

December 21, 2023

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

Committee of Adjustment
Received | Reçu le

2023-12-21

City of Ottawa | Ville d'Ottawa
Comité de dérogation

Attention: Michel Bellemare, Secretary - Treasurer

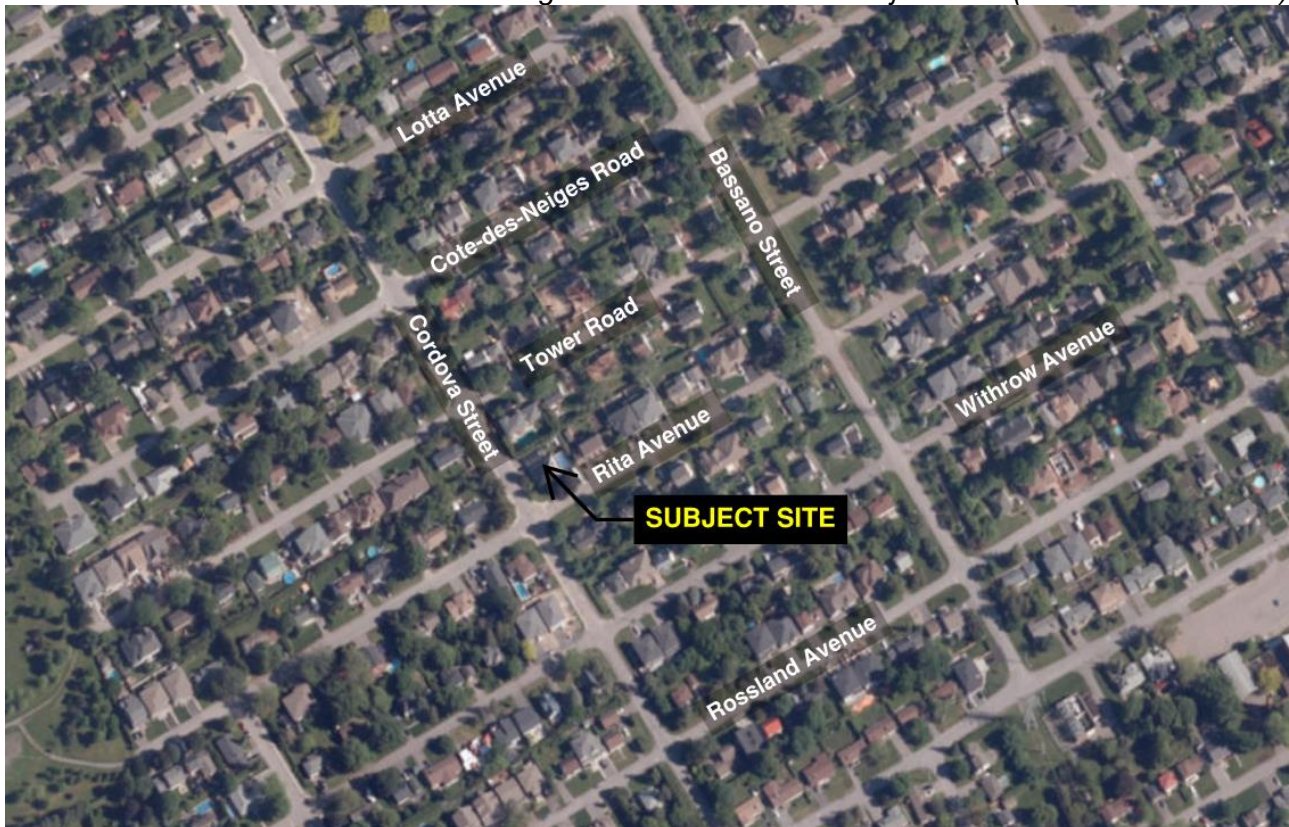
Dear Mr. Bellemare:

Reference: 95 Rita Avenue
Applications for Consent and Minor Variance
Our File No 123177

Novatech has been retained by the owner of the property municipally known as 95 Rita Avenue (the "Subject Site") to prepare and file applications for Consent and Minor Variance to sever the existing corner lot and construct two detached dwellings. The existing single-detached dwelling and detached garage will be demolished.

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

Figure 1: Location of the Subject Site. (Source: GeoOttawa).



Site and Context

Site

The Subject Site is located in the Cityview neighbourhood within Ward 8 – College in the City of Ottawa. The Subject Site is a corner lot located on the north side of Rita Avenue and the east side of Cordova Street. The Subject Site is in a block that is bounded by Cordova Street to the west, Bassano Street to the east, Tower Road to the north and Withrow Avenue to the south. The Subject Site has 30.34 metres of frontage along Rita Avenue and 27.39 metres of frontage along Cordova Street. The Subject Site is comprised of four underlying lots on Registered Plan 375. The property is legally known as Lots 723, 724, 725, and 726 Registered Plan 375, City of Ottawa.

Figure 2: Subject Site. (Source: GeoOttawa).



The Subject Site is designated Neighbourhood within the Outer Urban Transect in the City of Ottawa Official Plan. The Subject Site is zoned R1FF[632] – Residential First Density, Subzone FF, exception 632 in the City of Ottawa Zoning By-law 2008-250. The site is not subject to the Mature Neighbourhoods Overlay, the Heritage Overlay, or the Floodplain Overlay. The site is currently developed with a one-storey single-detached dwelling and a detached garage. There is a 3.05-metre untraveled lane behind the Subject Site. Many lots along Rita Avenue are similar in size to the Subject Site or are approximately half the size of the Subject Site and are developed with detached dwellings.

Figure 3: Existing Building on the Subject Site. (Source: Google Maps).



