

January 9, 2024

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

**Committee of Adjustment**  
Received | Reçu le

2024-01-10

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

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

**Reference: 145 Waverley Street  
Application for Minor Variances  
Our File No.: 123146**

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Novatech has been retained by the owner of the property municipally known as 145 Waverley Street (the "Subject Site") to prepare and file an application for minor variances. The application for minor variances has been filed to facilitate development of a new eight-unit, low-rise apartment dwelling on the Subject Site.

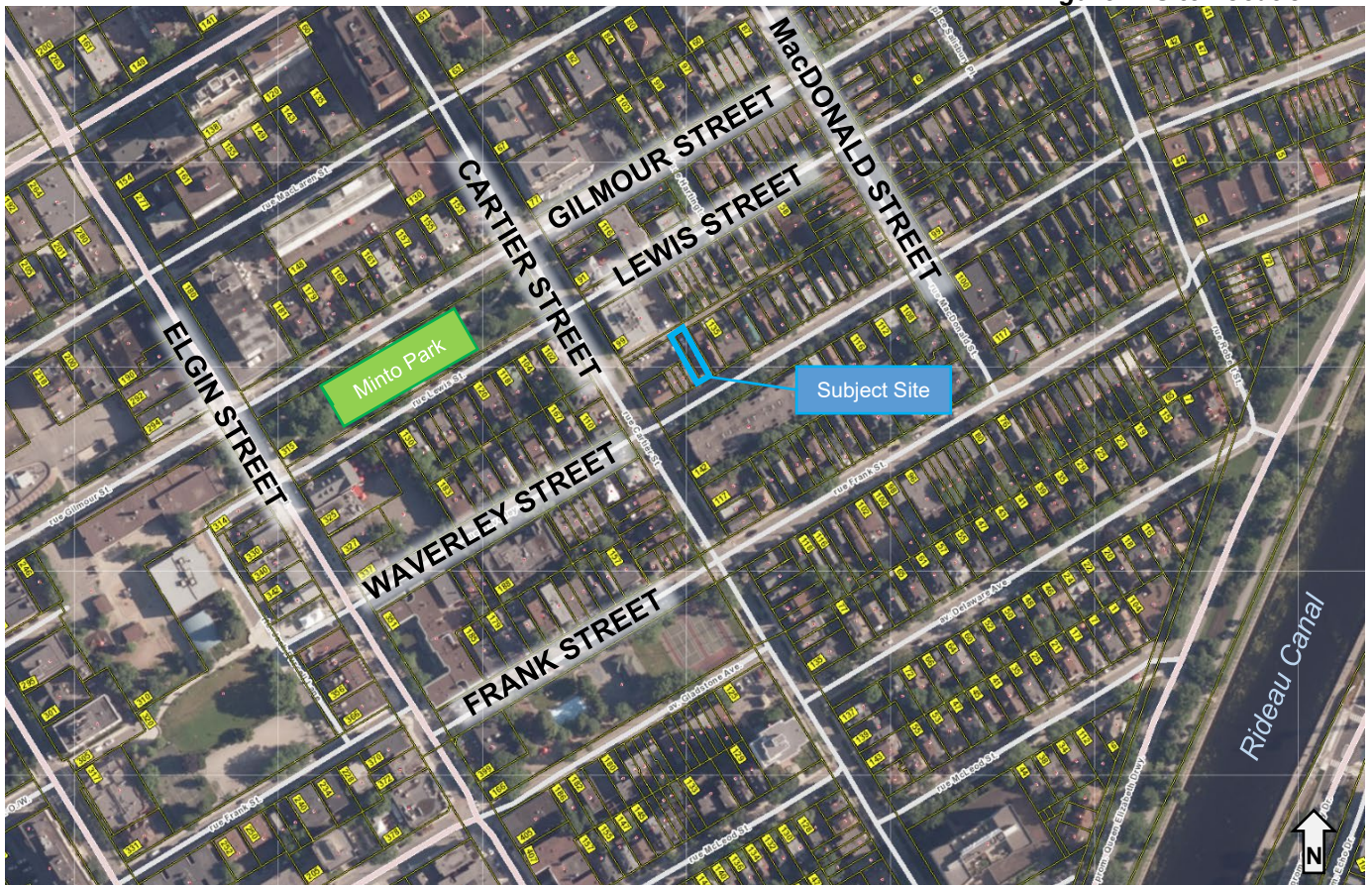
This letter describes the existing conditions of the site, the proposed development, and the rationale in support of the applications.

### **Existing Conditions**

The Subject Site is located in Ward 14 – Somerset within the City of Ottawa. Specifically, the Subject Site is located in the Centretown neighbourhood, to the north of Frank Street, to the south of Lewis Street, to the east of Cartier Street, and to the west of MacDonald Street (See Figure 1). The Subject Site is an interior lot with an area of 216 square metres and a frontage of 7.6 metres along Waverley Street. The existing detached dwelling will be demolished to accommodate the proposed redevelopment.

The Subject Site is legally described as Part of Lot 52, Registered Plan 15558, in the City of Ottawa. The Subject Site is designated "Neighbourhood" within the "Evolving Overlay" in the Downtown Core Transect on Schedule B1 of the City of Ottawa Official Plan. The Subject Site is designated "Local Neighbourhood" on Schedule B of the Central and East Downtown Core Secondary Plan. The Subject Site is zoned Residential Fourth Density, Subzone UC, Exception 478 (R4UC [478]) under the City of Ottawa Zoning By-law 2008-250.

