

2024-01-03

Committee of Adjustment  
101 Centrepointe Drive  
Ottawa, ON K2G 5K7  
D08-01-23/B-00201 & D08-01-23/B-00202  
D08-02-23/A-00190 & D08-02-23/A-00191 , 243 Bradford



Committee of Adjustment  
Received | Reçu le

2024-01-03

City of Ottawa | Ville d'Ottawa  
Comité de dérogation

Madame/Sir;

Committee of Adjustment Recirculation

The Committee of Adjustment has required that a recirculation of the project due to the change from a 2 10-unit low rise apartment building to a six unit Townhouse project. The following meetings and changes have been made for the recirculation.

As part of the additional time we had prior to the next hearing we agreed to have a further public meeting with the Community Association and invited/concerned community members.

It was evident that the community was very uncomfortable with the introduction of a low-rise apartment building into a community with single family homes, semidetached dwelling, and townhouses. The owner of the property was open to reconsidering the building type and we prepared a townhouse option for them. They did a financial assessment and found that it could meet their financial requirements.

The proposed Townhouse fall under the new requirements of Bill 23 and changes made by council to the zoning bylaw in early Nov.

The proposal consists of 6 townhouses instead of 2 10-unit low rise apartment buildings. We circulated the changes to City Staff and the Community on the 29th of Nov, 11am. The City followed up with us at 4:30pm Dec 1 with concerns and a suggestion that they needed an adjournment to assess the new proposal. We had a virtual meeting on Dec 5th where we discussed the proposal and their request for adjournment.

We reviewed the list of changes and areas where there were no changes. In all cases the changes are improvements it the project's compliance with the zoning bylaw and the community concerns. They are as follows:

The differences between the applications are:

1. increased rear yard; **from 10.05m to 12.20m, bylaw requires 7.5m**
2. no gap (we had a 2.4m gap between the 2 low rise apartments); **eliminating the gap permitted the increased rear yard**
3. added 1 parking space; **the increase in rear yard allowed us to add a parking space**
4. reduced the current number of units from 20 to 10; **there will discussion around this issue the City is currently assessing the implication of the Staff Report regarding the changes to the zoning bylaw and the requirements of the site plan control bylaw. Prior to bringing the zoning bylaw into conformity to Bill 23 is was quite clear that secondary units were not included in the unit count towards the requirement for site plan control. We have been clear with the Community that the client will be seeking to have a total of 16 units in the future. It is also our position that for the purpose of assessing the**

**merits of the one variance, the number of secondary units has no effect as the parking or landscaping requirement would not change in either case.**

5. changed all but 4 entrances so they are from the street with walkways, the four other entrances are within 4m of the front elevation; **previously the 2 main entrances were from the side of the building and created a concern for the immediate neighbour to the north**
6. added a two wheelchair lifts so that 4 of the townhouses can have ground floor accessibility; **the previous design had 1 1-bedroom unit with at grade accessibility in each 10-unit building.**
7. removed parking from next to tree in the rear yard; **with the increase in the rear yard, we were able to remove a parking space from directly adjacent to the tree in the rear yard**
8. We have eliminated the variance for parking; **the townhouses now fully comply with the zoning bylaw with 6 parking spaces and 1 visitor parking.**
9. We have reinstated southern side yard variance request; **The min width the we could make the townhouses with a bit of a cushion requires that corner variance.**
10. Also means that it is not likely that on of the trees on NCC land will survive the excavation and we would be required to compensate for that tree
11. The increased rear yard has made it possible to add 2 additional new trees in the rear yard

No change in the application

1. height
2. side yards other than the increase in the rear yard which has been increased.
3. location of driveway and parking
4. percentage of soft landscaping
5. general landscaping

The project has been significantly improved relative to the requirements of the Official Plan (comparability) and the Zoning Bylaw (parking). In addition, it has been brought much closer in compliance with the zoning by of the adjacent northerly properties.

In summary,

- a) The parking impact assessment was not required as the project complies with the zoning bylaw
- b) The client did redesign the building to add parking.
- c) The townhouse development is more compatible with the community to the north
- d) Only one variance is requested for the southerly corner of the building.
- e) No consent to sever is being requested

Sincerely,



Christoph K Jalkotzy, Leed AP

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Ce document est présenté dans la langue dans laquelle il a été fourni.

