

2023-10-6

City of Ottawa | Ville d'Ottawa
Comité de dérogation

October 6, 2023

Committee of Adjustment
101 Centrepointe Drive, Ottawa, ON K2G 5K7Attention: Mr. Michel Bellemare, Secretary-Treasurer
Committee of Adjustment

Dear Mr. Bellemare,

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

Re: Combined Applications for Consent and Minor Variance
49 Fairmont Avenue, Ottawa ON

JD Planning has been retained by 10947342 Canada Inc. (the 'Owner') to submit Combined Applications for Consent and Minor Variance for the property municipally known as 49 Fairmont Avenue (the 'site'). The site is an interior lot with frontage on the east side of Fairmont Avenue with rear lane access from a City-owned and travelled laneway, and presently contains a three-storey multi-unit building which will be demolished. The proposal is to sever the lot in three parcels to create three new lots for the purpose of developing one new long semi-detached dwelling on each parcel. There are proposed mutual rights-of-way and easements as well as Joint Use and Maintenance Agreements to be assigned across all three lots for access and maintenance. The proposed development is intended to provide rental housing typology in the urban area in the format of larger family-sized dwelling units. To facilitate the construction, authority of the Committee of Adjustment is required for consents and minor variances.



Figure 1. Rendering of proposed development looking east from Fairmont Avenue, prepared by Colizza Bruni Architecture

PROPOSED CONSENTS & MINOR VARIANCES

The proposed applications to Committee of Adjustment are set out below, with full details set out later in this report.

APPLICATION 1: Primary Combined Applications for Consent & Minor Variance

- Lot A: Parts 1 & 2 (Units 1 & 2)
- Proposal to sever lot A from Lots B & C with easements and Right-of-Ways (ROWs) for access and maintenance

APPLICATION 2A: Secondary Combined Applications for Consent & Minor Variance

- Lot B: Parts 3, 4, 5, 6 & 7 (Units 3 & 4)
- Proposal to sever Lot B from Lots A & C with easements and ROWs for access and maintenance

APPLICATION 2B: Secondary Combined Applications for Consent & Minor Variance

- Lot C: Parts 8 & 9 (Units 5 & 6)
- Proposal to Sever Lot C from Lots A & B with easements and ROWs for access and maintenance

Each lot and proposed building require several minor variances, many of which are the same across all three parcels; however, are to be applied independently to each proposed new lot. The proposed long semi-detached dwellings are to be considered one lot for zoning purposes. The required minor variances are as follows:

Lot A (Parts 1 & 2 / Units 1 & 2):

- a) To permit a minimum lot width of 7.10 metres whereas the by-law requires 10.0 metres (Table 162);
- b) To permit a minimum lot area of 211.3 square metres whereas the by-law requires 300.0 square metres (Table 162);
- c) To permit a minimum rear yard setback of 28% of the lot depth or 8.33 metres whereas the by-law requires 30% of the lot depth or 8.93 metres in this case (Table 144A(i));
- d) To permit the principal entrance to be located on the side façade not facing the street whereas the by-law requires that at least one principal entrance must be located on the front façade and facing the street per the dominant character as determined by a Streetscape Character Analysis (Section 140(9)(c) & Table 140C);
- e) To permit a new doorway entrance on the front wall for a Secondary Dwelling Unit, whereas the by-law does not permit a Secondary Dwelling Unit to result in a new entrance to the front wall (Section 133(9)); and,
- f) To permit a canopy to project to 0.0 metres to the interior side lot line whereas the by-law requires a canopy project no closer than 0.6 metres to a lot line (Table 65(4)(a)).

Lot B (Parts 3, 4, 5, 6 & 7 / Units 3 & 4):

- g) To permit a minimum lot width of 6.49 metres whereas the by-law requires 10.0 metres (Table 162);
- h) To permit a minimum lot area of 193.10 square metres whereas the by-law requires 300.0 square metres (Table 162);

- i) To permit a minimum rear yard setback of 28% of the lot depth or 8.33 metres whereas the by-law requires 30% of the lot depth or 8.93 metres in this case (Table 144A(i);
- j) To permit a minimum interior side yard setback of 0.6 metres along both side lot lines whereas the by-law requires a minimum interior side yard setback of 1.2 metres and 0.6 metres (Table 162);
- k) To permit the principal entrance to be located on the side façade not facing the street whereas the by-law requires that at least one principal entrance must be located on the front façade and facing the street per the dominant character as determined by a Streetscape Character Analysis (Section 140(9)(c) & Table 140C);
- l) To permit a new doorway entrance on the front wall for a Secondary Dwelling Unit, whereas the by-law does not permit a Secondary Dwelling Unit to result in a new entrance to the front wall (Section 133(9));
- m) To permit a canopy to project 0.0 metres to the interior side lot lines whereas the by-law requires a canopy to project no closer than 0.6 metres to a lot line (Table 65(4)(a));
- n) To permit an accessory building located in the rear yard to be setback 0.0 metres from the interior side lot line and rear lot line whereas the by-law requires a setback of 0.6 metres from a lot line (Table 55(3)(e)); and,
- o) To permit a bay window to project 0.0 metres to the interior side lot line whereas the by-law requires a bay window where the window faces a lot line to project no closer than 1.2 metres to a lot line (Table 65(7)).

Lot C (Parts 8 & 9 / Units 5 & 6):

- p) To permit a minimum lot width of 7.14 metres whereas the by-law requires 10.0 metres (Table 162);
- q) To permit a minimum lot area of 211.4 square metres whereas the by-law requires 300.0 square metres (Table 162);
- r) To permit a minimum rear yard setback of 28% of the lot depth or 8.33 metres whereas the by-law requires 30% of the lot depth or 8.93 metres in this case (Table 144A(i);
- s) To permit the principal entrance to be located on the side façade not facing the street whereas the by-law requires that at least one principal entrance must be located on the front façade and facing the street per the dominant character as determined by a Streetscape Character Analysis (Section 140(9)(c) & Table 140C);
- t) To permit a new doorway entrance on the front wall for a Secondary Dwelling Unit, whereas the by-law does not permit a Secondary Dwelling Unit to result in a new entrance to the front wall (Section 133(9)); and,
- u) To permit a canopy to project to 0.0 metres to the interior side lot line whereas the by-law requires a canopy project no closer than 0.6 metres to a lot line (Table 65(4)(a)).

SITE & SURROUNDING CONTEXT

The site is a large interior lot located municipally known as 49 Fairmont Avenue, on the east side of Fairmont with secondary access to the rear yard via a City-owned and travelled rear lane. The site is located in the Hintonburg neighbourhood in Ward 15 – Kitchissippi, which is south of the Ottawa River, east of Parkdale Avenue, west of the Trillium Rail Corridor, and north of Highway 417. The neighbourhood is characterized by a mix of older, low-rise residential uses, newer low-rise infill, as well

as commercial, restaurant and retail uses oriented along Wellington Street West, and small format commercial along Gladstone Avenue.

The immediate site context along Fairmont Avenue and surrounding streets is generally comprised of two-and-a-half and three-storey residential dwellings, many of which are multi-unit or apartment buildings, in a range and mix of ages, sizes and styles. Many of the properties are characterized by front yard soft landscaping and street trees, and rear yard parking via access from City-owned and travelled rear lanes. As the street approaches the intersection of Wellington Street West to the northwest, there are some commercial and office-type uses as well as an institutional church along Fairmont. The site is located one block south of Wellington Street West, which contains various low- to mid-rise mixed-use developments including residential and commercial. Gladstone Avenue is located one block to the south, which features local-type commercial, office and service uses in addition to residential. Mainstreets in Hintonburg are generally undergoing gradual redevelopment and intensification with the construction of mid- to high-rise residential and mixed-use buildings, while the local have primarily retained a lower-rise profile with the introduction of new infill development in the format of semis, townhouses, and low-rise apartment buildings. Immediately opposite the site is City-owned Hintonburg Park, and the Hintonburg Community Centre is located just to the northwest.

There are several schools within 1.5 kilometers or less of the site: Saint Francis of Assisi Catholic Elementary School to the southwest; Devonshire Community Public School to the northeast; Connaught Public School and Parkdale Montessori School to the southwest; Heritage Academy and Louise Arbour Public Elementary School to the south; St. Anthony School, Adult High School, and Cambridge Community Public School to the northeast. There are many urban public parks within 1 kilometer or less to the site, including: Hintonburg Park to the immediate west opposite the site; McCormick Park and Parkdale Park to the west, Stirling-Carruthers Park, Laroche Park, Armstrong Park, Somerset Square, Bayview Friendship Park, and Tom Brown Arena to the north, and Reid Park and Princess Margaret Park to the south. City-owned facilities and Community Centres within the surrounding area include Hintonburg Community Centre, Wellington Street Seniors Centre, and Ottawa Public Library Rosemount Branch to the northwest. The site is well-served by urban parks and public community facilities. The site is situated just outside of the 600-metre buffer area of the “Corso Italia” future LRT station located to the east, and just outside of the 600-metre buffer area of the Bayview LRT station to the northeast. The site is also in close proximity to Highway 417 with direct highway access via Gladstone Avenue to Parkdale Avenue towards the southwest.

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

- **North (side yard)** Two-and-a-half-storey dwelling with detached garage in rear yard
- **East (rear yard)** City-owned rear laneway (traveled); rear yard parking; two-and-a-half storey dwellings fronting onto Irving Avenue
- **South (side yard)** Two-and-a-half storey dwelling with detached garage in rear yard
- **West (front yard)** Hintonburg Park