**Figure 1. Site Location**

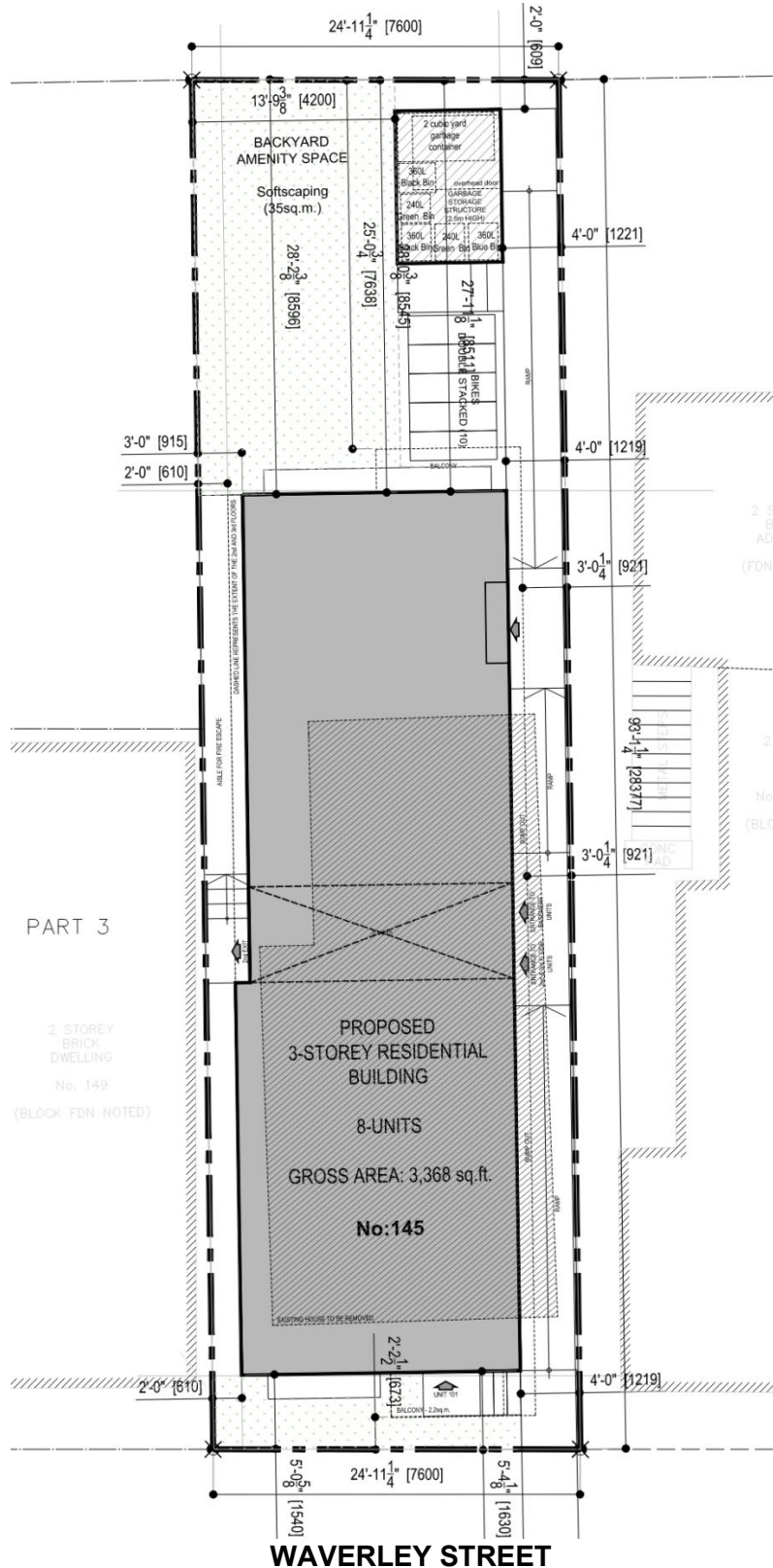


### **Proposed Development**

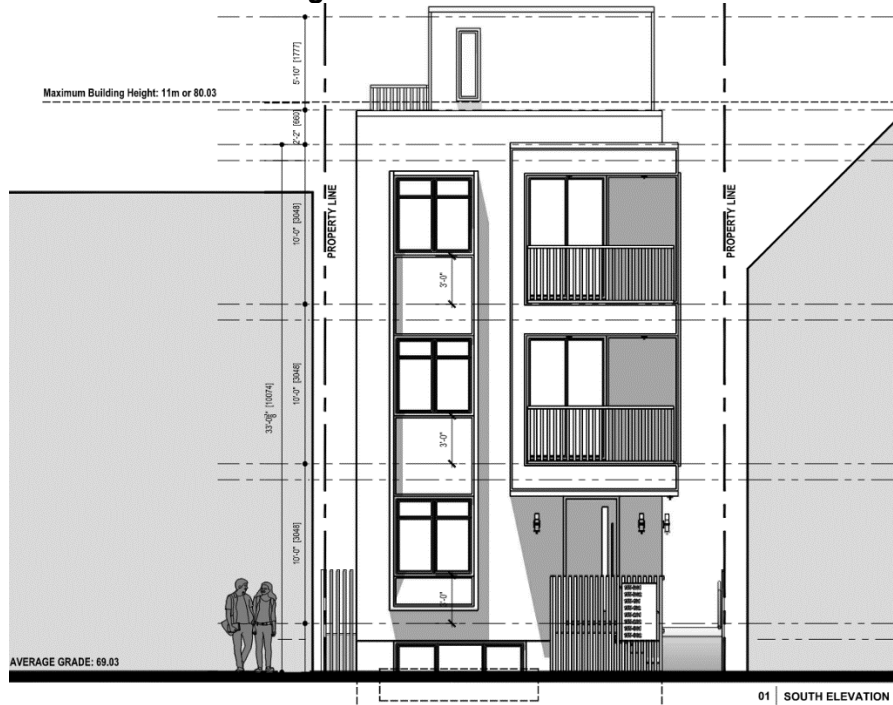
It is proposed to demolish the existing detached dwelling to facilitate the development of a new eight-unit, low-rise apartment dwelling on the Subject Site. The proposed low-rise apartment dwelling will have frontage on Waverley Street (see Figure 2).