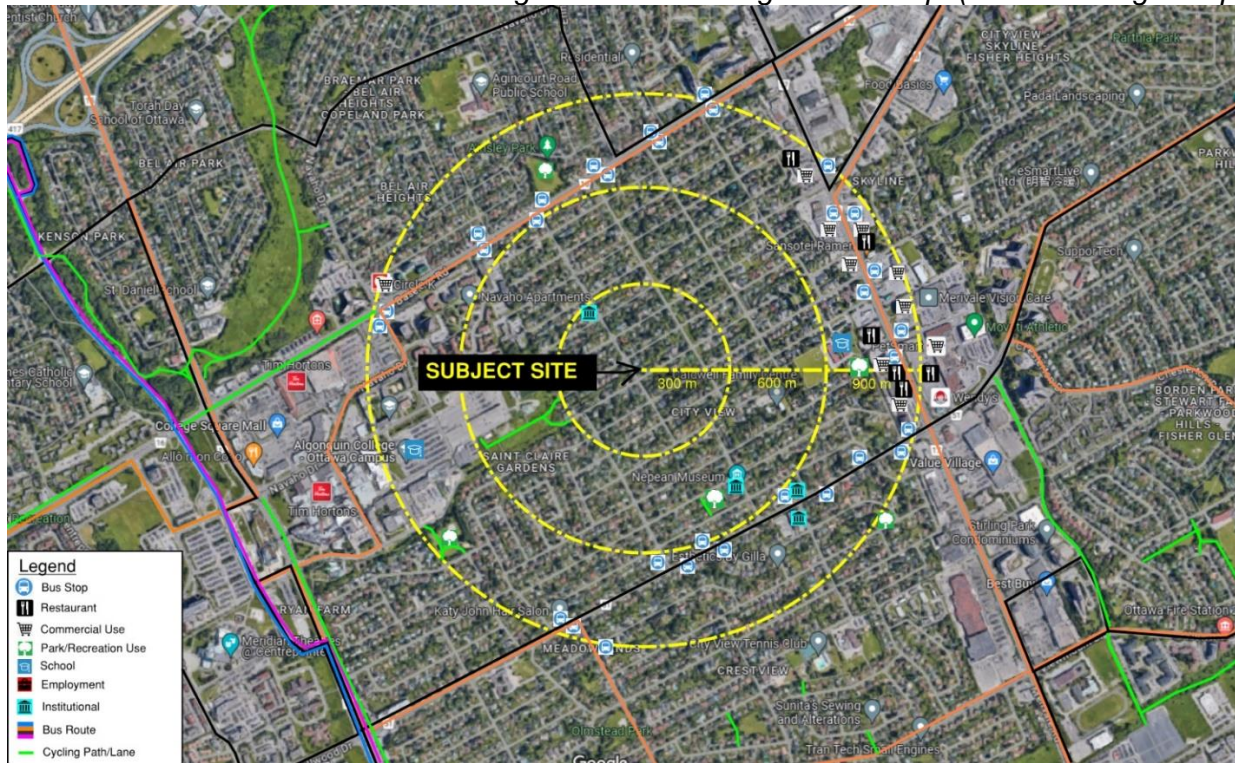
Surrounding Context

Properties adjacent to the Subject Site are developed with single-detached dwellings. The neighbouring lots generally have consistent lot sizes with lot widths of approximately 15.24 or 30.48 meters and lot areas of around 417 square meters or 835 square metres. Rita Avenue is a two-lane road with one lane of travel in each direction. There are no sidewalks or on-road cycling lanes on either side of Rita Avenue. Cordova Street is a two-lane road with one lane of travel in each direction. Cordova Street does not have on-road cycling lanes but sidewalks are provided on both sides of the street between Baseline Road and Rita Avenue.

The Subject Site is within walking distance of parks, schools, restaurants, and commercial uses. A variety of commercial uses are located along Merivale Road, which is within 900 metres of the Subject Site. Algonquin College and Elizabeth Wyn Wood Secondary School are located within 900 metres of the Subject Site. Institutional uses, including churches and the Nepean Museum are located within 600 metres of the site. Four parks, including Ainsley Park, Ryan Farm Park, City View Park, and Doug Frobel Park are located within 900 metres of the Subject Site.

The Subject Site has good access to public transit, with local bus routes and frequent bus routes located within 900 metres of the site. OC Transpo Route 86 is located just over 600 metres from the site along Meadowlands Drive. OC Transpo Route 88 is located just over 600 metres from the site along Baseline Road and Route 80 is located within 900 metres of the site along Merivale Road. There are no cycling lanes within 900 metres of the Subject Site, except for a multi-use pathway which connects Rita Avenue to Algonquin College. The Subject Site is located close to frequent public transit service. The Subject Site is an appropriate location for intensification and infill development.

Figure 4: Surrounding context map. (Source: Google Maps).



