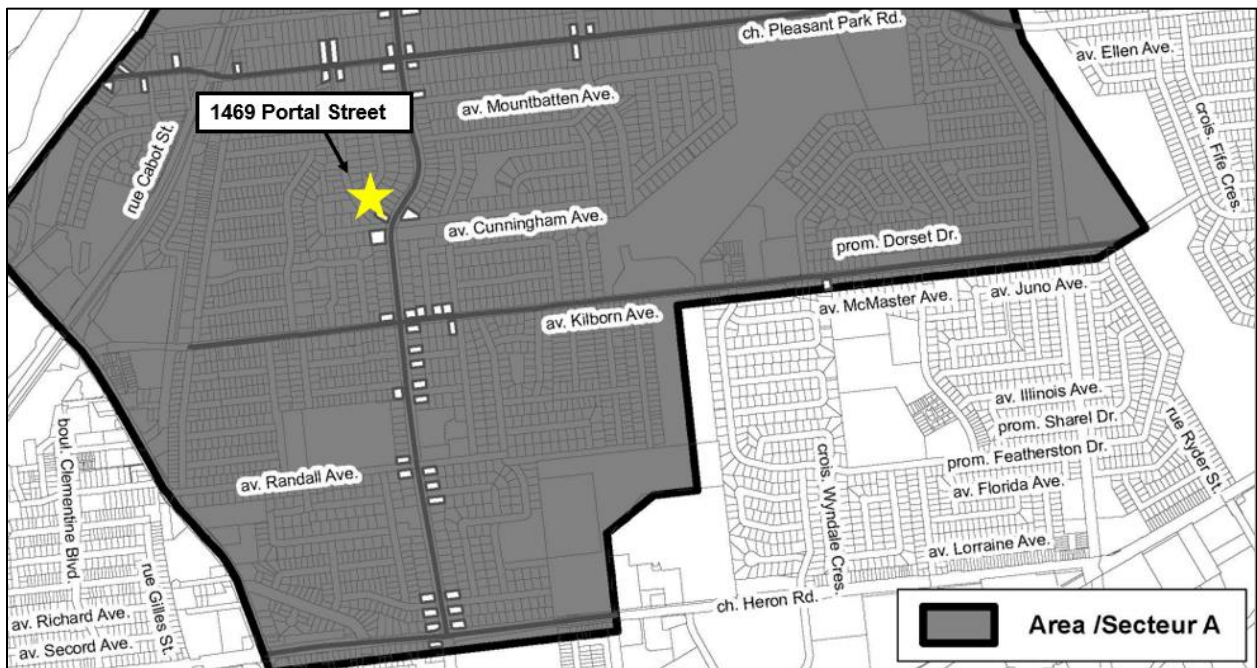
Properties which are immediately adjacent north, east, and west to the site are also zoned Residential First Density, Subzone GG (R1GG).

Figure 3-4: Site Zoning (geoOttawa, 2023)



The site is located in Area A of Schedule 344, as shown in **Figure 3-5**. As such, Section 156, Table 156B - Additional Zoning Provisions, Endnote 3, does not apply to the site.

Figure 3-5: Schedule 344 (Excerpt) (City of Ottawa Zoning By-law 2008-250 (Consolidation September 8, 2021))





3.3.1 RI - Provisions

The general purpose of the RI Zone is to:

- restrict the building form to detached dwellings in areas designated as General Urban Area in the Official Plan;
- allow a number of other residential uses to provide additional housing choices within detached dwelling residential areas;
- permit ancillary uses to the principal residential use to allow residents to work at home;
- regulate development in a manner that is compatible with existing land use patterns so that the detached dwelling, residential character of a neighbourhood is maintained or enhanced; and
- 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 RI Zone generally permits low-density residential uses, including detached dwellings. Subzone GG requires buildings to meet certain performance and design standards depending on the use, including minimum lot width and area, minimum setbacks, and maximum building height, among others.

Based on the Site Plan prepared by Simmonds Architecture (dated September 12, 2023), **Table 3-1** provides a detailed compliance analysis of how the proposed development meets the Zoning By-law provisions for the R1GG Zone.