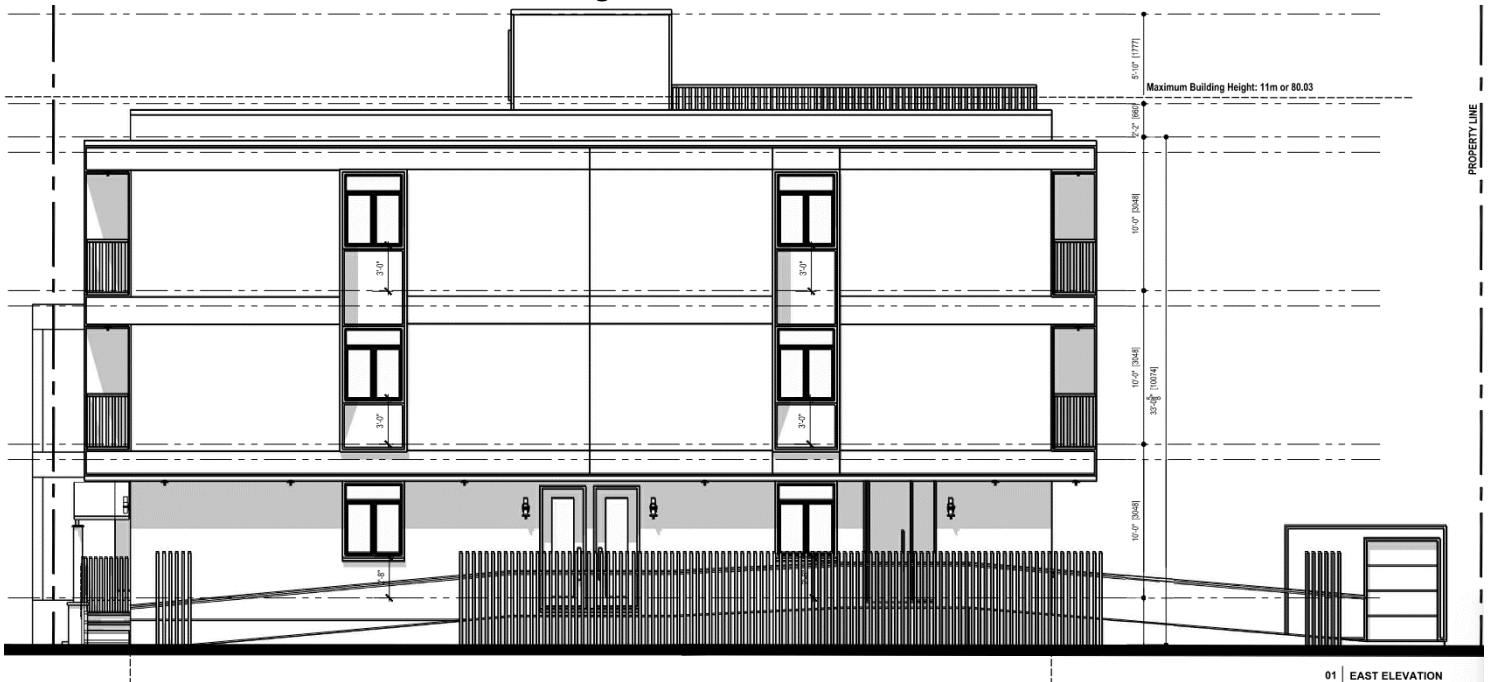
**Figure 2. Site Plan**



**Figure 3. Front Elevation**



**Figure 4. Side Elevation**



All areas of the front and rear yards, excluding porches, walkways, bicycle and waste storage will be developed with soft landscaping. A 1.2 metre wide unobstructed path of travel will provide access to bicycle parking and waste storage located in the rear yard off Waverley Street. No motor vehicle parking is provided on the Subject Site.

## Minor Variance Applications

- a) To permit a reduced lot width of 7.6 metres; whereas the By-law requires a minimum lot width of 10.0 metres for an eight-unit, low-rise apartment dwelling (Part 6, Table 162A, Subzone R4UC, Column IV).
- b) To permit a reduced lot area of 216 square metres; whereas the By-law requires a minimum lot area of 300 square metres for an eight-unit, low-rise apartment dwelling (Part 6, Table 162A, Subzone R4UC, Column V).
- c) To permit a reduced interior side yard setback of 0.6 metres on the west side of the Subject Site; whereas the By-law requires a minimum interior side yard setback of 1.5m for an eight-unit, low-rise apartment dwelling (Part 6, Table 162A, Subzone R4UC, Column X).
- d) To permit a reduced interior side yard setback of 0.9 metres on the east side of the Subject Site; whereas the By-law requires a minimum interior side yard setback of 1.5m for an eight-unit, low-rise apartment dwelling (Part 6, Table 162A, Subzone R4UC, Column X)

## Rationale (Minor Variance Applications)

### *Provincial Policy Statement (2020)*

The Provincial Policy Statement (PPS) was issued under Section 3 of the Planning Act and came into effect on May 1, 2020.