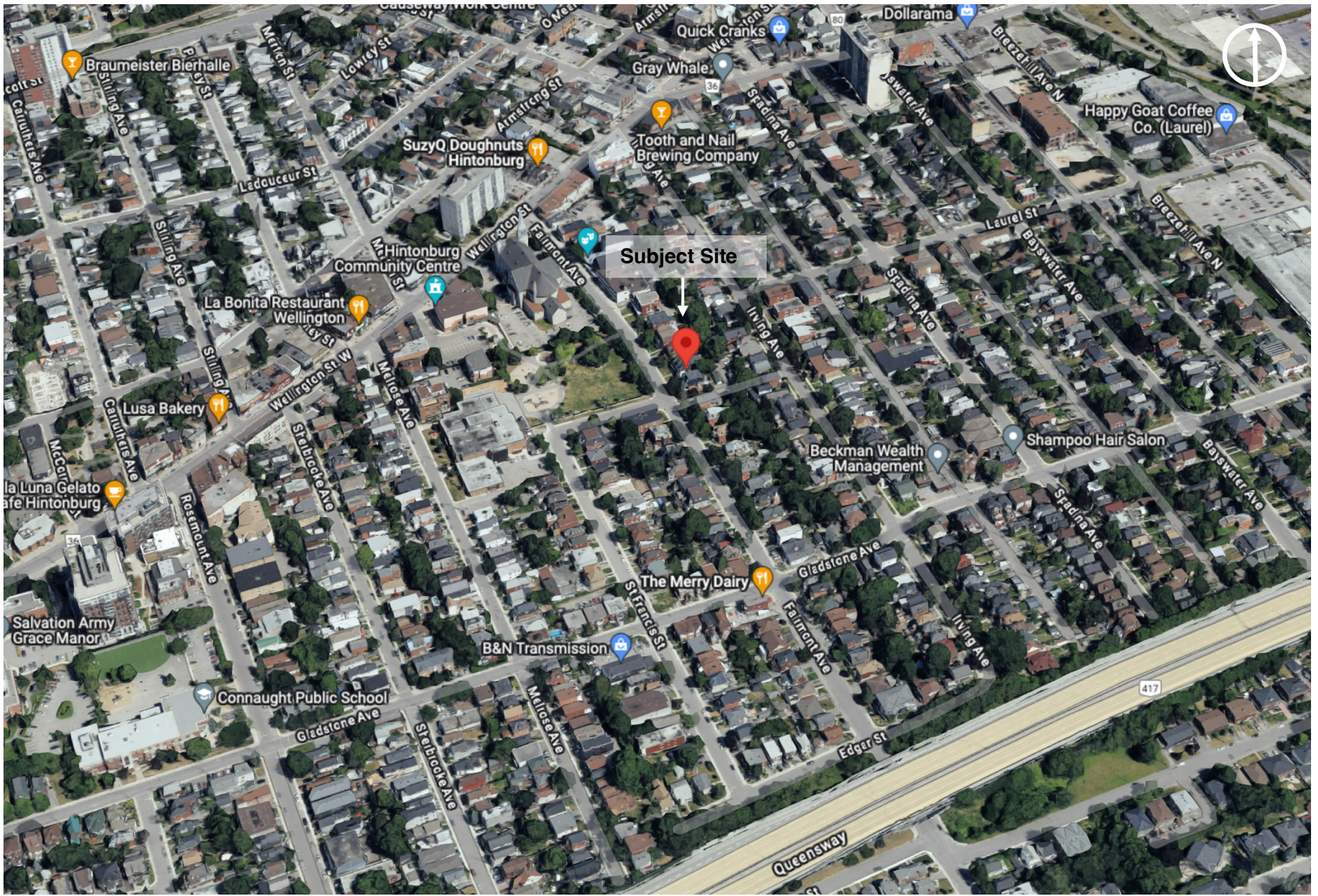


Figure 2. 3D aerial mapping of subject site and general neighbourhood (Hintonburg) context (Google Maps, 2023)

The site is a urban lot which presently contains a three-storey stucco and vinyl sided multi-unit dwelling containing 5 rental apartments in roughly the centre of the property, occupying most of the site. The building is listed on the City of Ottawa’s Heritage Registry but is not designated. A Cultural Heritage Evaluation Report was completed for the site which did not recommend this property for further historical designation. Further, a Demolition Permit was submitted to the City of Ottawa and the required 60 days’ notice of the intent to demolish lapsed with no recommendation by heritage to protect the building. That said, it was noted by the community that an appreciated design element of the existing building is the canopy along its front façade, which has been reflected in the proposed new design as a nod to the original building’s character. There is a vinyl sided one-storey garage in the rear yard accessed by the open and travelled city-owned laneway in the rear. A large wooden staircase projects from the building towards the rear lot line, and the rear yard is otherwise gravel parking. The front yard is comprised of grass and steps leading to the front porch, with a downward slope from the building to street. The adjacent rear laneway is accessed from Fairmont Avenue directly opposite the intersection of Duhamel Street and is predominantly occupied by gravel parking in the rear yards of the surrounding properties, with some mature trees scattered throughout the area, and some fenced rear yards. There is limited soft landscaping or greenspace areas along the rear laneway. There are two distinctive trees on the site; one is to be removed due to conflict with the as-of-right proposed building footprint, and one is to be retained and protected. Adjacent distinctive trees will be protected as required. There are no trees in the front yard, and the proposal is to plant four new large-growing species in the right-of-way.



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

The site is comprised of the following specifications and legal description:

| | | | |
|-----------------|----------------------------|--------------------|--|
| Area | 616.80 m ² | Legal | Lot 12 and Part of Lot 11 (In Block 1) |
| Frontage | 20.73 m on Fairmont Avenue | Description | (East Fairmont Avenue), Registered |
| Depth | ~29.75 m | | Plan 111, City of Ottawa |
| PIN | 04099 – 0053 | | |

The existing site survey extract prepared by Farley, Smith & Denis Surveying Ltd. is presented in Figure 4 below.

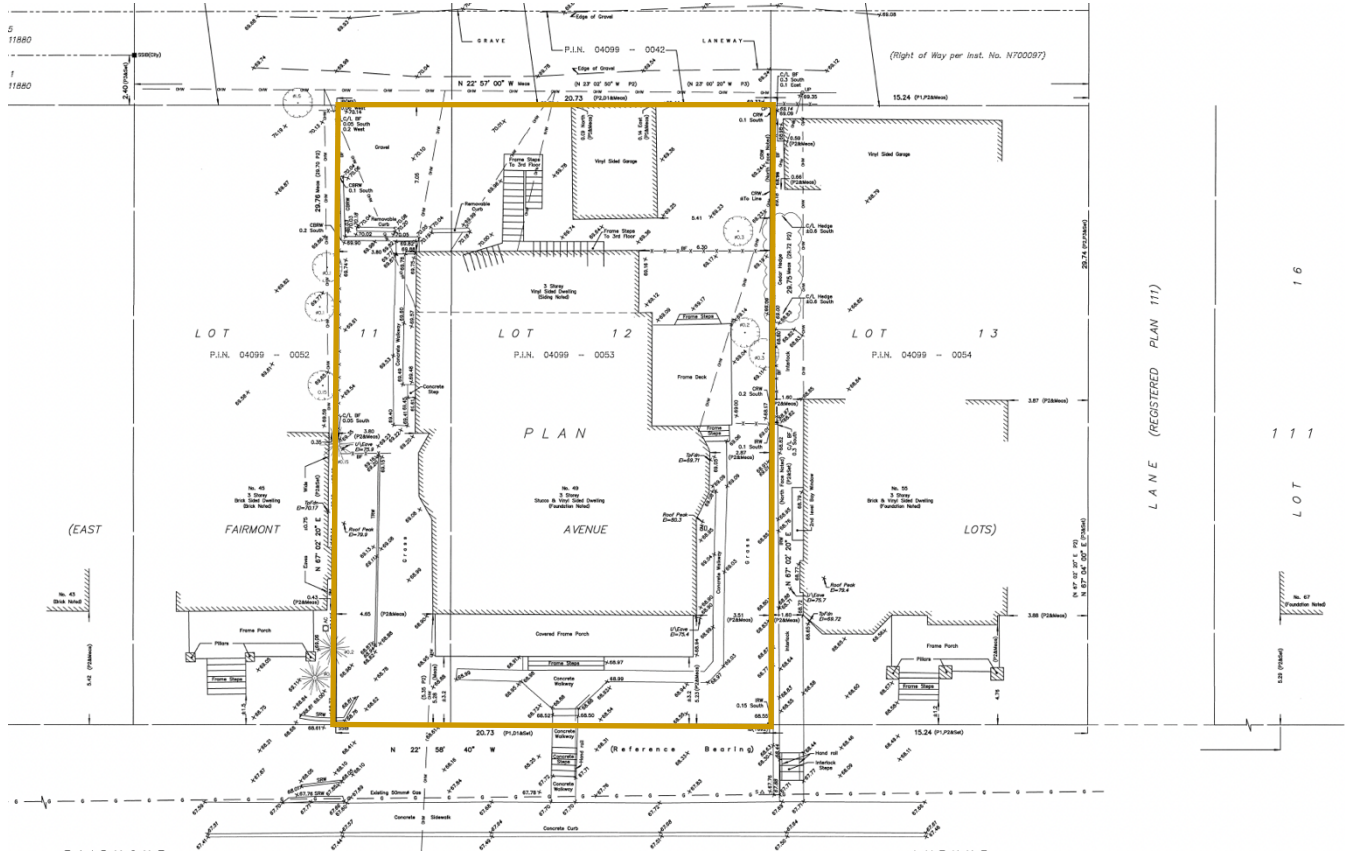


Figure 4. Extract of topographic survey prepared by Farley, Smith & Denis Surveying Ltd.

Image 1 below shows the existing site conditions facing east from Fairmont Avenue. Additional images are included in **Appendix 1** of this report which show the site and immediately surrounding context along Fairmont Avenue, as well as rear yard conditions and the surrounding rear laneway context.



Image 1. Existing site conditions/front façade looking east from Fairmont Avenue (Google Streetview, 2022)

PROPOSED DEVELOPMENT

The proposal is to demolish the existing multi-unit building, sever the lot into three rectangular parcels, and construct three new long semi-detached dwellings with secondary dwelling units. The proposal is to retain the front and back units of each of the long semis as one parcel and no flag lot configuration is proposed. The proposed development will introduce two primary dwelling units (front and back) on each lot, and each one Secondary Dwelling Unit (SDU) in the lower level of each primary unit, for a total of two SDUs per lot. The development will result in the creation of 12 new dwelling units across the entire site: 6 primary units, and 6 secondary units. The units are intended to be retained for rental purposes.

Each of the primary dwelling units are three bedrooms and provide outdoor private amenity space via either balconies or terraces. The Secondary Dwelling Units are each one bedroom and feature amenity space via outdoor sunken terraces both in the front and back, allowing for private and usable amenity space and natural light for the lower-level units. The primary unit configurations are intended for future rental tenure by larger families given the provision of three bedrooms in each. The SDUs are intended to be a more affordable rental option with one-bedroom that maintains a high quality of living with provision of private outdoor space. Overall, the dwellings offer livable and functional rental units in the urban area which is both permitted and encouraged by City policies.

The front façade is comprised of various articulations and stepbacks, including the third storey which is stepped back to soften the massing and scale of the new buildings from the streetscape. The proposed design has been thoughtfully and carefully executed to provide additional housing typology while respecting the existing character of the immediate neighbourhood. The proposed three buildings are similar height and scale to the immediately surrounding dwellings, as demonstrated in Figures 5 through 7 below. The three buildings also provide visual breaks and opportunity for access, light and air filtration between them along the side yards, as opposed to one large massing and long façade for a low-rise apartment building which would be permitted as of right under the zoning. That said, as noted previously, an appreciated design element of the existing building is the front porch and canopy. To respect the heritage character of the original building, the design incorporates a consistent first level canopy across the front façade to create a high quality of urban design and as a nod to the original building's character.

Finally, the proposed rear yard conditions include zoning-compliant spaces for parking four cars: two for Lot A, one for Lot B, and two for Lot C. An example of the proposed materiality is a type of permeable turf stabilizing system for low-impact parking, which appears more similarly to grass (i.e. "CORE Grass Foundation Product"). The intention is to allow some tenants with a car to park in the rear, which is anticipated due to the projected tenure being larger families who are more likely to require and own a vehicle, in turn alleviating additional on-street parking pressures in the neighbourhood. By using this type of materiality, the parking does not detract from on-site permeability or create additional impervious hard surfaces, while providing an option for use as "flex spaces" if parking is not required (i.e. sports area, sitting area, BBQ, etc.). Further, the provided accessory buildings in the rear serve all three lots, providing fully enclosed waste storage and bicycle parking (12 spaces at a 1:1 unit ratio). Neither of these elements are required under the zoning by-law but are being provided in excess for improved site functionality and livability. The development details are presented in Table 1.