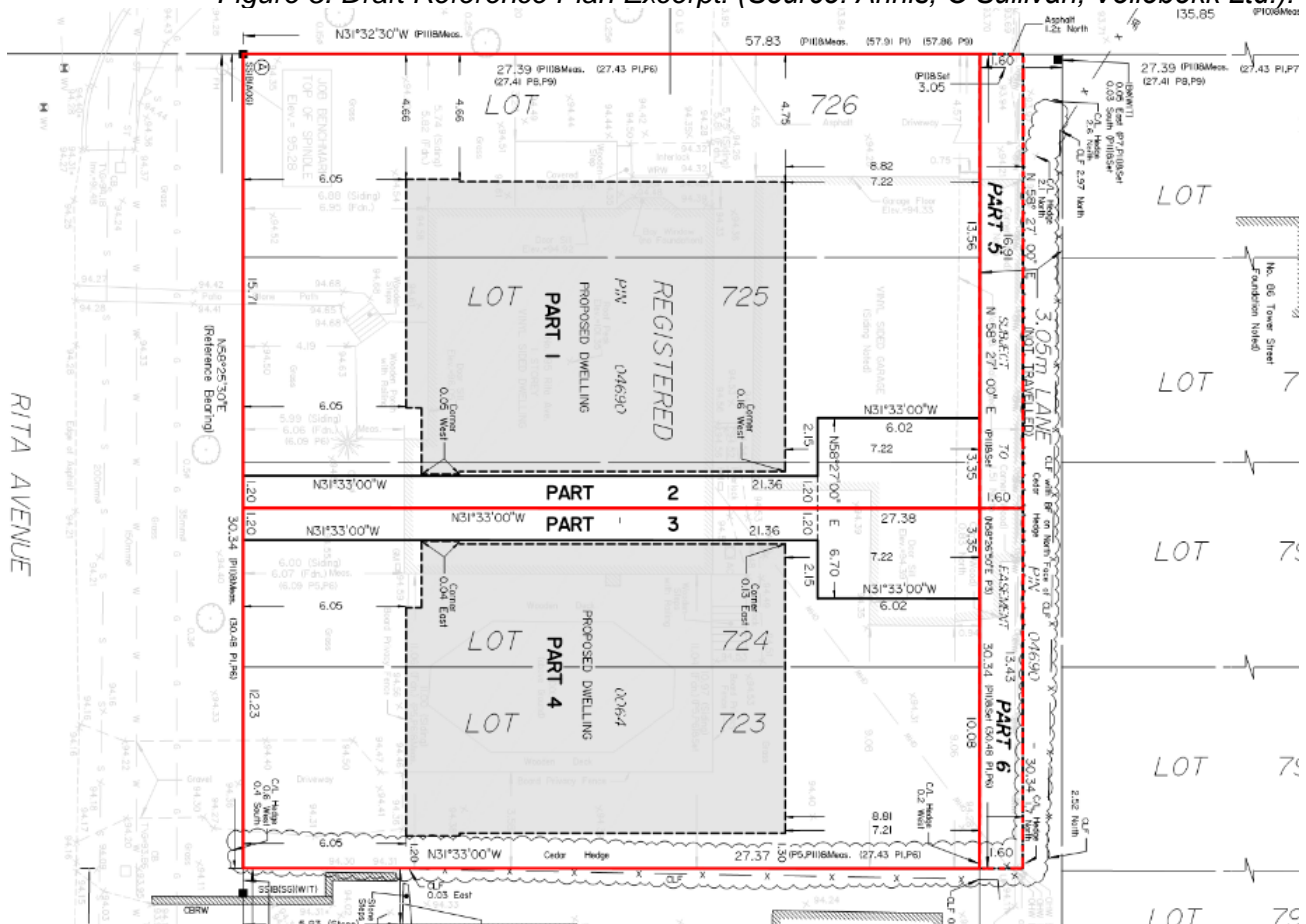
Proposed Development

The proposed Consent and Minor Variance applications seek to sever the existing lot and create one new parcel. Each of the two lots are proposed to be developed with a detached dwelling. The detached dwellings will have one principal dwelling unit and two additional dwelling units. The existing detached dwelling and detached garage on the Subject Site will be demolished. The Subject Site is comprised of four underlying lots in Registered Plan 375. The severance application is required to create two unequally sized parcels, with a larger corner lot and a smaller interior lot. A shared driveway access will be provided between the two detached dwellings.

The proposed corner lot (Part 1 and Part 2) has a lot width of 16.91 metres and a lot area of 490.2 square metres, including a 1.6-metre portion of the untraveled lane in the rear yard. The proposed interior lot (Part 3 and Part 4) has a lot width of 13.43 metres and a lot area of 389.1 square metres, including a 1.6-metre portion of the untraveled lane in the rear yard.

The proposed development meets the City's intensification goals by creating a new lot for residential development. The Subject Site is located close to commercial uses and public transit service and is an appropriate location for infill development in support of the City's 15-minute neighbourhood objectives.

Figure 5: Draft Reference Plan Excerpt. (Source: Annis, O'Sullivan, Vollebakk Ltd.).



Severance Applications

Severance Application 1:

This application will create the corner lot, labelled as Part 1 and Part 2 on the Draft Reference Plan (Figure 5). The proposed lot width is 16.91 metres. The proposed lot depth is approximately 28.98 metres including Part 5 (1.6-metre portion of the untraveled rear lane). The proposed lot area will be 490.2 square metres including Part 5.

This application includes a right-of-way easement over Part 2 in favour of Parts 3, 4, and 6 for a shared driveway access.

Severance Application 2:

This application will create the interior lot, labelled as Part 3 and Part 4 on the Draft Reference Plan (Figure 5). The proposed lot width is 13.43 meters. The proposed lot depth is approximately 28.97 meters including Part 6 (1.6-metre portion of the untraveled rear lane). The proposed lot area is 389.1 square metres including Part 6.

This application includes a right-of-way easement over Part 3 in favour of Parts 1, 2, and 5 for a shared driveway access.

Severance Rationale

Planning Act

Subsection 53(1) of the Planning Act states:

“53(1) An owner, chargee or purchaser of land, or such owner’s, chargee’s or purchaser’s agent duly authorized in writing, may apply for a consent as defined in subsection 50 (1) and the council or the Minister, as the case may be, may, subject to this section, give a consent if satisfied that a plan of subdivision of the land is not necessary for the proper and orderly development of the municipality. 2021, c. 25, Sched. 24, s. 4 (1).”