Table 3-1: Zoning Compliance for Residential First Density, Subzone GG (R1GG)

Zoning Provision	Requirement - R1GG Zone (Detached Dwelling)	Calculation (if applicable)	Compliance (Yes or No)	
			Retained Lands (1469 Portal Street)	Severed Lands
Minimum Lot Width - Sec. 156, Table 156A (ii)	18 m	N/A	Yes - 22.388 m	No - 15.678 m
Minimum Lot Area - Sec. 156, Table 156A (iii)	665 m ²	N/A	Yes - 749.6 m ²	No - 534.7 m²
Maximum Building Height - Sec. 156, Table 156A (iv)	8.0 m	N/A	Yes - 7.9 m	Yes - 8 m
Minimum Front Yard Setback - Sec. 156, Table 156A (v)	6.0 m	N/A	Yes - 7.476 m	No - 5.4 m

Zoning Provision	Requirement - R1GG Zone (Detached Dwelling)	Calculation (if applicable)	Compliance (Yes or No)	
			Retained Lands (1469 Portal Street)	Severed Lands
<p>Alternative Yard Setbacks affecting Low-rise Residential Development in the R1 to R4 Zones within the Greenbelt - Front Yards and Corner Side Yard Setbacks - Sec. 144(1)</p>	<p>(l) The minimum front yard setbacks and minimum corner side yard setbacks are as follows:</p> <p>(a) in the case of an interior lot or through lot, the yard setback must align with the average of the abutting lots' corresponding yard setback abutting the street(s)</p> <p>(b) In the case of a corner lot and corner through lot, the yard setbacks must align with the abutting lots' actual yard setbacks abutting each street, and Section 135 applies</p> <p>(d) Despite the foregoing, the minimum front and/or corner side yard setback need not exceed the minimum required in the Residential subzone in which the lot is located, and in no case may be less than 1.5 m</p>	<p>See Figure 3-6.</p> <p>1471 Cavendish Road front yard setback: 7.4 m</p> <p>1453 Portal Street front yard setback: 6.7 m</p> <p>Average front yard setback: 7.05 m (7.4 m + 6.7 m / 2)</p> <p>The minimum corner side yard setback is 4.5 m.</p> <p>The minimum front yard setback is 6.0 m.</p>	<p>N/A - Should Section 144(1)(b) be applied, the minimum front and corner side yard setbacks would exceed the minimum requirement for Subzone GG.</p> <p>As such, the Subzone GG minimum front and corner side yard setback applies.</p> <p>Corner side yard setback: Yes - 8.327 m</p> <p>Front yard setback: Yes - 7.476 m</p>	<p>N/A - Should Section 144(1)(a) be applied, the minimum front yard setback would exceed the minimum requirement for Subzone GG. As such, the Subzone GG minimum front yard setback applies.</p> <p>Corner side yard setback: N/A - interior lot.</p> <p>Front yard setback: No - 5.4 m</p>
<p>Minimum Corner Side Yard Setback - Sec. 156, Table 156A (vi)</p>	4.5 m	N/A	Yes - 8.327 m	N/A - Interior lot.
<p>Additional Zoning Provisions, Sec. 156, Table 156B(5)</p>	Where development is proposed on a corner lot, See Part V, Section 144:	N/A	N/A - Corner lot, but no new development is proposed.	N/A - Interior lot.

Zoning Provision	Requirement - R1GG Zone (Detached Dwelling)	Calculation (if applicable)	Compliance (Yes or No)	
			Retained Lands (1469 Portal Street)	Severed Lands
	<p>(i) Despite the minimum front yard setback provision in column V of Table 156A, on an interior lot with a lot width greater than 36 metres in Area A on Schedule 343: any part of a detached dwelling that is wider than 60 per cent of the permitted width of the building envelope must be setback a further 2 metres from the front lot line than the rest of the front building façade; and</p> <p>(ii) no part of an attached or detached garage or carport may be located closer to the front lot line than the front wall of the principal building.</p>		The existing dwelling will remain.	
Minimum Rear Yard Setback - Sec. 156, Table 156A (vii)	<p>Varies - Footnote 7:</p> <p>For lots located within S. 342, see Part V, Section 144 - Alternative Yard Setbacks for Low-rise Dwellings in the Greenbelt.</p>	N/A	As per Section 144 - Alternative Yard Setbacks	As per Section 144 - Alternative Yard Setbacks.
Minimum Rear Yard Setback Alternative Yard Setbacks affecting Low-rise Residential	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	Retained Lands (1469 Portal Street): Proposed rear yard	<p>Yes - Rear Yard Area: 226.3 m²</p> <p>Lot depth: 33.433 m</p>	<p>Yes - Rear Yard Area: 167 m²</p> <p>Lot depth: 33.433 m</p> <p>Rear Yard Setback: Yes - 10.033 m proposed</p>