Table 1. Development details

| | Lot A / Units 1 & 2 Parts 1 & 2 | Lot B / Units 3 & 4 Parts 3, 4, 5, 6 & 7 | Lot C / Units 5 & 6 Parts 8 & 9 |
|------------------------|------------------------------------|---|------------------------------------|
| Lot Width | 7.10 m | 6.49 m | 7.14 m |
| Lot Area | 211.30 m ² | 193.10 m ² | 212.40 m ² |
| Rear Yard Setback | 8.33 m | 8.33 m | 8.33 m |
| Rear Yard Area | ~ 59.14 m ² | ~ 54.06 m ² | ~ 59.48 m ² |
| Front Yard Setback | 4.5 m | 4.5 m | 4.5 |
| Front Yard Landscaping | Sunken terrace, planters, grass | Sunken terrace, planters | Sunken terrace, planters, grass |
| Building Height | 10.0 m | 10.0 m | 10.0 m |



Figure 5. Rendering of development (buildings only) looking east from Fairmont, prepared by Colizza Bruni Architecture



Figure 6. Rendering of development (buildings only) looking northeast from Fairmont, prepared by Colizza Bruni Architecture



Figure 7. Rendering of development and context looking east from Fairmont, prepared by Colizza Bruni Architecture

PROPOSED SEVERANCES

The proposal is for three applications to the Committee: one primary combined consent and minor variance, and two secondary consents and minor variances. The application will result in the creation of three rectangular lots with frontage on Fairmont Avenue. Secondary (reciprocal) consents are required to convey each lot individually and assign rights-of-way and easements over each lot. The ROWs/easements will generally travel along the interior side yards between each of the new buildings only towards the rear yards for pathway access and maintenance of the sides of each building, as well as for access, use, and maintenance of the shared waste storage and bike parking accessory buildings, both of which are located the rear yard of proposed Lot B. Joint Use and Maintenance and Agreements will be assigned to all three lots across the respective parts with easements, and for the shared canopy which extends across the full frontage of all three buildings. Details of the proposed severances are outlined in Tables 2, 3, 4, 5 and 6 below with the extract of the Draft R-Plan prepared by Farley, Smith & Denis Surveying Ltd. in Figure 8 below. Mark-ups of the Draft R-Plan showing proposed severance lines and easements are enclosed with this submission package.

Table 2. Proposed severance applications

| Application | Severed | Retained | ROW / Easements |
|----------------|---------------------|----------------------------|---------------------------------|
| Primary (1) | Parts 1 & 2 | Parts 3, 4, 5, 6, 7, 8 & 9 | Refer to Tables 4, 5 & 6 below. |
| Secondary (2A) | Parts 3, 4, 5, 6, 7 | Parts 1, 2, 8 & 9 | |
| Secondary (2B) | Parts 8 & 9 | Parts 1, 2, 3, 4, 5, 6 & 7 | |

Table 3. Proposed lot configurations

| | PROPOSED LOT A (NORTH) | PROPOSED LOT B (MIDDLE) | PROPOSED LOT C SOUTH |
|----------------------------|---|----------------------------|-------------------------|
| Parts | 1 & 2 | 3, 4, 5, 6 & 7 | 8 & 9 |
| Units | 1 & 2 | 3 & 4 | 5 & 6 |
| Lot | Lot 12 and Part of Lot 11 (in Block 1) (East Fairmont Avenue) | | |
| Plan | Registered Plan 1112 | | |
| PIN | 04099 – 0053 | | |
| Lot Area (m ²) | 211.3 m ² | 193.10 m ² | 212.4 m ² |
| Lot Frontage (m) | 7.10 m | 6.49 m | 7.14 m |
| Lot Depth (m) | 29.76 m | 29.76 m | 29.76 m |
| Lot Width (m) | 7.10 m | 6.49 m | 7.14 |

Table 4. Proposed ROWs/easements for Lot A (North)

| LOT A (North) | | | |
|---------------|-------|---|---|
| Units | Parts | ROW/Easement | Description |
| 1 & 2 | 1 & 2 | Subject to an easement over Part 2 in favour of Parts 3, 4, 5, 6 & 7 (All of Lot B) | Access to bike parking & garbage & rear lane / Maintenance |
| | | Parts 1 & 2 (All of Lot A) have the benefit of an easement over Parts 3 & 4 | Access to bike parking & garbage / Maintenance / Accessory building |

Table 5. Proposed ROWs/easements for Lot B (Middle)

| LOT B (Middle) | | | |
|----------------|----------------|--|---|
| Units | Parts | ROW/Easement | Description |
| 3 & 4 | 3, 4, 5, 6 & 7 | Subject to an easement over Parts 3 & 4 in favour of Parts 1 & 2 (All of Lot A) | Access to bike parking & garbage / Maintenance / Accessory building |
| | | Subject to an easement over Parts 6 & 7 in favour of Parts 8 & 9 (All of Lot C) | Access to bike parking & garbage / Maintenance / Accessory building |
| | | Parts 3, 4, 5, 6 & 7 (All of Lot B) have the benefit of an easement over Parts 2 & 8 | Access to bike parking, garbage & rear lane |

Table 6. ROWs/easements for Lot B (Middle)

| LOT C (South) | | | |
|---------------|-------|---|---|
| Units | Parts | ROW/Easement | Description |
| 5 & 6 | 8 & 9 | Subject to an easement over Part 8 in favour of Parts 3, 4, 5, 6 & 7 (All of Lot B) | Access to bike parking / garbage / rear lane |
| | | Parts 8 & 9 (All of Lot C) have the benefit of an easement over Parts 6 & 7 | Access to bike parking / garbage Maintenance Accessory building |

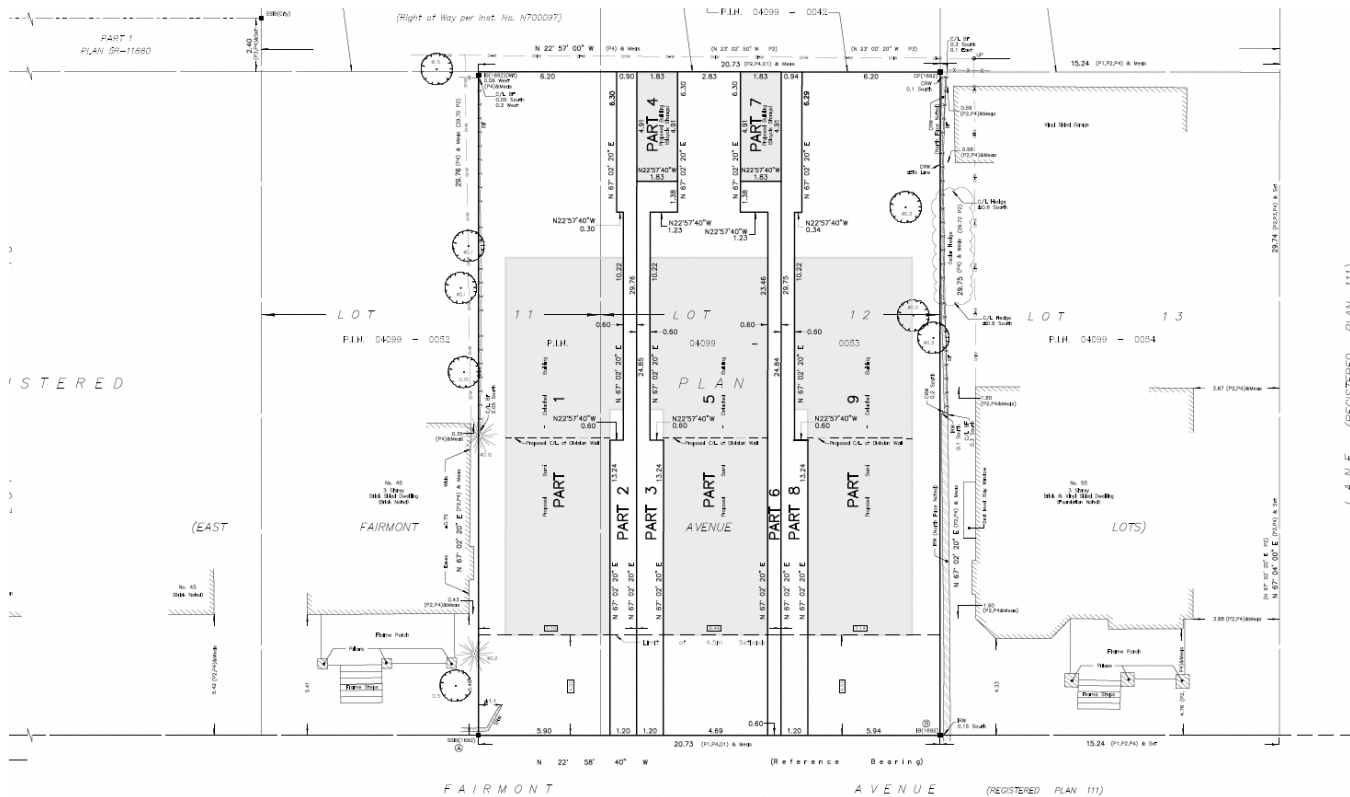


Figure 8. Extract of Draft Reference Plan prepared by Farley, Smith & Denis

PROVINCIAL POLICY STATEMENT 2020

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

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

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

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

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

→ The proposed development will allow for the creation of a total of three new lots with 6 primary dwelling units, two per lot, and 6 secondary dwelling units, two per lot, where there was previously only one building with five dwelling units. The proposed building typology of long semi-detached dwellings allows for development of two large, rental dwelling units with three bedrooms each on all three lots, offering a diversity of housing choice and typology for larger families in the urban area. The addition of one Secondary Dwelling Unit per primary unit provides a typically more affordable rental option for smaller households in the urban area, and the provision of SDUs within the primary dwelling is supported by PPS and other Provincial policy direction, including those introduced by Bill 23. The proposed development represents a form of desirable, permitted, and context-appropriate infill intensification in the urban area. The proposed semi-detached dwellings are an appropriate size, massing, and scale for the context, and fit and work well on each of the undersized lots. The

requested variances facilitate the development of units that are appropriately sized include three bedrooms in each, adequate separation between each, light and air filtration with appropriate windows, usable amenity space, functional accessory buildings to provide fully enclosed bicycle and waste storage, a canopy projection that engages with the street and respects the former building’s heritage elements, and entrances along the front and side facades which are functional while remaining in keeping with the streetscape character.

- There will be a mix of soft and hard landscaping areas on site both in the front and rear yards which result in usable private outdoor amenity space for all units. The rear yard conditions drastically improve the existing situation while offering a reasonable amount of parking which is provided in anticipation of larger families renting the units, who are more likely to own a vehicle. The provision a total of four spaces that are sufficiently sized for parking per the zoning by-law requirements allows for flexibility of tenure and without contributing to street parking pressures. These spaces will be in a product like the permeable “CORE Grass Foundation Product” which is a turf stabilizing system and green solution for low-impact parking, and appears more similar to grass than paving. The intention is that if tenants have a car, they may park in the space and are permitted to do so under the zoning by-law; however, if the dwellings are rented to tenants who live car-free, these areas would be intended as “flex space” for use by the tenants (i.e. sports/play area, sitting area, etc.). This is in addition to the provided private outdoor amenity space for all units. The provision of a modest amount of parking which is offset by use of permeable materials meets the intent of the environmental policies of the PPS. Further, the area is comprised of a mix of housing and building typologies. The introduction of long semis with access from a travelled City-owned rear laneway gives the appearance of three single-detached dwellings from the street, with the added functionality for rear units and benefit of additional density in the urban area. The dwellings are appropriate and desirable for the context.
- The proposed lots will be independently serviced by municipal water, sewer, and storm services. The use of existing municipal roads and services is an appropriate and efficient use of resources. The proposed development fits and functions well within the City’s Urban Area.