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

*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), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;*

*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;*

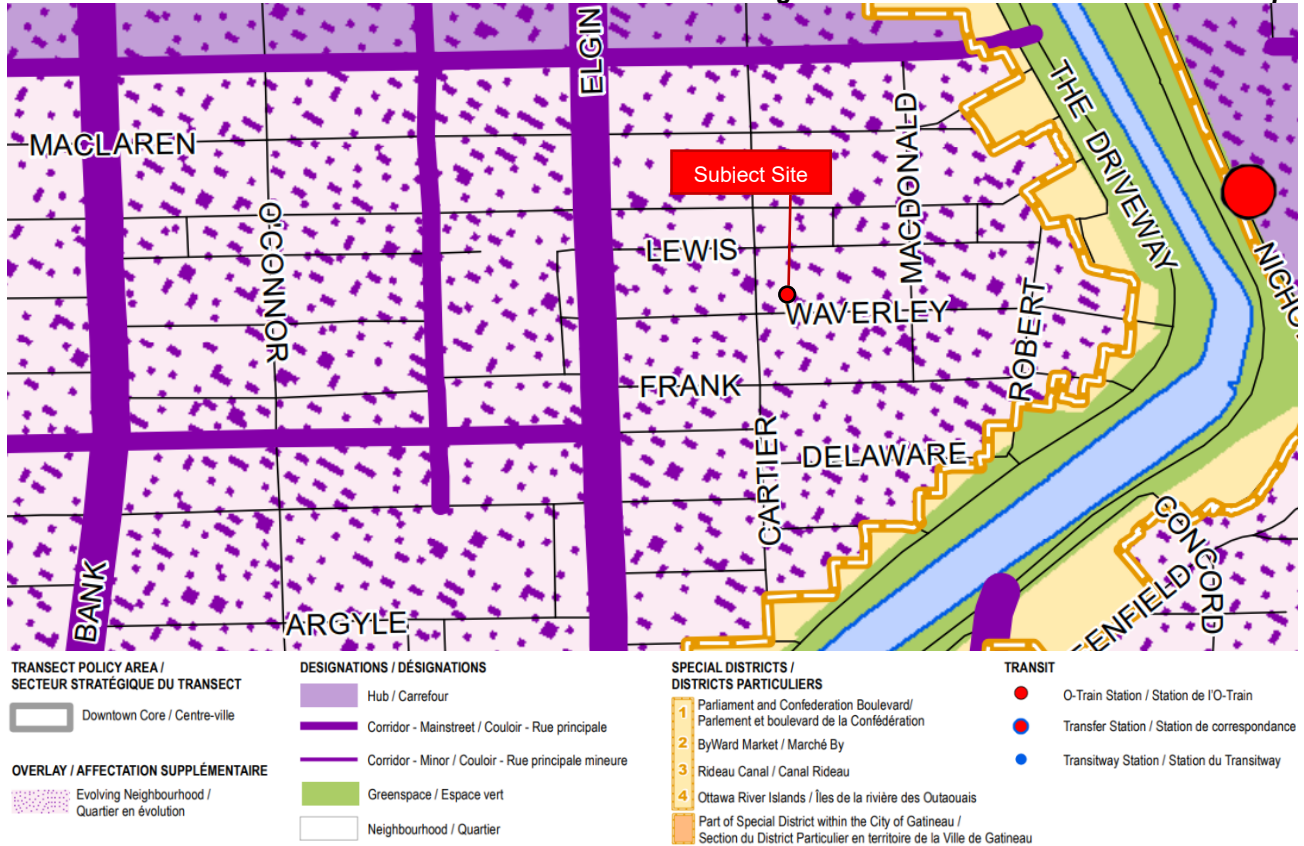
The proposed development of an eight-unit, low-rise apartment dwelling on the Subject Site supports an appropriate range and mix of residential uses to meet the long-term needs of residents in the neighbourhood. The proposal also promotes cost-effective development patterns by intensifying lands within the urban boundary, minimizing land consumption and municipal servicing costs.

The proposed development is consistent with policies of the PPS (2020).

The minor variances listed above meet the four tests for minor variance under Section 45(1) of the Planning Act.

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

Figure 6. Official Plan Schedule B1 Excerpt



*City of Ottawa Official Plan*

The Subject Site is designated “Neighbourhood” within the “Evolving Overlay” in the Downtown Core Transect on Schedule B1 of the City of Ottawa Official Plan.

Section 3.2 of the Official Plan sets out policies for infill and intensification within the urban area. Section 3.2, Policy 3 of the Official Plan states that: *“The vast majority of Residential intensification shall focus within 15-minute neighbourhoods, which are comprised of Hubs, Corridors and lands within the Neighbourhood designations that are adjacent to them”.*

The proposed development on the Subject Site is an example of infill and intensification within the Downtown Core Transect and Neighbourhood designation. The proposed development supports the creation of 15-minute neighbourhoods and will contribute to residential intensification in the Neighbourhood designation in proximity to lands designated as Corridor in the Official Plan. The proposed low-rise apartment dwelling is a permitted form of housing on the Subject Site that compliments the lot pattern, scale, and desirable characteristics of development along Waverley Street and contributes to the growth of 15-minute neighbourhoods (see Figure 6).



Section 5.1 of the Official Plan sets out policies for the Downtown Core Transect. Section 5.1.5, Policy 1 of the Official Plan states that: “Neighbourhoods located in the Downtown Core shall accommodate residential growth to meet the Growth Management Framework as outlined in Subsection 3.2, Table 3b”. The proposed development on the Subject Site will contribute to residential growth within the Downtown Core Transect and Neighbourhood designations to meet the targets of the Growth Management Framework.