The proposed severances do not necessitate the construction of new public infrastructure, including roads and services. The proposed severances result in the creation of one new lot. The lots will have a shared driveway. A plan of subdivision is not required for the proper and orderly development of the municipality.

Subsection 53(12) of the Planning Act states:

“53(12) A council or the Minister in determining whether a provisional consent is to be given shall have regard to the matters under subsection 51 (24) and has the same powers as the approval authority has under subsection 51 (25) with respect to the approval of a plan of subdivision and subsections 51 (26) and (27) and section 51.1 apply with necessary modifications to the granting of a provisional consent. 1994, c. 23, s. 32.”

This rationale will speak to the following criteria outlined in subsection 51(24) of the Planning Act.

“51(24) In considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality and to,”

(a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;

The proposed severances have regard for the following matters of provincial interest:

- the development of healthy, safe, and liveable communities
- the provision of a full range and mix of housing types and densities
- the appropriate location of growth and development
- the efficient use of land and resources
- the promotion of sustainable development that supports efficient use of public transportation and infrastructure investments
- the adequate provision and efficient use of communication, transportation, sewage and water services and waste management system

(b) whether the proposed subdivision is premature or in the public interest;

The Subject Site is located within the City of Ottawa’s urban boundary and is in a fully developed neighbourhood. The Subject Site is designated Neighbourhood within the Outer Urban Transect in the City of Ottawa Official Plan. Other recently constructed detached dwellings in the area are on similarly-sized lots to the proposed lots. The proposed severances are not premature and are in the public interest.

(c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;

The City of Ottawa Official Plan provides direction for intensification and infill development. A broad range of housing forms are supported to encourage the development of 15-minute communities.

Section 3 of the City of Ottawa Official Plan provides direction on managing growth in the City. Most growth is anticipated to occur within the urban area of the City. The majority of residential growth is expected to be accommodated through intensification and infill development.

Policy 3 of Section 3.2 states:

- 1) *“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 as shown on Schedules B1 through B8. Hub and Corridor designations are intended to be diverse concentrations of employment, commercial, community and transportation services (in addition to accommodating significant residential opportunities) that are accessible to adjacent Neighbourhood designations on a daily and weekly basis.”*

The proposed severances contribute to 15-minute neighbourhoods by adding one new lot within an existing neighbourhood. The severances contribute to the intensification of the site by facilitating the development of two new detached dwellings with two additional dwelling units in each building, for a

total of six units. The development meets the City's objectives to accommodate residential growth through intensification.

Section 4.2 of the Official Plan provides direction on providing housing that meets needs across ages, incomes, and backgrounds.

Policy 2 of Section 4.2.1 states:

- 1) 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-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; and
 - c) In appropriate locations allowing missing middle housing forms while prohibiting lower-density typologies near rapid-transit stations within the Zoning By-law.

The proposed severances result in the creation of two parcels from the existing lot. The interior lot will have a width of 13.43 metres and an area of 389.1 square metres. The corner lot will have a width of 16.91 metres and an area of 490.2 square metres. The proposed lots facilitate the development of two new detached dwellings, with one principal dwelling and two additional dwellings in each building, for a total of three units per building. The proposed lots are located within walking distance of commercial amenities and public transportation and are in an appropriate location for additional density. The lots will support denser, small-scale housing forms.

The proposed severances conform to the policies of the City of Ottawa's Official Plan.

(d) the suitability of the land for the purposes for which it is to be subdivided;

The proposed severances result in the creation of two unequally sized lots. Minor variances are required to permit reduced lot widths and reduced lot areas. Minor variance applications have been filed in support of the consent applications. Despite both lots requiring relief from the Zoning By-law, the severances are suitable for the use of land. The severances result in an interior lot with a width of 13.43 metres and an area of 389.1 square metres and a corner lot with a width of 16.91 metres and an area of 490.2 square metres. The created lots are sufficiently sized to accommodate the proposed development of two detached dwellings which meet or exceed all minimum yard setback and minimum yard area requirements. The lots are similarly sized to other lots in the immediate area along Rita Avenue and along Cordova Street. The proposed lots are appropriately sized to accommodate detached dwellings. The land is suitable for the severances.

(d.1) if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;

No affordable housing units are being proposed.

(e) the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways

in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;

The proposed severances do not propose any new highways.

(f) the dimensions and shapes of the proposed lots;

The proposed severances will result in the creation of two unequally sized lots. Each lot is adequately sized to accommodate a detached dwelling while fully conforming to setback and yard area requirements. The corner lot will be slightly larger than the interior lot to provide a zoning compliant corner side yard setback of 4.79 metres. The proposed severances result in lots that fit into the surrounding lot fabric, with similarly sized lots provided throughout the surrounding neighbourhood.

(g) the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;

There are no restrictions or proposed restrictions on the existing or proposed lots, beyond the provisions of the Zoning By-law.

(h) conservation of natural resources and flood control;

The Subject Site is not located in any floodplains or areas of natural interest.

(i) the adequacy of utilities and municipal services;

The Subject Site is within the urban boundary and has access to municipal sanitary, stormwater, and water servicing. The additional lot is not anticipated to have any appreciable impact on the existing levels of service. The proposed severances have adequate utilities and municipal services.

(j) the adequacy of school sites;

The Subject Site is walking distance of Elizabeth Wyn Wood Secondary School (see Figure 4). The proposed severances result in the creation of two lots and a total of two principal dwelling units and four secondary dwelling units. The proposed severances are not anticipated to have an impact on the adequacy of school sites.

