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# Variance Rational

## Chris Jalkotzy

### Modulink, Planning & Design

#### 15 January 2024

#### Contents:

1.0 INTRODUCTION and PROJECT OVERVIEW:	Page 2
2.0 SITE OVERVIEW & COMMUNITY CONTEXT:	Page 2
3.0 DEVELOPMENT PROPOSAL	Page 8
4.0 POLICY AND REGULATORY FRAMEWORK:	Page 8
5.0 CONCLUSION:	Page 15

**Committee of Adjustment**  
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**2024-01-19**  
City of Ottawa | Ville d'Ottawa  
**Comité de dérogation**

## 1.0 INTRODUCTION and PROJECT OVERVIEW:

This report has been prepared in support of the application for permission to extend/modify a residential building by renovating part of a building containing a 3 dwelling unit building to convert it to a seven-unit dwelling unit low rise apartment building. The unit mix will include:

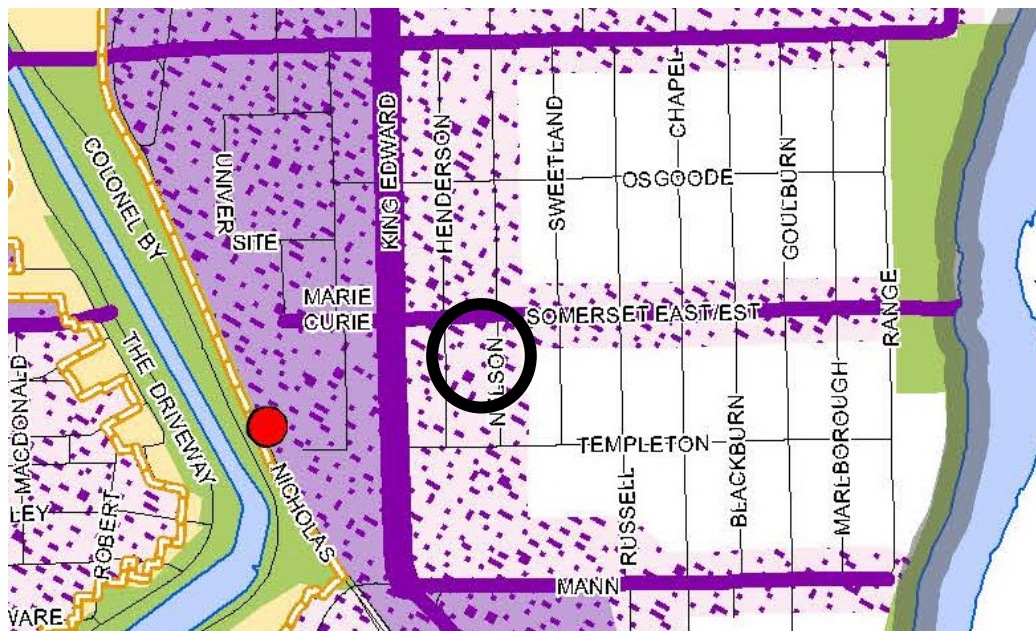
1. a new 5 bedrm unit and 2 studio units on the main floor and a new 4 bedrm unit and 1 studio unit in the basement by eliminating one non-conforming (basement and first floor )11 bedrm dwelling unit, removing a garage and some interior storage
2. removing the front driveway
3. and retaining the two 6 bedrm non-conforming units on the second and third floor

The permission would permit changes to the building noted above while continuing the non-conforming parts of the building, side yard and front yard setbacks, building height and the two oversize units on the second and third floors.

## 2.0 SITE OVERVIEW & COMMUNITY CONTEXT:

The property is currently occupied by a three-storey dwelling constructed in 2014. The property is in the City of Ottawa. It has a street frontage width of 12.23m (north/south) and a depth of 30.85m (east/west). It has a lot area of 377.77 m<sup>2</sup>. The zoning is R4UB[480].

