

November 20, 2023

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

**Committee of Adjustment**  
Received | Reçu le

**2023-11-21**

City of Ottawa | Ville d'Ottawa  
**Comité de dérogation**

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

Dear Mr. Bellemare:

**Reference: 124 Granton Avenue  
Applications for Consent and Minor Variance  
Our File No 122131**

Novatech has been retained by the owner of the property municipally known as 124 Granton Avenue (the "Subject Site") to prepare and file applications for a Minor Variance and Consent to establish mutual easements over a shared driveway between two recently severed (conditionally approved) lots. The initial applications for consent and minor variance were heard by the Committee of Adjustment on January 11, 2023 and were refused in their decision dated January 20, 2023. The decision of the Committee of Adjustment was appealed to the Ontario Land Tribunal (OLT). In their decision dated June 15, 2023, the OLT granted the appeal of the consent and minor variance decisions and authorized the minor variances and provisional consent. The requested easements and minor variance are required to accommodate a new shared driveway that is proposed as part of a revision to plans for development of the Subject Site.

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

*Figure 1: Location of the Subject Site*



## Site and Context

### Site

The Subject Site is located in the Cityview neighbourhood and is within the City of Ottawa's College Ward (Ward 8). The site is located at the western end of Granton Avenue, along the south side of the street. The Subject Site is in an area bounded by Baseline Road to the north, Cordova Street to the east, and Chippewa Avenue to the south. To the west of the property is a 4-storey apartment building. The Subject Site currently has a lot frontage of 26.62 meters, a lot depth of 27.42 meters, and a lot area of 787.9 m<sup>2</sup>. The approved provisional consent for the Subject Site will permit the severance of the property into two separate lots. The western lot (124 Granton) has a lot frontage of 13.31 metres and a lot area of 450.4 square metres. The eastern lot (122 Granton) has a lot frontage of 13.31 metres and a lot area of 387.1 square metres. The Subject Site is legally known as Lots 2263, 2264, & 2265, Plan 375, Nepean.

Figure 2: Subject Site



The Subject Site is zoned R1FF[632] in the City of Ottawa Zoning By-law 2008-250. The Subject Site is within the Outer Urban Transect and is designated Neighbourhood in the City of Ottawa Official Plan (2022). The property is also subject to the Evolving Neighbourhoods Overlay, due to its proximity to the Baseline Road Corridor.

The Subject Site is currently developed with a single storey detached dwelling. A driveway is provided on the site. There is a single City tree in the road allowance in front of the property. The surrounding area is similarly developed, with detached dwellings to the north, east, and south of the Subject Site.

The building immediately to the east of the Subject Site has been demolished for the purposes of infill development.

**Surrounding Context**

The Subject Site is surrounded by residential uses. The property is located in a neighbourhood of primarily detached dwellings on large lots as well as some detached dwellings on smaller lots. Most of these dwellings are one to two storeys and are constructed with brick or vinyl siding. There are several higher density residential uses to the west of the Subject Site, including a four-storey apartment building directly to the west of the property. There are also a number of townhouses and mid- and high-rise apartment buildings within walking distance of the Subject Site.

**Original Development Proposal**

The original development proposal for the Subject Site was to sever the property into two lots in order to develop a detached dwelling with a secondary dwelling unit on each lot. A double-wide driveway and garage was proposed for each detached dwelling. Development of the Subject Site required reciprocal consent and minor variance applications. The minor variance applications sought to permit reduced lot widths and lot areas and to permit a 5.5 metre double wide driveway. Figure 3 and Figure 4 show the Draft Reference Plan and Site Plan that were included in the original applications to the Committee of Adjustment.