(k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;

A road widening may be required along Cordova Street as a condition of approval.

(l) the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and

Approval of the proposed severances will result in a more efficient use of the Subject Site. The proposed severances support infill development of the Subject Site with two detached dwellings, which accommodates growth in the urban area. The proposed development will efficiently use existing infrastructure investments.

(m) the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act or subsection 114 (2) of the City of Toronto Act, 2006. 1994, c. 23, s. 30; 2001, c. 32, s. 31 (2); 2006, c. 23, s. 22 (3, 4); 2016, c. 25, Sched. 4, s. 8 (2).

The proposed development is for two detached dwellings, with two principal dwelling units and four additional dwelling units. The proposed development is not subject to site plan control.

The proposed severances meet the criteria set out in Section 51(24) of the Planning Act.

Provincial Policy Statement

Section 3(5) of the Planning Act states:

“A decision of the council of a municipality, a local board, a planning board, a minister of the Crown and a ministry, board, commission or agency of the government, including the Tribunal, in respect of the exercise of any authority that affects a planning matter,

(a) shall be consistent with the policy statements issued under subsection (1) that are in effect on the date of the decision;”

A decision by the Committee of Adjustment with respect to a planning matter must be consistent with the Provincial Policy Statement (PPS). The Provincial Policy Statement provides policy direction on matters of provincial interest that are related to land use planning and development.

Policy 1.1.1 states:

“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 proposed development promotes efficient development by more effectively using the existing lot and providing an additional lot for residential development within the urban area. The Subject Site is located close to Merivale Road and Baseline Road where there are frequent bus routes and where there are commercial uses. The Subject Site is an appropriate location for gradual intensification. The proposed lots will have adequate access to the necessary infrastructure and public service facilities, while reducing pressure to expand the urban boundary.

95 Rita Avenue is considered within the City of Ottawa’s “Settlement Areas” as defined in Section 1.1.3 of the PPS.

Policy 1.1.3.1 states:

“Settlement areas shall be the focus of growth and development.”

The proposed severances are consistent with Policy 1.1.3.1 as they will add an additional lot for residential development within the City of Ottawa’s urban area.

Policy 1.1.3.2 states:

“Land use patterns within settlement areas shall be based on densities and a mix of land uses which:

- a) *efficiently use land and resources;*
- b) *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;*
- c) *minimize negative impacts to air quality and climate change, and promote energy efficiency;*
- d) *prepare for the impacts of a changing climate;*
- e) *support active transportation;*
- f) *are transit-supportive, where transit is planned, exists or may be developed;*
and
- g) *are freight-supportive*

Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.”

The proposed severances are an appropriate and efficient use of the land. By providing intensification within the urban area, the proposed development reduces the need for expansion of the urban area. The proposed development is transit-supportive as it is within walking distance of frequent bus service along Baseline Road and Merivale Road. The Subject Site’s proximity to commercial uses, parks, schools, and transit makes the site an excellent location for gradual intensification.

The proposed severances are consistent with the policies of the Provincial Policy Statement.

Minor Variance Applications

The proposed minor variances are listed below:

Lot 1:

- To permit a reduced lot width of 16.91 metres, whereas the Zoning By-law requires a minimum lot width of 19.5 metres. (Section 156, Table 156A).
- To permit a reduced lot area of 490.2 square metres, whereas the Zoning By-law requires a minimum lot area of 600 square metres. (Section 156, Table 156A).

Lot 2:

- To permit a reduced lot width of 13.43 metres, whereas the Zoning By-law requires a minimum lot width of 19.5 metres. (Section 156, Table 156A).
- To permit a reduced lot area of 389.1 square metres, whereas the Zoning By-law requires a minimum lot area of 600 square metres. (Section 156, Table 156A).