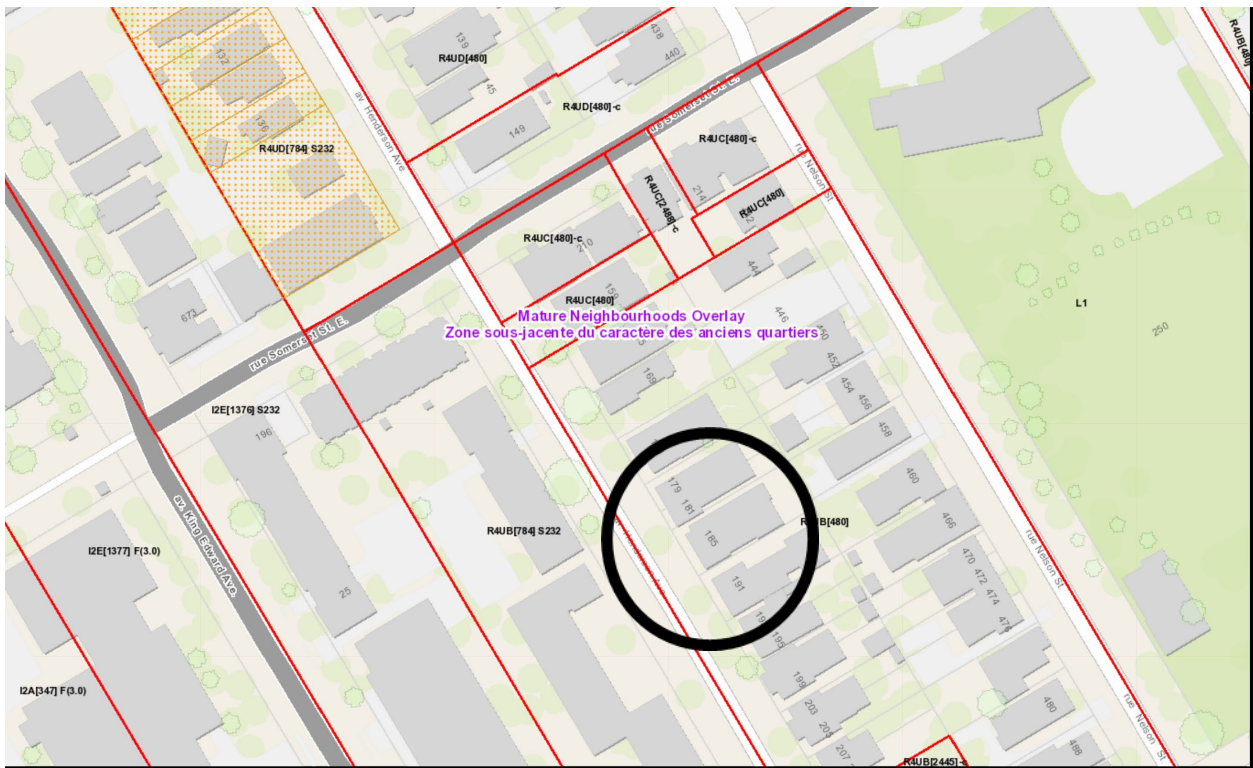
It is located in the Schedule B1 - Downtown Core Transect on Henderson that is classified as a local road. The closest intersection is Somerset St. E classified as a Corridor – Minor. The site is in a designated evolving neighbourhood.