Figure 3: Original Draft Reference Plan

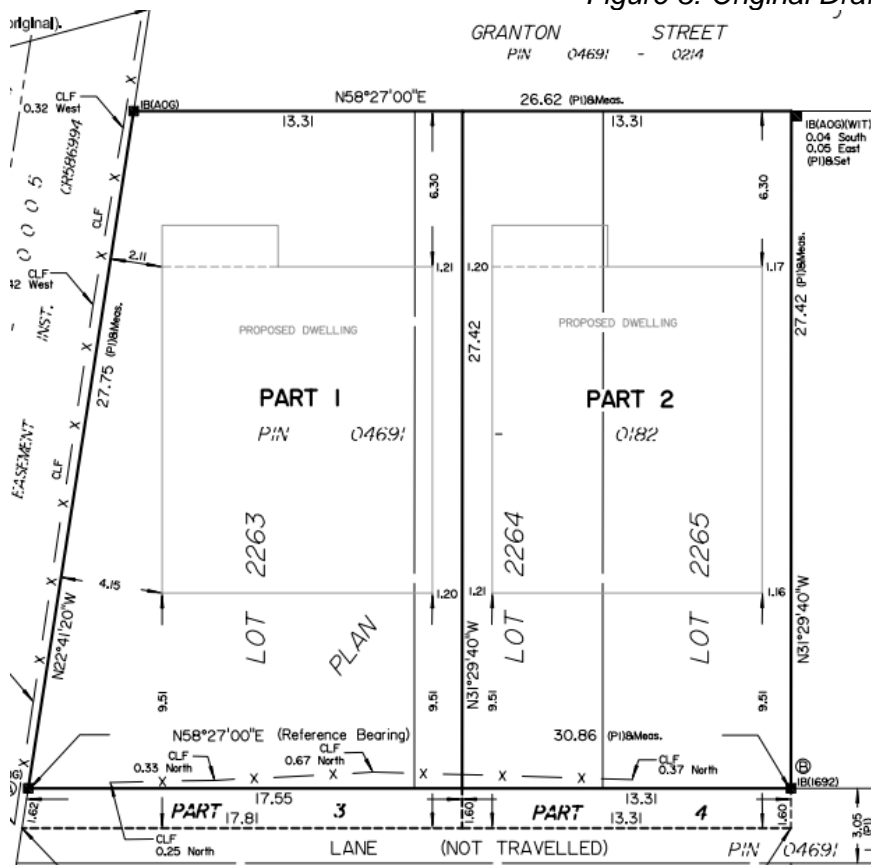
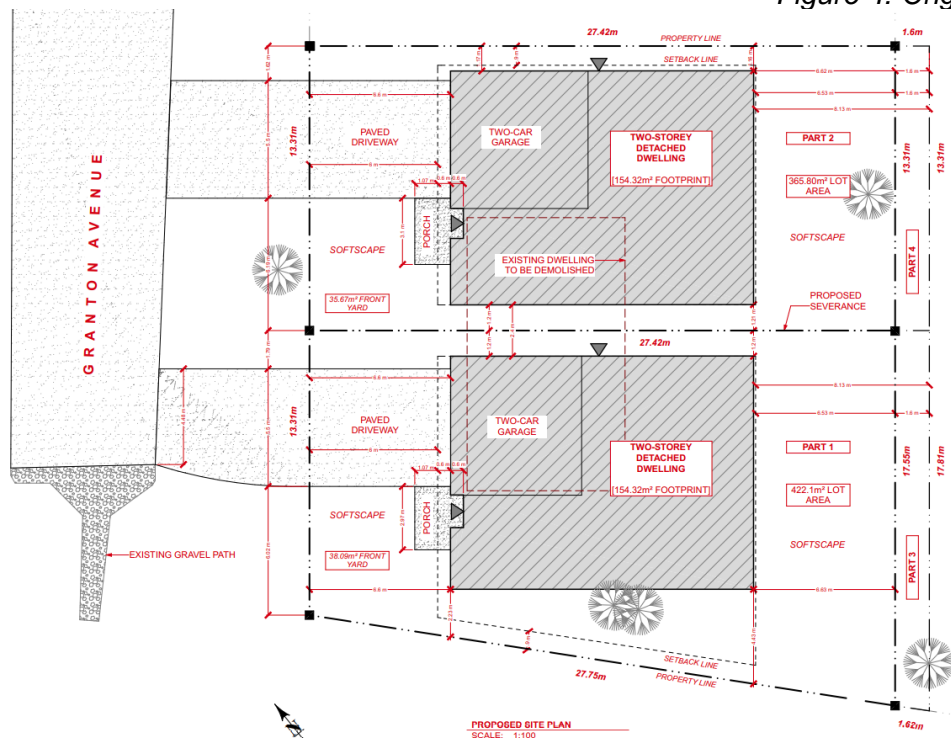


Figure 4: Original Site Plan



These applications were heard by the Committee of Adjustment on January 11, 2023. In their decision dated January 20, 2023, the Committee of Adjustment refused both the consent and minor variance applications. This decision was appealed to the Ontario Land Tribunal (OLT) on February 7, 2023 and was heard by the OLT on May 11, 2023. In the decision dated June 15, 2023, the Ontario Land Tribunal granted the appeal of the consent and minor variance decisions.

The reduced lot width and lot area that was approved by the Ontario Land Tribunal is in full force and effect. The conditions of the provisional consent application approved by the Ontario Land Tribunal are in the process of being cleared.

## Proposed Development

The proposed Consent and Minor Variance applications seek to establish mutual easements over a shared driveway providing access to rear yard parking. The proposal will include the development of a detached dwelling with two additional dwelling units on each lot established through the approved severance application. The detached dwellings will both be two storeys. Two parking spaces will be provided in the rear yard of each lot.