OFFICIAL PLAN

The subject site is designated Neighbourhood, Evolving Overlay within the Inner Urban Transect Policy Area in the New Official Plan as shown in Figure 9 below.

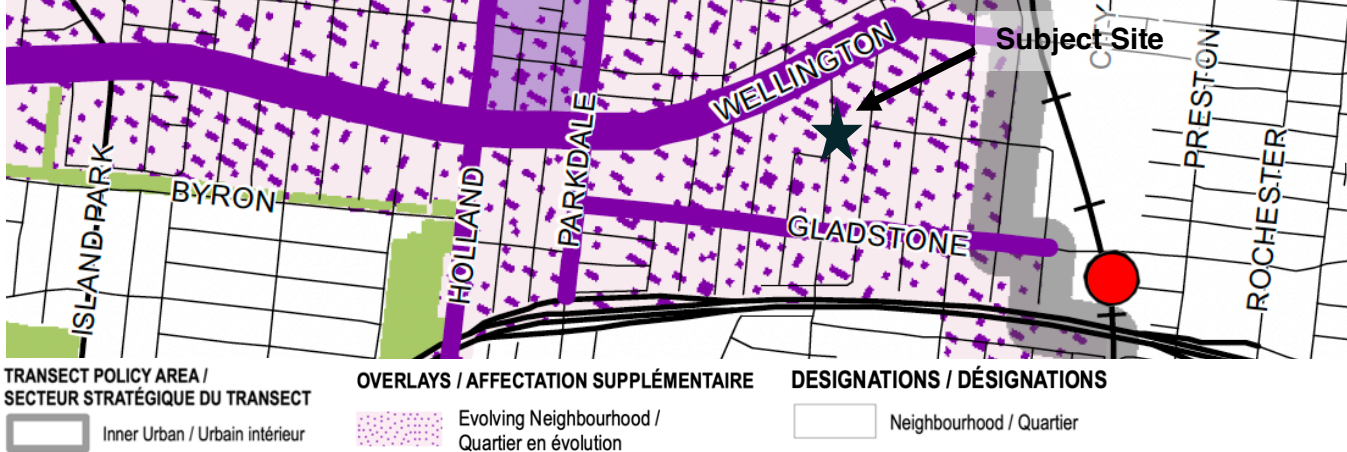


Figure 9. Extract of New Official Plan - Inner Urban Transect Policy Area

Section 2.2.1 Intensification and Diversifying Housing Options sets out policy intent for provision of housing options for larger households. Subsection ii) states that “[m]uch of the demand for new housing is expected to be for ground-oriented units, such as single-detached, semi-detached, rowhouse dwellings and new forms not yet developed... There needs to be opportunities in residential Neighbourhoods within a short walking distance to Hubs and Corridors to build dwelling units with enough floor space to accommodate larger households within buildings typologies that increase densities on existing lots. This will provide more choices for housing with three or more bedrooms within the developed built-up portions of the urban area.” Subsection (iii) provides for policies related to improvement of public amenities and services, and states the following: *“To support the City’s strategy to achieve a 60 per cent intensification target by 2046, the City will:*

- *Direct residential intensification to Hubs, Corridors and residential Neighbourhoods within a short walking distance of those Hubs and Corridors;*
- *Require an appropriate proportion of housing with three or more bedrooms that will provide more housing choices for larger households...*
- The proposed new semi-detached dwellings provide opportunity for ground-oriented, three-bedroom “family-sized” primary dwelling units (6 total) as well as one-bedroom Secondary Dwelling Units (6 total), offering more housing choice for both larger and smaller households within the urban area and in proximity to Major and Minor Corridor areas (Wellington and Gladstone, respectively). The development protects the urban tree canopy with conservation of a distinctive tree and offers greenspace in both the front and rear yards, as well as functional outdoor amenity space for all units. The dwellings are immediately opposite Hintonburg Park, one block from Hintonburg Community Centre, and in close proximity to schools, a library, shopping, services, and other urban amenities. This is an appropriate and needed location for larger family-sized rental dwelling units.
- The introduction of Secondary Dwelling Units (SDUs) in the lower level of the principal units is an appropriate and desirable form of modest intensification, allowing for additional housing choice for smaller households, which tend to be more affordable rental units. These lower-level units will have improved livability given the proposed door placement which allows for large windows and sunken terraces, offering light and air filtration as well as private, functional outdoor amenity space for each.

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

- 1) “Encourage development of healthy, walkable, 15-minute neighbourhoods that feature a range of housing options, supporting services and amenities ... this includes a range of housing types and affordability, shops, services, access to food, schools and local childcare, employment, greenspaces, parks and pathways. They are complete communities that support active transportation and transit, reduce car dependency and enable people to live car-light or car-free.”
- The proposed development of three new long semi-detached dwellings with lower-level SDUs allows for development of a mix of housing options. With the proximity to parks, transit, commercial areas, and schools, the context-appropriate intensification of this property with ground-oriented primary dwelling units and lower-level SDUs contributes to the healthy community policies of the Official Plan.

→ The provision of 12 full enclosed and secure bicycle parking spaces across the site encourages cycling for future tenants. The proposed 5 parking spaces in total across the site are permitted under the zoning by-law and offer a “car-light” solution for larger families who would rent the 3-bedroom units and are more likely to have a car, without contributing to on-street parking congestion with the proposed added density on the site. Further, if tenants do not have cars, the spaces are designed with a materiality conducive to alternative amenity type uses as “flex spaces” while ensuring permeability of the rear yard.

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

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

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

- 4) “Intensification is permitted in all designations where development is permitted taking into account whether the site has municipal water and sewer services. This Plan supports intensification and the approval of applications for intensification shall be in conformity with transect and overlay policies as applicable.
 - 8) “Intensification should occur in a variety of dwelling unit floorspace sizes to provide housing choices. Dwelling sizes are categorized into two broad categories, with a range of floorspaces occurring within each category:
 - a) Small-household dwellings are units with up to two bedrooms and are typically within apartment-built forms; and
 - b) Large-household dwellings are units with three or more bedrooms or an equivalent floor area and are typically within ground-oriented built forms.
 - 10) The residential density and proportion of large household dwelling targets as shown on Schedules B1 through B8 are established in Table 3a for Hubs and Mainstreet Corridors and Table 3b for Neighbourhoods and Minor Corridors. Within Neighbourhoods, provide for a diversity of housing opportunities such that generally, higher densities will be directed closer to Mainstreets, Minor Corridors, rapid transit stations, Hubs and major neighbourhood amenities...”
- The proposed long semi-detached, ground-oriented dwellings are supported by the intensification policies and residential density targets of the New Official Plan and provide a mix of both unit typologies including small-household (one bedroom) and large household (three bedroom). The development of larger semi-detached family homes with lower-level apartment type SDU dwellings within the urban serviced area allows for a diversity of housing choice in the urban area.

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

- 1) “A diverse range of flexible and context-sensitive housing options in all areas of the city shall be provided through the Zoning By-law, by:
 - a) Primarily regulating the density, built form, height, massing and design of residential development, rather than regulating through restrictions on building typology;
 - b) Promoting diversity in unit sizes, densities and tenure options within neighbourhoods including diversity in bedroom count availability;
 - c) Permitting a range of housing options across all neighbourhoods to provide the widest possible range of price, occupancy arrangements and tenure...
 - 2) “The City shall support the production of a missing middle housing range of mid-density, low-rise multi-unit housing, in order to support the evolution of healthy walkable 15-minute neighbourhoods by:
 - a) Allowing housing forms which are denser, small-scale, of generally three or more units per lot in appropriate locations, with lot configurations that depart from the traditional lot division and put the emphasis on the built form and the public realm, as of right within the Zoning By-law”.
- The provision of multi-bedroom and family-sized units in the urban area is supported by the Official Plan policies. The proposed minor variances will facilitate the development of six appropriately sized ground-oriented primary dwelling units each with SDUs, which are an appropriate and compatible form of infill intensification in the urban area. The proposed buildings are a denser form of development with lot configurations that are smaller than the traditional lot division for long semi-detached dwellings. However, when considering the high quality of urban design, livability of the units, cohesive design across the front façade, and overall site functionality, the proposed development meets the intent of the Official Plan.

Section 4.8.2 (6) addresses access to an urban forest canopy and sets out the following: “[w]hen considering impacts on the urban forest and trees, approvals and Tree Permits shall not be denied for development that conforms to the Zoning By-law or for Zoning By-law amendments, variances and consents that conform to the Official Plan. Council or the Committee of Adjustment may refuse a planning application if it fails to provide space and adequate volume of soil for existing and/or new tree(s)”.

- The proposed development provides adequate soil volume to plant four new trees in the right of way, contributing to the growth of the urban forest canopy where there are presently no street trees. The development protects an existing distinctive street tree in the rear yard, and only proposes the removal of one tree within the as of right building footprint. With the provision of new trees and protection of existing, this development is a net positive to the overall tree canopy and urban forest.

Section 5.2 Inner Urban Transect sets out policies for establishing an urban pattern of built form and site design. The proposed development complies with the policies for the Inner Urban Area in the following ways:

- Providing a modest amount of parking that is fully hidden from view from the public realm by being located behind the principal building and accessed from a rear lane with no curb cuts (Section 5.2.2(3));
- Supporting a wide variety of housing types with a focus on missing-middle housing, which may include new housing not currently contemplated (Section 5.2.4(1)); and,

- Providing low-rise built form permitting 3 storeys and providing emphasis on “regulating the maximum built form envelope that frames the public right of way rather than unit count or lot configuration” (Section 5.2.4(2)).

Section 5.6.1 Built Form Overlays notes that “[t]he Evolving overlay is applied to areas in close proximity to Hubs and Corridors to signal a gradual evolution over time that will see a change in character to support intensification, including guidance for a change in character from suburban to urban to allow new built forms and more diverse functions of land”. **Section 5.6.1.1** applies to areas that are in a “location or at a stage of evolution that create the opportunity to achieve an urban form in terms of use, density, built form and site design. These areas are proximate to the boundaries of Hubs and Corridors...” Per subsection 3, “[t]he City will be supportive of applications for low-rise intensification that seek to move beyond the development standards of the underlying zone where the proposal demonstrates that the development achieves objectives of the applicable transect with regards to density, built form and site design in keeping with the intent of Sections 3 and 5 of this Plan”. The Evolving Overlay also sets out policies for “gradual change in character based on proximity to Hubs and Corridors; allowance for new building forms and typologies, such as missing middle housing; and, [d]irection of built form and site design that support an evolution towards more urban built form patterns...”.