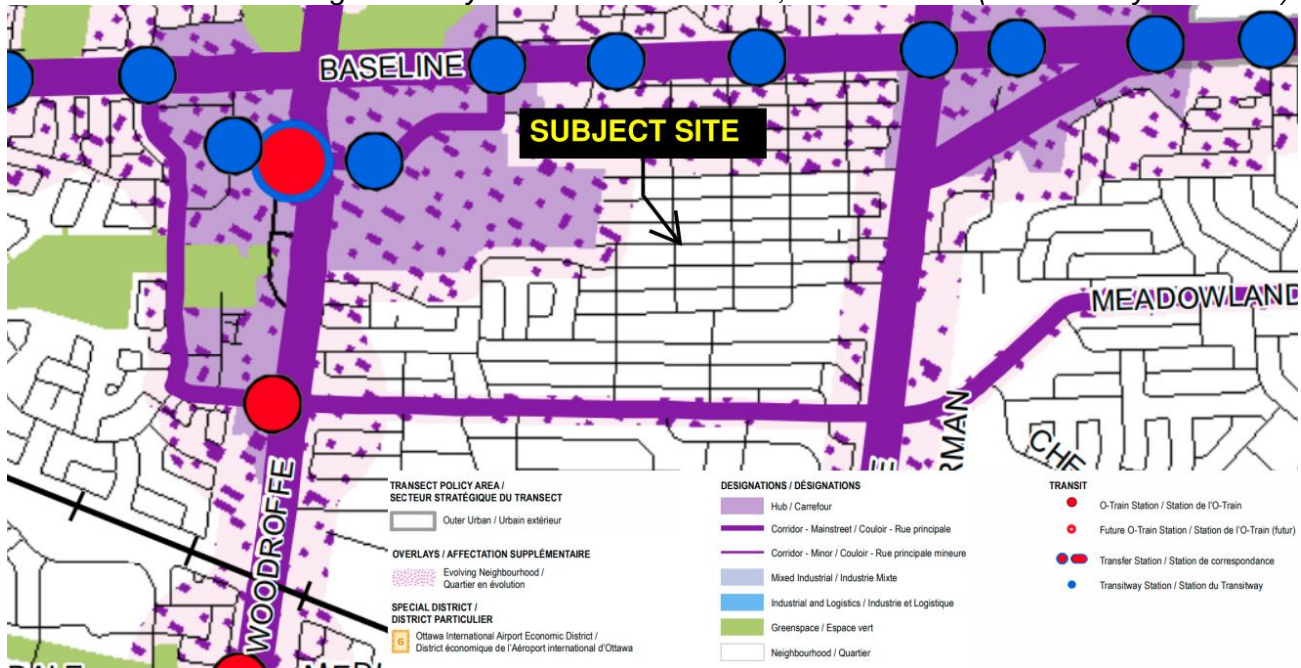
Minor Variance Rationale

Section 45(1) of the Planning Act sets out the four tests for minor variances.

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

The Subject Site is designated Neighbourhood within the Outer Urban Transect in the City of Ottawa Official Plan.

Figure 6: City of Ottawa Official Plan, Schedule B3. (Source: City of Ottawa).



Outer Urban Transect:

Section 5.3 of the Official Plan sets out policies for the Outer Urban Transect. The Outer Urban Transect is comprised of neighbourhoods inside the Greenbelt that were built in the last third of the 20th century and reflect the classic suburban model.

Section 5.3.1 recognizes the established suburban pattern of built form and site design. The Outer Urban Transect is generally characterized by low- to mid-density development. Within Neighbourhoods, development is generally low-rise.

Policy 1 of Section 5.3.4 states:

- 1) Neighbourhoods located in the Outer Urban area shall accommodate residential growth to meet the Growth Management Strategy as outlined in Section 3. The Zoning By-law shall implement development standards that transition away from a suburban model and move towards urban built forms as described in Table 6 as applicable and that:
 - a) Allows and supports a wide variety of housing types with a focus on lower density missing-middle housing which generally reflects the existing built form context of the neighbourhood, which may include new housing types that are currently not contemplated in this Plan;
 - 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) Generally provides for up to 3 storeys height permission, and where appropriate 4 storeys height permission to allow for ground oriented higher-density Low-rise residential development;
 - d) 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.

The proposed severances result in the creation of one new lot for residential development. Each lot will be developed with a 2.5-storey detached dwelling, which will have one principal dwelling unit and two additional dwelling units (ADUs). The proposed development results in intensification of the Subject Site within a contextual low-rise built form. The development accommodates residential growth in support of Section 3 of the Official Plan while retaining a compatible built form and site design.

Neighbourhoods:

Section 6.3 sets out policies for Neighbourhoods, which are defined as contiguous urban areas that constitute the heart of communities. The intent of the Official Plan is to permit a mix of building forms and densities within Neighbourhoods and gradually transition towards 15-minute neighbourhoods.

Policy 2 of Section 6.3.1 states:

- 2) Permitted building heights in Neighbourhoods shall be Low-rise, except:
 - a) Where existing zoning or secondary plans allow for greater building heights; or
 - b) In areas already characterized by taller buildings

Policy 4 of Section 6.3.1 states:

- 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 severances will facilitate the development of two 2.5-storey detached dwellings. Each detached dwelling will have one principal dwelling unit and two additional dwelling units. The proposed detached dwellings contribute to the available housing options in the area and maintain a low-rise built form which is contextually appropriate. The Subject Site is located within 900 metres of commercial uses along Merivale Road and frequent transit service. The site is within 900 metres of Algonquin College. The proposed development contributes to 15-minute neighbourhoods by gently increasing density within walking distance of public transit services, commercial uses, schools, and parks.

Growth Management Framework:

Section 3 of the City of Ottawa Official Plan provides direction on managing growth in the City. Most growth is anticipated to occur within the urban area of the City. The majority of residential growth is expected to be accommodated through intensification and infill development.

Policy 3 of Section 3.2 states:

- 2) *"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 as shown on Schedules B1 through B8."*

The proposed development contributes to 15-minute neighbourhoods by creating two lots in an existing neighbourhood to be developed for residential purposes. The Subject Site is within walking distance to the Merivale Road Mainstreet Corridor. Merivale Road has a number of commercial uses. There are frequent transit routes along Baseline Road and Merivale Road. The Subject Site is an appropriate location for residential intensification. The proposed severances are considered intensification. The proposed development meets the City's objectives to accommodate residential growth through intensification.

Housing:

Section 4.2 provides direction on providing housing that meets needs across ages, incomes, and backgrounds.

Policy 1 of Section 4.2.1 states:

- 2) A diverse range of flexible and context-sensitive housing options in all areas of the city shall be provided through the Zoning By-law, by:
 - a) Primarily regulating the density, built form, height, massing and design of residential development, rather than regulating through restrictions on building typology;
 - b) Promoting diversity in unit sizes, densities and tenure options within neighbourhoods including diversity in bedroom count availability;
 - c) Permitting a range of housing options across all neighbourhoods to provide the widest possible range of price, occupancy arrangements and tenure;

- d) *Establishing development standards for residential uses, appropriately balancing the value to the public interest of new policies or development application requirements against the impacts to housing affordability; and*
- e) *The City shall maintain, at all times, land with servicing capacity sufficient to provide at least a three year supply of residential units available through lands suitably zoned to facilitate intensification and land in draft approved and registered plans.*

The proposed development results in the creation of two lots. Each lot will be developed with a detached dwelling that will have one principal dwelling unit and two additional dwelling units. The development contributes to the diversity of unit sizes, densities, and tenure types in the area within a ground-oriented built form.

