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Comité de dérogation

**81** COMMITTEE OF ADJUSTMENT  
PLANNING RATIONALE  
**BOYCE AVENUE**

COLIZZA BRUNI

architecture

## 1. APPLICATION OVERVIEW

- DEALS WITH THE DIVISION OF THE PROPERTY AT 81 BOYCE AVE INTO 2 LOTS TO ACCOMMODATE THE RETENTION OF THE EXISTING SINGLE FAMILY DWELLING & THE CONSTRUCTION OF A NEW SINGLE FAMILY DWELLING
- OP DESIGNATION OF THE PROPERTY IS:
  - OUTER URBAN TRANSECT - EVOLVING NEIGHBOURHOOD
- PROPERTY ZONING IS R10
- THE PROPOSED DEVELOPMENT REQUIRES:
  - AUTHORITY OF THE COMMITTEE FOR VARIANCES FROM THE ZONING BY-LAW
  - THE CONSENT OF THE COMMITTEE FOR SEVERANCE



STREET VIEW FROM BOYCE AVENUE

**81** COMMITTEE OF ADJUSTMENT  
PLANNING RATIONALE  
**BOYCE AVENUE**

COLIZZA BRUNI

architecture

## 2. LOCATION AND PHYSICAL CONTEXT

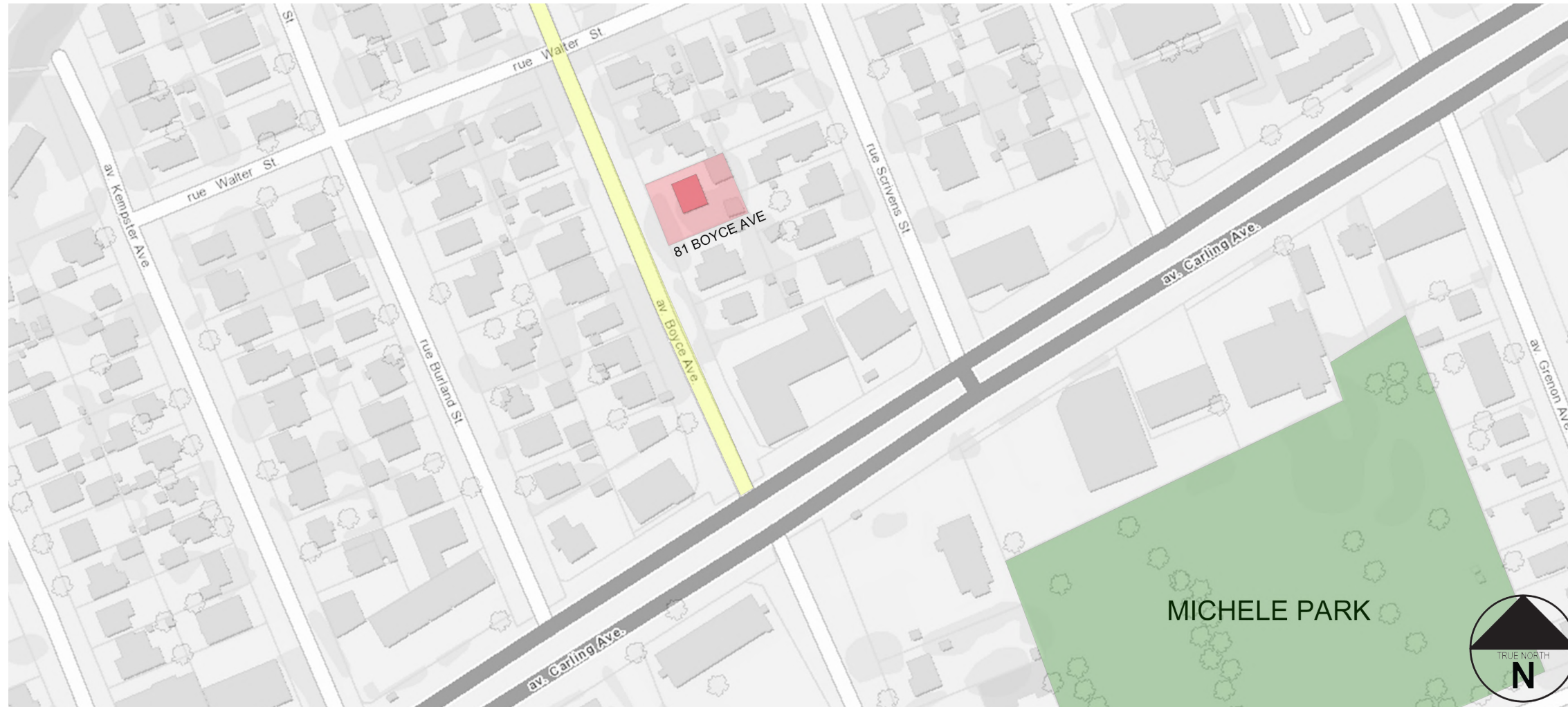
- THE SITE IS LOCATED ON THE EAST SIDE OF BOYCE AVENUE BETWEEN CARLING AVENUE TO THE SOUTH & WALTER STREET TO THE NORTH
- THE SITE IS WITHIN 1 KM FROM BRITANNIA PARK AND BEACH. IT IS LESS THAN 100M FROM CARLING AVENUE (CORRIDOR MAINSTREET). IT IS WELL SERVED BY SCHOOLS, COMMUNITY CENTRES, SHOPPING CENTRES AND PUBLIC TRANSPORTATION
- THE BOYCE AVE STREETScape IS GENERALLY:
  - 1 & 2 STOREY SINGLE DETACHED HOMES VARYING IN SIZE & SCALE
  - CHARACTERIZED BY LARGE, MATURE TREES LINING THE STREET