Zoning Provision	Requirement - RIGG Zone (Detached Dwelling)	Calculation (if applicable)	Compliance (Yes or No)	
			Retained Lands (1469 Portal Street)	Severed Lands
<p>Development in the R1 to R4 Zones within the Greenbelt - Rear Yards on Interior or Through Lots - Sec. 144(3)(a)(i), Table 144B</p>	<p>Planned Unit Development:</p> <p>(a) the rear yard must comprise at least 25% of the lot area; and the minimum rear yard setback is pursuant to Table 144A or Table 144B below.</p> <p>Table 144B(i) lot depth greater than 33 m: 30% of the lot depth</p> <p>Table 144B(v) lot depth greater than 33 m: 30% of lot depth</p>	<p>area - 226.3 m²</p> <p>Rear yard area equal to 25% of lot area: 0.25 x 749.5 m² = 187.4 m² (required)</p> <p>Rear yard setback equal to 30% of lot depth: 0.30 x 33.433 m = 10.03 m = 10 m (rounded)</p> <p>Severed Lands: Proposed rear yard area - 167 m²</p> <p>Rear yard area equal to 25% of lot area: 0.25 x 534.6 m² = 133.65 m² (required)</p> <p>Rear yard setback equal to 30% of lot depth: 0.30 x 33.443 m = 10.03 m</p>	<p>Rear Yard Setback: Yes - 11.411 m proposed.</p>	

Zoning Provision	Requirement - R1GG Zone (Detached Dwelling)	Calculation (if applicable)	Compliance (Yes or No)	
			Retained Lands (1469 Portal Street)	Severed Lands
		= 10 m (rounded)		
<p>Rear Yards on Corner Lots</p> <p>Alternative Yard Setbacks affecting Low-rise Residential Development in the R1 to R4 Zones within the Greenbelt - Rear Yards on Corner Lots - Sec. 144(4)</p>	<p>(4) Detached Dwellings</p> <p>(a) in the case of a corner lot in the R1 Zone within Schedule 342 that is not severed, the minimum rear yard setback is that which is required in the Residential Subzone applicable to the lot,</p> <p>(b) in the case of a corner lot in the R1 Zone within Schedule 342 but excluding Area A of Schedule 344, despite the minimum required lot area in the R1A, AA, B, BB, C, CC, E, G, GG zones in Table 156A, where both water and wastewater municipal services are present, a minimum lot area of no less than 49 per cent of the required minimum lot area of the subzone may be applied if [...]</p>		<p>Yes - Located in Area of Schedule 344 so Sec. 144(4)(b) does not apply.</p>	<p>N/A - Not a corner lot.</p>
	<p>(c) here a corner lot is severed into two lots in accordance with (b), the following provisions also apply:</p> <p>(i) where the side lot line abutting a street</p>	<p>Retained Lands: R1GG Min. Lot Area required = 665 m²</p>	<p>Yes - 33.25 m²</p>	<p>N/A - Not a corner lot.</p>

Zoning Provision	Requirement - RIGG Zone (Detached Dwelling)	Calculation (if applicable)	Compliance (Yes or No)	
			Retained Lands (1469 Portal Street)	Severed Lands
	<p>becomes the front lot line,</p> <p>(ii) the minimum front yard setback is the same as the corner side yard setback of the subzone,</p> <p>(iii) the minimum front yard setback for the interior lot is the same as the corner side yard setback of the subzone,</p> <p>(iv) the minimum rear yard setback for the corner lot is the same as the required interior side yard setback of the subzone,</p> <p>(v) the corner lot must provide an at-grade amenity area equivalent to at least 5% of the minimum lot area required in the subzone, in addition to all required setbacks, that must be abutting the minimum required rear yard required under (iii).</p>	$5\% * (665 \text{ m}^2) = 33.25 \text{ m}^2$		
Minimum Interior Side Yard Setback - Sec. 156, Table 156A (viii)	Total 3.6 m, with one yard, no less than 1.2 m	N/A	Yes - East: 1.2 m	Yes - East: 1.8 m West: 1.8 m Total = 3.6 m
Interior Side Yard Setback for Corner Lots	<p>(2) The minimum interior side yard:</p> <p>(b) On a corner lot where there is only</p>	RIGG Subzone required interior side yard setback	No - East: 1.2 m	N/A - Not a corner lot.