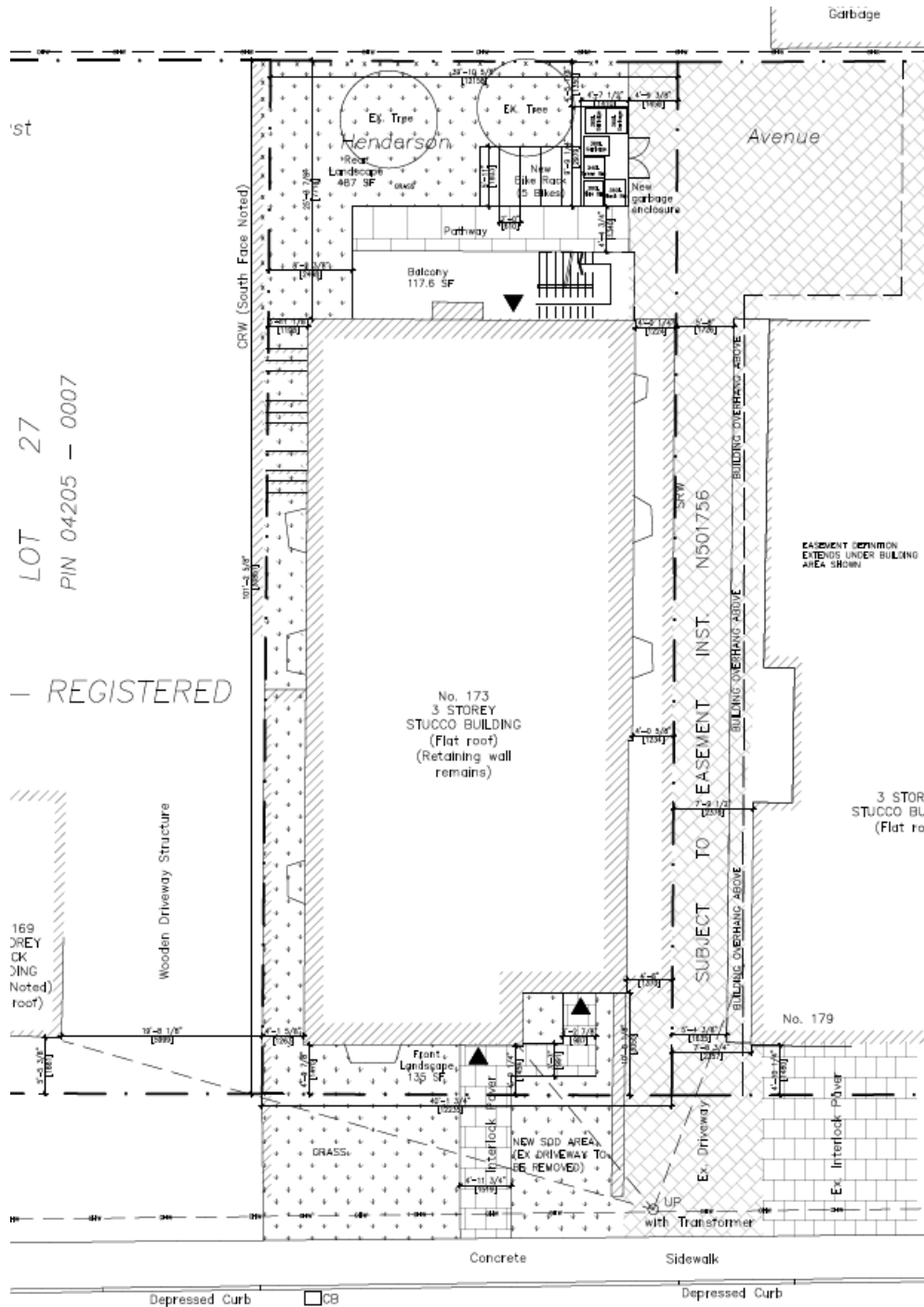
**Surrounding Land Uses:**

The property is bounded by primarily low rise apartments to the south, east and north. Across the street is a coop housing project made up primarily of townhouses. There is a significant slope across the property. There will be no changes to the at grade area other than landscaping and the addition of an garbage shed/enclosure and bicycle rack.