The proposed development will provide for a more urban built form that prioritizes soft landscaping in the front yard over driveways and vehicle parking. The proposed shared driveway will facilitate parking in the rear yard where it is not visible from the street, allowing for more space in the front yard for soft landscaping and tree planting. The proposed driveway configuration will allow for the retention of the existing City tree in front of the Subject Site. The reduced visual impact of driveways and vehicle parking, as well as the retention of the existing tree and additional soft landscaping in the front yard is more desirable than the original proposal.

Figure 5: Site Plan Excerpt for Proposed Development

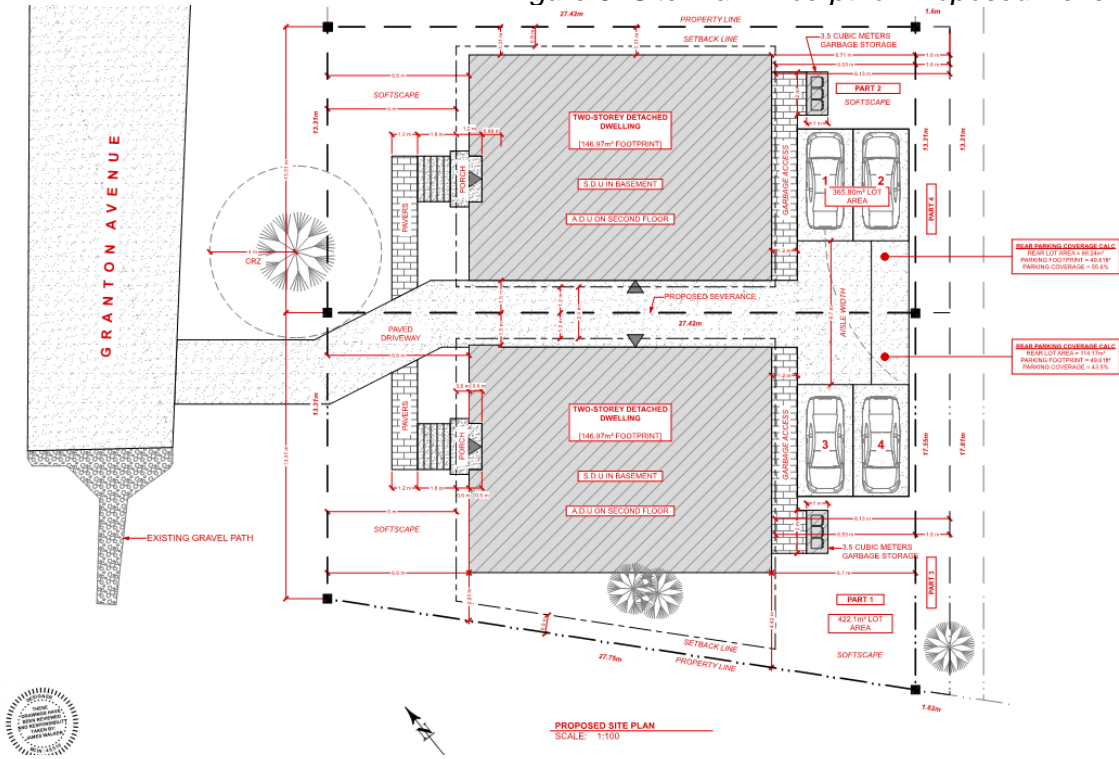
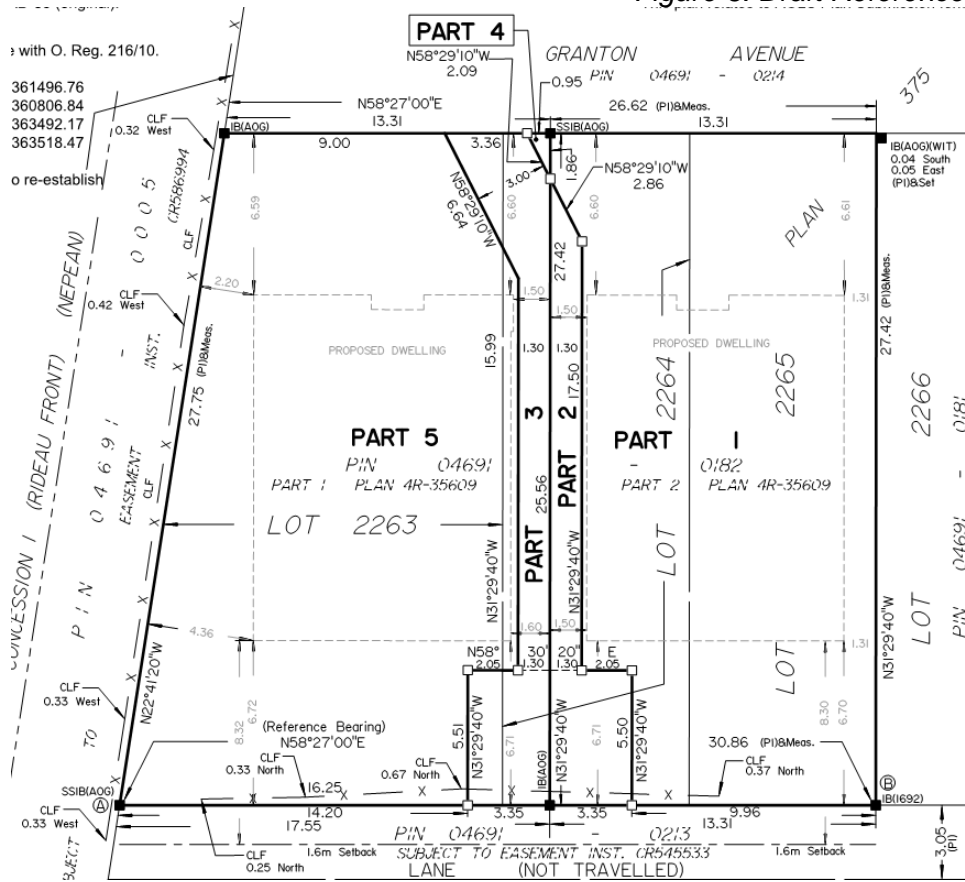