Zoning Provision	Requirement - R1GG Zone (Detached Dwelling)	Calculation (if applicable)	Compliance (Yes or No)	
			Retained Lands (1469 Portal Street)	Severed Lands
Alternative Yard Setbacks affecting Low-rise Residential Development in the R1 to R4 Zones within the Greenbelt - Interior Side Yards - Sec. 144(2)(b)(iii), Table 144B	<p>one interior side yard required, the minimum setback for that yard must be:</p> <p>(i) the minimum interior side yard setback prescribed in the Residential subzone, or</p> <p>(ii) the larger of the two subzone-specific minimum interior side yard requirements prescribed in the Residential subzone, or</p> <p>(iii) where only a required minimum total interior side yard is prescribed, the minimum interior side yard setback must equal at least 50% of the required minimum total interior side yard setback.</p>	<p>(Sec. 156, Table 156A (viii): 3.6 m</p> <p>50% *(3.6 m) = 1.8 m</p>		

Figure 3-6: Abutting property setbacks for the purposes of determining compliance with Section 144(1) – 1471 Cavendish Road and 1453 Portal Street (geoOttawa, 2023)



3.3.2 Section 139 – Low-Rise Residential Development in all Neighbourhoods within the Greenbelt

Section 139 of the Zoning By-law contains provisions for all low-rise residential development in the R1, R2, R3 and R4 zones within Area A on Schedule 342 (inside the Greenbelt), as set out in **Table 3-2**.

Table 3-2: Provisions for Low-Rise Development in the Greenbelt

Zoning Provision	Requirement	Calculation (if applicable)	Compliance (Yes or No)	
			Retained Lands (1469 Portal Street)	Severed Lands
Minimum aggregated soft landscaping of front and corner side yard, Sec. 139, Table 139	Front / Corner Side Yard Setback: 3 m+; In the case of any lot with a width of 12 m or more, 40%	N/A	Yes – Soft landscaping in the front and corner yard of the Retained Lands will remain unchanged.	Yes – 45.4% (Total Front Yard Area: 86 m ² ; soft landscaping to east of the new driveway: 39.1 m ²)

Zoning Provision	Requirement	Calculation (if applicable)	Compliance (Yes or No)	
			Retained Lands (1469 Portal Street)	Severed Lands
Maximum width, double-wide driveway, Sec 139, Table 139(3)(vi)	Minimum lot width: 18 m or greater: 6 m	N/A	N/A - Walkway at 1469 Portal Street is an existing condition.	Yes - 5.4 m
Minimum additional garage entrance setback from principal entrance, Sec. 139(3)(a)	0.6 m	N/A	N/A - existing garage is detached.	Yes - the garage for the new dwelling on the Severed Lands is recessed by 0.6 m from the principal entrance.
Walkways, Sec. 139(4)	(4) Where a walkway extends from the right-of-way, it must be separated from any driveway by at least 0.6m of soft landscaping.	N/A	N/A - Existing walkway extends from different lot line than existing driveway.	Yes - 2.8 m of soft landscaping is proposed between the walkway and new driveway.
	(5) The width of walkway may not exceed: (ii) Any other residential use building: 1.2 m	N/A	N/A - Walkway at 1469 Portal Street is an existing condition.	Yes - 1.2 m

3.3.3 Section 65 - Permitted Projections

The Zoning By-law contains provisions for permitted projections above the height limit and permitted projections into required yards, as set out in **Table 3-3**.

Table 3-3: Provisions for Permitted Projections Above Height Limit / into Required Yards

Zoning Provision	Requirement	Calculation (if applicable)	Compliance (Yes or No)
Permitted projections above the height limit - Sec. 64	Except in the case of buildings or structures located within the area shown on Schedules 11 to 88 (Central Area Height Schedules), the maximum height limits do not apply to the structures listed below or to any other similar structures that may require a height in excess of maximum height limits in order to serve their intended purpose, unless otherwise specified in the by-law	N/A	N/A

Zoning Provision	Requirement	Calculation (if applicable)	Compliance (Yes or No)
	<p>and provided these structures are erected only to such height or area as is necessary to accomplish the purpose they are to serve and that is necessary to operate effectively and safely:</p> <p>(2) Mechanical and service equipment penthouse, elevator or stairway penthouse</p>		
Chimney, chimney box and fireplace box, Sec. 65, Table 65(1)	1 m, but not closer than 0.6 m to a lot line	N/A	N/A
Eaves, eaves-troughs and gutters, Sec. 65, Table 65(2)	1 m, but not closer than 0.3 m to a lot line	N/A	N/A
Ornamental elements such as sills, belt courses, cornices, parapets and pilasters, Sec. 65, Table 65(3)	0.6 m, but not closer than 0.6 m to a lot line	N/A	N/A
Canopies and awnings, Sec. 65, Table 65(4)	(a) Residential use buildings other than low-rise apartment dwellings and mid-high rise apartment dwellings: 1.8 m, but not closer than 0.6 m to a lot line	N/A	No - The proposed canopy for the new dwelling on the Severed Lands projects 3 m into the front yard.
Fire escapes, open stairways, stoop, landing, steps and ramps - Sec. 65, Table 65(5)	<p>(b) Other features:</p> <p>i) where at or below the floor level of the first floor:</p> <ol style="list-style-type: none"> 1. in the case of the interior side yard or rear yard: no limit, and 2. in the case of the front yard or corner side yard: no closer than 0.6m to a lot line, and <p>ii) other cases:</p> <ol style="list-style-type: none"> 1. In the case of any yard: 1.5m, but not closer than 1 m to a lot line; except that, switchback stairs and landings may project 2.2 m into the rear yard where these are 	N/A	N/A

