

January 2, 2024

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



**RE: Application for Minor Variance
577A & 577B Melbourne Avenue, Ottawa**

Dear Mr. Bellemare,

Fotenn Planning + Design ("Fotenn") has been retained by Danny Ibrahim to prepare a cover letter in support of two (2) Minor Variance applications on their behalf for the property known municipally as 577 Melbourne Avenue in the City of Ottawa ("the subject property"). The subject property is legally described as Part 1 of Lot 32 (East Melbourne Avenue), Registered Plan 204, City of Ottawa.

The purpose of the Minor Variance applications is to address the zoning non-compliance of the proposed residential dwellings on the subject property. This application will be seeking relief from specific provisions of the Zoning By-law on both of the lots created through the conditionally-approved severance on the lands, including rear yard and interior side yard setbacks as well as provisions of Section 140.

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

- / A cover letter/report explaining the nature of the applications;
- / The Minor Variance application form;
- / Streetscape Character Analysis;
- / A draft reference Plan prepared by Shipman Surveying Ltd.;
- / Tree Information Report prepared by Trillium Tree Experts;
- / Site Plan prepared by Simmonds Architecture; and,
- / Architectural Design Package prepared by Simmonds Architecture.

Please contact the undersigned at saunders@fotenn.com or bolduc@fotenn.com with any questions or requests for additional materials.

Sincerely,

Handwritten signature of Evan Saunders in black ink.

Evan Saunders, M.PL
Planner

Handwritten signature of Jacob Bolduc in black ink.

Jacob Bolduc, MCIP RPP
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FOTENN

Application Overview & Surrounding Context

Fotenn Planning + Design (“Fotenn”) has been retained by Danny Ibrahim to prepare this cover letter in support two (2) Minor Variance applications for the subject property known municipally as 577 Melbourne Avenue. The purpose of the Minor Variance applications is to seek relief from specific provisions of the Zoning By-law in order to facilitate the construction of the proposed developments on the subject property. The proposed buildings on the two (2) lots created through the previous Consent application (pending clearance of conditions) are non-compliant with the applicable Zoning By-law provisions. The variances sought through this application relate to provisions from Part 5 and 6 of the Zoning By-law, specifically, interior side yard setbacks, rear yard setbacks, as well as a front-yard driveways and front-facing garages where prohibited according to the dominant patterns found in the Streetscape Character Analysis (SCA).

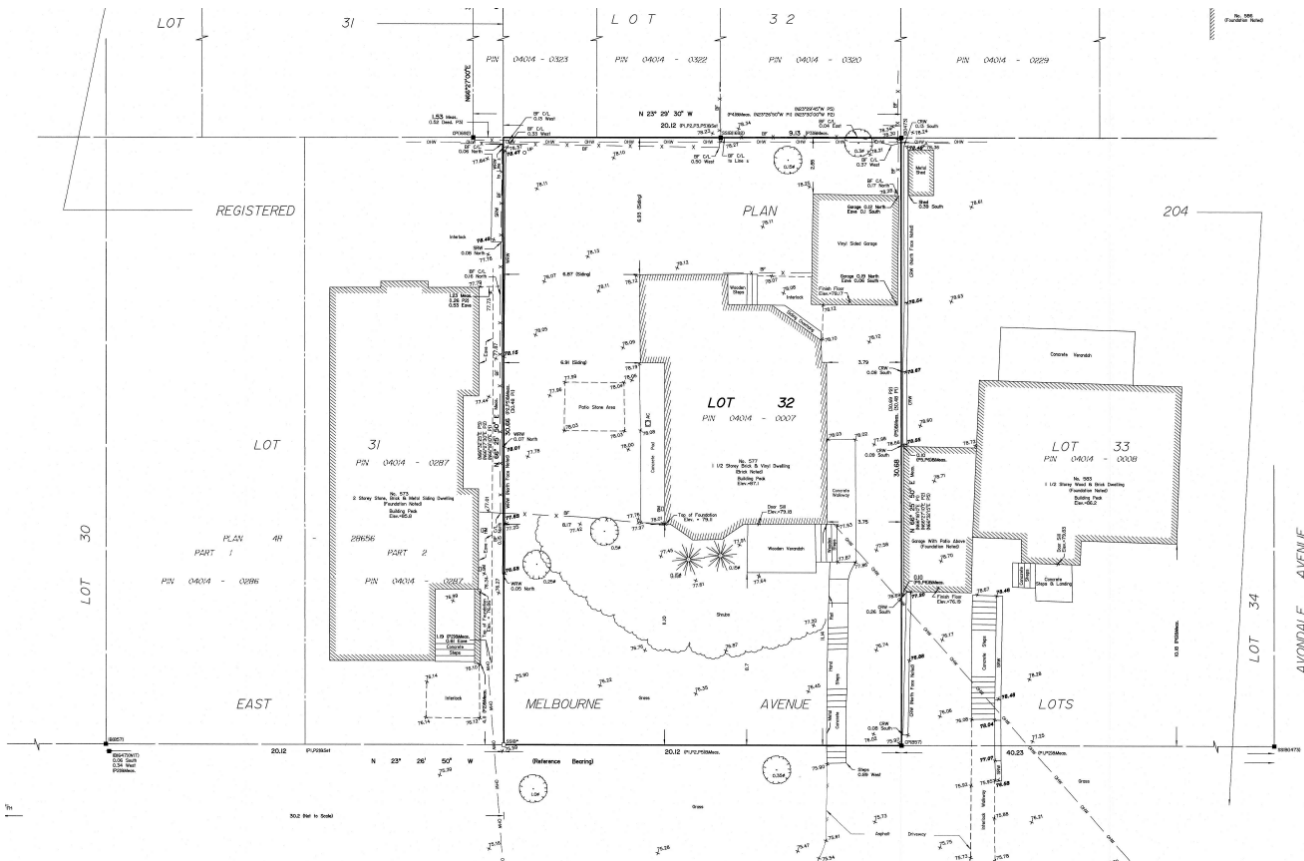


Figure 1: Plan of survey of the subject property showing the existing development on the site.