Figure 6: Draft Reference Plan Excerpt



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## **Reciprocal Consent Applications**

### Consent Application 1:

Part 2 on the Draft Reference Plan will be subject to an easement in favour of Parts 3, 4, and 5.

### Consent Application 2:

Part 3 on the Draft Reference Plan will be subject to an easement in favour of Parts 1 and 2.

## **Consent Rationale**

The proposed consent applications seek to establish mutual easements for a shared driveway between two proposed detached dwellings. The shared driveway will lead to two parking spaces in the rear yard of each property. Providing parking in the rear yard will enhance the streetscape by eliminating the visual impact of vehicle parking and driveways. Reducing the number and width of driveways will provide more space for soft landscaping in the front yard than the two double-wide driveways that were approved by the Ontario Land Tribunal.

The curved driveway configuration has been designed to protect the existing City tree in front of the Subject Site. This will help maintain the mature tree cover in the neighbourhood. The increased soft landscaping in the front yard will provide space for additional tree plantings, which will contribute to creating a more desirable streetscape.

**The proposed easements at 124 Granton Avenue represent good land use planning.**

## **Minor Variance Application**

The proposed minor variances are listed below:

- a) To permit a portion of the driveway to be located between the front wall of a residential use building and the street; whereas the Zoning By-law does not permit a part of the driveway to be located between the front wall of a residential use building and the street (Section 107(3)(b)(i)).

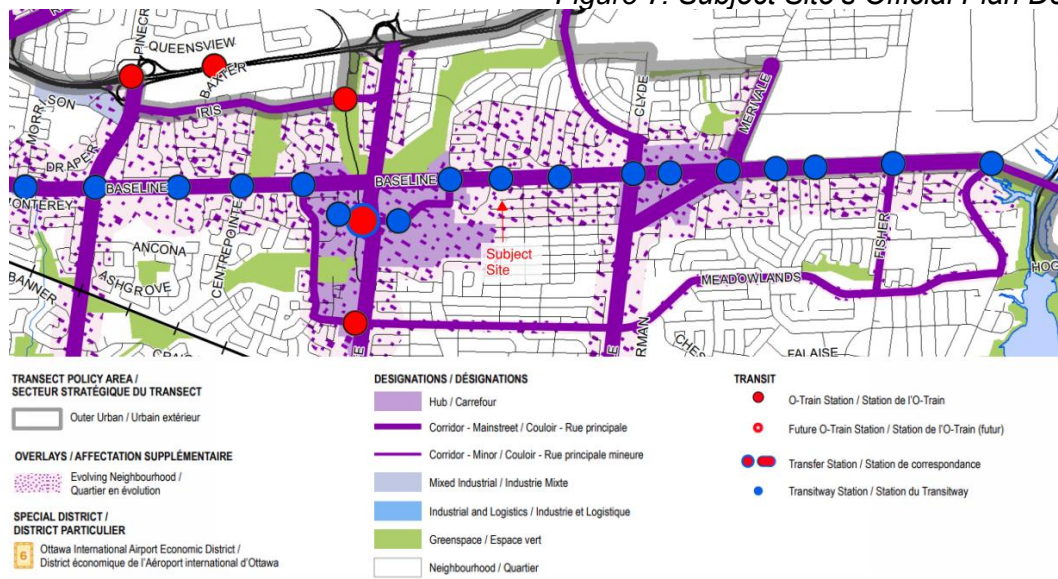
## **Minor Variance Rationale**

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

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

The Subject Site is designated Neighbourhood in the Outer Urban Transect of the City of Ottawa Official Plan (2022). The Subject Site is also subject to the Evolving Neighbourhoods Overlay.