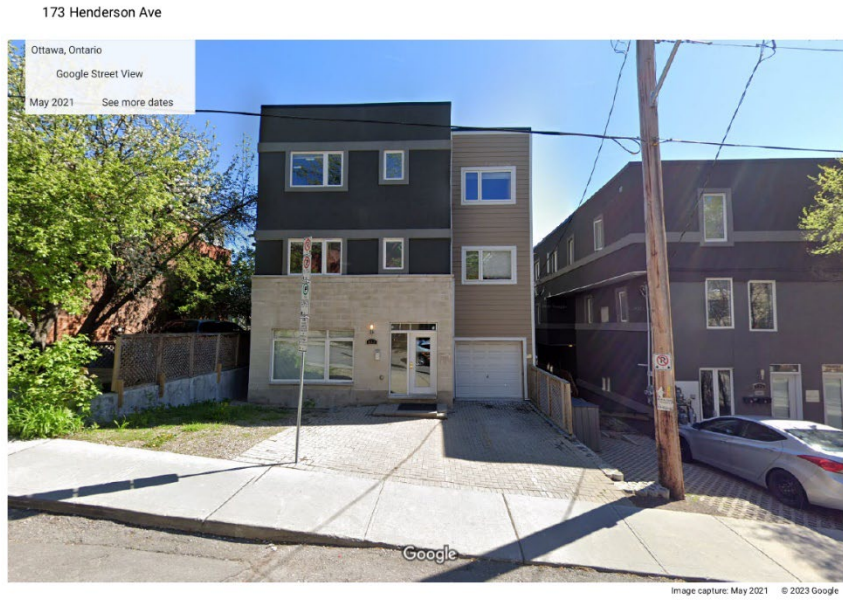
**Neighbourhood**



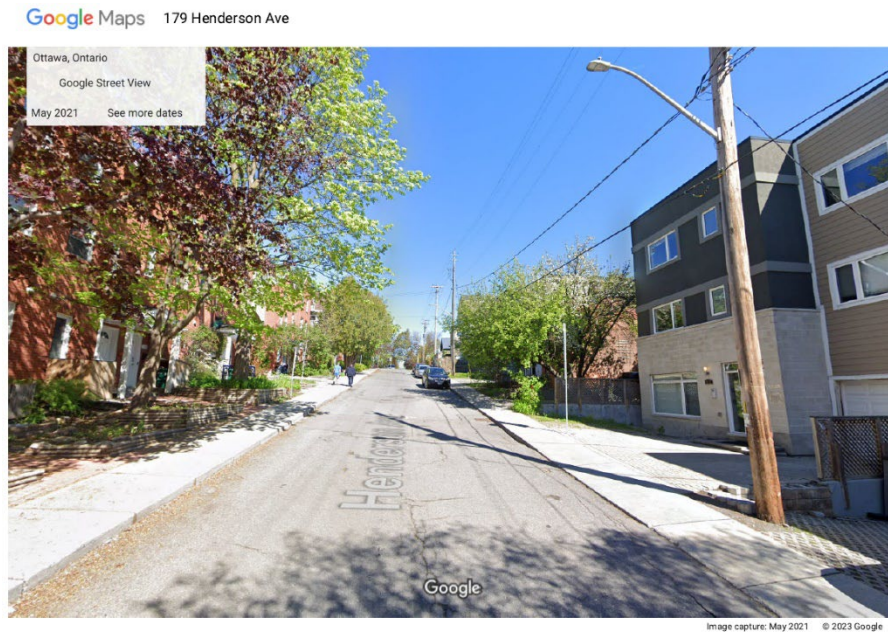
Subject Site



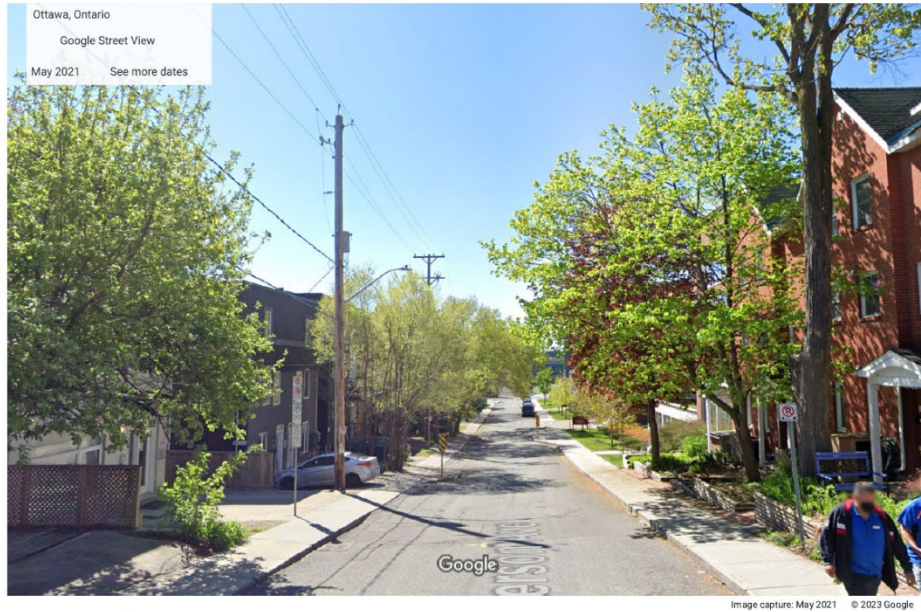
1) Subject Property



2) The Streetscape looking to the North

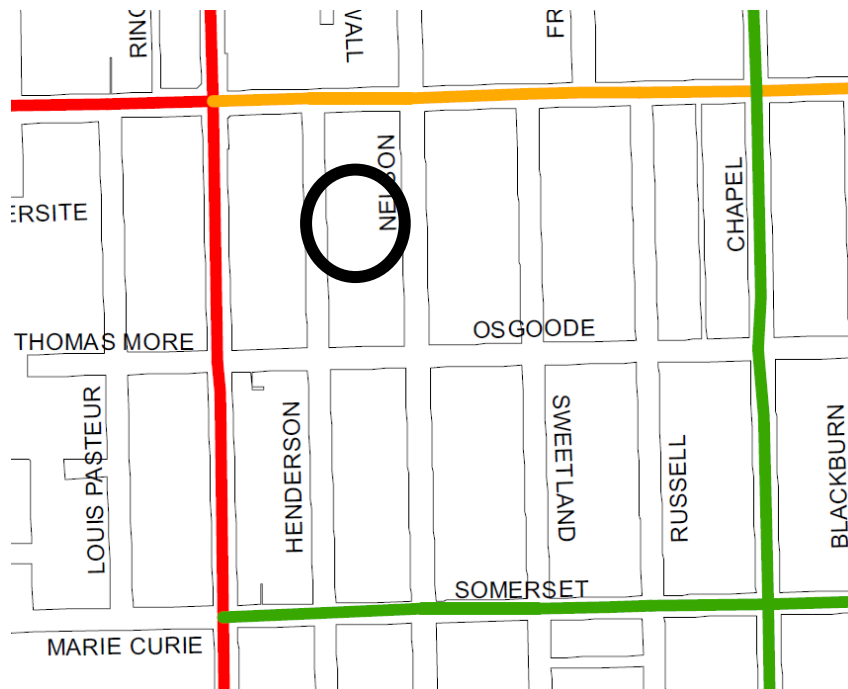


3) The Streetscape looking to the South



**Road Network:**

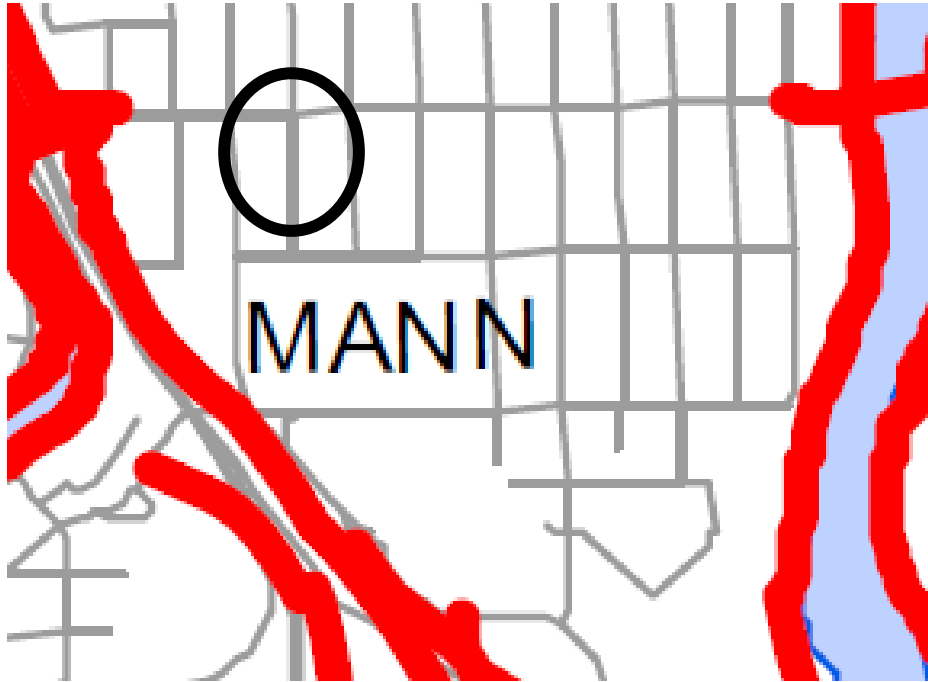