1.1 Application History

Previous Consent and Minor Variance applications were submitted in June of 2023 and was heard by the Committee of Adjustment in September of 2023. The proposed Minor Variances were denied by the Committee of Adjustment while the Consent application was approved conditionally. The approved consent application has yet to be finalized, but the owner is currently working to clear the conditions imposed as part of the approval granted in September 2023. In referencing the conditionally-approved Consent on the subject property, this application will refer to the lots as such: 577A (Part 1) and 577B (Part 2) Melbourne Avenue (see Figure 2).

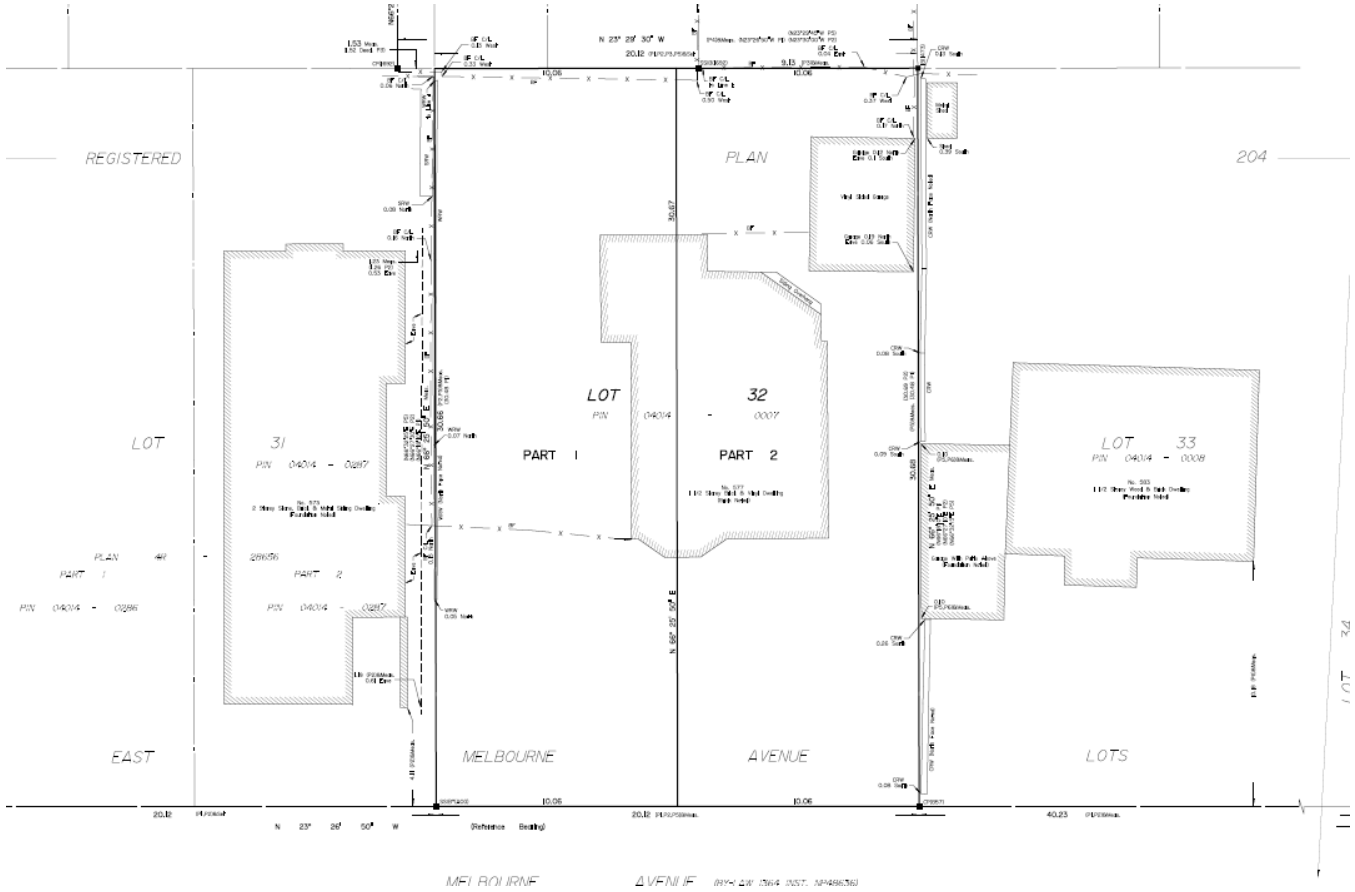


Figure 2: Approved Draft Reference Plan submitted and approved as part of the previously Consent application on the subject property.



Figure 3: Subject Lands (outlined in blue).