Section 5.6.1.1 of the Official Plan states that:

*“1) 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.*

*2) Where an Evolving overlay is applied:*

- a) The Zoning By-law shall provide development standards for the built form and buildable envelope consistent with the planned characteristics of the overlay area, which may differ from the existing characteristics of the area to which the overlay applies; and*
- b) The Zoning By-law shall include minimum-density requirements as identified in Table 3a, and permissions to meet or exceed the density targets of Table 3b.*

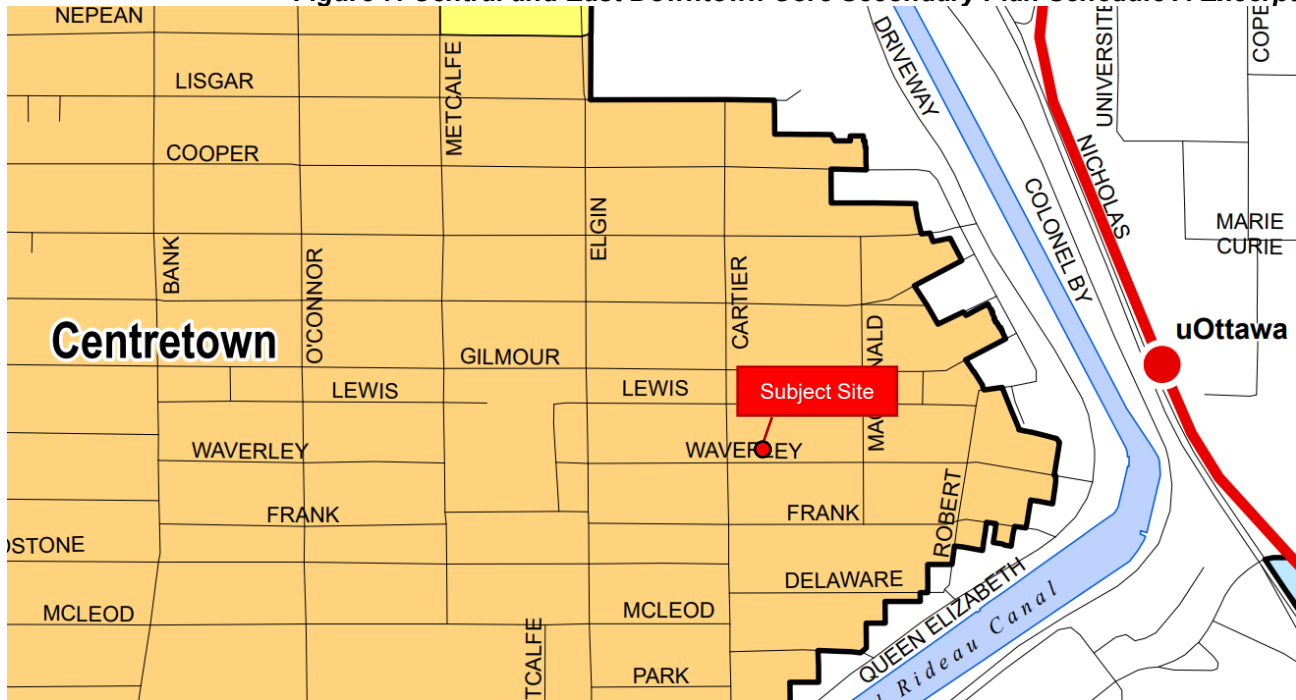
*3) In the Evolving Overlay, the City:*

- a) The 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;*
- b) May support amendments to the Zoning By-law for intensification that proposes non-residential uses, provided the proposal demonstrates that the development achieves the objective(s) of the applicable overlay with regards to built form and site design and the applicable designation with regards to function and height permissions.”*




The Subject Site is designated Neighbourhood and is located within 200 metres from the boundary of properties designated Mainstreet with frontage on Elgin Street. Table 3b of the Official Plan provides a minimum density target of 80 to 120 dwelling units per net hectare for Neighbourhoods in the Downtown Core Transect. The proposed redevelopment of the Subject Site with a low-rise apartment building would provide 370 dwelling units per net hectare. The proposed development

exceeds the minimum density requirement of 80 to 120 dwelling units per net hectare. The proposed development achieves objectives of the Downtown Core transect by providing increased density on the Subject Site in a permitted form of housing that has been designed to be compatible with abutting properties and the surrounding context. The proposed development is a suitable location to move beyond the development standards of the underlying R4UC zone. The Subject Site is an appropriate location for intensification and contributes to achieving intensification objectives of the Official Plan.

**Figure 7. Central and East Downtown Core Secondary Plan Schedule A Excerpt**



**Central and East Downtown Core  
Centre-ville et centre-est**

-  Secondary Plan Boundary /  
Limites du plan secondaire
-  O-Train
-  O-Train Lines / Lignes de l'O-Train