Henderson is a local one way road leading to Osgode from Somerset St E. Osgode is a local road while Somerset St E is a minor corridor and Templeton all local roads. Mann Ave., is designated an existing collector on Schedule C5 - Downtown Core Road Network



**Bicycle Network:**

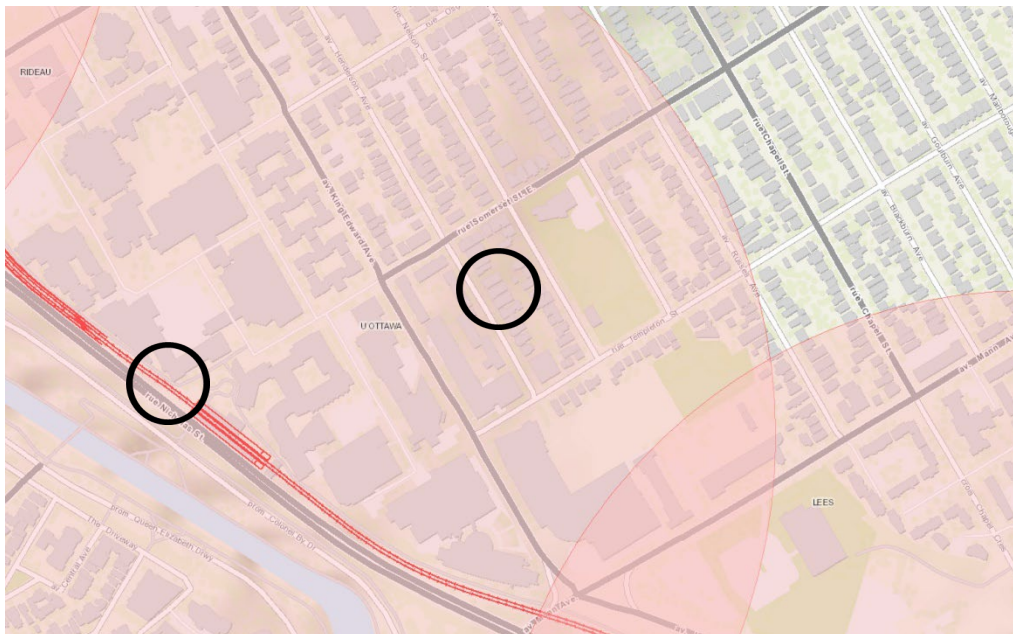
The new active transportation mapping Schedule C3 - Active Transportation Network, major pathways identifies several major pathways that the site is close to.