Figure 7: Subject Site's Official Plan Designation



### Outer Urban Transect

The Outer Urban Transect seeks to provide direction for Neighbourhoods. The Outer Urban Transect is generally characterized by low- to mid- density development with a suburban built form.

Policy 1 in Section 5.3.4 states:

*“Neighbourhoods located in the Outer Urban area shall accommodate residential growth to meet the Growth Management Strategy as outlined in Section 3. The Zoning By-law shall implement development standards that transition away from a suburban model and move towards urban built forms as described in Table 6 as applicable and that:*

- Allows and supports a wide variety of housing types with a focus on lower density missing-middle housing which generally reflects the existing built form context of the neighbourhood, which may include new housing types that are currently not contemplated in this Plan;*
- The application, as appropriate, of Zoning By-law development standards to be applied as one lot for zoning purposes to support missing middle housing;*
- Generally provides for up to 3 storeys height permission, and where appropriate 4 storeys height permission to allow for ground-oriented higher-density Low-rise residential development;*
- Provides an emphasis on regulating the maximum built form envelope that frames the public right of way; and*
- In appropriate locations, to support the production of missing middle housing, prohibit lower-density typologies.”*

The proposed shared driveway supports a gradual transition away from a suburban built form towards a more urban built form as described in Table 6 of the Official Plan. The proposed shared driveway will facilitate a parking configuration where parking is concealed from the street with a greater emphasis on soft landscaping in the front yards. The proposed driveway configuration will also allow for a more direct relationship between the principal entrance of the proposed dwellings

and the streetscape compared to the double-wide driveway proposal that was approved by the Ontario Land Tribunal.

Neighbourhood Designation

Section 6.3 of the Official Plan provides policy direction for development within the Neighbourhood designation.

Policy 3 of Section 6.3.2 states:

*“Further to Policy 2), form-based regulation will provide for built form and site development characteristics that are:*

- a) In the Downtown Core Transect, urban as described in Table 6;*
- b) In those parts of the Inner Urban, Outer Urban, and Suburban Transects covered by the Evolving Overlay where substantial increases of density are planned and where building form and massing is anticipated to change significantly from existing context, urban as described in Table 6; and*
- c) In all other cases, may provide for a mix of urban and suburban characteristics as described in Table 6, provided that such development does not unreasonably preclude evolution to more urban character over the life of this Plan.”*

The Subject Site is located within the Evolving Overlay in the Outer Urban Transect and is anticipated to transition towards an urban built form. The proposed shared driveway will contribute to this transition by reducing the visual impact of parked vehicles on the streetscape and enhancing the relationship between the front entrance and the public realm. The proposed shared driveway will also provide for additional soft landscaping in the front yard and has been designed to maintain the existing tree at the front of the property. The proposal will enhance the streetscape and provide potential for increased mature tree cover in the neighbourhood.

Policy 7 of Section 6.3.3 of the Official Plan states:

*“In order to provide for current parking demand while enabling a transition over time towards less automobile-dependent development,*

- a) The City may establish residential on-street parking permit zones in Neighbourhoods per Subsection 4.1.4, Policy 6);*
- b) The Zoning By-law may allow communal parking garages and in accordance with Subsection 4.1.4, Policy 9) surface parking lots as a main use of land, where doing so provides an alternative to on-site parking on nearby residential lots; and*
- c) The City will regulate private approaches as provided under the applicable Transect policies in order to maintain or enhance unbroken curb space for short-term, visitor and permit-zone street parking, as well as for other common purposes.”*

The proposed shared driveway will reduce the number of private approaches that are proposed for the development of the Subject Site. The proposed rear yard parking will provide required parking while reducing the visual impact of driveways on the streetscape.



*Evolving Neighbourhoods Overlay*

Section 5.6.1 of the Official Plan provides policy direction for development within the Built Form Overlay, including the Evolving Neighbourhoods Overlay. Policy 1 of Section 5.6.1.1 states:

*“The Evolving Overlay will apply to areas that are in a location or at 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 as shown in the B-series of schedules of this Plan. The Evolving Overlay will be applied generally to the properties that have a lot line along a Minor Corridor; lands 150 meters from the boundary of a Hub or Mainstreet designation; and to lands within a 400-metre radius of a rapid transit station. The Overlay is intended to provide opportunities that allow the City to reach the goals of its Growth Management Framework for intensification through the Zoning By-law, by providing:*

- a) Guidance for a gradual change in character based on proximity to Hubs and Corridors,*
- b) Allowance for new building forms and typologies, such as missing middle housing;*
- c) Direction to built form and site design that support an evolution towards more urban built form patterns and applicable transportation mode share goals; and*
- d) Direction to govern the evaluation of development.”*

The Subject Site is located within the Evolving Neighbourhoods Overlay. The proposed shared driveway will support an evolution towards a more urban built form by emphasizing soft landscaping in the front yards over vehicle parking. The proposed shared driveway will facilitate parking in the rear yard where it is not visible from the street. The shape of the proposed shared driveway will allow for the retention of a mature tree in the front of the Subject Site.