- The site is located within the Evolving Overlay and intensification through provision of three long-semi-detached dwellings meets the intent of the urban area policies. The site should be assessed in its entirety in terms of design and functionality given the requested easements/ROWs and overall building design. Though the lot configuration is smaller than required under the zoning by-law, the Evolving Overlay encourages densities and building forms that signify a gradual change in character to support intensification. One of the defining features of inner urban neighbourhoods includes tighter lot fabrics with narrower setbacks. This development achieves an appropriate density with a compact urban form. As demonstrated in the renders of this report, the building design is still highly compatible with the existing and planned neighbourhood character, and though variances are required to support its development, the buildings and lots fit and work well in the urban area.

ZONING BY-LAW 2008-250

The site is zoned Residential Fourth Density, Subzone UB, in the City of Ottawa Zoning By-law 2008-250, as demonstrated in Figure 10 below. The Residential Fourth Density zone permits low-rise residential development in the format of detached, long semi-detached, semi-detached, linked-detached, townhouse, and low-rise apartment dwellings. The purpose of the R4 – Residential Fourth Density zone is to allow a wide mix of residential building forms and other residential uses to provide additional housing choices and regulate development in a manner compatible with existing land use patterns to maintain or enhance the mixed building form and character of a neighbourhood.

The proposed development requires relief from a several zoning provisions; however, many of those requests are the same or similar for each of the three lots. Lot B (middle lot) requires additional relief due to the proposed accessory buildings, a portion of the interior side yard setback, and the additional bay window projection, which are not required for lots A and C. Each of the lots are to be considered one lot for zoning purposes, and the front and back units are to be retained as one parcel per lot. Despite the

number of variances requested, it is important to note that when considered collectively, the nature of the requests meet the four tests set out in the Planning Act and allow for an appropriate and desirable infill development that provides added and needed purpose-built rental housing in the urban area while remaining compatible and appropriate for the existing and planned context of the neighbourhood.

It is also worth noting that City staff have provided a report to Planning Committee on October 4th, 2023 with recommendations to remove restrictions on adding doors facing the street for Secondary Dwelling Units in the zoning by-law, which will be brought to Council on October 11th, 2023. This direction is to bring City policy in line with the requirements set out under Bill 23. As such, assuming the motion is carried by Council on October 11th, Minor Variances E, L, and S would no longer be required.

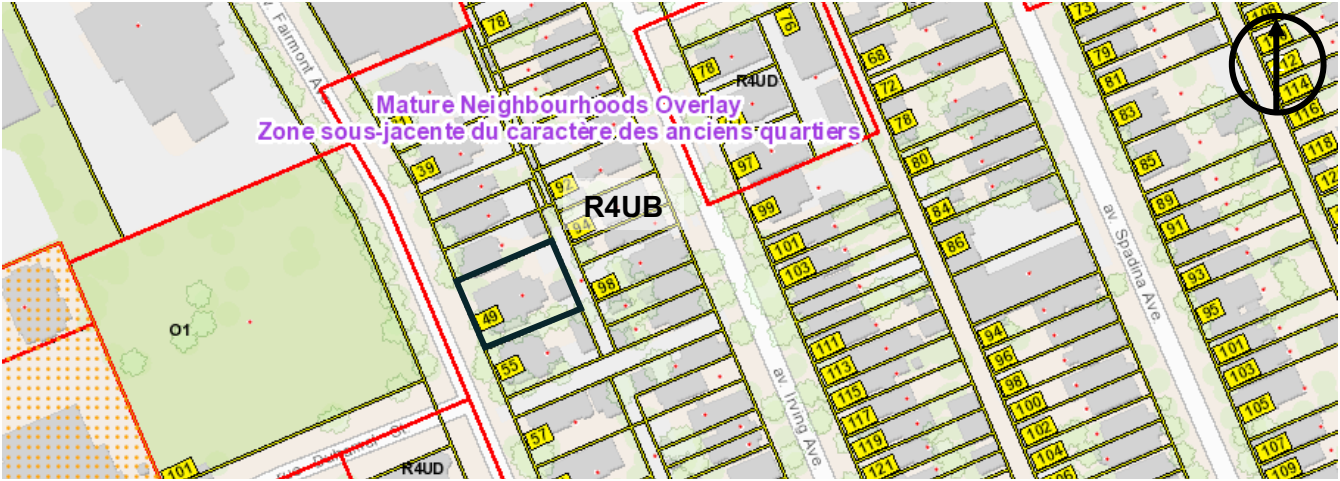


Figure 10. Map showing R4UB zoning and subject site outlined blue (GeoOttawa 2021)

The proposed zoning details are presented in Table 7 below with the requested variances highlighted in red.

Table 7. Zoning provisions

| R4UB Zoning Provisions | | | | | | | | |
|---|----------------------|------|----------------------|-------|----------------------|-------|----------------------|-------|
| Provisions Long Semi-Detached Dwelling | Permitted / Required | | Lot A Units 1 & 2 | | Lot B Units 3 & 4 | | Lot C Units 5 & 6 | |
| Minimum lot width (m) *s.162 | 10.0 | | 7.10 | | 6.49 | | 7.14 | |
| Minimum lot area (m ²) *s.162 | 300.0 | | 211.30 | | 193.10 | | 211.40 | |
| Maximum building height (m) *s.162 | 10.0 | | 10.0 | | 10.0 | | 10.0 | |
| Minimum front yard setback (m) *s.144(1)(a) | 4.5 | | 4.5 | | 4.5 | | 4.5 | |
| Minimum rear yard setback (m) Table 144A(i) | 30% lot depth | 8.93 | 28% | 8.33 | 28% | 8.33 | 28% | 8.33 |
| Minimum rear yard area (m ²) s.144(3)(a)(i) | 25% lot area | | 52.83 required | | 48.28 required | | 52.85 required | |
| | | | 28% | 59.14 | 28% | 54.06 | 28% | 59.48 |
| Minimum interior side yard setback (m) *s.162 | 1.2 / 0.6 | | 1.2 / 0.6 | | 0.6 / 0.6 | | 1.2 / 0.6 m | |
| Minimum front yard soft landscape area, at grade, aggregated (%) *Table 139 | 30% | | > 30% | | ≥30% | | >30% | |

| | | | | |
|---|---|--------------------------------|------------------------------------|--------------------------------|
| Where a lane is open and travelable, individual driveways providing access from the front lot line and front yard parking are prohibited *s.139(2)(d) | | Accessed from lane | Accessed from lane | Accessed from lane |
| Maximum walkway width *s.139(4)(c)(ii) | 1.2 m | ≤ 1.2 m | ≤ 1.2 m | ≤ 1.2 m |
| Maximum walkway width giving access to storage for containerized waste *s.139(4)(c)(i) | 2.2 | 1.2 m | 1.2 m | 1.2 m |
| Maximum of one walkway per yard is permitted to extend to the right of way for a long semi-detached dwelling *s.139(4)(f) | | 1 | 1 | 1 |
| Minimum width of flag lot configuration for <u>severed</u> long semi-detached (m) *s.145(4) | Abutting flag lot: 1.7 All other cases: 2.2 | Not severed | Not severed | Not severed |
| At least one principal entrance must be located on the front façade and face the street, where required per Table 140C *s.140(9)(c)(ii) & Table 140C, Character Group A | | Side façade, not facing street | Side façade, not facing street | Side façade, not facing street |
| Minimum first floor habitable floor space per dwelling or dwelling unit (m ²) *s.140(10) | 40.0 | 41.3 42.0 | 41.3 42.0 | 41.3 42.0 |
| Secondary dwelling unit cannot result in new doorway entrance to the front wall *s.133(9) | | Entrance on front wall | Entrance on front wall | Entrance on front wall |
| Secondary dwelling unit doorway entrance limited to ground floor only *s.133(11) | | Ground floor | Ground floor | Ground floor |
| Accessory Buildings | | | | |
| Minimum interior side lot line setback located in a rear yard (m) *Table 55(3)(e) | 0.6 | No accessory building | 0.0 (north) | No accessory building |
| Minimum rear lot line setback located in a rear yard (m) *Table 55(3)(e) | 0.6 | N/A | 0.0 | N/A |
| Minimum distance from any other building on the same lot (m) * Table 55(4) | 1.2 | N/A | > 2.83 m | N/A |
| Maximum height (m) *Table 55(5) | 3.6 / 3.2 (exterior walls) | N/A | < 3.6 m | N/A |
| Maximum size (% / m ²) *Table 55(6) | Greater of 50% rear yard (27m ²) or 55 m ² | N/A | 17.97 m ² total | N/A |
| Maximum number of buildings on one lot *Table 55(7) | 2 | 0 | 2 | 0 |
| Permitted Projections | | | | |
| Canopies and awnings (m) *Table65(4)(a) | 1.8 | 0.0 (south side lot line) | 0.0 (north & south side lot lines) | 0.0 (north side lot line) |
| | Not closer than 0.6 m to a lot line | | | |

RATIONALE FOR CONSENT

In Section 51(24) of the Planning Act, 1990, a series of criteria are presented that state in the case of any subdivision of land, regard shall be had to:

- (a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;

The consent supports the following matters of provincial interest: “the orderly development of safe and healthy communities, the adequate provision of a full range of housing, the appropriate location of growth and development”. The proposed consent and variances allow for the creation of three new lots for the purpose of constructing three long semi-detached dwellings which are a permitted use in the zoning by-law. The consent and variances are consistent with provincial policies including the PPS and those introduced by Bill 23.

- (b) whether the proposed subdivision is premature or in the public interest;

The proposed consent is in the public interest as it supports the City’s policies for intensification and an efficient use of residentially zoned land. The proposed severances are not premature as the site zoning and Official Plan designations permit long semi-detached development and the severance of those lands to create three parcels for three new residential buildings. The lot fabrics, though smaller than permitted per zoning, support appropriate development footprints for all three buildings. From the streetscape, the buildings highly compatible with the surrounding context and are similar massing and scale to the surroundings. The development is in the public interest as 6 new primary dwelling units for rental housing purposes will be established on the site, as well as associated SDUs, offering a diversity of housing typology and tenure in the urban area.

- (c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;

The proposed severances to permit long semi-detached residential development conform to the applicable City of Ottawa Official Plan policies for development, intensification, and compatibility as discussed through the Official Plan section of this report. The Official Plan supports intensification in the urban area, and the proposed severance and redevelopment will add a mix of compatible and appropriate both family-sized and more affordable rental housing typologies.

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

The land is suitable for the proposal, with surroundings that consist of single-detached semi-detached, duplex, and low-rise apartment dwellings on a range of lot sizes. The proposed lot sizes can appropriately accommodate the proposed built form. From the streetscape, each of the respective long semis will appear more similarly to a single-detached dwelling, with the benefit of added density in the rear units that can also be accessed via a rear lane in addition to the Fairmont frontage. Given the proximity to parks, schools, greenspace and urban amenities in Hintonburg, the site is well-suited for these consents, which provide a desirable and permitted use of the residentially zoned and designated land.

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

Viability and options for providing affordable housing units are currently being explored and will be confirmed as the project progresses. However, lower-level one-bedroom SDU units are generally a more affordable rental option for smaller households, and the provision of six of these types of units on this site is appropriate given the amenities offered in Hintonburg.