STREET VIEW OF SITE FROM BOYCE AVENUE



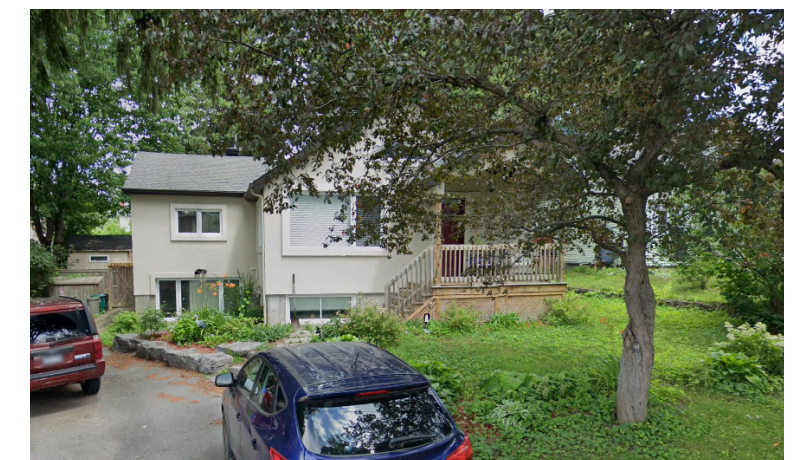
PROPERTY ACROSS THE STREET



LOCATION PLAN



PROPERTY TO THE NORTH



PROPERTY TO THE SOUTH



1. COMMERCIAL BUILDINGS ON BOYCE



2. STARDUST MOTEL ON BOYCE



3. HIGHRISE MULTI-UNIT APARTMENTS ON CARLING



4. FAMILY SHELTER ON CARLING



5. MOVIE THEATRE ON CARLING



6. DRUG STORE ON CARLING

**LEGEND**

- 81 BOYCE AVENUE
- HIGH-RISE APARTMENTS
- TOWNHOUSES
- COMMERCIAL BUILDING
- ASSEMBLY BUILDING
- INSTITUTIONAL BUILDING
- GREEN SPACE
- BOYCE AVENUE
- MAIN ARTERIAL ROAD



CONTEXT MAP

### 3. SITE PLAN

#### SITE ORGANIZING INFLUENCES

THE BUILDING'S CONFIGURATION AND LOCATION WAS INFLUENCED BY THE FOLLOWING FACTORS:

- DESIRE TO RETAIN THE EXISTING HOME
- DESIRE TO RETAIN THE EXISTING MATURE TREES ON BOYCE

#### FUNCTIONAL ASPECTS

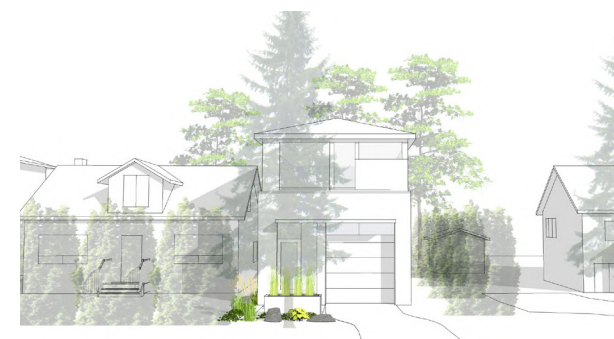
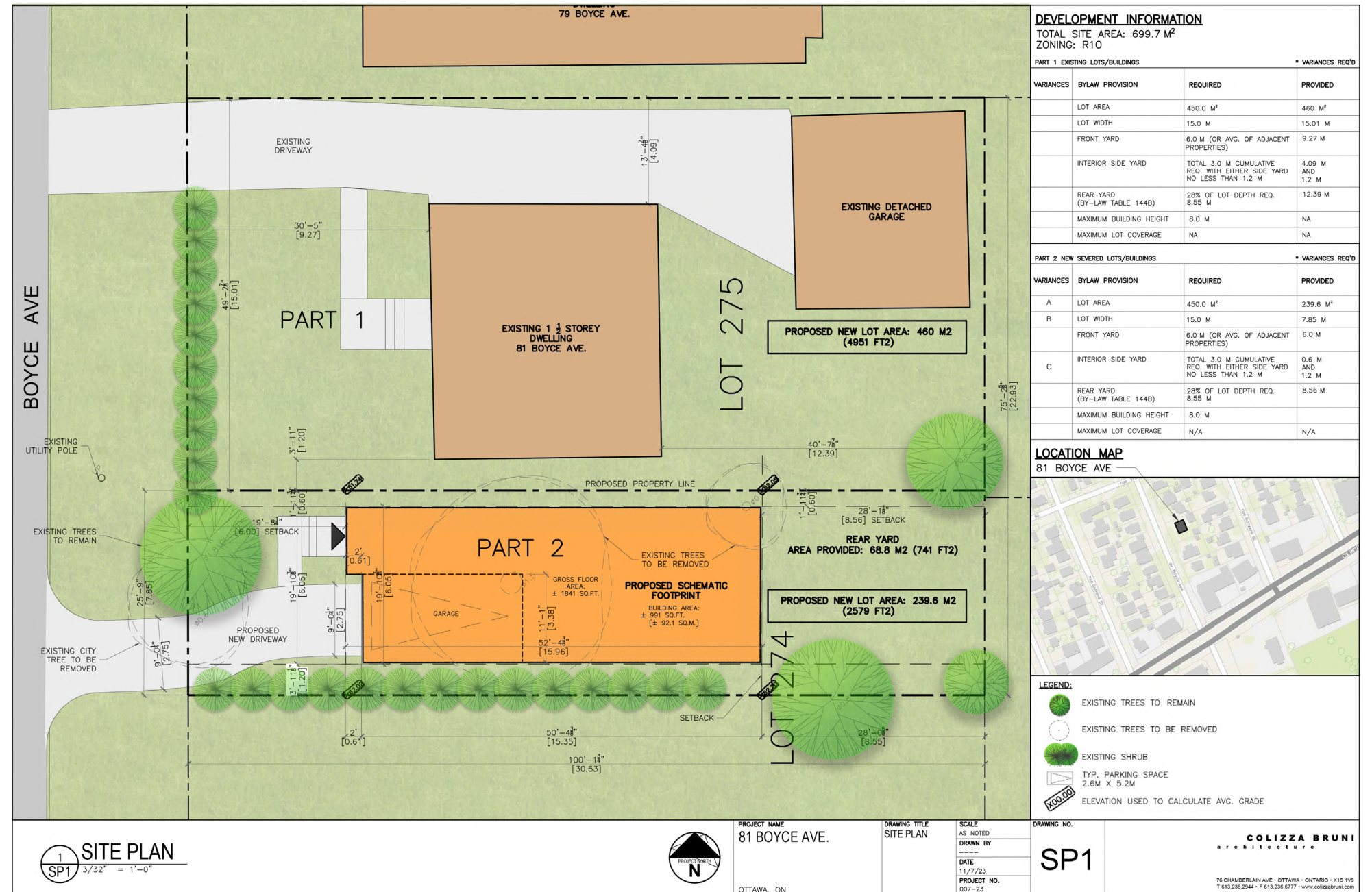
- THE EXISTING HOME CAN BE RETAINED & RENOVATED
- BUILDING IN THE EXISTING SIDE YARD RESULTS IN A COMPACT (1890 SF) & AFFORDABLE HOME