Variance Rational  
Chris Jalkotzy  
Modulink, Planning & Design  
13 December 2023

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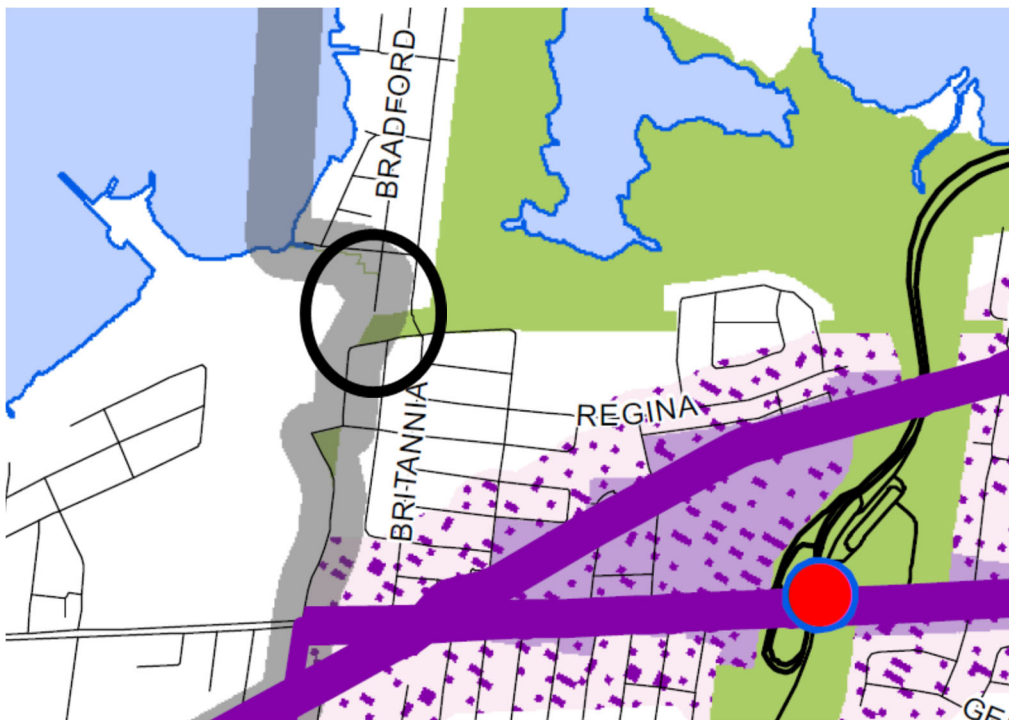
## 1.0 INTRODUCTION and PROJECT OVERVIEW:

Further to the Planning and Design Rationale submitted on 25<sup>th</sup> of October the Applicant has amended its plans and now proposes to construct 6 three storey Townhouses. Five of the six townhouses will be fully compliant with the provisions of the Zoning By-law. This report has been prepared in support of an application for a minor variance for a reduced side yard setback for the sixth townhouse. Currently it is planned that four of the Townhouses will have a primary unit with 4 bedrooms and study, and a 1-bedroom Additional Dwelling Units. Two Townhouses will be 2-bedroom units each. The property is located at on the south dead end of Bradford south of the intersection with Salina Street. The variance requested is for the side yard on the south side of Townhouse 6 and only affects a small corner of the building. The property is rated as an 8 in Service and Amenity Access in the City of Ottawa's GeoOttawa 15 min mapping application.

## 2.0 SITE OVERVIEW & COMMUNITY CONTEXT:

The property is currently occupied by two-storey 3 townhouse building constructed in the 50's. This building will be demolished. The property is in the City of Ottawa. It has a street frontage width of 31.29m (north/south) and a depth of 30.18m (east/west). It has a lot area of 821.22 sqm. The zoning is LC[772].

It is located in the Schedule B2 - Inner Urban Transect Bradford Street that is a local road. The site is in a designated neighbourhood.



### Surrounding Land Uses:

The property is bounded by detached dwellings on the North, a commercial store to the East and parkland to the West and South. The properties to the north are zoned as Residential R1D. The property to the East has the same zoning as the subject property.