- (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 new roadways are proposed as part of the consents. The proposed development and severances will have adequate frontage to an open public municipal arterial roadway (Fairmont Avenue) with rear access via a City-owned open and travelled laneway. Fairmont Avenue has direct access to east-west Wellington Street West, and east-west Gladstone Avenue. Parkdale Avenue (north-south) connects directly to Highway 417.

- (f) the dimensions and shapes of the proposed lots;

The dimensions and rectangular shape of the proposed lots are functional and appropriate for the proposed development footprints. There is sufficient space on site for separation between neighbouring properties to the north, south and east, and to fit a functional and livable development footprint on each lot. Across from the site to the west is a public park, and to the east is a rear city-owned laneway. Division of this land with the proposed dimensions and shapes works well given the context.

- (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 known existing restrictions on the land. Mutual Rights-of-Ways and easements are proposed over Part 2 in favour of Parts 3, 4, 5, 6 & 7, over Parts 3 & 4 in favour of Parts 1 & 2, over Parts 5 & 6 in favour of Parts 8 & 9, over Part 8 in favour Parts 3, 4, 5, 6 & 7 for access, use and maintenance over shared walkways, building facades, and accessory buildings for waste storage and bicycle parking. Refer to the enclosed draft R-plan mark-ups and descriptions above for detailed information regarding the easements/ROWs.

- (h) conservation of natural resources and flood control;

The proposed soft landscaping in the front yard exceeds the requirements under the zoning by-law. The rear yard will be comprised of a mix of soft landscaping, sunken gardens, and parking/flex areas that are fully permeable materials. No watercourses or flood plains impact the site. There are no City-owned distinctive trees impacted, and one privately owned tree to be removed due to conflict with the as-of-right building envelope. The development will result in the addition of four new street trees in the City ROW, which is an overall net-positive for the urban tree canopy resulting from this development. Please refer to the Tree Information Report enclosed with this submission.

- (i) the adequacy of utilities and municipal services;

Municipal water, sewer and storm services are available and will be independently provided for all lots.

(j) the adequacy of school sites;

There are several schools within 1.5 kilometers or less of the site: Saint Francis of Assisi Catholic Elementary School to the southwest; Devonshire Community Public School to the northeast; Connaught Public School and Parkdale Montessori School to the southwest; Heritage Academy and Louise Arbour Public Elementary School to the south; and, St. Anthony School, Adult High School, and Cambridge Community Public School to the northeast.

(k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;

N/A

(l) the extent to which the plan’s design optimizes the available supply, means of supplying, efficient use and conservation of energy; and

The proposal provides opportunity for compatible low-rise intensification within the urban area that provides a mix of “missing middle” housing and family-sized rental housing. The proposed severances will facilitate the infill intensification of three long semi-detached dwellings on three parcels of land, with lower-level Secondary Dwelling Units (SDUs) in each primary unit. This is an appropriate and encouraged form of density increase and will make use of existing available municipal water, sewer, and storm services. The proposed severances optimize the available supply of land and energy resources and are an efficient use of the land.

(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.9(2).

The proposal for development of three long semi-detached dwellings is not subject to the Site Plan Control By-law and therefore an application for Site Plan Control is not required.

Overall, the proposed severance applications demonstrate regard for the criteria of Section 51(24) of the Planning Act.

RATIONALE FOR MINOR VARIANCES

To facilitate the development, minor variances to the Zoning By-law are required for each newly created lot and development, as indicated throughout this report. The following section reviews each variance against the four tests as presented in Section 45(1) of the Planning Act. Note that the rationale for variances for each of the lots and units have been reviewed together, where applicable.

VARIANCE A, G, P (All Lots) REDUCED LOT WIDTH
Required: 10.0 m
Provided: (A) 7.10 m / (G) 6.49 m / (P) 7.14 m

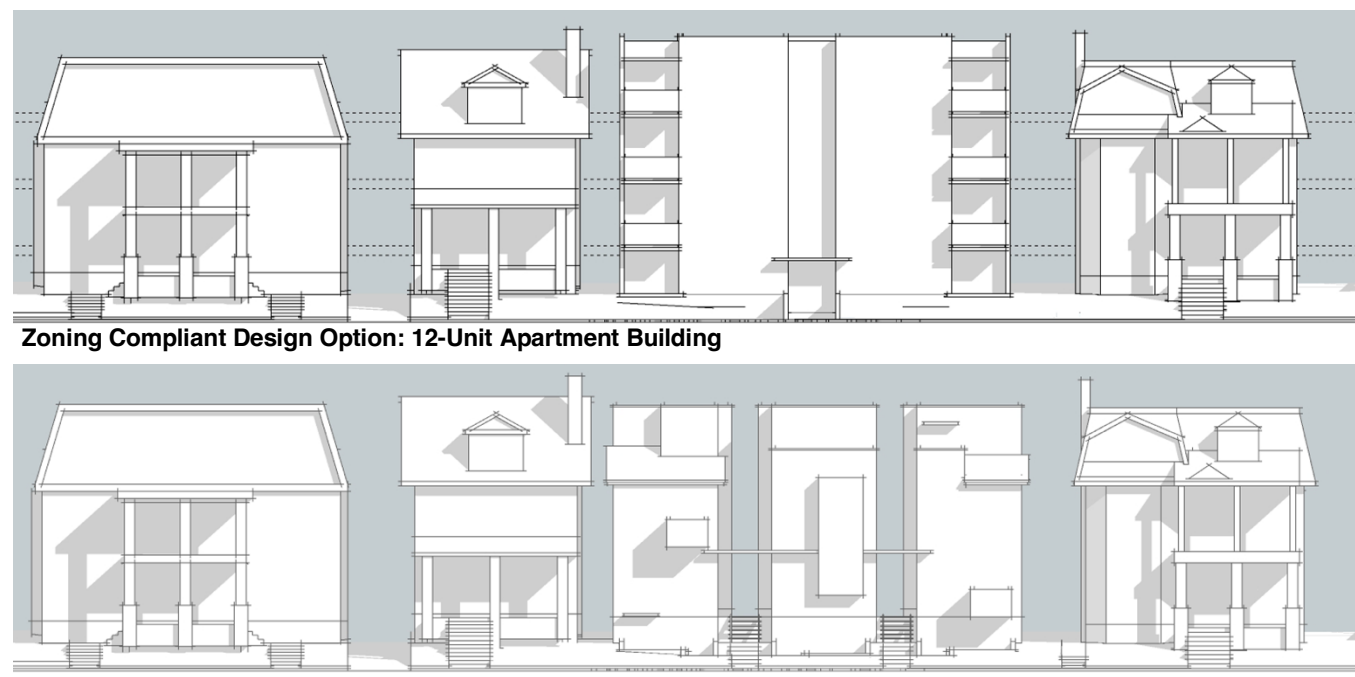
VARIANCE B, H, Q (All Lots) REDUCED LOT AREA

Required: 300.0 m²

Provided: (B) 211.30 m² / (H) 193.10 m² / (Q) 211.40 m²

→ **Is the variance minor?**

The proposed minor variances for reduced lot width and area are minor. The lots are sufficiently wide and large in area to support the development of one long semi on each while respecting front yard and side yard setbacks save for a portion of the interior side yard for Lot B. Each of the front yards provide adequate soft landscaping with additional usable amenity space for the lower level SDUs. The rear yards are sufficiently large to provide modest parking (or flex space) on lots A, B and C, in addition to accessory buildings on Lot B which provide space for enclosed and secure waste and bicycle storage. There are sufficient areas of soft landscaping in the rear to support tree retention and protection for a neighbouring tree at the northeast corner, and on-site tree at the southeast corner. If left unsevered, this lot could otherwise support development of a 12-unit apartment building as of right with no variances to width or area. Alternatively, if severed in half, the site could support two zoning compliant lots which would each permit a low-rise apartment building with 8 dwelling units on each, for a total of 16 units on each. The design option for just one building was reviewed and it was confirmed that the overall massing and scale was less desirable and out of context for the community when compared with three smaller lots featuring long semis, as shown in Figure 11 below.



Zoning Compliant Design Option: 12-Unit Apartment Building

Proposed Design: 3 Long Semi-detached Dwellings, 12 Units Total

Figure 11. Rendering comparing design options and street compatibility prepared by Colizza Bruni Architecture

Overall, the addition of permitted long semi-detached dwellings to this community is a desirable and appropriate form of intensification that fits and works well with the area, and the requested minor variances are minor.

→ **Does the variance meet the intent and purpose of the Official Plan?**

The intent and purpose of the Official Plan is met. As noted throughout the policies in this report, the OP encourages infill intensification in formats that may not yet be contemplated under the zoning, and focus should be placed on design and built form as opposed to lot configurations. The proposed lots are smaller than permitted under the zoning but achieve the intention of the OP by providing a diversity of unit typologies including larger three-bedroom rental units and smaller one-bedroom SDUs in the urban area. The proposed long semi-detached format is appropriate given it allows for visual breaks between the buildings and access from the rear laneway to further support the rear units, while providing the type of density increase that is permitted under the OP and zoning (i.e. 12 units and up to 16 units in apartment formats).

→ **Does the variance meet the intent and purpose of the Zoning By-law?**

The intent and purpose of the lot width and area provisions are to ensure there is sufficient land area and width to accommodate a long semi-detached dwelling with adequate yard setbacks, open area, amenity space, soft landscaping, and light and air filtration, without overdeveloping the site. The proposed design achieves all of these elements by providing adequate interior side yard setbacks across all three sites save for a small variance along the side yard for Lot B, front yard setbacks that comply with zoning, rear yard setbacks that still provide 28% of the lot depth and are adjacent to a rear lane and gravel parking areas to the rear with no impacts to rear neighbours, and building footprints that respect the adjacent properties to the north and south which each feature detached garage. The development protects one on-site distinctive tree and proposes four new trees in the ROW. The lots are all sufficiently large to supply modest on-site parking, and usable private outdoor amenity space. Given the zoning requirements for lot width and area for one 12-unit or two 8-unit apartment buildings on this site are met, the proposed density increase to support 6 primary units and 6 SDUs (for 12 total) is otherwise supported by the zoning by-law. The proposal simply offers a similar density increase in a lot configuration that is not currently contemplated under the zoning, but is much more compatible from a streetscape character and urban design perspective than the permitted alternatives.

→ **Is the variance desirable for the appropriate development and use of the land?**

The lot width and area variances provide an appropriate development form and use of this residentially zoned land. The long semi-detached dwellings are a permitted use under the zoning, and the site can adequately accommodate this development format. Providing two three-bedroom primary dwelling units and one associated SDU for both on each new lot is an appropriate and desirable form of infill intensification in the zoning by-law and highly supported by the Official Plan policies as discussed throughout this report. The requested relief to permit reduced lot width and areas allows for a development format that fits and works well on this site and with the existing and planned function of the neighbourhood. The sites each function appropriately with the provided lot sizes and have a high degree of functionality and livability given the provision of outdoor private amenity space, soft landscaping, new street trees, and enclosed bike and waste storage. The proposal is the most appropriate use of this site, especially when considering the permitted densities and land uses otherwise permitted as of right under the zoning.