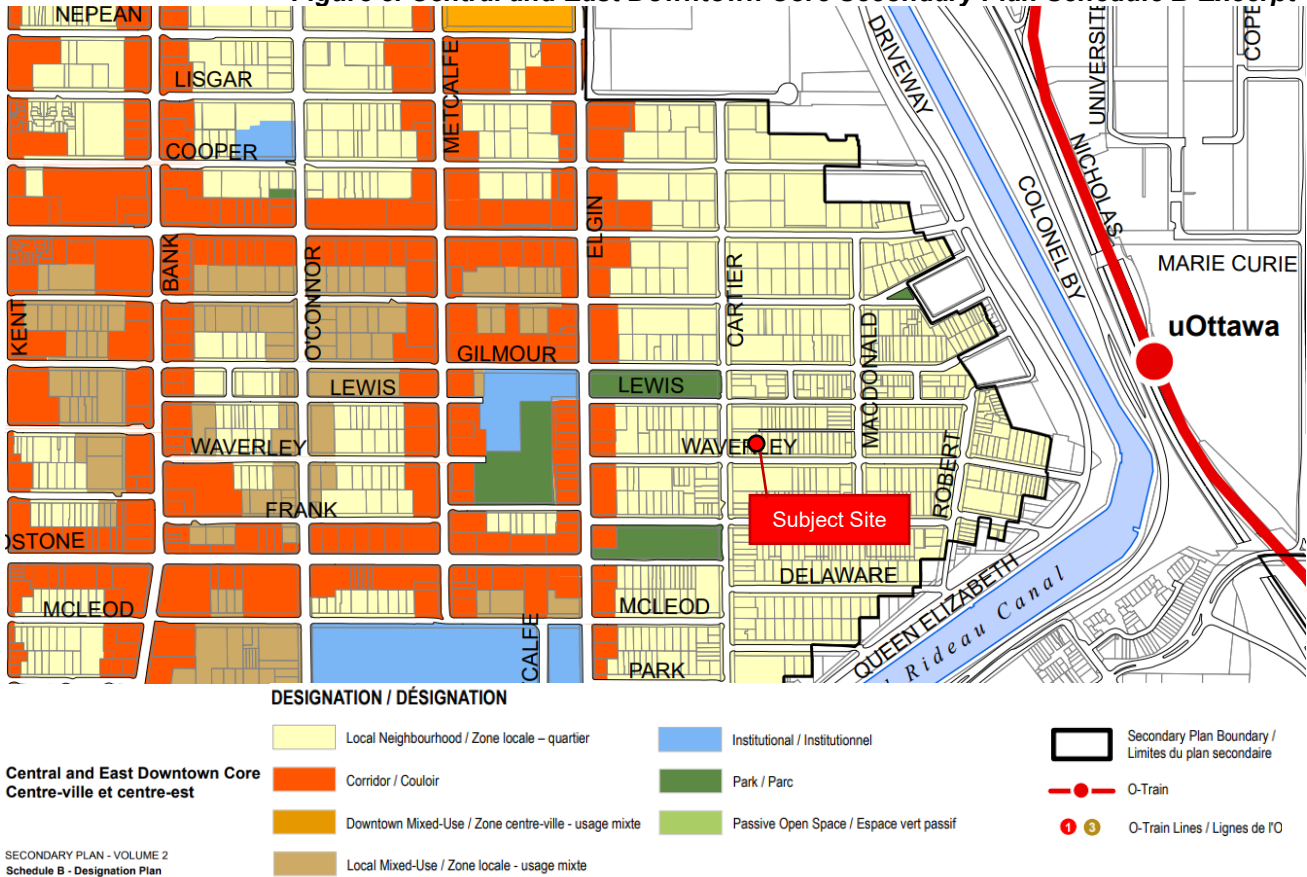
SECONDARY PLAN - VOLUME 2  
Schedule A - Character Areas

*Central and East Downtown Core Secondary Plan*

The Subject Site is located within the Centretown Character Area on Schedule A of the Central and East Downtown Core Secondary Plan (the "Secondary Plan") (see Figure 7).



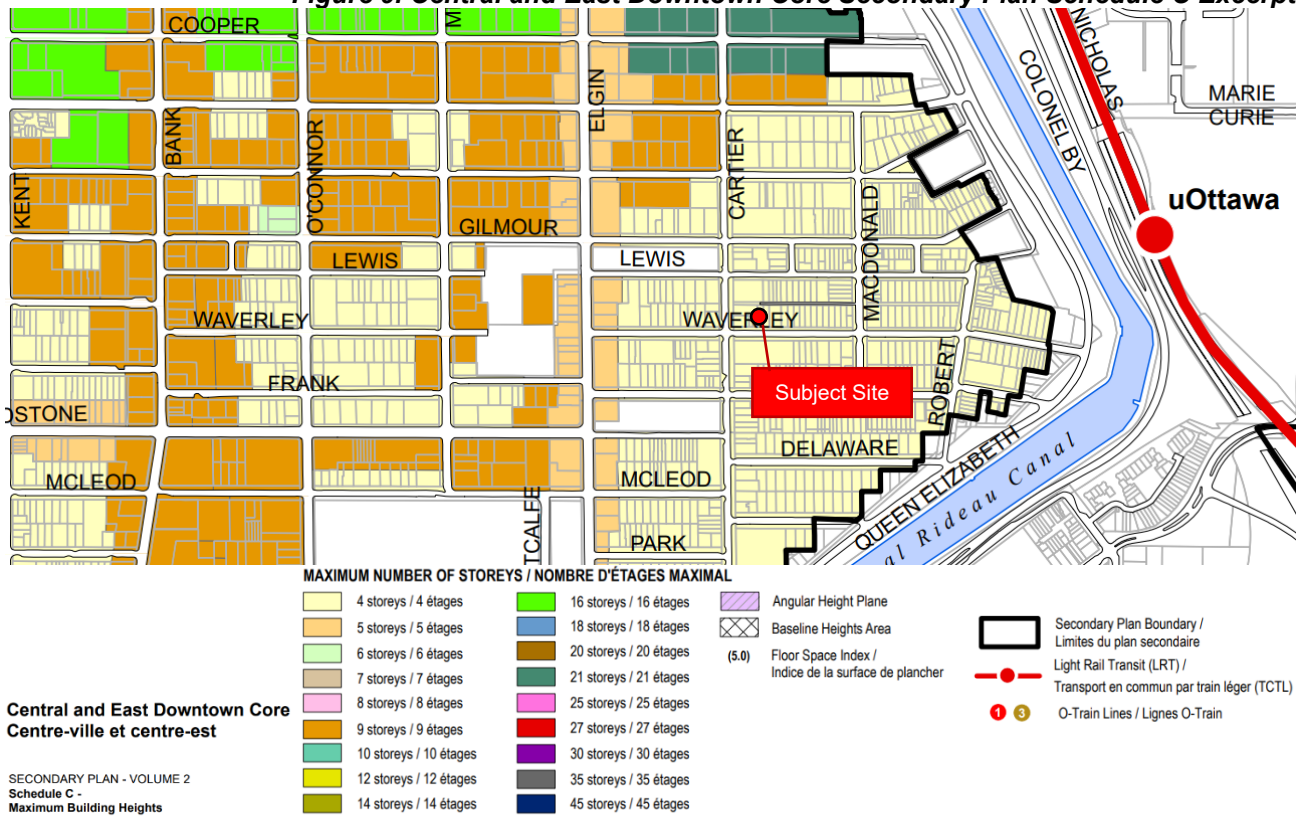
**Figure 8. Central and East Downtown Core Secondary Plan Schedule B Excerpt**