The requested variances maintain the intent and purpose of the City of Ottawa's Official Plan.

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

The Subject Property is zoned R1FF[632] – Residential First Density, Subzone FF, exception 632 in the City of Ottawa Zoning By-law 2008-250.

The purpose of the R1 zone is to:

- (1) *restrict the building form to detached dwellings 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 detached dwelling 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 detached dwelling, 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 following uses are permitted in the R1 zone, as per Section 155 of the Zoning By-law:

- (1) The following uses are permitted uses subject to:
 - (a) the provisions of subsection 155 (3) to (6);
 - (b) a maximum of three guest bedrooms in a bed and breakfast;
 - (c) a maximum of ten residents is permitted in a group home; and
 - (d) a maximum of ten residents is permitted in a retirement home, converted.
 - bed and breakfast**, see Part 5, Section 121
 - detached dwelling**
 - diplomatic mission**, see Part 3, Section 88
 - group home**, see Part 5, Section 125
 - home-based business**, see Part 5, Section 127
 - home-based daycare, see Part 5, Section 129
 - park**
 - retirement home, converted** see Part 5, Section 122

secondary dwelling unit, see Part 5, Section 133
urban agriculture, see Part 3, Section 82 (By-law 2017-148)

The zoning provisions that apply to the Subject Site can be found in the table below.

Table 1: Zoning Provisions

Provision	Required	Provided – Lot 1	Required	Provided – Lot 2	Section
Minimum Lot Width (m)	19.5 m	16.91 m	19.5 m	13.43 m	S.156, Table 156A
Minimum Lot Area (m ²)	600 m ²	490.2 m ²	600 m ²	389.1 m ²	S.156, Table 156A
Maximum Building Height (m)	8.5 m	8.5 m	8.5 m	8.5 m	S.156, Table 156A
Minimum Front Yard Setback (m)	6 m	6 m	6 m	6 m	S.156, Table 156A
Minimum Corner Side Yard Setback (m)	4.5 m	4.79 m	N/A	N/A	S.156, Table 156A
Minimum Rear Yard Setback (m)	25% of the lot depth (6.85 m)	8.84 m	28% of the lot depth (7.67 m)	8.84 m	S.144, Table 144B
Minimum Rear Yard Area (m ²)	25% of the lot area (123.43 m ²)	149.4 m ²	25% of the lot area (97.4 m ²)	118.7 m ²	S.144(3)(a)
Minimum Interior Side Yard Setback (m)	2.1 m (total). One yard no less than 0.9 m	1.2 m & 1.2 m (2.4 m total)	2.1 m (total). One yard no less than 0.9 m	1.2 m & 1.2 m (2.4 m total)	S.156, Table 156A
Maximum Lot Coverage	45%	29.8%	45%	37.8%	S.156, Table 156A
Minimum Aggregate Front Yard Soft Landscaping	40%	87.2%	40%	83.74%	S.139, Table 139(1)
Maximum Driveway Width	3 m	2.69 m (shared)	3 m	2.69 m (shared)	S.139, Table 139(3)
Maximum Walkway Width	1.2 m	1.2 m	1.2 m	1.2 m	S.139(4)(c)(ii)
Minimum Garbage Storage Area Size	3.5 m ³ with 2 m ² floor area	3.5 m ³ with 2 m ² floor area	3.5 m ³ with 2 m ² floor area	3.5 m ³ with 2 m ² floor area	S.143(1)(c)(ii)
Minimum Parking Space Dimension	2.6 m x 5.2 m	3.02 m x 5.2 m	2.6 m x 5.2 m	3.02 m x 5.2 m	S.106(1)
Minimum Driveway Width	2.6 m	2.69 m (shared)	2.6 m	2.69 m (shared)	S.107(3)(a)
Maximum Percentage of Driveways,	70%	35.7%	70%	44.9%	By-law 2023-435

Parking Spaces, and Drive Aisles in the Rear Yard					
Minimum Amount of Landscaping in Rear Yard	15%	37.5%	15%	25%	Bylaw 2023-435

Detached dwellings are permitted in the R1 Zone. Minor variances are required to minimum lot width and minimum lot area for Lot 1 and Lot 2.

Variance a) and Variance c) request reduced minimum lot widths of 16.91 metres and 13.43 metres, whereas the Zoning By-law requires a minimum lot width of 19.5 metres. The intent of the minimum lot width provision is to ensure that lots are adequately sized for a detached dwelling. The proposed lots meet this intent as there are numerous lots along Rita Avenue and within the surrounding neighbourhood that are similarly sized. Figure 7 shows lots with similar widths to the proposed lots in the surrounding neighbourhood. Properties indicated with a blue star have lot widths that are less than 16.91 metres. Properties indicated with a red star have lot widths that are less than 13.43 metres. Along Rita Avenue between the end of the road and Pender Street, there are 14 lots that have lot widths less than 16.91 metres and 2 lots that have lot widths less than 13.43 metres. The proposed lots meet the intent of the minimum lot width requirement as the lots will fit into the existing streetscape, which has several lots that are similar in size to the severed parcels. The proposed lots are sufficiently sized to accommodate detached dwellings which fully conform to the required setbacks and yard areas.

Figure 7: Similarly sized and smaller lots within the neighbourhood. (Source: GeoOttawa).