VARIANCE C, I, R (All Lots) REDUCED REAR YARD SETBACK

Required: 8.93 m or 30% lot depth

Provided: (C) (I) (R) 8.33 m or 28% lot depth

→ **Is the variance minor?**

The proposed rear yard setback reduction across all three lots is minor both nominally and in terms of community impact. The requested reduction of 0.6 metres is intangible from a functionality perspective of the rear yard, as there remains adequate space for sunken gardens with private outdoor amenity space for the lower-level units, buffering for tree retention and protection in the rear, room for movement of waste and bicycles, soft landscaping, and permitted parking. However, the reduction is required to permit a building envelope that is long enough to support a third bedroom in each of the rear units. In terms of impact, the rear lane provides additional buffering between the rear lot lines and rear yards of the properties to the east. As shown in the context images in **Appendix 1**, the rear lane also currently functions predominantly as a parking area. The reduced rear yard setback will therefore not encroach into the rear yard amenity space or private areas of the adjacent dwellings to the rear. To the north and south, the rear yards of the adjacent properties are occupied by large accessory buildings and therefore the private amenity space will not be impacted. Further, the existing building currently encroaches into the required rear yard setback area and is non-complying. There is also a detached garage and staircase projection which occupies most of the rear yard. The proposed setbacks will offer an improvement on the existing conditions, will each meet the required rear yard area provisions under the by-law, and provide sufficient space for a functional and desirable site design.

→ **Does the variance meet the intent and purpose of the Official Plan?**

The intent of the Official Plan is to ensure urban tree canopies are projected and the appropriate provision of landscaping, amenity and open space is balanced with the need for additional housing types and tenures in the urban area. The proposed variance is required to create a sufficiently sized building floorplate to accommodate three bedrooms in each of the rear primary dwelling units. It is highly encouraged by the OP to provide this type of family-sized rental unit typologies. Despite the requested variance, the buildings are sympathetic to the surrounding context and will not encroach into the private amenity space of neighbouring properties. The side façades along the most northerly and southerly elevations are sensitively designed to ensure there are no windows within the requested relief areas to eliminate overlook or privacy concerns. Further, the rear yard setbacks are sufficiently deep to ensure retention of a distinctive tree, soft landscaping, and provision of enclosed waste and bike storage accessory buildings. The variance meets the intent and purpose of the Official Plan.

→ **Does the variance meet the intent and purpose of the Zoning By-law?**

The intent and purpose of the rear yard setback provision of the zoning by-law is to ensure new development appropriately considers the neighbouring setback conditions and does not encroach within rear yards and private amenity areas of neighbouring dwellings. The intent also is to ensure there is sufficient space on site for greenspace, landscaping, and amenities for future residents, creating contiguous interior blocks of open space. Given the reduction of only 0.6 metres, the proposed setback is still in line with requirements set out for other lots in the urban area depending on their depth (i.e. 28% being the required setback for many lots). The minimum 25% lot area is also met on all three lots. Given

the additional buffering of the rear laneway, the intent of the zoning is being met for all reasons set out above.

→ **Is the variance desirable for the appropriate development and use of the land?**

The variance is desirable for the appropriate development and use of the land as the requested rear yard reduction is required to facilitate development of a third bedroom in each of the rear units for all three buildings. This ultimately results in the provision of three additional family sized rental units in the urban area which is an appropriate land use. Given the rear yard area is met across all three sites and the buildings are designed to mitigate any overlook or privacy concerns, the variance is desirable as there are no negative on-site impacts created by the reduction, and the outcome is a net positive contribution to the site (three additional three-bedroom units). Finally, the conservation of the distinctive street tree, provision of soft landscaping in both front and rear yards, and the usable private amenity space on site each contribute to the functionality of the site. The requested reduction is reasonable and allows the appropriate redevelopment of this site.

VARIANCE D, K, S (All Lots) PRINCIPAL ENTRANCE ON SIDE FAÇADE

Required: Principal entrance located on front façade facing the street
Provided: (D) (K) (S) Principal entrance located on side façade

VARIANCE E, L, S (All Lots) SDU ENTRANCE ON FRONT FAÇADE

Required: No SDU entrance located on front façade
Provided: (E) (L) (T) SDU entrance located on front façade

→ **Is the variance minor?**

The variance to permit the principal unit entrance on the side façade and SDU entrance on the front façade where the reverse is required per the results of a Streetscape Character Analysis is minor in this case. The proposed principal dwelling entrances are along the side façade to allow improved functionality of the units and provision of windows and glazing for both the primary and lower-level secondary units. Despite the requirement to feature a front door facing the street, there are other design elements including balconies with doors facing the street at the first level, and a canopy projection across all three buildings that draws the eye to the front façade and gives the appearance of active street entrances. The proposed SDU entrance is located at ground level, accessed from the sunken terrace. This configuration again creates improved functionality of the units to allow the lower levels to have large windows and usable outdoor private amenity space. By allowing the SDU entrance to be on the front façade and the principal unit entrance on the side, from an urban design perspective the buildings will each still appear to have a front door and front entrance, without creating multiple doors and accesses directly to the street. This achieves the SCA intent of ensuring that the existing character of the neighbourhood is maintained with active doors and entrances that engage with the public realm and therefore the request is minor.

→ **Does the variance meet the intent and purpose of the Official Plan?**

The intent and purpose of the Official Plan is met. As noted, providing an at-grade entrance facing the street for the SDU allows for a more functional, bright, and livable dwelling unit in the lower level which inherently tend to be less desirable when considering typical “basement units”. The provision of the side

entrance for the principal unit allows the buildings to be designed in such a way that the lower unit can maintain the large front windows and engage with the street, whereas otherwise a staircase leading to a front entrance would fully eliminate that opportunity. With the provision of the SDU front facing door as well as the balconies and canopy projections across the front façade, each building still gives the effect of having an active street entrance that is animated and engaged with the public realm, in addition to “eyes on the street”. The proposed door locations sensitively respond to the site grading with a sloping front yard, while providing ample glazing for both primary and lower-level secondary units. This ultimately creates more livable and functional rental dwelling units in the urban area with a high quality of urban design and compatibility with the surrounding neighbourhood context.

→ **Does the variance meet the intent and purpose of the Zoning By-law?**

The intent and purpose of the zoning by-law provisions are to ensure that new development represents a streetscape character that is reflective of the existing neighbourhood conditions with the provision of a door on the front façade, which is the dominant character pattern. The intent of the limitation on SDU entrances facing the street is to ensure that secondary dwelling units remain “secondary” to the primary use, are imperceptible from the street, and do not alter the existing or future character of the dwelling. Given the provision of the SDU entrance at grade with a side entrance for the primary unit accessed from the staircases along between the proposed buildings, there will effectively be only one new entrance facing the street created, which allows for a more livable and well-glazed lower SDU. This door will also be softened by landscaping around the sunken garden. Though the door contributes to “eyes on the street”, visual focus will be drawn to the canopy projection along the front façade, the balcony and balcony doors which face the street on the front facades of Units A and C, the bay window projection on Unit B. Each of these design elements ensure that the intent of the SCA provisions of the zoning by-law are met.

Of note, City staff have provided a report to Planning Committee on October 4th, 2023 with recommendations to remove restrictions on doors facing the street for Secondary Dwelling Units in the zoning by-law, which will be brought to Council on October 11th, 2023. This direction is to bring City policy in line with the provincial requirements set out under Bill 23. As such, assuming the motion is carried by Council on October 11th to approve the zoning amendments, Minor Variances E, L, and S would no longer be required as these provisions are to be removed from the by-law. They have been included in this application in an abundance of caution.

→ **Is the variance desirable for the appropriate development and use of the land?**

As previously noted, the variances are desirable for the appropriate and use of the land. The variances facilitate the provision of high-quality lower-level rental SDU apartments which for many developments result in less desirable basement units. With the provision of a side entrance, the dwellings’ layouts allow the SDU to have a large wall of glazing, which includes a door facing the street. The visual impact of the doors at lower level are offset by landscaping along the sunken gardens, and focus is on the consistent canopy along the front façade of the three buildings as well as the bay window and balcony projections with doors. The design has the effect of providing an active street entrance, while ensuring livability and functionality of all units. The front façade of the buildings are animated, activated, and provide ample glazing, positively contributing to the public realm and urban design concept of “eyes on the street”. Overall, the variances are desirable for the development of this site.

VARIANCE F, M, U (All Lots) CANOPY PROJECTION

Required: 0.6 m canopy projection setback to an interior side lot line

Provided: (F) (N) (V) 0.0 m canopy projection setback to an interior side lot line

→ **Is the variance minor?**

The proposed canopy projection applies to the south side lot line of Lot A, both side lot lines for Lot B, and the north side lot line for Lot C, and does not encroach closer than permitted to either neighbouring properties to the north or south. The requested reduction is to facilitate a single canopy projection that crosses the front façade of all three separate dwellings which creates a cohesive design element for the buildings. This is an intentional design choice given the community’s expressed appreciation for the canopy and porch projection which extends across the entire front façade of the existing building and is a notable feature of the streetscape. Though the site was not requested for further heritage protection by the City’s heritage department, the design team expressed a desire to retain and respect this defining element. The proposed canopy projection is a nod to the heritage of the existing building and provides a unique design feature along Fairmont Avenue. The canopy projection would be maintained through a Joint Use and Maintenance Agreement, in a similar fashion as shared rooflines on semi-detached dwellings, for example. As each of the three semis are intended to operate functionally as one site and the projection reductions are only applicable to shared lot lines between the proposed new buildings, the canopy setback reduction is minor.

→ **Does the variance meet the intent and purpose of the Official Plan?**

The Official Plan encourages a high quality of urban design and interaction with the public realm and streetscape. The OP also supports respect of heritage value and attributes through development where possible. Though the property is not designated and was not deemed appropriate to protect or conserve, the proposed canopy offers a design element that reflects that of the existing building which is well-known and appreciated by the community and those familiar with the property. The proposed variance to support this canopy has no impacts on the surrounding properties and contributes positively to the public realm and streetscape character along Fairmont Avenue.

→ **Does the variance meet the intent and purpose of the Zoning By-law?**

The intent and purpose of the canopy setbacks are to ensure that projections do not encroach closer than necessary to adjacent neighbouring properties and to warrant elements like runoff and snow management can be managed appropriately on site without impacts to surrounding lots. Given the setbacks are exceeded along the most northerly and southerly lot lines adjacent to the neighbouring lots, the canopy project extends only across the three newly created lots and will be managed appropriately via an established JUMA. Functionally, the site will be managed as one development given the shared walkways and accessory buildings, and the canopy will be captured under these common elements.

→ **Is the variance desirable for the appropriate development and use of the land?**

As noted, the proposed canopy projection that extends across all three lots is a design element that was appreciated by the community through initial discussions and consultation and reflects the existing

conditions of the listed heritage building on site. It is desirable and appropriate to respect and reflect heritage elements where feasible, and the proposed canopy provides the design opportunity to do so. Further, it creates a cohesive streetscape character and softens the massing of the building while placing focus on the front façade and glazing. The variance is appropriate for this site’s use and development.