Subject Site



1) The Streetscape looking to the North





2) The Streetscape looking to the South



3) Existing Subject Site



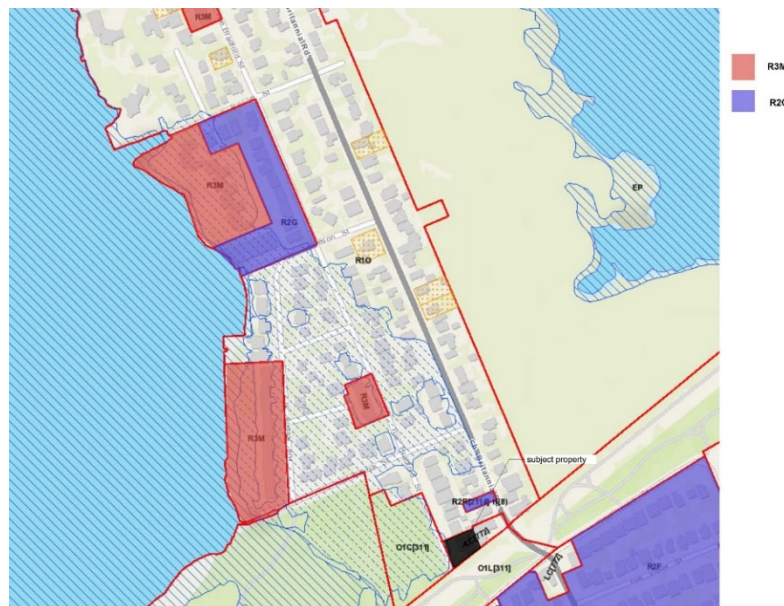


4) Townhouses in Google Earth



**The Neighbourhood;**

This property is zoned LC (Local Commercial) and is on the edge of a residentially zoned neighbourhood. While low rise apartment buildings are a permitted use, the building typology chosen is a 6 door Townhouse Row. There are 4 pockets of R3M townhouse projects in the neighbourhood, which is otherwise subject to R10 zoning, with an individual property zoned R2G.



### Road Network:

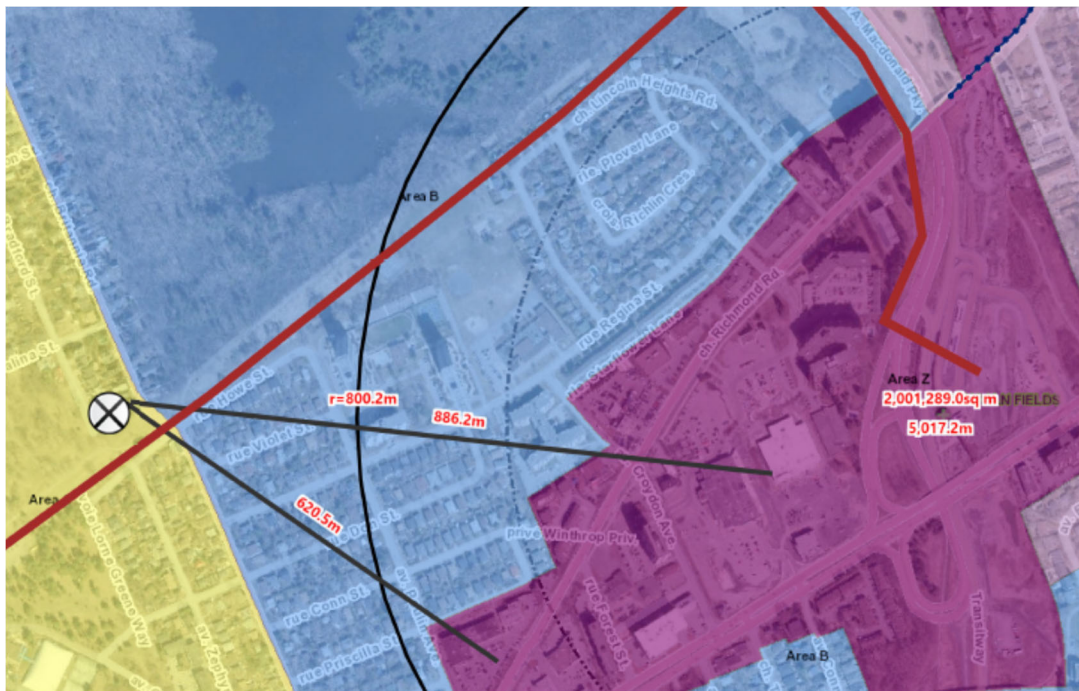
Bradford is a local road leading to an intersection with Salina Street. Following Salina Street leads you to Britannia Road which connects to Richmond Road and Carling which a collector street.