New Active Transportation Plan



**Transit Services:**

The site is within walking distance (600m) of 1 transit stations



**Community Services:**

The site is located within easy walking distance to numerous schools, many restaurants, shops, parks and is in a quintessentially 15 min walking neighbourhood.

**3.0 DEVELOPMENT PROPOSAL AND PERMISSION REQUESTED**

The proposed building is an existing 3 unit semidetached building. The proposed permission would permit additional units and one oversize unit whereas the bylaw requires:

***Non-Conformity and Non-Compliance***

*3. The following applies to land or buildings that are legally non-complying with this by-law:*

*(1) A person may build an addition to an existing principal building, a new accessory building, or an addition to an accessory building on land that is legally non-complying with respect to lot width or lot area if:*

.....

*(b) no new dwelling units, oversize dwelling units, rooming units, or additional dwelling units are created. (By-law 2018-206) (By-law 2023-435)*

The permission would permit the addition of three studios, one 4 bedroom and one 5 bedroom, dwelling units replacing one non conforming 11 bedroom oversize dwelling unit and garage.

The Owner requires the Permission of the Committee to change the legally non-conforming use from a Three-Unit Dwelling, with all three units containing oversize dwelling units (two six-bedroom units and one twelve-bedroom unit) to a Low-Rise Apartment Dwelling with seven units, three of which will contain oversize dwelling units (two six-bedroom units, one five-bedroom unit).

The existing driveway and garage are to be removed. The driveway will be soft landscaped with a new walkway to permit the retention of the existing trees. There is 80 sqm of at grade and balcony Amenity in the rear.

The interior layout of the building has to rely on the current entrances and exits. Any of the renovations must be Ontario Building Code compliant. The current grades and exiting have dictated the interior design.

The current building envelopment would not be expanded and the following non conforming aspects would continue as non conforming:

- 1) front yard setback of 1.45m whereas the bylaw requires a front yard setback of 1.59m (the distance the dwelling to the north).
- 2) a rear yard setback of 7.72m whereas the bylaw requires 30% of the lot depth or 9.25m
- 3) a height of 11.36m whereas the bylaw requires a max height of 11m
- 4) permit interior side yards of 1.22 and 1.2m for the existing building whereas the bylaw requires 1.5m



#### 4.0 POLICY AND REGULATORY FRAMEWORK:

##### **Provincial Policy Statement (2020)**

The Provincial Policy Statement is issued under the authority of section 3 of the Planning Act and came into effect on May 1, 2020. In respect of the exercise of any authority that affects a planning matter, section 3 of the Planning Act requires that decisions affecting planning matters “shall be consistent with” policy statements issued under the Act.

Under the PPS, settlement areas are intended to be the primary focus of growth in the province.

*Policy 1.1.1. Healthy, liveable and safe communities are sustained by:*

***a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;***

***b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;***

***c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;***

***d) avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;***

***e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;***

***f) improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society;***

***g) ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs;***

***h) promoting development and land use patterns that conserve biodiversity;***

*and*

***i) preparing for the regional and local impacts of a changing climate.***

The subject lands are situated within the urban boundary of the City of Ottawa and constitute a settlement area. Accordingly, the lands are a logical and preferred location for new development. Within settlement areas, the PPS encourages land use patterns that make efficient use of land, effective use of infrastructure and public services, support active modes of transportation and are transit-supportive (Policy 1.1.1).

### **City of Ottawa Official Plan**

The Ottawa Official Plan has been reviewed. The site is designated General Urban Area on Schedule B of the City of Ottawa Official Plan. Lands within this designation are meant to provide a full range and choice of housing options in combination with conveniently located employment, retail, service, entertainment and institutional uses. The project site does not fall within any of Schedule C7-A - Design Priority Areas – Urban. It is classified as “Evolving Neighbourhood” under Schedule B1 - Downtown Core Transect. It also falls with the Annex 1 - Metropolitan Downtown Core.