VARIANCE J (Lot B) REDUCED INTERIOR SIDE YARD SETBACK
Required: 1.2 m on one side lot line and 0.6 m
Provided: (J) 0.6 metres along a portion of both side lot lines

VARIANCE N (Lot B) ACCESSORY BUILDING SETBACK
Required: 0.6 m setback from interior side lot line and rear lot line
Provided: (F) (M) (U) 0.0 m setback from interior side lot line and rear lot line

VARIANCE O (Lot B) BAY WINDOW PROJECTION
Required: No closer than 1.2 m from a lot line
Provided: (O) 0.0 to an interior side lot line

→ **Is the variance minor?**

The above-noted variances are strictly applicable to Lot B (Units 3 & 4). The variance to permit reduced interior side yard setback of 0.6 metres for both yards whereas one yard is required to be at least 1.2 meters is minor in this case. The reduced setback is limited to the interior side yard along the northeast façade of Lot B and applies only to the rear unit. The required 1.2 metres is provided for the entire length of the front unit, then tapers to 0.6 metres after the centre party-wall approaching the rear of the building. This reduced yard setback allows the rear Unit 4 to be sufficiently wide to support three bedrooms. The provision of the full width of the required 1.2 metre setback of the first 10.11 metres of the building ensures that from the streetscape, there is sufficient visual breaks and setbacks between each of the buildings. Functionally, the reduction is minor given the proposed easements/ROWS for access and maintenance along Parts 2 and 3, which allow a full 1.2 metres or greater along the entire lengths of Buildings A and B. The requested reduction applies to less than half of the building, maintains adequate building separation and access between each, and is overall minor. The wider of the two interior side yards have also intentionally been placed along the most northerly and southerly side lot lines to ensure the most building separation is oriented between neighbouring properties.

The bay window projection reduction is minor as it only impacts the south side lot line across from Unit C, and for an extent of only 1.12 metres in width. This variance allows for a window configuration with additional light into the rear unit of the middle lot, improving the livability of the dwelling. There will be no windows along the façade of Building C, Unit 6 (rear) to ensure privacy or overlook concerns created by the projection are mitigated. Maintenance of and access to the window will be managed via the already proposed ROWs/easements between each building.

The variance to permit 0.0 metre setbacks for the accessory structures allows the storage buildings to each be appropriately positioned for access by all three of the buildings. Functionally, the lot will operate as one site. Though not required under the zoning by-law, enclosed bicycle and waste storage will be provided in these buildings. The reduced yard setbacks to the side and rear are minor in this case given the structures are oriented along the side lot lines of the middle lots and not encroaching near neighbouring property lines. Further, the rear lot line is adjacent to a city owned lane where many garages and parking areas are already located, some of which are closer than permitted to the rear or side lot lines. The buildings will also replace an existing garage which currently is at a 0.0 rear lot line setback. The requested reductions are minor and function appropriately in this case.

→ **Does the variance meet the intent and purpose of the Official Plan?**

The variances collectively meet the intent and purpose of the Official Plan by contributing to overall site functionality and livability with the provision of high-quality rental units in the urban area. From the street, the requested reductions will be imperceptible, and each will have no impact on any surrounding neighbours. The side and rear yard reductions for all three of the above elements are intentionally oriented along lot shared lot lines for each of the proposed new buildings only. The provision of appropriate waste management and bicycle storage, though not required by the zoning by-law, is desirable and encourages opportunities for cycling and the healthy community policies of the Official Plan. Overall, the variances are negligible in terms of impact but have a high value-add effect on the overall development concept.

→ **Does the variance meet the intent and purpose of the Zoning By-law?**

The intent and purpose of the yard setback requirements of the zoning by-law are to ensure that all of the above-noted elements have appropriate separation from adjacent lot lines and neighbouring buildings for privacy, access, and maintenance, and to limit negative impacts of development on surrounding conditions. The proposed reduced interior side yard is limited to approximately 1/3 of the building envelope for Building B, along the rear unit only and between the proposed new buildings. The reduced side yard is not less than the established required minimum of 0.6 metres in the zoning by-law. The bay window projection is appropriately setback from the adjacent building wall to the south but allows for added light and air filtration to the rear unit which otherwise would not have functional windows along the side elevations. The proposed accessory buildings are adjacent to the proposed new lot lines only and offer additional buffering from any adjacent residential uses given the rear laneway conditions. The current garage is located on or over the lot line and the proposal will improve the rear yard functionality across all three lots overall. Maintenance and access for each of these elements (bay window, side façade, and accessory buildings) will be appropriately managed via the proposed easements/ROWs and JUMAs across all three sites as detailed in the enclosed consent applications. As such, the variances meet the intent and purpose of the zoning.

→ **Is the variance desirable for the appropriate development and use of the land?**

As discussed in other sections of this report, the proposed variances allow for improved site functionality and livability with the provision of rear yard accessory buildings that provide waste and bike storage, though not required by the zoning by-law. The proposed locations allow for practical site circulation for

pedestrians while providing ease of access to the buildings, without impacting surrounding neighbours given their proposed locations to the interior of the lots and adjacent to rear lane. The placement allows for additional landscape buffering between the north and south neighbouring properties. The proposed side yard setback and bay window projection will be imperceptible from the street but allow for enhanced livability and desirability of the rear unit, allowing for additional light and air filtration and a third bedroom for family-sized housing. Each of these elements contribute to the overall design and function of the sites, and when considered collectively, are desirable for the appropriate development and use of the land.

CONCLUSION

The subject site is a large urban lot municipally known as 49 Fairmont Avenue, fronting onto Lees Avenue in the Old Ottawa East neighbourhood, and presently contains a three-storey multi-unit building with five apartments. The Owner is proposing to demolish the existing dwelling, sever the property into three separate parcels, and construct three new long semi-detached dwelling, one per new lot, with two primary dwelling units on and one associated Secondary Dwelling Units. Minor variances to the zoning by-law are required to facilitate the development. Each of the lots is appropriately sized to accommodate two primary units with three bedrooms, offering a diversity of larger family-sized rental housing stock in the urban area. The lots each can accommodate long semis that offer livable units with outdoor private amenity space, modest vehicle parking options, enclosed bike parking spaces at a 1:1 unit ratio, enclosed waste storage, and provides setbacks that are reasonable and appropriate for the context. The development new long semi-detached dwellings is permitted in the zoning and appropriate for the neighbourhood fabric and planned function of the surrounding community. The proposed configuration and size of the lots and buildings is compatible, appropriate, and desirable, especially when considering the site will function as one given the proposed easements and ROWs across each lot. Each lot will be municipally serviced, and the site and neighbourhood have the capacity to support this type and form of permitted residential intensification. The proposal offers a diversity of housing typology and choice in the format of both family-sized principal units and apartment SDUs, which is needed and supported within the urban area.

The proposed consents and minor variances are consistent with the Provincial Policy Statement, 2020 conform to the policies of the City of Ottawa Official Plan and comply with the City of Ottawa’s Zoning By-law 2008-250 save and the requested minor variances. The consents meet the criteria as set out in Section 51(24) of the Planning Act as detailed in this report and the proposed minor variances meet the four tests under Section 45(1) of the Planning Act. The proposed development represents good land use planning and is recommended for approval.

Respectfully submitted,



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

APPENDIX 1 – SITE & SURROUNDING CONTEXT PHOTOS

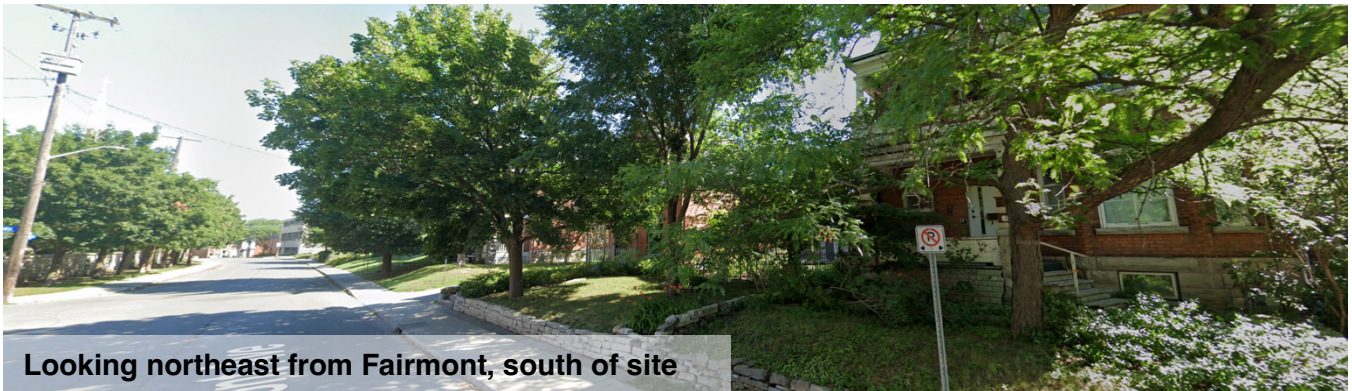




Looking east from Duhamel St towards Fairmont Ave



Looking northeast from Fairmont towards rear lane entrance



Looking northeast from Fairmont, south of site



Looking southwest from Fairmont, opposite site



Rear lane conditions south of site looking north



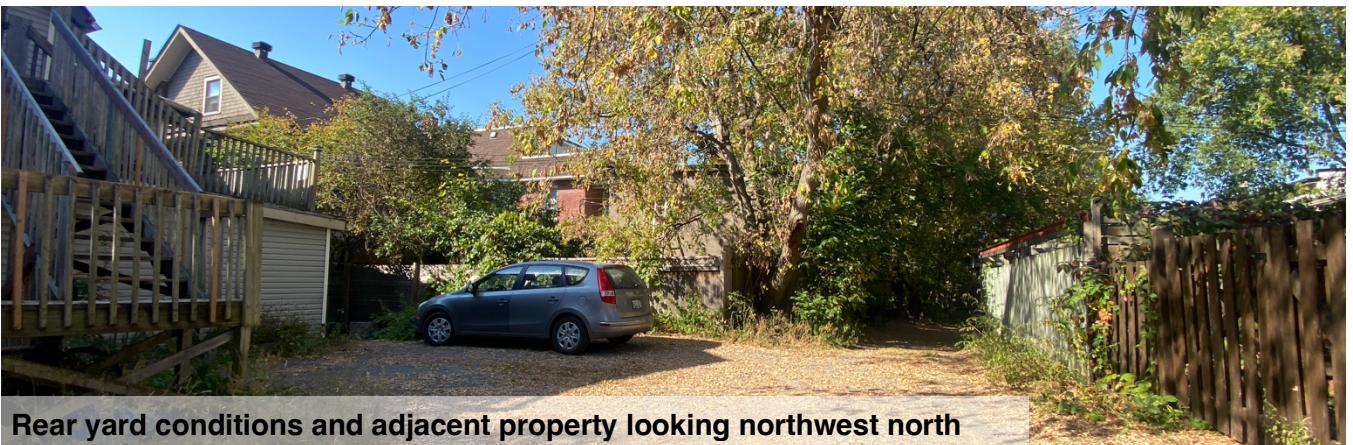
Existing site rear yard conditions looking west



Lane conditions looking north



Lane conditions opposite site's rear yard looking northeast



Rear yard conditions and adjacent property looking northwest north