#### TREES, SOFT LANDSCAPING AND OUTDOOR AMENITY SPACE

- THE PRIVATE APPROACH IS LOCATED TO ALLOW FOR THE RETENTION OF AN EXISTING MATURE STREET TREE
- BOTH DWELLINGS HAVE PRIVATE OUTDOOR AMENITY SPACES AT GRADE IN THE REAR YARD
- FRONT YARD SOFT LANDSCAPING EXCEEDS THE BY-LAW REQUIREMENTS

#### PARCEL DESCRIPTION

- PART 1 - SEVERED LOT
- PART 2 - RETAINED LOT



STREET VIEW FROM BOYCE AVE



STREET VIEW FROM BOYCE AVE



AERIAL VIEW FROM BOYCE AVE

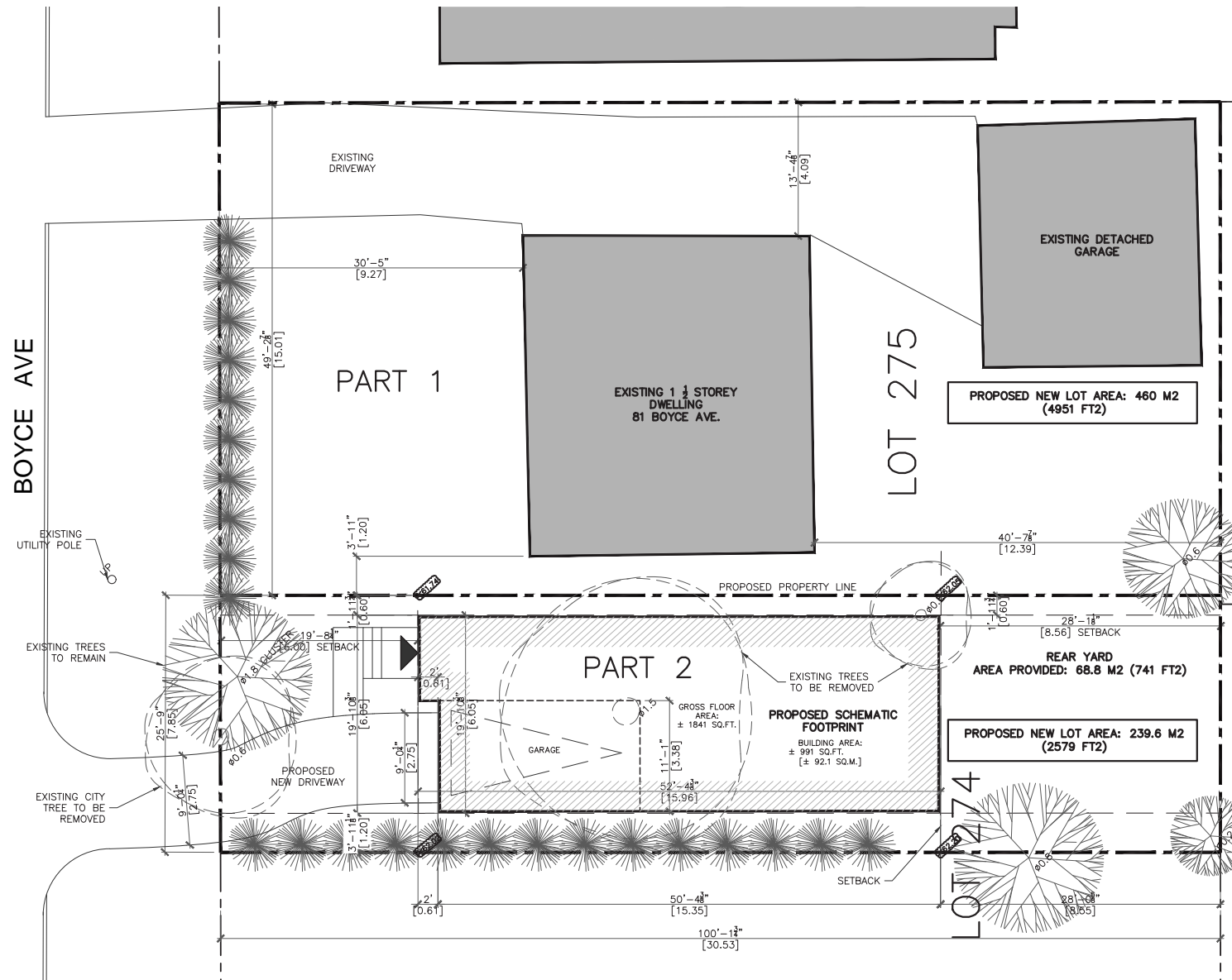
## 4. VARIANCES REQUESTED

### PART 1

NO VARIANCES

### PART 2

- A. TO PERMIT A REDUCED LOT AREA OF 239.6 M<sup>2</sup>, WHEREAS THE BY-LAW REQUIRES A LOT AREA OF 450.0 M<sup>2</sup> (BY-LAW SECTION 156, TABLE 156A)
- B. TO PERMIT A REDUCED LOT WIDTH OF 7.85 M, WHEREAS THE BY-LAW REQUIRES A LOT WIDTH OF 15.0 M (BY-LAW SECTION 156, TABLE 156A)
- C. TO PERMIT A REDUCED TOTAL INTERIOR SIDE YARD SETBACK TOTAL OF 1.8 M, WITH ONE NO LESS THAN 0.6 M, WHEREAS BY-LAW REQUIRES A TOTAL INTERIOR SIDE YARD SETBACK OF 3.0 M, WITH ONE YARD NO LESS THAN 1.2 M.



SITE PLAN - RETAINED LOT

AERIAL VIEW FROM BOYCE AVENUE

## 5. URBAN DESIGN CONSIDERATIONS

- THE PROPOSED DEVELOPMENT ACHIEVES A “STREETSCAPE FIT” BY:
  - MAINTAINING MOST OF THE SOFT LANDSCAPING ON BOYCE.
  - RETAINING THE EXISTING HOUSE
  - DEVELOPING A NEW HOME OF SIMILAR SIZE & SCALE AS THE ORIGINAL HOMES IN THE NEIGHBOURHOOD