1.2 Overview of Subject Property

The subject property, which is legally described as Part 1 of Lot 32 (East Melbourne Avenue), Registered Plan 204 in the City of Ottawa, has a lot frontage of 20.12 metres along Melbourne Avenue and a lot depth of 30.68 metres, resulting in a total area of approximately 613.41m². The property is currently occupied by a one-and-a-half storey detached dwelling and a detached garage at the rear yard of the property. The front yard features two (2) prominent mature trees.

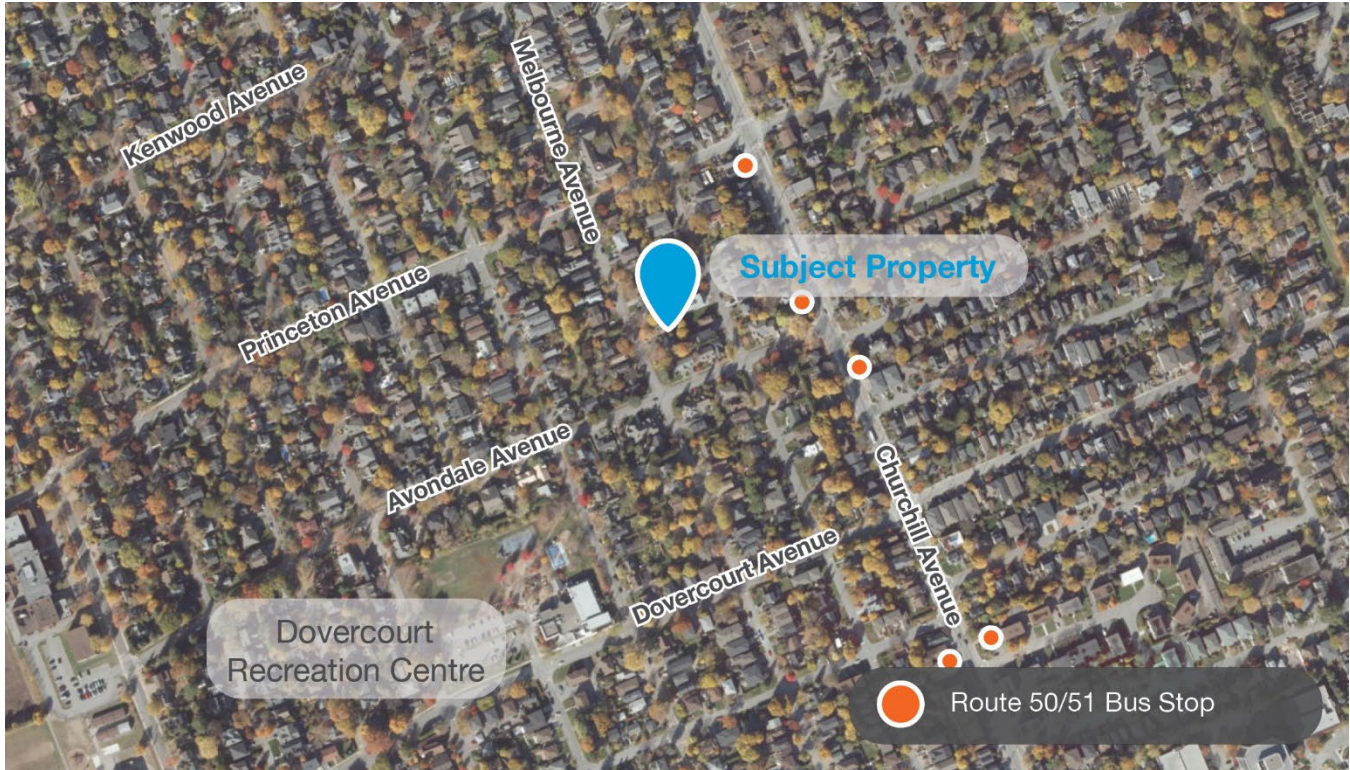


Figure 4: Surrounding context (subject property identified).