Zoning Provision	Requirement	Calculation (if applicable)	Compliance (Yes or No)
	intended to provide a means of egress for dwelling units located on the second and higher storeys.		
Covered or uncovered balcony, porch, deck, platform and verandah, with a maximum of two enclosed sides, excluding those covered by canopies and awnings, Sec. 65, Table 65(6)	<p>a) uncovered, unenclosed features such as decks or platforms where the walking surface is not higher than 0.6 m above adjacent grade:</p> <p>(i) in the interior side yard and rear yard: no limit</p> <p>(b) In the R1, R2, R3 and R4 Zones within Area A of Schedule 342: (i) (6)(a) applies, and</p> <p>(iv) in all other cases, the maximum projection is 2 m, but no closer than 1 m from any lot line.</p>	N/A	<p>Retained lands (1469 Portal Street): N/A – Front porch is an existing condition. No changes are proposed.</p> <p>Severed lands (1459 Portal Street): Front porch: Yes – 1.903 m</p> <p>Rear deck: Yes – The deck is located in the rear yard and the walking surface is not located higher than 0.6 m above grade. As such, Sec. 65, Table 65(6)(a)(i) applies – no limit.</p>
Bay window where window faces a lot line, Sec. 65, Table 65(7)	1 m, but not closer than 1.2 m from a lot line	N/A	N/A
Air conditioner condenser, heat pump or similar equipment, Sec. 65, Table 65(8)	1 m, but not closer to a lot line than 0.3 m, and may not be located in a front yard or a corner side yard	N/A	N/A

3.3.4 Parking Provisions

The Zoning By-law contains provisions for parking, as set out in **Table 3-4**. The site is within Area B on Zoning By-law Schedule 1A.

Table 3-4: Parking Provisions

Zoning Provision	Requirement	Calculation (if applicable)	Compliance (Yes or No)
Minimum parking space rate for Area B – Detached	1 per dwelling unit or oversize dwelling unit	N/A	Retained and Severed Lands:



Zoning Provision	Requirement	Calculation (if applicable)	Compliance (Yes or No)
Dwelling - Sec. 101, Table 101			Yes - 1 parking space per dwelling unit provided in the garage.
Minimum driveway width for a detached dwelling - Sec. 107(3)(a)	2.6 m	N/A	N/A - Section 139(2) applies.
Driveway Regulations - Sec 139(2)	(c) Any driveway, other than a shared driveway, must be separated from any interior side lot line by a landscaped strip not less than 0.15m in width, and consisting of: i. soft landscaping, or ii. pavers or interlock brick in a pattern distinct from that of the driveway.	N/A	Retained Lands (1469 Portal Street): N/A - Driveway is an existing condition. Severed Lands: Yes - Proposed driveway is separated from the western interior lot line by 1.8 m of soft landscaping.
Driveway Regulations - Sec. 139(2), Table 139(3)	(vi) Minimum lot width: 18 m or greater: Maximum width of a double-wide driveway (m): 6 m	N/A	Retained Lands (1469 Portal Street): N/A - Driveway is an existing condition. Severed Lands: Yes - 5.4 m

4 Summary of Opinion

4.1 Consent to Sever Applications

It is the professional opinion of WSP that the proposed two (2) Consent to Sever Applications (Primary and Secondary) at 1469 Portal Street represents good land use planning and is appropriate for the site for the following reasons:

- The proposed Consent to Sever Applications support and are consistent with the 2020 Provincial Policy Statement;
- The proposed Consent to Sever applications conform with the land use designations and the policies for Consents; and
- The proposed Consent to Sever applications complies with the general intent and purpose of the Zoning By-law.