  - RETAINING A MATURE TREE TO MAINTAIN THE RHYTHM OF MATURE TREES ALONG BOYCE
  - PROVIDING A DEVELOPMENT WITH 2 SMALLER HOMES THAT FIT THE SCALE AND CHARACTER OF THE STREET INSTEAD OF DEMOLISHING AND CONSTRUCTING 1 LARGE HOME OR SPLITTING THE LOT & DEVELOPING 2 LARGER HOMES THAT WOULD BE OUT OF CHARACTER WITH THE STREET
- FROM A SUSTAINABILITY POINT OF VIEW, THE PROPOSED DEVELOPMENT RETAINS AND REFURBISHES AN EXISTING HOME.



AERIAL VIEW FROM BOYCE AVENUE



STREET VIEW FROM BOYCE AVENUE

## 6. CONSULTATION WITH STAKEHOLDERS

- CITY PLANNING STAFF – MET WITH CITY STAFF ALONG WITH CORRESPONDENCE VIA EMAIL. STAFF HAD CONCERN WITH THE REDUCED SIDE YARD SETBACK VARIANCE C. SEE 7. **PLANNING EVIDENCE** FOR DISCUSSION RELATED TO THIS VARIANCE.
- ABUTTING/ADJACENT NEIGHBOURS – THE OWNER KNOCKED ON DOORS OF THE ADJACENT NEIGHBOURS TO THE EAST (118 & 122 SCRIVENS ST), TO THE SOUTH (87 BOYCE AVE), AND TO THE WEST (86 & 90 BOYCE). AT THE TIME OF HIS VISITS, THE OWNERS/OCCUPANTS DID NOT ANSWER THE DOORS SO THE OWNER HAD LEFT A LETTER WITH HIS CONTACT INFORMATION AND A COPY OF THE SITE PLAN. NONE OF THE NEIGHBOURS HAD CONTACTED HIM AT THE TIME OF WRITING THIS PLANNING RATIONALE.
- CBA CONTACTED THE COMMUNITY ASSOCIATION VIA EMAIL ON OCTOBER 4TH/2023 AND OCTOBER 11TH, 2023 TO REQUEST A MEETING TO REVIEW THE DESIGN AND PLANNING RATIONALE FOR THIS DEVELOPMENT. CBA DID NOT RECEIVE A RESPONSE TO THE EMAILS.