Policy 6 of Section 5.6.1.1 states:

*“Zoning By-law development standards and development on lands with an Evolving Overlay should generally include built form and site design attributes that meet most of the urban characteristics described in Table 6 in Section 5, and where suburban attributes are retained, that these do not structurally impede the achievement of a fully urban site design over time.”*

The proposed shared driveway will support an evolution towards a more urban built form pattern by providing vehicle parking out of sight in the rear yard and emphasizing the principal entrance, soft landscaping and potential for additional trees in the front yard. The proposed development will not impede the achievement of a fully urban site design and balances the existing need for vehicle parking with a more urban site design.

The proposed development meets the intent of the Official Plan as it supports a gradual transition from a suburban built form to an urban built form. The proposed shared driveway will reduce the visual impact of driveways as proposed for the original development and emphasize the principal entrances and front yard soft landscaping. The curved design of the proposed driveway will allow for the retention of the existing City tree in front of the Subject Site.

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

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

The Subject Site is zoned R1FF[632] under the City of Ottawa Zoning By-law 2008-250.

Section 107 of the Zoning By-law provides provisions regarding aisles and driveways. Section 107(3) states:

*“Despite 107(2), in the case of a driveway providing access to a permitted parking space for a Detached Dwelling, Semi-detached Dwelling, Linked-detached Dwelling, Duplex Dwelling, Townhouse Dwelling or Stacked Dwelling:*

*(a) The driveway must have a minimum width of 2.6 metres.*

*(b) Where a driveway is providing access to a permitted parking space located outside of the front yard and corner side yard it may be located in a front yard, in a corner side yard, in an interior yard, in the extension of an interior side yard into the front yard or in the extension of a corner side yard into a rear yard provided that:*

*(i) In the R1, R2, R3, R4, and R5 zones, no part of the driveway may be located between the front wall of the residential use building and the street nor, in the case of the corner lot, between the corner side wall of the residential use building and the street; and,*

*(ii) The area of the driveway does not exceed the greater of:*

- 1. 50 per cent of the area of the yard in which it is located*
- 2. 2.6 metres times the depth of the yard in which it is located.*

*(iii) For the purposes of clause 3(b)(ii), the front yard and corner side yard are deemed to include any corner sight triangle as required and defined under Section 57.*

*(c) Despite subsection (3)(b)(i), on a lot within the area shown as Area A on Schedule 318, on which a residential use building was constructed and occupied on or prior to December 31, 2013, a driveway providing access to a permitted parking space may be widened in accordance with the following:*

*(i) A driveway’s width may encroach into the extension of the interior side yard into the front yard;*

*(ii) A driveway’s width may encroach up to 1.8m into the area between the front wall of the residential use building and the street, provided that the combined width of that part of the driveway extending in front of the front wall and any walkway does not exceed 1.8m;*