The Proposal supports 15 min neighbourhood through the following:

- a) The parking space and garage are eliminated so there will be little traffic impact.
- b) Amenity space is provided in the rear yard.
- c) Lighting will be for safety purposes and will respect the dark skies initiative.
- d) The building will not generate additional noise.
- e) The additional units in the neighbourhood will increase the number of commercial services that might chose to locate in the area as well as better utilize transit services.

### **OP Section 3. Growth Management Framework**

OP 3.2 Support Intensification

Table 3b

“Housing density

**Downtown Core Transect, 80 to 120,”**

This project helps move the inner urban transect closer to 80 to 120 units per hectare with a net density of 159 units per hectare.

### **OP Section 4. City-Wide Policies**

OP 4.2 Housing

“4.2.1 Enable greater flexibility and an adequate supply and diversity of housing options throughout the city

2) The City shall support the retention and updating of a missing middle housing range of mid-density, low-rise multi-unit housing, in order to support the evolution of healthy walkable 15-minute neighbourhoods by:

- a) Allowing housing forms which are denser, small-scale, of generally three or more units per lot in appropriate locations, with lot configurations that depart from the traditional lot division and put the emphasis on the built form and the public realm, as-of-right within the Zoning By-law;
- b) Allowing housing forms of eight or more units in appropriate locations as-of-right within the Zoning By-law;”.

### **OP Section 5. Transects**

OP 5.1.5 Provide direction to the Evolving Neighbourhoods located within the Downtown Core Transect

5.1.5 Provide direction to the Neighbourhoods located within the Downtown Core Transect

1)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 Zoning By-law shall implement the density thresholds in a manner which adheres to the following:

a)Allows and supports a wide variety of housing types with a focus on missing-middle housing, which may include new housing types that are currently not contemplated in this Plan;

b) The application, as appropriate, of Zoning By-law development standards to be applied as one lot for zoning purposes to support missing middle housing;

c) Provides for a Low-rise built form, by requiring in Zoning a minimum built height of 2 storeys, generally permitting 3 storeys, and where appropriate, will allow a built height of up to 4 storeys to permit higher-density Low-rise residential development;

d) Building on Table 6, provides an emphasis on regulating the maximum built form envelope that frames the public right of way; and

e)In appropriate locations, to support the production of missing middle housing, prohibit lower-density typologies..

Transect	Official Plan Policy Reference	Designation	Height Category and Details
Downtown Core Transect	5.1.3(1)	Hubs	High-rise and High-rise 41+: between 10 storeys and 40 storeys and 41 storeys plus, through criteria and area-specific policy
	5.1.4(1)	Hubs	Low-rise, Mid-rise and High-rise: minimum 4 storeys and maximum 40 storeys
	5.1.4(3)	Mainstreet Corridors	Low-rise and Mid-rise: minimum 2 storeys and maximum 9 storeys
	5.1.4(4)	Minor Corridors	Low-rise and Mid-rise: minimum 2 storeys and maximum of 9 storeys
	5.1.5(1)	Neighbourhoods	Low-rise: minimum 2 storeys, generally permit 3 storeys, allow a built height of up to 4 storeys where appropriate

#### OP Section 6. Urban Designations:

The site is designated a Neighbourhood under 6.3 of the OP

“6.3.1 Define neighbourhoods and set the stage for their function and change over the life of this Plan.

2) Permitted building heights in Neighbourhoods shall be Low-rise...”

And

“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:

a) Generally, a full range of Low-rise housing options sufficient to meet or exceed the goals of Table 2 and Table 3b;

b) Housing options with the predominant new building form being missing middle housing, which meet the intent of Subsection 6.3.2, Policy 1);”

The proposed building responds to these requirements by proposing a three storey stacked residential dwelling.

## **5 – Central and East Downtown Core Secondary Plan**

The site is located in the Central and East Downtown Core Plan SECONDARY PLAN - VOLUME 2 Schedule B - Designation Plan area and is identified as Local Neighbourhood. It is also located within the East Neighbourhood Character Area, SECONDARY PLAN - Volume 2 Annex 1 - Centretown Character Areas.