Section 51(24) of the Planning Act lists criteria that should be evaluated in determining whether a provisional consent is to be given. The approving body evaluates the merits of each proposal against the criteria. The proposed Consent to Sever Applications meets the following criteria:

a) The effect of development on matters of provincial interest:

- The proposed consent with the policy direction of the 2020 Provincial Policy Statement, as it would enable residential development within a settlement area that utilizes land, existing infrastructure, and planned infrastructure efficiently. It would also enable housing that contributes to the housing options in the neighbourhood in a manner that does not result in negative social, health or economic impacts. Further, the proposed Consents will allow for the gentle intensification of lands within the urban area that will make efficient use of the land and the existing infrastructure.

b) Whether the Consent to Sever Applications are premature or in the public interest;

- The proposed Consent applications are in the public interest in that it would enable the creation of an additional lot to accommodate residential development of a similar scale to the surrounding properties. It is not premature as the proposed development would constitute a form of redevelopment in the neighbourhood that retains the low-rise, low-density character of the neighbourhood.

c) Whether the proposed Consent to Sever Applications conform to the Official Plan and adjacent plans of subdivision, if any;

- The proposed Consents conform to the strategic directions of City of Ottawa OP by accommodating growth within the inner urban area in a manner that preserves the low-rise, detached dwelling character of the neighbourhood while increasing the housing supply. Further, the proposed development conforms to the maximum building height permitted within the Neighbourhood designation of four (4) storeys.

d) The suitability of the land for the purposes for which it is to be subdivided;

- The site is located within an established residential neighbourhood comprised of detached dwellings. The proposed Consents would enable the site to be subdivided to accommodate a detached dwelling that is of a similar scale. The residential development maintains the function of the site and is unlikely to result in negative impacts on the surrounding properties. Therefore, the lands are suitable for the proposed Consents.

(d.1) If any housing units are being proposed, the suitability of the proposed units for affordable housing;

- No affordable units are proposed.

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;



- No highways are proposed as part of the Consent to Sever Applications and the site is not in proximity to any highways.
- f) The dimensions and shapes of the proposed lots;**
 - The Retained Lands meet the minimum lot area and lot width requirements as identified in the City of Ottawa Zoning By-law. A Minor Variance application is being sought for lot area and lot width for the Severed Lands.
- g) The restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;**
 - There are no existing easements that apply to the site.
- h) Conservation of natural resources and flood control;**
 - The site is not within a flood plain.
- i) The adequacy of utilities and municipal services;**
 - The Retained Lands and the Severed Lands are fully serviced by existing utilities and municipal services.
- j) The adequacy of school sites;**
 - The site is in proximity to multiple schools including Alta Vista Public School (1 km), Pleasant Park Public School (1.8 km), and St. Gemma Elementary School (1.8 km).
- 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 purposes as the proposed development consists of a new detached dwelling.
- l) The extent to which the plan's design optimizes the available supply, means of supplying and efficient use and conservation of energy;**
 - Energy is to be supplied using the extension of existing power infrastructure.
- 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).**
 - Site Plan Control approval will not be required as the proposed detached dwelling is exempt under the City of Ottawa Site Plan Control By-law (By-law No. 2014-256, as amended).



4.2 Minor Variance Applications

It is the professional opinion of WSP that the proposed development at 1469 Portal Street, which requires five (5) minor variances to enable the two (2) Consent to Sever applications and proposed development of one (1) new detached dwelling represents good land use planning and is appropriate for the site, based on the following reasons:

- The proposed development is permitted in the applicable land use designation and conforms to the strategic directions and policies of the Official Plan.
- The proposed development is compatible with adjacent existing development which includes low-rise residential uses and a low-rise institutional use.
- The proposed development complies with the general intent of the Zoning By-law. Four (4) minor variances are required to enable the proposed Consent to Sever applications and proposed development to comply with the Zoning By-law:
 1. To permit a reduced lot width for the Severed Lands of 15.6 m, whereas the by-law requires 18 m;
 2. To permit a reduced lot area for the Severed Lands of 534.7 m², where the by-law requires 665 m²;
 3. To permit a reduced front yard for the Severed Lands of 5.4 m, where the by-law requires 6 m;
 4. To permit an increased permitted projection in the front yard for a canopy for the Severed Lands from 1.8 m to 3 m; and
 5. To permit a reduced front yard setback for the Retained Lands of 1.2 m, where the by-law requires 1.8 m.

Under Section 45(1) of the Planning Act, there are four (4) tests that a minor variance must meet:

(i) Are the variances minor?