STREET VIEW FROM BOYCE AVENUE LOOKING NORTH



## 7. PLANNING EVIDENCE

### VARIANCES A & B

- THE PROPOSAL IS SEEKING A REDUCTION IN LOT AREA AND WIDTH FOR THE SEVERED LOT. THE LOTS ON BOYCE AVE AND IN THIS NEIGHBOURHOOD VARY IN SIZE AND THE REDUCED LOT WIDTH AND AREA WOULD NOT BE OUT OF CHARACTER WITH THE NEIGHBOURHOOD. THE IMAGES BELOW DEMONSTRATE LOTS WITHIN THIS NEIGHBOURHOOD THAT DO NOT MEET THE BY-LAW REQUIREMENTS FOR LOT SIZES AND/OR WIDTHS.

### LEGEND

- ZONE R10**  
MINIMUM LOT WIDTH - 15.0 M  
MINIMUM LOT AREA - 450.0 M<sup>2</sup>
- SITE (81 BOYCE)**  
PROPOSED SEVERED LOT WIDTH - 7.85 M  
PROPOSED SEVERED LOT AREA - 239.6 M<sup>2</sup>
- ADJACENT PROPERTIES NOT CONFORMING TO R10 ZONING REQUIREMENTS



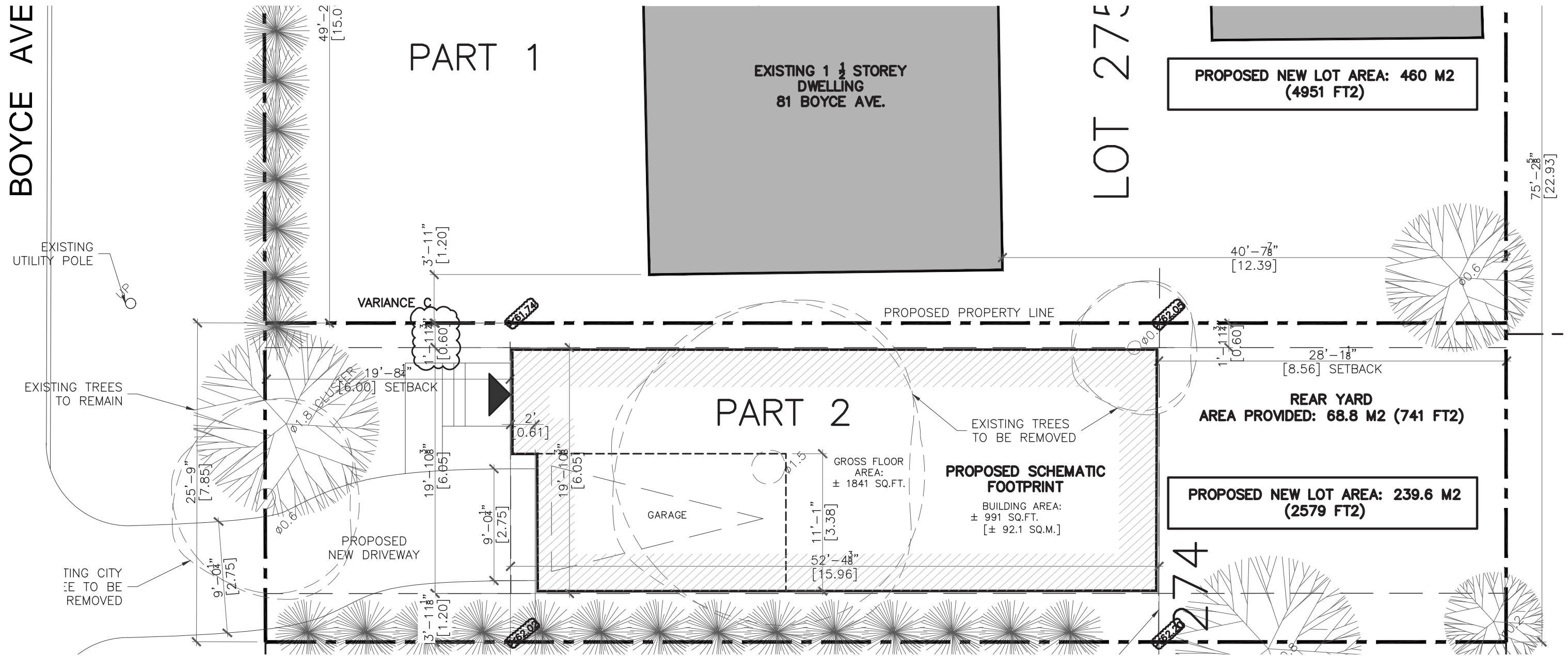
### PROPERTY FOOTNOTE

- AREA = 445 m<sup>2</sup>
- WIDTH = 14.6 m
- AREA = 404 m<sup>2</sup>
- AREA = 303 m<sup>2</sup>
- WIDTH = 13.1 m, AREA = 399 m<sup>2</sup>
- WIDTH = 7.7 m, AREA = 351 m<sup>2</sup>
- WIDTH = 14.6 m, AREA = 446 m<sup>2</sup>
- WIDTH = 12.8 m, AREA = 391 m<sup>2</sup>
- AREA = 233 m<sup>2</sup>
- WIDTH = 13.2 m
- WIDTH = 11.5 m, AREA = 352 m<sup>2</sup>
- WIDTH = 12.2 m, AREA = 372 m<sup>2</sup>
- WIDTH = 10.1 m, AREA = 307 m<sup>2</sup>
- WIDTH = 10.1 m, AREA = 307 m<sup>2</sup>
- WIDTH = 10.4 m, AREA = 311 m<sup>2</sup>
- WIDTH = 10.1 m, AREA = 303 m<sup>2</sup>
- WIDTH = 10.1 m, AREA = 307 m<sup>2</sup>
- WIDTH = 10.1 m, AREA = 307 m<sup>2</sup>
- WIDTH = 10.2 m, AREA = 309 m<sup>2</sup>
- WIDTH = 10 m, AREA = 305 m<sup>2</sup>
- WIDTH = 10 m, AREA = 306 m<sup>2</sup>
- WIDTH = 10.1 m, AREA = 308 m<sup>2</sup>
- WIDTH = 10 m, AREA = 306 m<sup>2</sup>
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- WIDTH = 10.1 m, AREA = 306 m<sup>2</sup>
- WIDTH = 10.1 m, AREA = 308 m<sup>2</sup>
- WIDTH = 10 m, AREA = 305 m<sup>2</sup>
- WIDTH = 10.1 m, AREA = 306 m<sup>2</sup>
- WIDTH = 11 m, AREA = 334 m<sup>2</sup>
- WIDTH = 10 m, AREA = 305 m<sup>2</sup>
- WIDTH = 10.4 m, AREA = 315 m<sup>2</sup>
- WIDTH = 9.8 m, AREA = 297 m<sup>2</sup>

### ZONING & LOT ANALYSIS

VARIANCE C

- WE ARE SEEKING A REDUCTION IN TOTAL SIDE YARD SETBACK OF 1.8M FOR THE NEW DWELLING WHEREAS THE BYLAW REQUIRES 3.0M WITH ONE YARD NO LESS THAN 1.2M. THE REDUCED SIDE YARD SETBACK IS REQUIRED TO RETAIN THE EXISTING HOME. THE REDUCED SETBACK IS ON THE NORTH SIDE OF PART 2 WHICH IS INTERNAL TO THE DEVELOPMENT AND DOES NOT IMPACT ANY ADJACENT NEIGHBOURS. THE SETBACK ON THE SOUTHSIDE OF PART 2 MEETS THE MINIMUM REQUIRED SETBACK FOR INTERIOR SIDEYARD AND THEREFORE THERE IS NO IMPACT ON THE ADJACENT NEIGHBOUR TO THE SOUTH.