### *3.1 Built Form*

*Development in the Central and East Downtown Core will contribute to an active street life and pedestrian convenience through its design, function and activity.*

*1) Development will contribute positively to the entire adjacent public realm. It should maximize the activity visible from the public realm and the activity easily accessible to it. Measures include but are not limited to:*

*a) Functional main entrances directly accessible from the public realm for each unit on the ground floor. For further specification, this includes residential, retail and commercial units.*

*b) Usable indoor and/or outdoor amenity areas where possible. These amenities are meant to encourage people to linger in or within view of the public realm. Examples include patios, porches, atria, stoops, etc.*

*c) Lower floor articulation with a high degree of transparency and functional permeability.*

**The proposed renovations maintain the existing front façade of the buildings while adding soft landscaping where there is currently hardscape, garage, and driveway.**

### *4.7.3 Land Use and Built Form*

#### *Local Neighbourhood*

*99) Preserve and enhance a stock of good housing.*

**The proposed development preserves the existing building.**

### *4.7.6 Site Development*

*122) Enhance development with landscaping, especially for parking and loading areas and as a buffer between dissimilar land uses.*

**Hardscaping is being converted to soft landscaping as previously noted**

*4.7.8 Building Heights*

*128) Within the Sandy Hill Character Area, any maximum building heights permitted in the Zoning By-law that exceed the heights indicated on Schedule B as of the date of adoption of this Secondary Plan will continue to apply. Any increases beyond these maximum heights will require an Official Plan Amendment.*

**The height limit is 4 storeys, the building is be 3 storeys**

**City of Ottawa Site Plan Control Bylaw 2014-256**

While Bill 23 does not require compliance with Site Plan Control, the proposed project complies with intent of the bylaw section that related to the Sandy Hill Area on Schedule B. (By-law 2019-39)

3.1 (1) This section applies to the Sandy Hill Special Site Plan Control Area of the City identified on Schedule B. (By-law 2019-39)

**We are providing the following information:**

*(5) The applicant may be required to provide the following information and documentation in support of an application for site plan control pursuant to this section:*

*(a) A one-page planning rationale providing a summary of the nature and intent of the proposed development or redevelopment; (provided as part of this report)*

*(b) A site plan showing site layout, the location of the building and all its entrances, details of landscaping, and the layout/location of any on-site motor vehicle and bicycle parking; (full architectural plans are provided where new work is occurring)*

*(c) In the case of additions resulting in buildings of 275 square metres gross floor area and greater, a grading and drainage plan prepared by a certified professional engineer licensed to work in Ontario; (no addition)*

*(d) Elevation drawings and three-dimensional colour renderings (at a scale of 1:50) of the building before (in the case of redevelopment or additions) and after development or redevelopment; (pictures of the before and architectural elevations of the changes)*

*(e) Details on cladding materials, windows, and other architectural elements proposed or, in the case of an existing building proposed to be modified, details on how these materials are being changed or replaced; (architectural plans)*

*(f) Floor plans of each floor of the building showing the use of all space, consistent with Building Permit application, including all rooms with their intended purpose, vaults, central storage and collection areas and other facilities and enclosures for the storage of garbage and other waste material; (architectural plans)*

**Urban Design Guidelines for Low-rise Residential Buildings**

The proposal maintains the current lot pattern and keeps the exiting building fronting on the street, some characteristics of the buildings in the neighbourhood with a modern architectural style.

**City of Ottawa Comprehensive Zoning By-law 2008-250:**

**Purpose of the Zone**

The property is currently R4UB[480]. (exception 480 refers to dwelling unit is a permitted use.)

**Purpose of the Zone**

The purpose of the R4 - Residential Fourth Density 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.

## **5.0 CONCLUSION:**

The proposed development has been designed to meet the current planning framework. It is consistent with the Provincial Policy Statement and conforms to the City of Ottawa Official Plan.

The proposed permission should be considered minor for the following reasons:

1. They are minor and desirable.
  - a. They reflect the current character of the neighbourhood with the retention of the original building
  - b. The intent of Section 3 of the Bylaw is that Non-Conformity and Non-Compliance of building should move toward compliance and the permission requested takes a non conforming 11 bedroom dwelling unit and the permission to add the units, adds 4 new conforming dwelling units and one 5 bedroom non conforming dwelling unit.
2. The general intent and purpose of the Zoning By-law is maintained
  - a. the intent of the bylaw is to permit the low rise dwellings/apartments.
  - b. The intent of the bylaw that the new infill properties respect the existing character of the neighbourhood.
3. The general intent and purpose of the Official Plan is maintained;
  - a. The official plan supports this kind of gentle intensification of land uses compatible with the current urban fabric.
4. The Ontario Planning Act supports intensification in residential urban areas