1.3 Surrounding Context

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

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

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

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

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

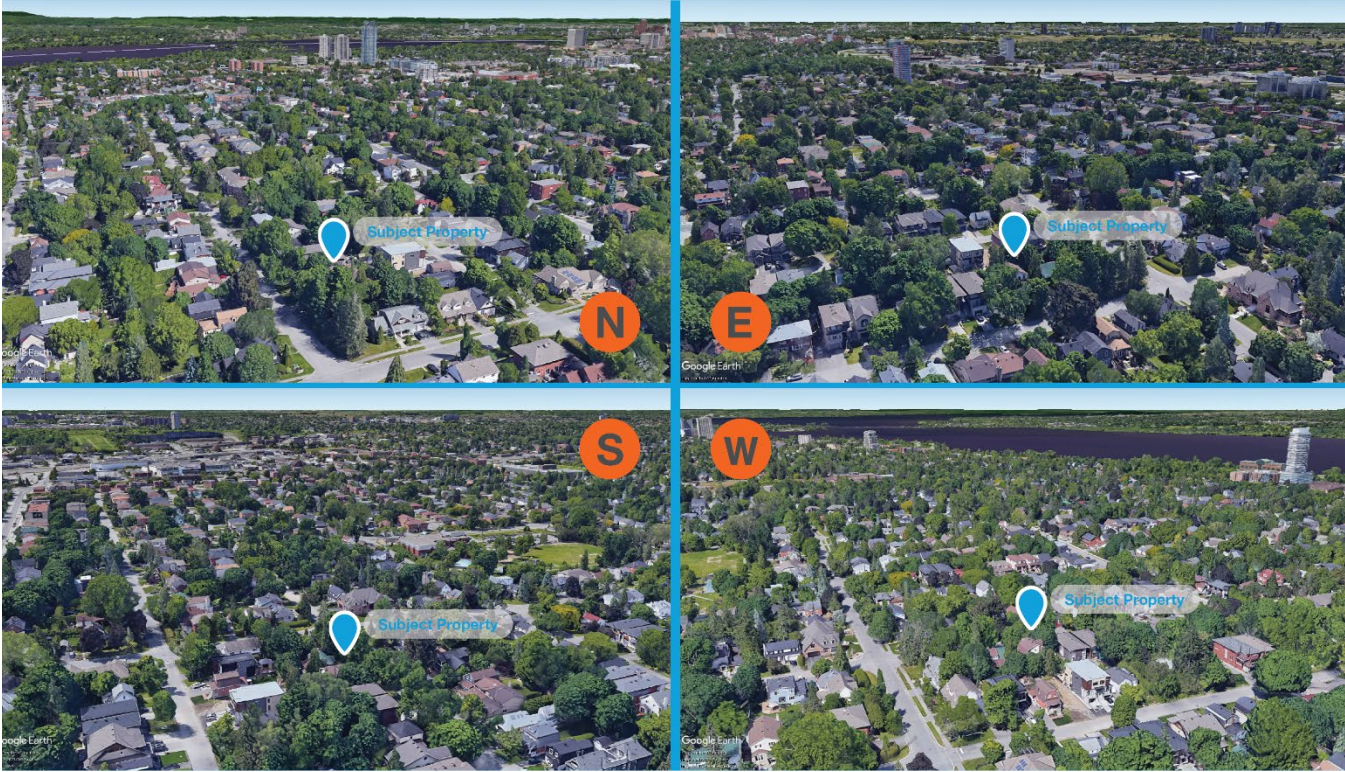


Figure 5: Aerial image displaying the context surrounding the subject property.

1.4 Road Network



Figure 6: Schedule C4: Urban Road Network.

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

1.5 Transit Network



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

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

1.6 Neighbourhood Amenities

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

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

2.0 Proposed Development

2.1 Previous Proposal

The previous Minor Variance applications on the subject property sought five (5) variances mirrored across both the severed and retained parcels, resulting in a total of ten (10) variances, for the purpose of constructing two (2) single-detached dwellings. The requested variances of the previous applications were as follows:

- / **Reduced walkway width located in the front yard:**
 - o Zoning Requirement: 0.6 metres;
 - o Proposed 0 metres.
- / **Permitting a driveway in the front or corner side yard:**
 - o Zoning Requirement: Prohibited;
 - o Proposed: Driveway in the front yard.
- / **Permitting a front-facing garage abutting a street:**
 - o Zoning Requirement: Prohibited;
 - o Proposed: Double-Wide Garage.
- / **Reduced Rear-Yard Setback**
 - o Zoning Requirement: 8.6 metres;
 - o Proposed: 7.5 metres.
- / **Reduced Interior Side Yard Setback:**
 - o Zoning Requirement: 1.5 metres;
 - o Proposed: 0.68 and 0.9 metres.

Based on feedback received from the committee, City Planning staff, and the community, the building design and site layout on both lots has been revised to reflect the concerns raised at the previous Committee hearing.

2.1.1 Front-Facing Garage & Driveway

The proposed design has been revised to include a single-car front-facing garage where previously a two-car garage was proposed. As a result of this revision to the building design, the previously proposed double-wide driveway in the front yard has been reduced to a single-wide driveway. This change has resulted in the driveway becoming zoning compliant and no longer requiring a variance. Additionally, the reduced area of the driveway in the front yard allows for additional soft landscaping, well in excess of that required by the Zoning By-law. Where previously 35% of the front yard was to feature soft landscaping, each lot now features 50%.

While the garage remains zoning non-compliant, as the SCA does not permit front-facing garages, the reduction in the size of the garage from a two-car to a single-car garage is more representative of the front-yard conditions found in the surrounding neighbourhood. The reduced size of the front-facing garage also represents a movement towards compliance, providing a streetscape character more in keeping with the intent of the SCA and generally in line with that of the surrounding properties. It is noted in both the original application materials and this report that both abutting properties, as well as the property immediately across from the proposal, all feature front-facing garages.

2.1.2 Front-Yard Walkway

The revised design has removed the walkway previously proposed, extending from the street alongside the driveways towards the buildings. This change has removed the requirement for Minor Variances as this area of zoning compliance is no longer of issue.

2.1.3 Interior Side Yard Setback

The previous applications on the subject property sought relief from the interior side yard setback provisions of the Zoning By-law in order to accommodate a wider building footprint and the previously-proposed double-wide garage. The revised design and removal of the double-wide garage has resulted in a slimmer built form and allows for greater interior side yard setbacks across both properties.

2.2 Project Overview

The owner of 577 Melbourne Avenue has received approval to sever their property in order to create two (2) lots for redevelopment, with the goal of demolishing the existing structure and building two (2) new detached residential dwellings. The proposed dwellings are two (2) two-storey buildings with flat roofs and with street-facing front doors and porches. The subject property’s grade change of over one (1) metre within the first six (6) metres of the front yard permits for a one (1) car garage to sit below the first storey of the buildings, accessed by a single-wide driveway.