- THE REDUCED SETBACK DOES NOT ADVERSELY AFFECT ACCES TO THE REAR YARD AS THE SOUTH SIDE MAINTAINS A 1.2M SETBACK FOR ACCESS. THE 0.6 M SETBACK ON THE NORTH SIDE OF PART 2 IS TYPICAL FOR SINGLE FAMILY HOMES IN MANY R1 ZONES INCLUDING TT,V,VV,XX,Y,Z. AS WELL AS MOST R2 AND R3 ZONES.



SITE PLAN - RETAINED LOT

## 8. THE FOUR TESTS FOR MINOR VARIANCES

### 1) THE VARIANCES ARE MINOR IN NATURE

WHEN APPLYING THE “IMPACT TEST”, THE VARIANCES ARE CONSIDERED MINOR AS THEY DO NOT CREATE UNDUE ADVERSE IMPACTS ON ITS SURROUNDINGS

### 2) THE VARIANCES MAINTAIN THE GENERAL INTENT AND PURPOSE OF THE ZONING BY-LAW

THE GENERAL INTENT AND PURPOSE OF THE ZONING BY-LAW IS MAINTAINED AS THE PROPOSED DEVELOPMENT IS COMPATIBLE WITH THE RESIDENTIAL CHARACTER OF THE NEIGHBOURHOOD.

TO NOTE:

- THE GENERAL INTENT AND PURPOSE OF THE PERFORMANCE STANDARDS IN ZONING BY-LAW ARE EFFECTIVELY TO ENSURE PROPER FUNCTIONALITY OF DEVELOPMENT WHILE MITIGATING IMPACT ON ADJACENT PROPERTIES. THE PROPOSED DEVELOPMENT AND THE EXISTING HOME (THAT IS TO BE RETAINED) MEET ALL THE PERFORMANCE STANDARDS OF THE ZONING BY-LAW FOR SETBACKS AND HEIGHT ASIDE FROM THE INTERIOR SIDE YARD SETBACK THAT IS INTERNAL TO THE DEVELOPMENT & DOES NOT IMPACT ADJACENT PROPERTIES.
- THE PROPERTY IS ZONED **R10**. THE STATED PURPOSE OF THIS ZONING BY-LAW 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

### 3) THE VARIANCES MAINTAIN THE GENERAL INTENT AND PURPOSE OF THE OFFICIAL PLAN

THE VARIANCES MAINTAIN THE INTENT OF THE POLICIES STATED IN BOTH THE NEW OFFICIAL PLAN

TO NOTE:

- THE PROPOSED DEVELOPMENT REPRESENTS AN OPPORTUNITY TO MEET PROVINCIAL POLICY, OP POLICIES AND THE GOALS OF INTENSIFICATION IN ORDER TO TAKE ADVANTAGE OF EXISTING MUNICIPAL SERVICES AND INFRASTRUCTURE
- THE CITY SUPPORTS INTENSIFICATION IN THE OUTER URBAN TRANSECT WHERE NEIGHBOURHOOD DEVELOPMENT GENTLY ACCOMMODATE 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

### 4) THE VARIANCES ARE DESIRABLE FOR THE APPROPRIATE DEVELOPMENT OR USE OF THE LAND

THE TEST FOR APPROPRIATENESS IS MEASURED BY HOW WELL A DEVELOPMENT “FITS” INTO ITS PHYSICAL CONTEXT... ITS COMPATIBILITY. THE PROPOSED DEVELOPMENT DOES “FIT WELL” INTO ITS PHYSICAL ENVIRONMENT AND THEREFORE IS DESIRABLE FOR THE APPROPRIATE DEVELOPMENT OR USE OF THE SUBJECT LAND.