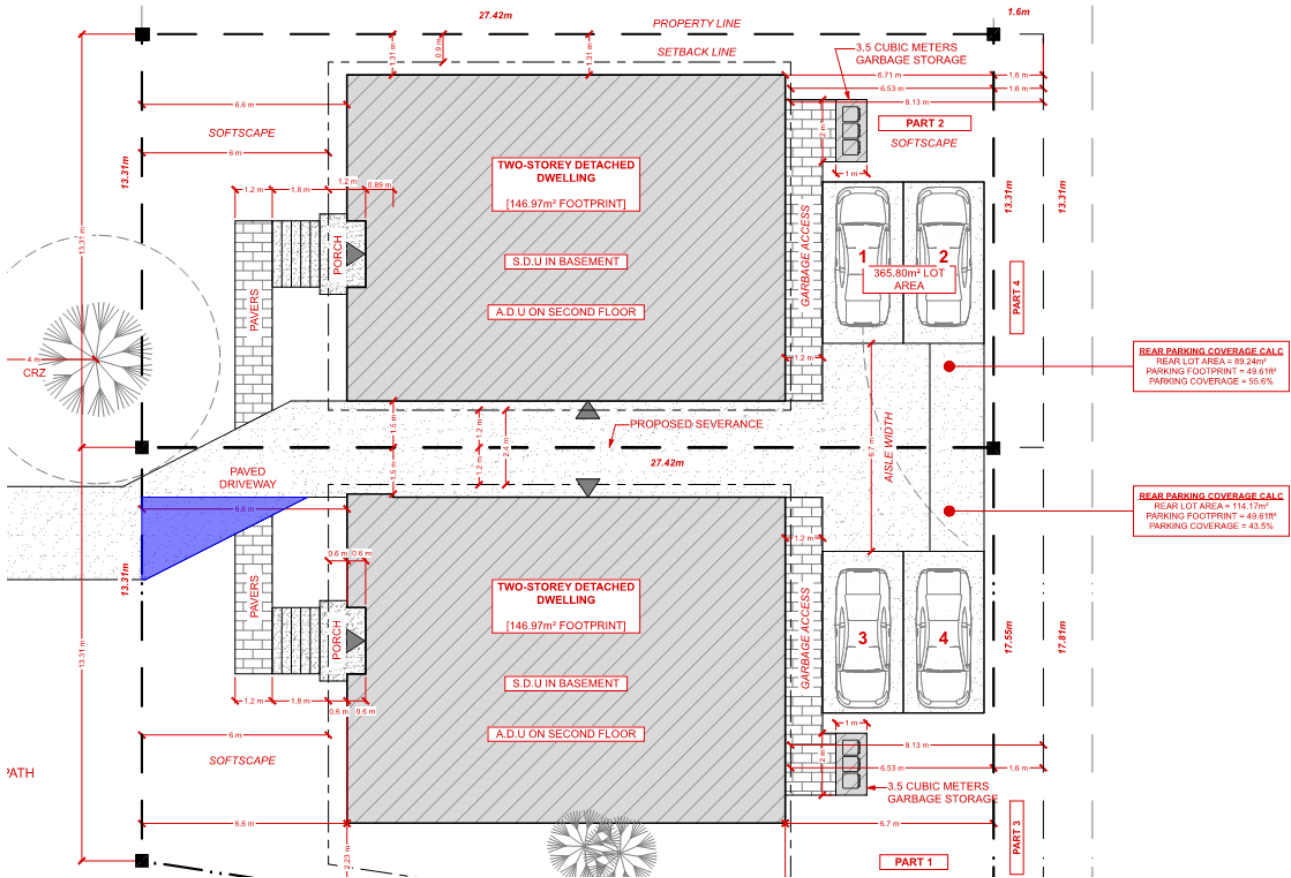
*(iii) In the case of a corner lot, a driveway’s width may encroach up to 1.8m into the area between the corner side wall of the residential use building and the street, provided that the combined width of that part of the driveway extending in front of the corner side wall and any walkway does not exceed 1.8m;*

*(iv) Any part of any driveway located between the front wall and corner side wall of the residential use building and the street must consist of non-vegetative materials such as bricks, pavers, rock, stone, concrete, tile and wood excluding monolithic concrete and asphalt.”*

The proposed development on the Subject Site includes a shared driveway that provides access to parking in the rear yard. A portion of the shared driveway, indicated in blue on Figure 8, is located between the front wall of the proposed detached dwelling and the street. The Subject Site is not

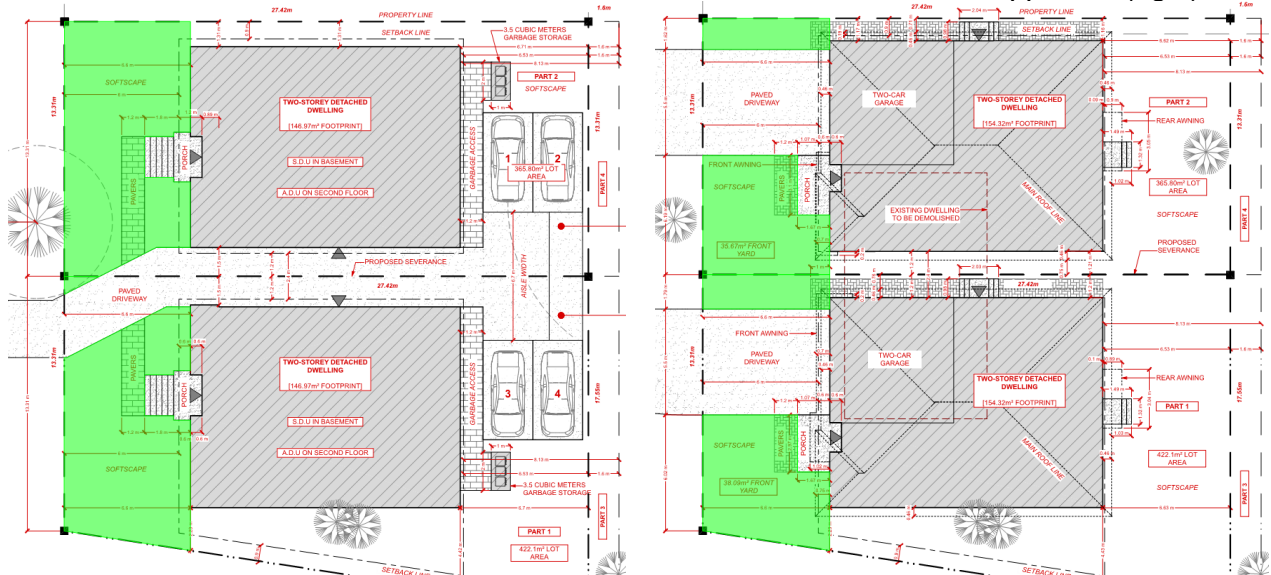
within Schedule 318. The provisions of 107(3)(c) do not apply to the Subject Site. A variance is required to permit a portion of the driveway to be located between the front wall of the detached dwelling and the street.