The Subject Site is designated “Local Neighbourhood” on Schedule B of the Secondary Plan (see Figure 8).

Section 2.1, Policy 1 of the Secondary Plan states that: “Local Neighbourhoods are primarily residential. They may include small-scale commercial and institutional uses that are meant primarily to support local residents’ everyday needs, as per Section 6.3 - Neighbourhoods, of Volume 1 of the Official Plan”. Residential uses are permitted in the Local Neighbourhood designation.

**Figure 9. Central and East Downtown Core Secondary Plan Schedule C Excerpt**



Section 4.4.9, Policy 38 of the Secondary Plan states that: “New development in the Local Neighbourhood designation of the Neighbourhood Character Area shall be compatible with the prevailing pattern of development along the street in the immediate vicinity, in terms of front and side yard setbacks and massing. The maximum height shall be the lesser of 14.5 metres or four storeys, except for the interior low-rise neighbourhood areas in the Golden Triangle east of Elgin Street where the maximum height shall be 11 metres, as identified on Schedule C - Maximum Building Heights.”

The Subject Site is located in an area with a maximum permitted building height of four storeys on Schedule C of the Secondary Plan (see Figure 9). The surrounding neighbourhood is primarily characterized by detached, semi-detached and townhouse dwellings on narrow lots. A low-rise apartment building is located immediately south of the Subject Site across Waverley Street. Several buildings on the north side of Waverley Street have shallow front yards and minimum interior side yard setbacks that are less than required by provisions of the zoning by-law. The Subject Site is located within the “Golden Triangle” area east of Elgin Street. The maximum permitted building height in the Golden Triangle is 11 metres. The proposed low-rise apartment dwelling has a fully conforming maximum building height of 10.1 metres. The proposed development on the Subject Site is designed to be compatible with the surrounding neighbourhood context while contributing to gentle intensification of the urban area.

The requested variances maintain the general intent and purpose of the Official Plan and Central and East Downtown Core Secondary Plan.

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

The Subject Site is zoned Residential Fourth Density, Subzone UC, Urban Exception [478] (R4UC [478]) under the City of Ottawa Zoning By-law 2008-250. The purpose of the R4 Zone is to:

- (1) “allow a wide mix of residential building forms ranging from detached to low rise apartment dwellings, in some cases limited to four units, and in no case more than four storeys, in areas designated as General Urban Area in the Official Plan;
- (2) *allow a number of other residential uses to provide additional housing choices within the fourth density residential areas;*
- (3) *permit ancillary uses to the principal residential use to allow residents to work at home;*
- (4) regulate development in a manner that is compatible with existing land use patterns so that the mixed building form, residential character of a neighbourhood is maintained or enhanced;  
*and*
- (5) *permit different development standards, identified in the Z subzone, primarily for areas designated as Developing Communities, which promote efficient land use and compact form while showcasing newer design approaches.”*

The requested minor variances are to facilitate a reduced lot width, lot area and interior side yard setbacks for a proposed low-rise apartment dwelling. A low-rise apartment dwelling is a permitted use under the R4 zoning. Provisions of Urban Exception 478 relate to permitting standalone “dwelling units” and do not apply to the proposed low-rise apartment dwelling. The proposed low-rise apartment dwelling meets the performance standards for front yard setback, rear yard setback, and building height. The minimum requirements for 20% aggregated soft landscaping area in the front yard and 35 square metres in the rear yard are also met. The proposed low-rise apartment dwelling will contribute to the mix of residential uses in the area.

The minimum required interior side yard setback for a detached dwelling in the R4UC zone is 0.6 metres on one side and 1.2 metres on the opposite side. The side yard setbacks provided at grade are consistent with the minimum interior side yard requirements under the R4UC zoning for a detached dwelling. The requested variance to reduce the interior side yard on the west side of the property to 0.6 metres is consistent with the minimum interior side yard requirement for a detached dwelling.

A fully conforming 1.2 metre wide unobstructed path of travel is provided for movement of waste bins between the public street and rear yard is provided on the east side of the Subject Site. The at grade side yard on the east side of the property is consistent with the minimum interior side yard requirement of 1.2 metres for a detached dwelling.

Levels two and three are cantilevered 0.3 metres above the ground level providing a 0.9 metre setback from the east lot line (see Figure 3). This setback exceeds the minimum interior side yard requirement of 0.6 metres for a detached dwelling.

The low-rise apartment building has been designed to be compatible with the existing function of side yards on abutting lots to the west and east. To minimize potential impacts on the abutting building no windows are provided on the west side of the proposed building. Where a greater side yard setback is provided between the proposed building and existing dwelling on the abutting lot to the east, one small window is provided for each unit.