### Bicycle Network:

The site is directly adjacent to a major pathway that connects to Lincoln Fields Transit station without travelling along any roads.

### Transit Services:

The site is within walking distance to multi bus routes on Richmond Road and Carling Avenue



### Parking Requirements:

The site is Area C on Schedule 1A. The proposal is to provide 7 parking spaces, 1 for each of the 6 Townhouses and 1 visitor parking spaces. The proposed development returns 27m of the road edge for parking with only a 3m wide laneway to the parking at the rear. At this location on Bradford, parking is permitted on both sides of the street although only the west side is used generally because it is adjacent to the park and the east side is disrupted by driveways. The east side has very little soft edge, with some of the owner's hardscaping some of the Right of Way to either permit parking in front of their property or access to their property. Neither side of the street has a sidewalk. The travelled width of Bradford at this location is 6.8m.

The parking requirements in Area C on Schedule 1A are 1.0 parking spaces per townhouse (Table 101) and 0.2 visitor parking spaces (Table 102). With the six townhouses, 6 parking spaces are required and



1.2 visitors' spaces. In accordance with ss. 100(2) of the Zoning By-law, calculations of the minimum required or maximum permitted number of parking, queuing or loading spaces are to be pro-rated and rounded to the nearest whole number. In this case, the visitor parking requirement is rounded down to 1 space. 1 visitor parking space is provided.

**Community Services:**

The site is located within easy walking distance to numerous schools, many restaurants, shops, parks .

**3.0 DEVELOPMENT PROPOSAL AND VARIANCES**

The proposed building takes a site that has 3 townhouses and redevelop it to accommodate 6 Townhouses. Only one Townhouse requires a minor variance to make efficient use of the land.

The side yard setback variance which seeks a reduction from 1.2 m to .92 m for the sixth townhouse, meets the tests under the Planning Act as follows:

It is Minor in Nature as it relates only to the rear corner of the building such that the majority of the side of the building exceeds the zoning requirement and the side in question interfaces with public open space with mature vegetation so there is no measurable negative impact. The National Capital Commission is the abutting landowner and has indicated that it does not object to the minor variance.

It meets the general intent and purpose of the Official Plan as the use in question is permitted in this designation and intensification is also supported. All policies related to compatibility are substantially met as the development is low-rise, 3-storeys in nature, and as just noted the variance in question has no interface with residential land uses

It meets the general intent and purpose of the Zoning By-law as the development meets all other provisions of the By-law and the variance in question is very close to the requirement and is a function of the angular nature of the side lot line effectively allowing for more overall side yard than the By-law would normally yield

It is appropriate for the development and use of the land because it is allowing for envisioned and compatible intensification and to not grant the variance would trigger an unreasonable and unconventional design of the building to one that is skewed to align with the lot line resulting in a more expensive, less efficient building that actually has less overall side yard and opportunity for soft landscaping.

Zoning Table Townhouse 6

<b>Address: 243-245-247 Bradford Street</b>				
<b>Exception 772, permits a drive through</b>		<b>Townhouse Number 6</b>		
<b>Zoning Mechanism</b>	<b>Requirement of LC Zone</b>	<b>Proposed</b>	<b>Comments</b>	
Minimum Lot Frontage	none	NA	comply	
Minimum Lot Area	none	NA	comply	
Minimum Front Yard Setback	3 metres	3m	comply	
Minimum Rear Yard Setback	7.5m	12.20m	comply	
Minimum Interior Side Yard Setback	1.2m,	0.92 south side vard	Does not comply	
Minimum Party Wall Side Yard Setback	0.0m	0.0m	comply	
Minimum Exterior Side Yard Setback	NA	NA		
Maximum Building Height	12.5 metres	11.00	comply	
Amenity Area	NA	NA		
Front Aggregate Landscaping	NA	NA		
Maximum Lot Coverage	NA	NA		
First Floor Habitable Space	NA	NA		
Rear Landscaped				
Front facing windows in front facade	25%	50%	comply	
Street façade recessed 0.6m or porch/decks	20%,	Decks on each	comply	
<b>Transportation</b>				
<b>Parking</b>	Townhouse parking	1 per Townhouse	1	comply
	Visitor parking	0.2 per (1.2 rounded	0.2	comply
<b>Bicycles</b>	0.5 per dwelling unit	NA	NA	comply
<b>Private Approach (By-law No. 2003-447)</b>	width	Min 2.6m	3.0m	comply
	grade	2% within 6m of		comply
<b>Waste Collection</b>				
<b>Solid Waste Management (By-law No. 2012-370)</b>	Path	NA	NA	
	Garbage Room Size	NA	NA	