Figure 8: Portion of the Driveway Between the Front Wall and the Street



The variance requests a portion of the proposed shared driveway to be permitted to be located between the front wall of a residential building and the street, where this is not permitted according to the Zoning By-law. The intent of this provision is to prioritize soft landscaping over hardscaping in the front yard of residential properties and ensure that residential buildings are visually prominent. The proposed variance will maintain this intent. The proposed development with the shared driveway configuration represents an increase in the amount of front yard landscaping compared to the approved double-wide driveway configuration (see Figure 9). The current proposal will provide an aggregate front yard soft landscaping for the two new lots of 74.4% and 88.2%, compared to 41.7% and 40.6% with the approved double-wide driveway configuration. This will maintain and enhance the streetscape along Granton Avenue and provide space for tree planting in the front yard.

*Figure 9: Comparison of Front Yard Soft Landscaping Between the Proposed (left) and Previously Approved (right) Plans*



A curved design for the shared driveway has been proposed in order to retain the existing City-owned tree in the front yard. A shared driveway design that is not curved would have significant impacts on the existing tree. Despite the proposed shared driveway being located between the front building wall and the street, the proposed design will allow the existing tree to remain while still providing an area of front yard soft landscaping for additional tree planting.

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

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

The proposed variance and shared driveway configuration will reduce the visual impact of driveways and vehicles parked in the driveways and provide for additional soft landscaping in the front yard. This will enhance the streetscape by providing more space for tree planting in the front yard. The proposed variance will allow for the retention of an existing City tree in front of the Subject Site.

**The minor variance is considered desirable for the use of land.**

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

The proposed shared driveway requires a variance to permit a portion of the driveway to be located between the front wall of the proposed building and the street.

The variance to permit a portion of the shared driveway to be located between the front wall of a residential building and the street is minor in nature as it will have a minimal impact on the streetscape. The proposed driveway configuration will allow for the retention of an existing City-owned tree. This will have less impact on the streetscape than a shared driveway configuration that runs straight to the street, which would likely result in the loss of the existing tree in front of the Subject Site.

The proposed shared driveway configuration will provide for an improved streetscape that prioritizes soft landscaping and tree planting over driveways and vehicle parking. The proposed shared driveway will allow for increased soft landscaping in the front yard compared to the two double-wide driveways approved by the Ontario Land Tribunal. This will provide more space for tree planting and will reduce the visual impact of driveways and vehicle parking on the street. The variance to permit a portion of the shared driveway to be located between the front wall and the street is minor.

**The variance is considered minor in nature.**

## **Conclusion**

The proposed development maintains the general intent and purpose of the City of Ottawa Official Plan and Zoning By-law by providing a shared driveway design that reduces the visual impact of driveways and parked vehicles and prioritizes soft landscaping over parking. The proposed variance is desirable for the use of the land as it will allow for the retention of the existing tree and increased soft landscaping in the front yard, which will enhance the streetscape along Granton Avenue. The variance is minor in nature and will have minimal impact on the streetscape. All four tests under Section 45(1) of the Planning Act have been met. The proposed development represents good land use planning.

In support of the applications for consent and minor variance, please find enclosed:

- Cover Letter (one copy)
- Complete Consent Application Form 1 (one original copy)
- Complete Consent Application Form 2 (one original copy)
- Complete Minor Variance Application Form (one original copy)
- Consent Sketch 1 (one 8.5x11 copy and one 11x17 copy)
- Consent Sketch 2 (one 8.5x11 copy and one 11x17 copy)
- Minor Variance Sketch (one 8.5x11 copy and one 11x17 copy)
- Draft Reference Plan (one 8.5x11 copy and one 11x17 copy)
- Parcel Abstract for 124 Granton Avenue (one copy)
- Survey Plan (one 8.5x11 copy and one 11x17 copy)
- Tree Information Report (one copy)
- Site Plan (one 8.5x11 copy and one 11x17 copy)
- Architectural Elevation Drawings (one 8.5x11 copy and one 11x17 copy)

Should you have any questions regarding these applications, please do not hesitate to contact me.

Yours truly,

**NOVATECH**



Simran Soor, M.PL  
Planner