The front yard is characterized by two (2) mature trees, one of which was deemed to be in poor conditions and as a result will be removed and replaced, as shown on the site plan. The driveway of the southern building also respects the Critical Root Zone (CRZ) mature tree to be maintained, as described in the Tree Information Report (TIR) submitted as part of this application.

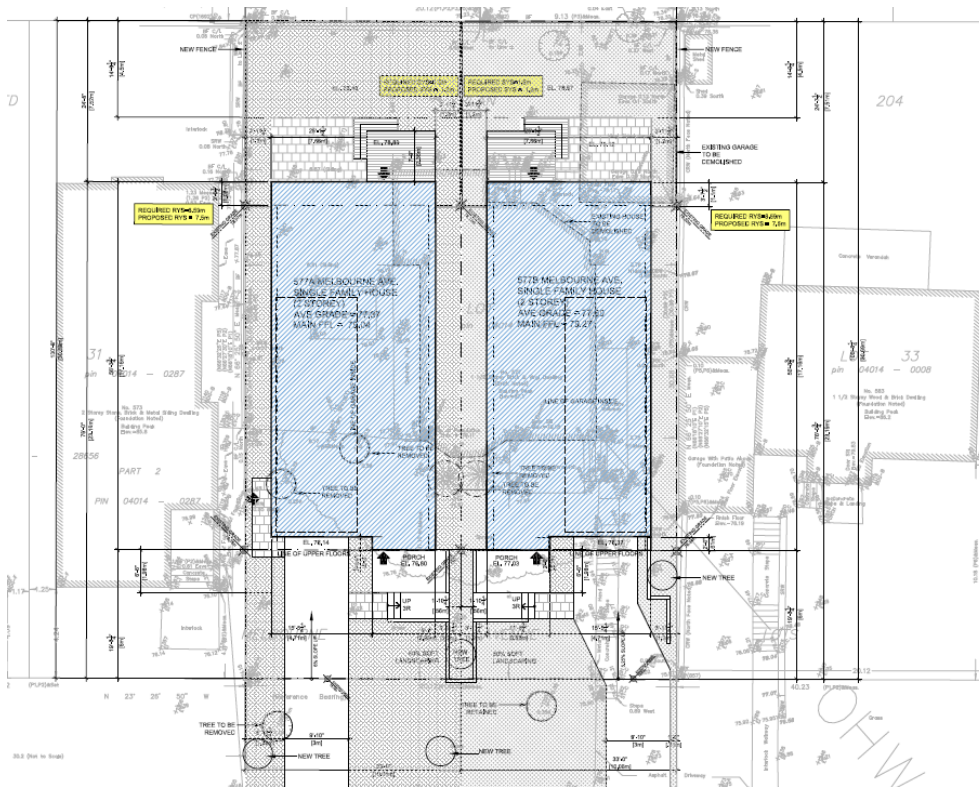


Figure 8: Proposed Site Plan.