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



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

*Figure 10. Lot widths on Waverley Street*



Variance a) requests a reduced lot width of 7.6 metres; whereas the By-law requires a lot width of 10.0 metres for an eight-unit, low-rise apartment dwelling (Part 6, Table 162A, Subzone R4UC, Column IV). The requested variance for reduced lot width is compatible with the lot fabric of the neighbourhood. Specifically, several lots immediately to the east, west and south of the Subject Site along Waverley Street have a lot width of 7.6 metres or less (See Figure 10). Variance a) is consistent with the lot fabric along Waverley Street, and maintains the functionality of the site. The requested lot width can accommodate the proposed low-rise apartment dwelling in a form and scale that is appropriate in this location.

**Figure 11. Lot areas on Waverley Street**



Variance b) requests a reduced lot area of 216 square metres; whereas the By-law requires a lot area of 300 square metres for an eight-unit, low-rise apartment dwelling (Part 6, Table 162A, Subzone R4UC, Column V). The requested variance for reduced lot area is compatible with the lot fabric of the neighbourhood. Specifically, several lots immediately to the east, west and south of the Subject Site along Waverley Street have a lot area of 300 square metres or less (See Figure 11). Variance b) is consistent with the lot fabric along Waverley Street and maintains the functionality of the site. The requested lot area can accommodate the proposed low-rise apartment dwelling in a form and scale that is appropriate in this location.



**Figure 12. Interior Side Yard Setbacks on Waverley Street**



Variance c) requests a reduced interior side yard setback of 0.6 metres on the west side of the Subject Site and variance d) requests a reduced interior side yard setback of 0.9 metres on the east side of the Subject Site; whereas the By-law requires a minimum interior side yard setback of 1.5 metres for an eight-unit, low-rise apartment dwelling (Part 6, Table 162A, Subzone R4UC, Column X). The requested variances for reduced interior side yard setbacks on the Subject Site are compatible with the existing neighbourhood context. Several lots immediately to the east, west and south of the Subject Site along Waverley Street have interior side yard setbacks that are less than required by the zoning by-law (See Figure 12). A fully conforming 1.2 metre wide unobstructed path of travel is provided at grade for movement of waste bins between the public street and rear yard on the east side of the Subject Site. The low-rise apartment dwelling has been designed to be compatible with abutting lots to the west and east. Variances c) and d) are consistent with the streetscape along Waverley Street and maintain the functionality of the site. The requested interior side yard setbacks can accommodate the proposed low-rise apartment dwelling in a form and scale that is appropriate in this location.

The requested minor variances are to facilitate reduced lot width, reduced lot area and reduced interior side yard setbacks for the proposed low-rise apartment dwelling. Reduced lot width, lot area and interior side yard setback for the proposed low-rise apartment development are consistent with the existing lot fabric and streetscape characteristics of the neighbourhood. The requested variances are considered desirable for the use of land.



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

Variance a) is required to permit a reduced lot width on the Subject Site having a lot width that is 2.4 metres less than the minimum required in the Zoning By-law. Variance b) is required to permit a reduced lot area on the Subject Site having a lot area that is 84 square metres less than the minimum required in the Zoning By-law. Variance c) is required to permit a reduced interior side yard setback on the west side of the property that is 0.6 metres whereas 1.5 metres is required for a low-rise apartment dwelling. Variance d) is required to permit a reduced interior side yard setback on the east side of the property that is 0.9 metres whereas 1.5 metres is required for a low-rise apartment dwelling. A fully conforming 1.2 metre wide unobstructed path of travel is provided at grade for movement of waste bins between the public street and rear yard on the east side of the Subject Site. The proposed interior side yard setbacks can accommodate the proposed low-rise apartment dwelling at a form and scale that is appropriate in this location. The proposed low-rise apartment dwelling meets the performance standards for front yard setback, rear yard setback, and building height. The minimum required 20% aggregated soft landscaping area in the front yard and 35 square metres in the rear yard are provided.

Proposed reductions to required interior side yard setbacks provided at grade are consistent with the minimum interior side yard requirements under the R4UC zoning for a detached dwelling. The proposed low-rise apartment dwelling has been designed with a size and scale that is similar to a detached dwelling. The request for reduced lot width, lot area and interior side yard setbacks on the Subject Site are consistent with the character of the surrounding context and will have no impact on the streetscape, or on the functionality of the site. The requested variances are considered minor in nature.

## **Conclusions**

The requested variances maintain the general intent and purpose of the City of Ottawa Official Plan and Zoning By-law 2008-250. The requested variances are considered desirable for the use of the land and are minor in nature.

The proposed development represents good land use planning.

A memo confirming that a Tree Information Report is not required has been prepared in support of the applications for minor variances by Dendron Forestry Services, dated November 29, 2023. The memo concludes that there are no city trees or trees greater than 30 centimetres on the Subject Site or on adjacent properties that will be impacted by the proposed development. No impacts to existing trees on abutting properties are anticipated as a result of the proposed development.

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

- One (1) copy of this Covering Letter;
- A Minor Variance Application Form (one original copy);
- A Minor Variance Sketch (one copy of 11x17 and one 8 ½x11);
- Plan of Survey (one copy of 11x17 and one 8 ½x11);
- Site Plan (one copy of 11x17 and one 8 ½x11);
- Elevation Drawings (one copy of 11x17 and one 8 ½x11);
- Tree Information Report memo (one copy).

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

Yours truly,

**NOVATECH**



Jeffrey Kelly, MCIP, RPP  
Project Planner