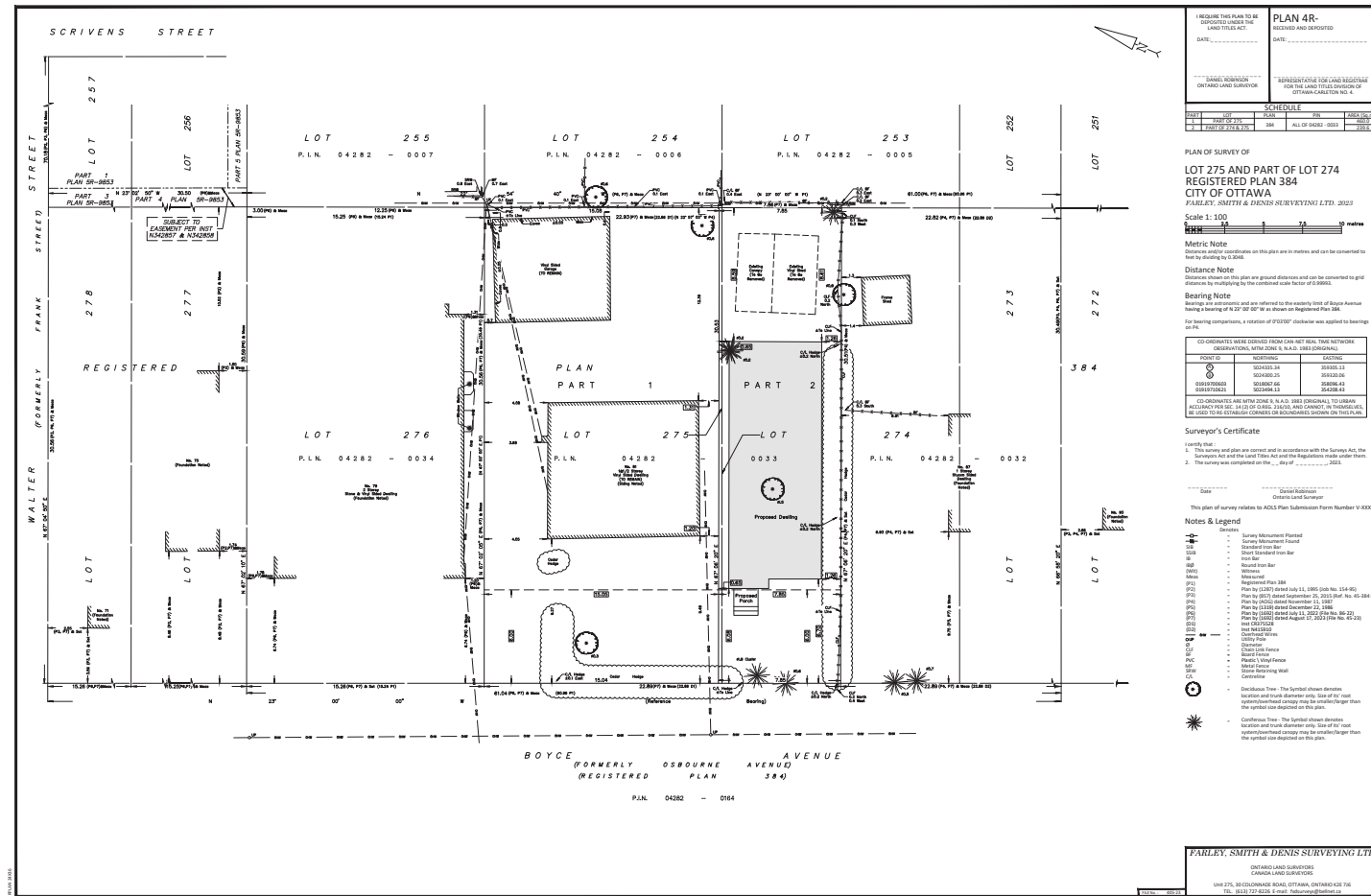
TO NOTE:

- THE PROPOSED DESIGN CONSIDERS THE DESIGN SUGGESTIONS IN THE CITY’S “URBAN DESIGN GUIDELINES FOR LOW-RISE INFILL HOUSING”
- THE VARIANCES ARE DESIRABLE FOR APPROPRIATE DEVELOPMENT AND USE OF THE LAND BECAUSE THEY WILL ACCOMMODATE A MODEST AMOUNT OF INTENSIFICATION IN A MANNER THAT WILL BE COMPATIBLE TO THE EXISTING BUILT FABRIC
- THE PROPOSED DEVELOPMENT, ALTHOUGH NOT EXACTLY THE SAME AS THE EXISTING BUILDINGS IN THE VICINITY, IT “FITS WELL” WITHIN ITS PHYSICAL CONTEXT AND “WORKS WELL” WITH THOSE FUNCTIONS THAT SURROUND IT