#### 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 “Neighbourhood” under Schedule B2 - Inner Urban Transect

The Proposal supports 15 min neighbourhood through the following:

- a) Only 6 car parking spaces with 1 visitors have been provided so there will be little traffic impact.
- b) Amenity space is provided in the rear yard, as well as 18 private balconies.
- c) Lighting will be for safety purposes and will respect the dark skies initiative.
- d) The building will not generate additional noise.
- e) The building height is less than 14m
- f) The additional people living 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

**Inner Urban Transect** 60 to 80, Within the Neighbourhood designation: Within the Neighbourhood designation: Existing lots with a frontage approximately 15 metres or wider: - Target of 50 per cent for Low-rise buildings;”

**This project helps move the Inner Urban Transect closer to 80 to 120 units per hectare with a net density of 250 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 production of a missing middle housing range of mid-density, low-rise multi-unit housing, in order to support the evolution of healthy walkable 15-minuteneighbourhoods 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**

- a) OP 5.1.5 Provide direction to the Neighbourhoods located within the - Inner Urban Transect  
“Table 7 – Minimum and Maximum Height Overview Based on Official Plan  
Inner Urban Transect: Policy 5.2.4(1) Neighbourhoods Low-rise: minimum 2 storeys, generally permit 3 storeys, allow built height of up to 4 storeys where appropriate”
- b) 5.2 Inner Urban Transect
  - 5.2.2 Prioritize walking, cycling and transit within, and to and from, the Inner Urban Transect
  - 3) Motor vehicle parking in the Inner Urban Transect shall be managed as follows:
    - a) Motor vehicle parking may only be required for large-scale developments, and only to the extent needed to offset sudden large increases in parking demand;
    - d) Where new development is proposed to include parking as an accessory use, such parking:
      - i) Shall be hidden from view of the public realm by being located behind or within the principal building, or underground;
      - ii) Shall be accessed by driveways that minimize the impact on the public realm and on both City-owned trees and privately-owned distinctive trees, and result in no net increase in vehicular private approaches; and
      - iii) May be prohibited on small lots or where parking cannot reasonably be accommodated in a manner consistent with the intent of this Plan.

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

The proposed buildings adopt the designs required for low rise apartment building in R4U zones

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

#### **Purpose of the Zone**

The property is currently LC[772]:

#### **Purpose of the Zone**

The purpose of the LC – Local Commercial Zone is to:

1. allow a variety of small, locally-oriented convenience and service uses as well as residential uses in the General Urban Areas and in the Residential Character Areas of the Central Area designations of the Official Plan;
2. restrict the non-residential uses to individual occupancies or in groupings as part of a small plaza that would meet the needs of the surrounding residential areas;
3. provide an opportunity to accommodate residential or mixed uses development; and
4. impose development standards that will ensure that the size and scale of development are consistent with that of the surrounding residential area.

**The Townhouse building at a height less than permitted by the bylaw supports purpose 4**

## 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.

- 1) The proposed variance should be considered minor for the following reasons:
  1. They are minor and desirable.
    - a. It is Minor in Nature as it relates only to the rear corner of the building such that the majority of the side of the building exceeds the zoning requirement and the side in question interfaces with public open space with mature vegetation so there is no measurable negative impact
  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, proposed Townhouse development
    - c. It meets the general intent and purpose of the Zoning By-law as the development meets all other provisions of the By-law and the variance in question is very close to the requirement and is a function of the angular nature of the side lot line effectively allowing for more overall side yard than the By-law would normally yield
  3. The general intent and purpose of the Official Plan is maintained;
    - a. It meets the general intent and purpose of the OP as the use in question is permitted in this designation and intensification is also supported. All policies related to compatibility are substantially met as the development is low-rise, 3-storeys in nature, and as just noted the variance in question has no interface with residential land uses
  4. The Ontario Planning Act
    - a. supports intensification in residential urban areas
    - b. It is appropriate for the development and use of the land because it is allowing for envisioned and compatible intensification and to not grant the variance would trigger an unreasonable and unconventional design of the building to one that is skewed to align with the lot line resulting in a more expensive, less efficient building that actually has less overall side yard and opportunity for soft landscaping.