3.0 Policy and Regulatory Context

3.1 Provincial Policy Statement

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

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

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

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

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

3.2 City of Ottawa Official Plan (2022)

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

3.2.1 Inner Urban Transect

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

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

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

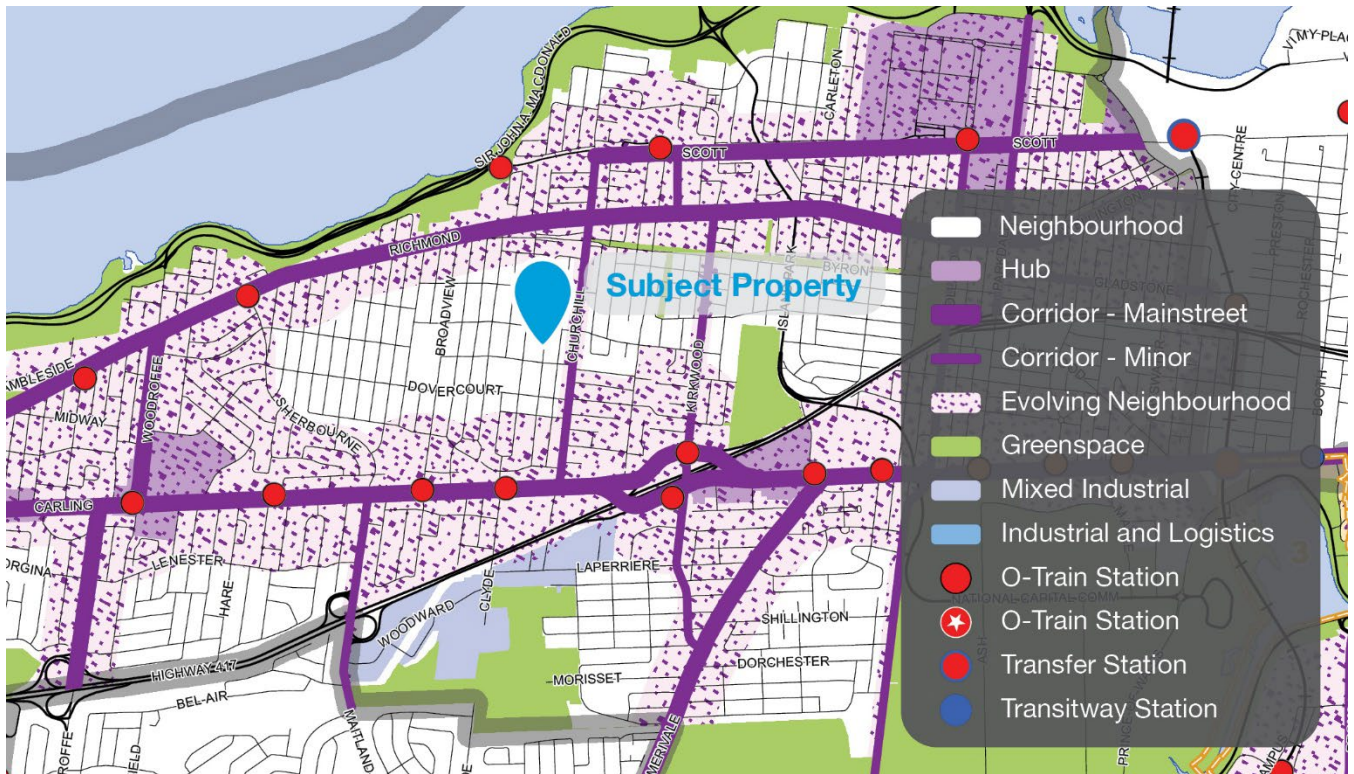


Figure 9: Schedule B2 – Inner Urban Transect.

3.2.2 Neighbourhood Designation

The subject property is designated “Neighbourhood” in Schedule B2 of the Official Plan (Figure 9). The Neighbourhood designation represents the core of the communities found in the urban and suburban areas of the City. The stage of evolution varies across neighbourhoods around the city, and the policies of the Official Plan recognize this, and help to guide development towards the desired 15-minute neighbourhood pattern of development. Section 3.2.3 outlines the role of Neighbourhoods in supporting a large portion of the intensification projected by the Plan as they develop in proximity to designations of greater density and mix of uses, such as Corridors and Hubs. The designation policies ensure intensification and development while remaining sensitive to the existing character of the neighbourhood.

Specific policies that apply to this proposal include:

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

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

3.2.3 Urban Design (Section 4.6)

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

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

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

3.3 City of Ottawa Comprehensive Zoning By-law

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



Figure 10: Zoning map with the subject property identified. (GeoOttawa)

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

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

Table 1: City of Ottawa Zoning By-law – R3R[2687] Zone and other applicable provisions.

Zoning Mechanism	Provision	Proposed - Part 1 (577A)	Proposed - Part 2 (577B)	Compliance
Minimum lot width (m)	10 metres	10.06		Yes
Minimum lot area (m²)	300m ²	308.5m ²	308.6m ²	Yes
Maximum Building Height (m)	8.5 metres	8.5 metres		Yes
Minimum front yard setback (m)	6 metres	6.0 metres		Yes
Minimum rear yard setback (m) Section 144(3)(a)	8.6 metres	7.5 metres		No
Minimum interior yard setback (m)	1.5 metres	1.2 metres	1.2 metres	No
Single-wide driveway per dominant character Section 140(7)(b)	Permitted	Provided		Yes
Front-facing garage per dominant character Section 140(8)(a)	Not Permitted	Provided		No

Table 2: Variances sought as part of the previous Minor Variance applications.

Zoning Provision	Required	Proposed
Minimum Rear Yard Setback (Section 144(3)(a))	8.6 metres	7.5 metres
Minimum Interior Yard Setback (Urban Exception 2687)	1.5 metres	Retained Lot: 0.68 metres (southern) 0.90 metres (northern) Severed Lot: 0.68 metres (northern) 0.90 metres (southern)
Section 139(4)(b)	0.6 metres soft landscaping strip	0 metres
Section 140(7)(b)	Single-wide driveway	Double-wide driveway
Section 140(8)(a)	No front-facing garage	Front-facing garage

Table 3: Revised variances sought through the current applications, including those which are no longer needed (green), and those which have reduced the extent of the variance (orange).

Zoning Provision	Required	Proposed
Minimum Rear Yard Setback (Section 144(3)(a))	8.6 metres	7.5 metres
Minimum Interior Yard Setback (Urban Exception 2687)	1.5 metres	Part 1 (577A): 1.2 metres (southern) 1.2 metres (northern) Part 2 (577B): 1.2 metres (northern) 1.2 metres (southern)
Section 139(4)(b)	0.6 metres soft landscaping strip	Walkway no longer proposed
Section 140(7)(b)	Single-wide driveway	Single-wide driveway
Section 140(8)(a)	No front-facing garage	Front-facing garage

The Minor Variance applications seek to address the issues of compliance related to the proposed developments on the subject property (Table 3). Table provides an overview of the variances sought as part of the previous application on the subject property. The two (2) proposed detached dwellings are both non-compliant related to several zoning provisions, including interior side yard setbacks, rear yard setbacks, and front-facing garage where it is prohibited according to the dominant patterns found in the Streetscape Character Analysis.

4.0

Four Tests of the Planning Act

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

There are a total of six (6) variances being sought through this application, three (3) relate to the severed lot, and three (3) relate to the retained lot, pending the clearing of conditions on the existing severance. The two lots feature mirrored variances, in which both sets are identical for the two (2) lots. The variances relate to Sections 140, 144, and Exception 2687 of the Zoning By-law and are outlined in further detail below:

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

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

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

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

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

The interior side yard setbacks of the proposed developments on both the retained and severed lots are 1.2 metres where 1.5 metres is required.

The proposed development on the lots trigger zoning non-compliance for both the retained and severed lots. As outlined above, the several variances being sought for the two (2) lots will be evaluated using the four tests required by the Planning Act.

The evaluation criteria are explored below:

1) The variance is minor in nature.