- The variances to permit a reduction in the total lot area, lot width, and front yard are to accommodate the new building footprint of the proposed detached dwelling on the Severed Lands. The reduction in lot area, lot width, and front yard would enable the current residential use of a detached dwelling to continue through the proposed development and would not result in negative impacts on the overall appearance and function of the site or neighbourhood.
- The requested variance to permit a reduction for the interior side yard setback for the Retained Lands is minor as it is required to bring the Retained Lands into compliance, as a result of the severance line. The existing dwelling on the Retained Lands will remain.
- The proposed development would maintain the existing vehicle access from Cavendish Road and add a new vehicle access along Portal Street, a low-volume traffic Local Road.

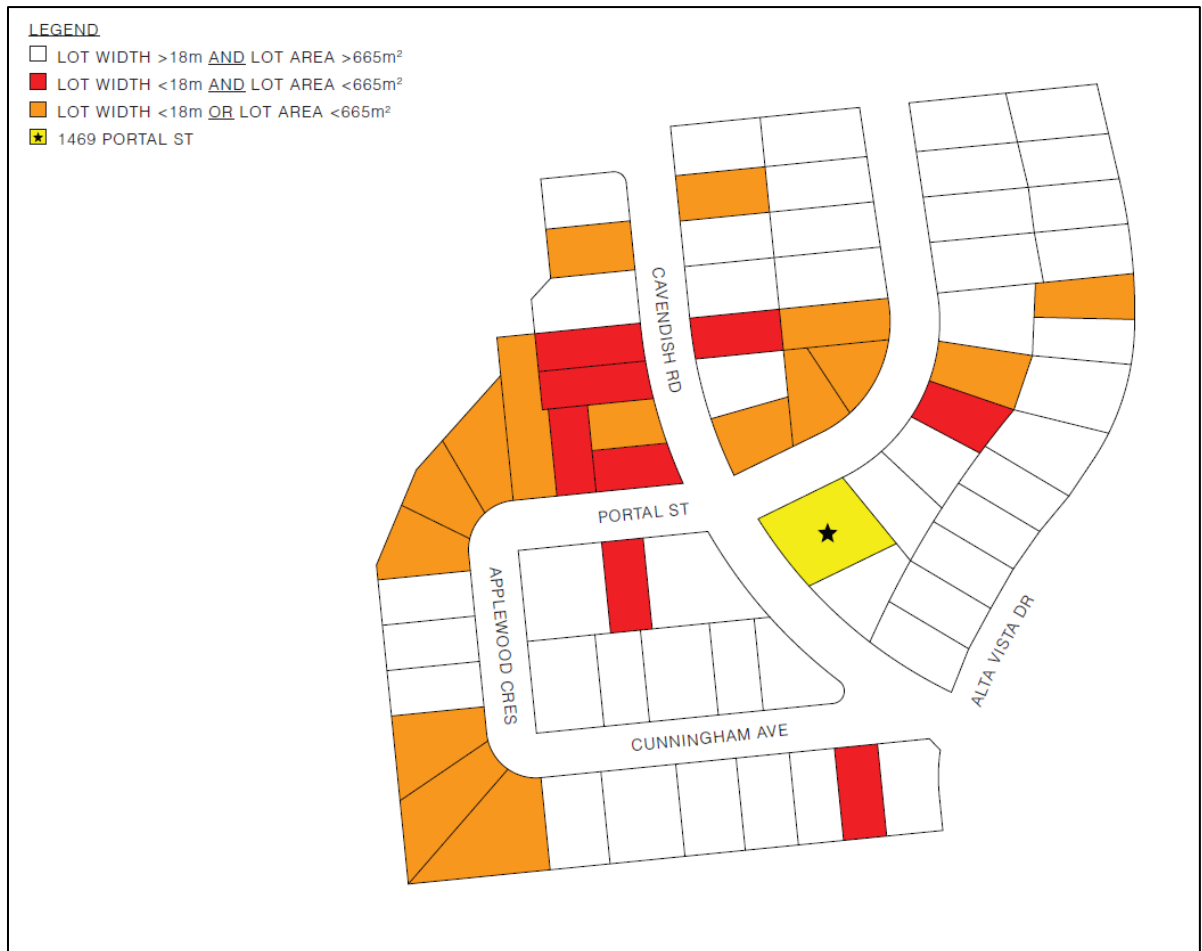
The new vehicle access has been proposed from Portal Street instead of one from Cavendish Road, and will be in keeping with the existing driveway locations from Portal Street.

- Further, the new detached dwelling being proposed would improve the overall appearance of the street. The variances being sought do not result in an undesirable, incompatible size or density of development.