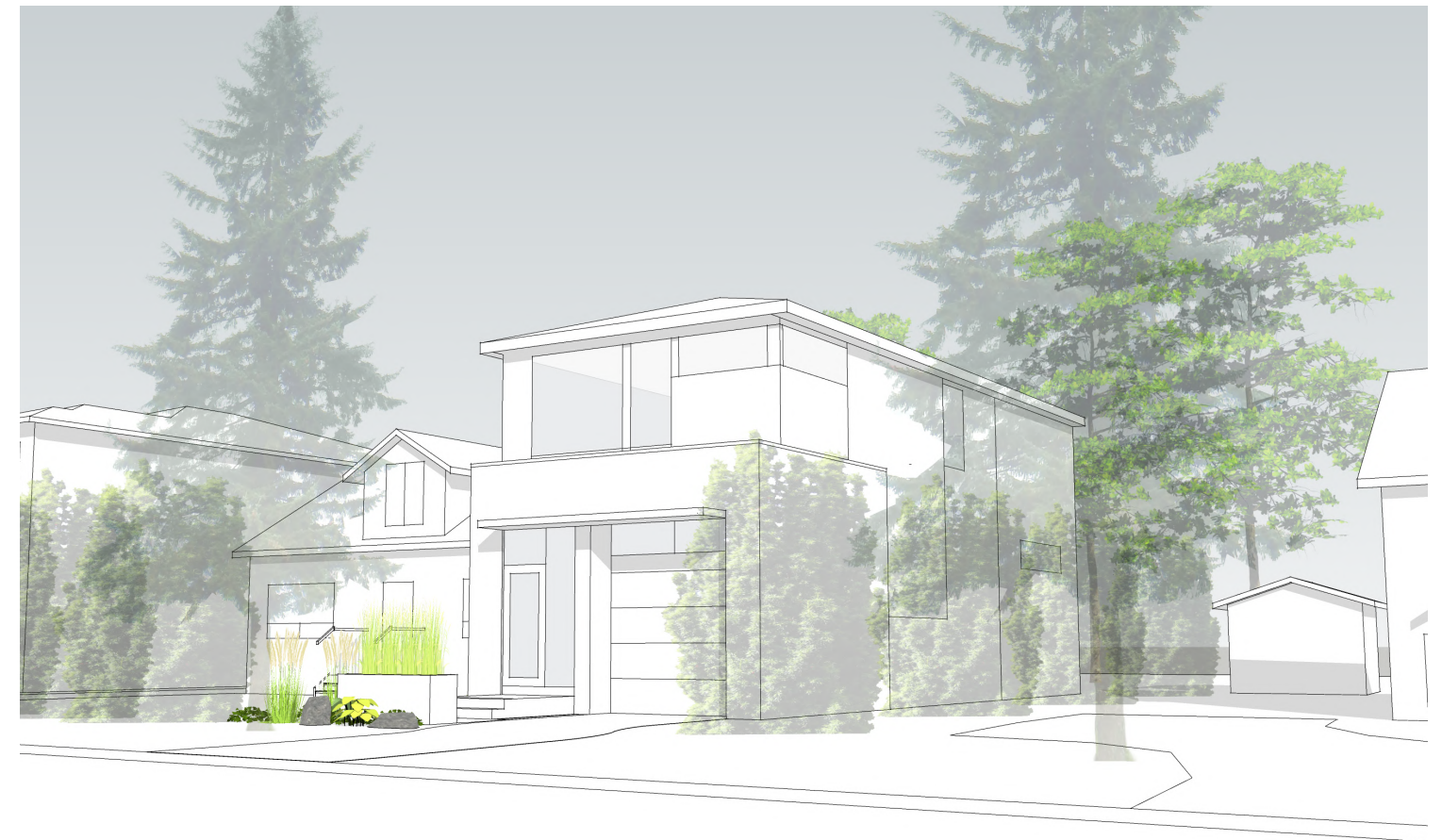
## 9. CONSENT APPLICATION

THE CONSENT APPLICATIONS MEET THE CRITERIA IN SECTION 51(24) OF THE ONTARIO PLANNING ACT FOR ORDERLY DEVELOPMENT, INCLUDING, BUT NOT LIMITED TO:

- THROUGH INTENSIFICATION THE CONSENT APPLICATIONS ARE ALLOWING FOR THE EFFICIENT USE OF COMMUNICATION, TRANSPORTATION, SEWAGE AND WATER SERVICES & WASTE MANAGEMENT SYSTEMS
- PROVINCIAL POLICIES GENERALLY IDENTIFY INFILL DEVELOPMENT AS APPROPRIATE FOR GROWTH AND DEVELOPMENT
- INFILL DEVELOPMENT BY ITS NATURE PROMOTES SUSTAINABLE PRINCIPLES AND LOCATIONS LIKE THIS THAT ARE ORIENTED TO PEDESTRIANS AND ARE WELL SERVED BY PUBLIC TRANSIT, SCHOOLS, COMMUNITY CENTRES, AND SHOPPING CENTRES.
- THE PROPOSED DEVELOPMENT IS NOT PREMATURE, AS IT IS DESIGNED TO INTEGRATE INTO THE EXISTING LOT FABRIC, WHICH HAS AVAILABLE MUNICIPAL ROADS, LIGHTS AND SERVICES
- THE CONSENT APPLICATIONS ARE IN THE PUBLIC INTEREST, AS THEY ARE CONSISTENT WITH PROVINCIAL AND MUNICIPAL POLICIES, PARTICULARLY POLICIES ENCOURAGING INTENSIFICATION AND AN EFFICIENT USE OF PUBLIC SERVICES
- THE PROPOSED PARCELS WILL HAVE FRONTAGE AND DIRECT ACCESS TO A PUBLIC STREET



DRAFT REFERENCE PLAN



STREET VIEW FROM BOYCE AVENUE - PROPOSED