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

- I. The inclusion of front-facing garages is technically a ‘non-dominant’ character for this block of Melbourne Avenue, but as identified in the SCA, there was only a slight majority in difference to this front yard condition (11 no front-facing garage; 8 front-facing garage). The four (4) properties directly surrounding the subject property feature front-facing garages as shown in Figure 11. The two (2) properties to the north (573 and 571 Melbourne Avenue) both feature front-facing garages in a similar fashion to what is proposed in this application. These new developments (built in approximately 2015) have similar front-yard conditions to that of the proposed development and share other similarities related to rear-yard and

interior side-yard setbacks, as will be discussed below. Additionally, 578 and 583 Melbourne Avenue, existing old-character homes, feature front-facing garages.

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

The front-yard conditions proposed in this application for both developments are not uncharacteristic for this block, as indicated in the similar distribution found in the SCA, and are reflected in the existing conditions of the properties surrounding the lots. Additionally, the changes to the proposed design have taken into account the concerns raised as part of the previous application on the property and reduced the size of the front-facing garages so as to present a character more similar to that of surrounding properties. The streetscape character now presents a building face with a minimized influence by the front-facing garage, in line with the intent of the SCA. Thus, the variances in this respect are minor.



Figure 11: Existing front-yard conditions on the surrounding properties displaying the front-facing garages and driveways.

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



Figure 12: 573 and 571 Melbourne Avenue, depicting the similar rear-yard conditions.

As shown on the site plan (Figure 8), 573 Melbourne Avenue, which shares a near-identical setback with 571 Melbourne Avenue, features an approximate 7.5-metre rear-yard setback. The rear yard conditions are therefore similar to those of other new developments in the area. Additionally, the rear-yard conditions of 573 and 571 Melbourne Avenue feature a large amount of hardscaping. The proposed developments feature adequate and compliant soft landscaping buffers in the rear yards, further mitigating any potential impacts.

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

- III. The variances related to the interior side yard setbacks have been revised as part of this proposal from the previous submission and applications heard by the Committee. Where previously 0.68 metres and 0.9 metres was provided, the current proposal features uniform 1.2-metre setbacks on both sides of the proposed buildings. The reduced footprint of the garage has allowed for greater separation to be provided between the proposed buildings as well as from the adjacent properties to the north and south. The reduction from the required 1.5 metres to 1.2 metres is minor in nature as it still permits movement through to the rear yards, as is the intent of the zoning provision. Based on the usage of the buildings as individual dwelling units, the reduction does not impact the livability and functionality of the dwellings.

Additionally, as will be reiterated below, the 1.2 metre interior side yard setback is characteristic of new development in the area and is shown to not impact neighbouring properties and the functionality of their properties.