Variance b) and variance d) request reduced lot areas of 389.1 square metres and 490.2 square metres, whereas the Zoning By-law requires a minimum lot area of 600 square metres. The intent of

the minimum lot area provision is to ensure that lots are adequately sized to accommodate residential development. The proposed lots can suitably accommodate the proposed detached dwellings while meeting or exceeding the required minimum setbacks and yard areas. The proposed lots are similar in size to other lots in the neighbourhood. Figure 7 shows the lots with similar lot areas to the proposed lots. The lots indicated with a blue outline are less than 490.2 square metres in area. The lots indicated with a red outline are less than 389.1 square metres in area. In Figure 7, there are 16 lots that are smaller than 389.1 square metres in area, with the majority of the 16 lots being less than 300 square metres in area. There are 72 lots in Figure 7 which are smaller than 490.2 square metres. The proposed lot areas are typical in the neighbourhood. The proposed lots meet the intent of ensuring that a consistent lot fabric is provided in the neighbourhood as similar lot areas are common in the immediate area.

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

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

The proposed development with the requested minor variances is suitable and desirable for the use of land. The variances facilitate the creation of a new lot in the urban area and result in the development of two detached dwellings. Each detached dwelling will have one principal dwelling unit and two additional dwelling units. Required landscaped areas are provided on both lots. The lots are adequately sized to accommodate the proposed detached dwellings, including required setbacks and yard areas that fully conform to the Zoning By-law. The proposed development more efficiently utilizes the site and contributes to housing choice in the neighbourhood. The development maintains the character of detached dwellings in the neighbourhood and increases density through gentle intensification in support of 15-minute neighbourhoods. The proposed development is supported by the proximity of public transit services and commercial uses to the Subject Site. The Subject Site is an ideal location for the type of intensification proposed.

The requested variances are considered desirable for the use of land.

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

The proposed minor variances are for reduced lot widths of 16.91 metres and 13.43 metres and reduced lot areas of 490.2 square metres and 389.1 square metres.

Variances a) and c) request reduced lot widths of 16.91 metres for Lot 1 (Parts 1 & 2) and 13.43 metres for Lot 2 (Parts 3 & 4), respectively. The proposed lot widths are similar to many lots in the immediate neighbourhood and along Rita Avenue, as shown in Figure 7. The reduced lot widths are not out of context with the other lot widths along Rita Avenue and support a consistent streetscape. The lot widths are sufficiently-sized to accommodate detached dwellings that meet the required corner side yard setback (for Lot 1) and the required interior side yard setbacks. The reduced lot widths are much larger than the underlying lots on Registered Plan 375, which have lot widths of 7.62 metres, ensuring that the proposed lots are not narrower than the original lots along Rita Avenue. The proposed development is designed to mitigate the impacts of reduced lot widths by providing more soft landscaping in the front yard and minimizing the size of driveways. This ensures that the overall amount of soft landscaping in the front yard is generally maintained and that less of the reduced frontage is taken up by driveways.

Variances b) and d) request reduced lot areas of 490.2 square metres for Lot 1 and 389.1 square metres for Lot 2, respectively. The proposed lot areas are similar to numerous lots in the immediate area. As shown on Figure 7, there are 16 lots in the neighbourhood which have lot areas that are less than the area of Lot 2. Many of the 16 lots have lot areas that are less than 300 square metres. The proposed lot areas do not detract from lot areas found throughout the neighbourhood and along Rita Avenue, ensuring that a consistent lot fabric is maintained. Despite the reduced lot areas, both lots are still sufficiently sized to accommodate detached dwellings with zoning compliant yard areas and landscaped areas.

The rear yard area for Lot 1 is 149.4 square metres, whereas the Zoning By-law requires 123.43 square metres. The rear yard area for Lot 2 is 118.7 square metres, whereas the Zoning By-law requires 97.4 square metres. Both lots have rear yard areas that exceed the minimum requirement in the Zoning By-law. Lot 1 and Lot 2 have aggregate front yard soft landscaped areas of 87.2% of the front yard area and 83.74% of the front yard area, whereas 40% is required. Additionally, more than 37.5% of the rear yard for Lot 1 and more than 25% of the rear yard for Lot 2 is soft landscaping, whereas the minimum soft landscaped area required in the rear yard is 15%. Despite the reduced minimum lot areas, the landscaping and yard area requirements are exceeded for both lots. The lots can suitably accommodate the proposed dwellings and the impact of the reduced lot areas is minor.

The requested variances are considered minor in nature.

Conclusion

The proposed severances at 95 Rita Avenue meet the criteria of Section 51(24) of the Planning Act. The consent applications are consistent with the policies of the PPS. The requested variances meet the general intent and purpose of the City of Ottawa Official Plan and the City of Ottawa Zoning By-law 2008-250 by providing gentle intensification and contributing to more housing choice near commercial uses and public transit service. The development results in appropriately-sized lots to accommodate the development of detached dwellings despite the reduced lot width and lot area. The proposed lots fit into the existing lot fabric, minimally impact the streetscape, and can accommodate the proposed built form while providing zoning compliant setbacks, yard areas, and soft landscaping. The proposed minor variances for reduced lot width and reduced lot area meet all four tests under Section 45(1) of the Planning Act. The consent applications and minor variance applications represent good land use planning.

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

- Cover Letter (one copy)
- Complete Consent Application Form 1 (one original copy)
- Complete Consent Application Form 2 (one original copy)
- Complete Minor Variance Application Form 1 (one original copy)
- Complete Minor Variance Application Form 2 (one original copy)
- Draft Reference Plan (one 8.5x11 copy and one 11x17 copy)
- Parcel Abstract (one copy)
- Tree Information Report (one copy)

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

Yours truly,

NOVATECH



Arjan Soor, M.PL
Planner