(ii) Are the variances desirable for the appropriate development of the lands in question?

- The variances are desirable and appropriate for the development of the site because they would enable the development of a new detached dwelling. The proposed detached dwelling would utilize the rectangular-shaped lot effectively by creating one (1) new lot for a detached dwelling, while complying with all other required zoning provisions, excepting the front yard and proposed canopy projecting into the front yard. The proposed development maintains the existing residential use of the site and the Alta Vista neighbourhood, therefore representing an appropriate use of the land. A Neighbourhood Lot Analysis was prepared by Simmonds Architecture (no date), which illustrates the surrounding neighbourhood context around the site (**Figure 4-1**).

Figure 4-1: Neighbourhood Lot Analysis, prepared by Simmonds Architecture (no date)





There are approximately eight (8) properties in the surrounding area that have lot widths and lot areas that are non-compliant with the applicable R1GG Zone (i.e. lot width less than 18 m and lot area less than 665 m²). One (1) of these properties is located on Portal Street. Additionally, there are approximately sixteen (16) properties in the area that have a lot width **or** lot area that are non-compliant. As such, the proposed lot area and lot width for the Severed Lands is in keeping with other similar residential properties in the surrounding neighbourhood and can be considered appropriate for the future development of the lands.

- Further, the redevelopment of the site with the proposed variances would add low-rise residential housing options in the community at a scale that is compatible with the surrounding context which is predominately 1.5 to 2-storey single- detached dwellings. The proposed development has been designed with setbacks and landscaping that respect the abutting properties.
- The proposed lot configurations and siting of the new dwelling has been designed to minimize impacts on the existing trees and canopy cover that is unique to the site. While five (5) trees are proposed to be removed to accommodate the proposed dwelling on the Severed Lands, the remaining trees and vegetation in the rear would be preserved and are identified as highly desirable species that should be maintained. Additionally, seven (7) new trees will be planted around the site, including three (3) trees along Portal Street and four (2) new trees in the rear yard of the Retained Lands.

(iii) Does the variances maintain the general intent and purpose of the Zoning By-law?

- The intended use of the site and general form of the proposed new detached dwelling and maintaining of the existing detached dwelling complies with the general intent and purpose of the Zoning By-law. The site is zoned Residential First Density, Subzone GG (R1GG). The general intent of the R1 Zone is to restrict the building form to detached dwellings in areas designated and maintain the compatibility and character of the residential neighbourhood. The proposed variances maintain the existing residential use (detached dwelling), which is of a scale that is compatible with the surrounding low-rise residential neighbourhood.
- The proposed development complies with all of the zoning requirements for the Severed Lands, except for the minimum lot frontage, lot area, and front yard. Under Section 144(4)(b) of the Zoning By-law, corner lots zoned R1GG are eligible to have reduced lot areas equal to 49 percent of the minimum required lot area. Under this provision, the minimum required lot area for the R1GG zone would be 325.85 m² (665 m² x 49%). The reduced lot area is permitted provided that three (3) criteria are met: permission to sever into two (2) lots must be granted; only one (1) detached dwelling may be built on each lot; and each of the detached dwellings must have their front wall and driveways facing frontage on different streets.
- For the proposed development, the reduced lot area provision has not been applied as the proposed lot area of the Retained Lands (corner lot) is in compliance with the R1GG zone. As previously discussed, this site configuration is beneficial because it reduces



potential conflicts for vehicle and pedestrian traffic that may be created if both driveways were from Cavendish Road. Therefore, the proposed variances enable a lot configuration and proposed development that reduces potential impacts on the community while also complying with all other zoning provisions.

(iv) Does the variances maintain the general intent and purpose of the Official Plan?

- The proposed development is designated as Neighbourhood, where low-rise residential development up to four storeys is supported through Official Plan policies. The development of a new two-storey detached dwelling conforms with the OP policies as it constitutes low-rise residential development that is compatible with the existing residential neighbourhood, which consists of a mix of 1- and 2 storey detached dwellings. The variances being requested support the City's goals of increasing housing options while maintaining the character of the surrounding residential development in terms of land use, size, scale, and design of the built form.

The proposed development meets the four (4) tests for Minor Variance under the Planning Act.

In conclusion, the Consent to Sever and Minor Variance applications to support the proposed development at 1469 Portal Street represent good planning and are in the public interest.

Should you have any further questions or require additional information regarding the content of this memo, please feel free to contact me at 613-690-1114 or Nadia.De-Santi@wsp.com or Jill MacDonald at 613-690-3936 or Jill.MacDonald@wsp.com.

Yours truly,

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