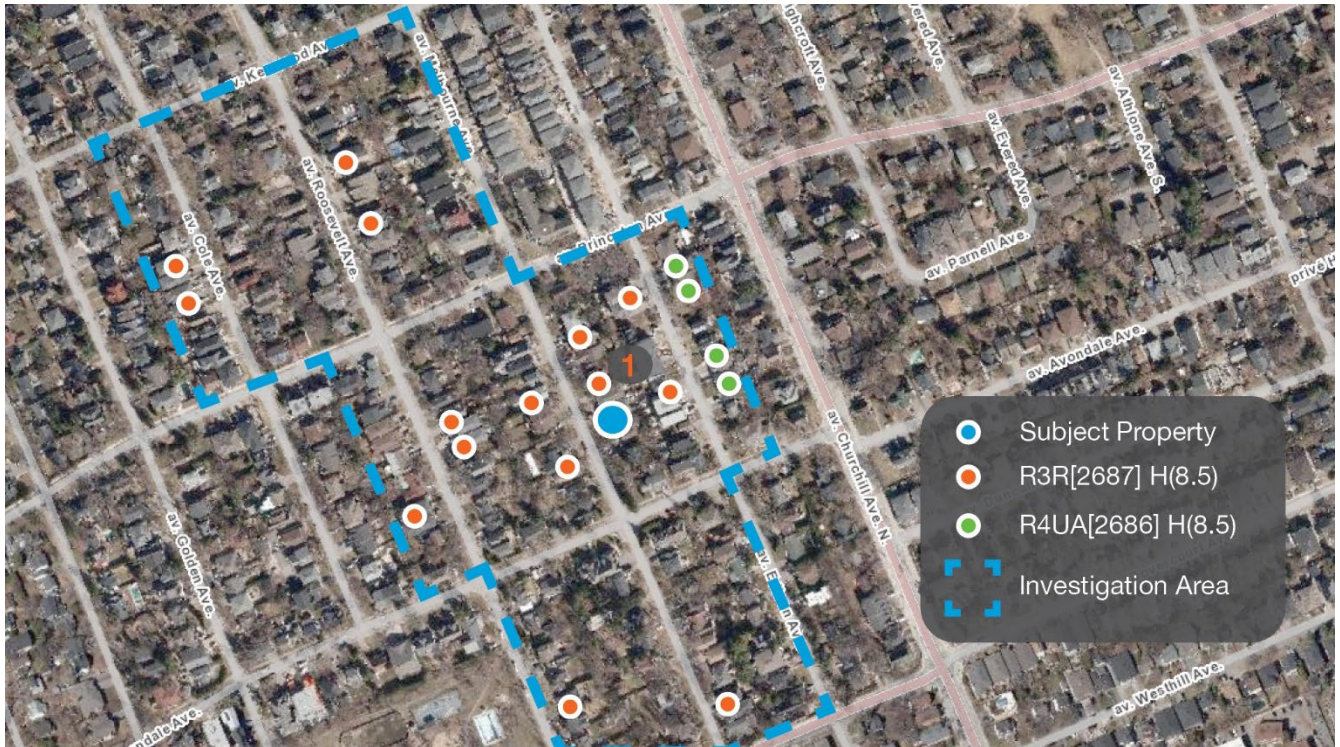


Figure 13: Graphic identifying instances of building separation being less than 3.0m, which indicates at least one of the properties is non-compliant with a 1.5m interior side yard setback. The properties are identified based on their zoning, in which there are two: “R3R[2687] H(8.5)” and “R4UA[2686] H(8.5)”. Both zones feature provisions or exceptions which require a minimum interior side-yard setback of 1.5 metres. The measurements are based on aerial imagery and the building footprints GIS layer provided by the City of Ottawa’s Open Data source. The point denoted by the “1” represents the properties adjacent to the subject property which are newly developed lots with an interior side yard setback similar to what is being proposed in this application. Please note: The measurements made are estimates and do not represent the actual setbacks, but it was attempted to most accurately and truthfully represent the properties with less than 3 metres of separation.

This degree of separation is not uncommon in the surrounding area and on neighbouring blocks. As illustrated in Figure 13, there are over 20 pairs of lots with cumulative interior side yard setbacks of less than 3 metres, which is resultants from at least one of the two properties having a setback of less than 1.5 metres. Notably, the two (2) lots adjacent to the subject property to the north (573 and 571 Melbourne Avenue) have a building separation of less than 3 metres as required by the Zoning By-law. These properties are newly developed and represent the desired built form for the area.

The analysis presented in Figure 13 was limited due to the new and ongoing nature of developments occurring in the area surrounding the subject property. Many of the properties appearing to host minimal interior side yard setbacks are not included in up-to-date aerial imagery or in the building footprints GIS layer provided by the City of Ottawa. This new development, which features built form elements similar to that of this proposal, reflects the ongoing transition of this area to a more urban and dense residential area.

The proposed 1.2-metre setbacks represent meeting 80% of the required setback provision of the Zoning By-law. Additionally, the proposed buildings have been designed in a manner so as to allow the 2.4-metre building separation to adequately serve the needs and functionality of both properties.

The interior side-yard setbacks proposed through this application, and the subsequent four (4) variances, are minor in nature as they maintain the functionality of the properties while representing the existing and planned character of the neighbourhood as illustrated in Figure 13. In all cases, the

reduced site yard setbacks maintain access to the rear yards, reflect an existing, not uncommon pattern in the neighbourhood, and are minor in nature.

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

The variances facilitate the redevelopment of the severed and retained lots with proposed detached dwellings that align with the general character of the surrounding properties in the Westboro neighbourhood. As seen from the two (2) properties to the north (571 and 573 Melbourne Avenue) as well as the properties abutting the subject property to the rear (580, 578 and 576 Edison Avenue), the severing and development of conforming residential lots is encouraged in the Westboro neighbourhood.

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

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

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

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

- I. The proposed developments feature front-facing garages which, per the applicable Zoning By-law provisions of Section 140(8), are non-dominant and therefore not permitted. The proposed variances benefit from immediate context and site elements that help to ensure the intent and purpose of the By-law is maintained. The reduction in the size of the garages, from the previously-proposed two-car design to the currently-proposed single-car design, represents a reduction in the visual impact from the street. Aided by the existing and proposed tree plantings on the lots, as well as the site elevation, the proposed garages pose minimal impact on the streetscape character as envisioned and intended by the Zoning By-law.

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

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

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

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

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

- III. The variances for the interior side yard setbacks seek relief from the existing urban exception (2687) requiring a minimum setback of 1.5 metres. The purpose of this setback is to ensure there is adequate space to enable the movement into the rear yard of the property, as well as preventing adverse privacy impacts. This is aimed primarily towards multi-residential dwellings where the site layout plays a prominent role in the long-term functionality of the building. The proposed design of each building has been developed in a manner so as to consider the functionality of each property under the condition of a 2.4-metre building separation. Based on the nature of the dwellings and their operational requirements as single dwelling units, the 1.2 metre setbacks and 2.4 metre interior building separation will be sufficient to allow access to the rear yard and will not result in undue impacts on surrounding properties.

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

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

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

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

The proposed developments and required Minor Variance applications maintain the intent of the applicable Official Plan policies, specifically relating to the compatibility of the design and built form in compliance with the objectives of the Plan. Section 4.6.6(6) directs low-rise buildings to respond to the context of transect and designation policies, specifically through the inclusion of soft landscaping and front porches – both of which are emphasized in the proposed front-yard conditions. Additionally, the policies speak to complementing the existing

context through architecturally-integrated design. The proposed developments and Minor Variances sought as a result, provide for a complementary design to that of the Westboro neighbourhood. Additionally, the design has been revised to further refine the compatibility of the streetscape character to more specifically reflect that of those properties in immediate proximity. The design and character established by the proposed Minor Variances does not result in any adverse impacts on the existing context as the developments provide for subtle integration into the existing neighbourhood through non-intrusive design elements as an example of discrete infill development.

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

5.0 Conclusion

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

Please contact the undersigned at saunders@fotenn.com and bolduc@fotenn.com with any questions or requests for additional material.

Sincerely,



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