

September 12, 2023

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

**Committee of Adjustment**  
Received | Reçu le  
2023-09-14  
City of Ottawa | Ville d'Ottawa  
**Comité de dérogation**

**RE: Application for Minor Variance  
407, 409, & 411 Queen Street, Ottawa**

Dear Mr. Bellemare,

Fotenn Planning + Design ("Fotenn") has been retained by Fleming Property Management ("the Owner") to prepare a Planning Rationale for a Minor Variance to legalize six (6) parking spaces in the front yards of 407, 409, and 411 Queen Street in the Centretown neighbourhood of Ottawa.

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

- / Site Plan for 407, 409, and 411 Queen Street prepared by Fotenn Planning + Design dated August 28, 2023; and
- / Plan of Survey prepared by Fairhall, Moffatt & Woodland Limited dated August 30, 2020.

Although typically required for a Committee of Adjustment Application, the following plans and studies were not submitted:

- / Building Elevations, as the application does not involve, impact, or affect the buildings; and
- / Tree Information Report, as there are no trees being removed, altered, or impacted.

Sincerely,



Jacob Bolduc, MCIP RPP  
Associate



Tamara Nahal, MPI  
Planner

**Ottawa**  
396 Cooper Street, Suite 300  
Ottawa, ON K2P 2H7  
613.730.5709

**Kingston**  
The Woolen Mill  
4 Cataraqui Street, Suite 315  
Kingston, ON K7K 1Z7  
613.542.5454

**Toronto**  
174 Spadina Avenue, Suite 304  
Toronto, ON M5T 2C2  
416.789.4530

[fotenn.com](http://fotenn.com)

## Background and Context

Fotenn Planning + Design (“Fotenn”) has been retained by Fleming Property Management (“the Owner”) to prepare a Planning Rationale for a Minor Variance to legalize six (6) parking spaces in the front yards of 407, 409, and 411 Queen Street in the Centretown neighbourhood of Ottawa.



Figure 1: Subject site shown in context with the surrounding neighbourhood

Following receipt of a notice in July 2021 regarding road reconstruction and changes to street access, the site was flagged for being non-compliant due to the existing front yard parking. This cover letter outlines the proposed minor variance to re-arrange parking locations and legalize parking spaces, which previously enjoy legal rights to one (1) parking space per property; however, this zoning by-law has since lapsed and further, six (6) parking spaces total are proposed to be legalized.

### 1.1 Overview of Subject Lands

The subject site includes three (3) properties: 407, 409, and 411 Queen Street and is occupied by three three (3) storey houses. These buildings are multi-unit dwellings in converted single-detached houses. These houses are designed in the Queen Anne Revival style. Each building has four (4) dwelling units. These units were converted from single family homes to rental units and are now home to multiple tenants.

407 Queen Street (the easternmost building) was constructed in 1892 and 409 and 411 Queen Street (central and westernmost building) were constructed in 1897. According to a Cultural Heritage Impact Statement (CHIS) prepared by Bray Heritage for the Cathedral Hill development dated November 18, 2018, all three buildings feature character-defining elements, including red brick exteriors and asymmetrical layouts. 407 Queen Street features: “large bracketed cross gable of the main facade, with hanging tiles and an oriel window, half-timbered cantilevered bay, [a] one storey corner turret, [and a] variety of textures and finishes.” In comparison, 409 and 411 Queen Street feature: “Steeple

pitched hip roof with cross gable facing the street, 3 storey projecting side bays, bay windows, tiled and curved gable ends, [and] rock-faced stone foundations.”

The individual and combined frontages, lot depth, and area are as follows:

Table 1: Frontage, lot depth, and area for 409 and 411 Queen Street

Site	Frontage on Queen St	Lot Depth	Area
407 Queen Street	16.27 m	25.50 m	414.89 m <sup>2</sup>
409 Queen Street	10.74 m	25.49-25.50 m	273.56 m <sup>2</sup>
411 Queen Street	9.95 m	25.19-25.49 m	285.38 m <sup>2</sup>
Combined	36.96 m	25.19-25.50 m	973.83 m <sup>2</sup>



Figure 2: Subject site; from left to right are 411, 409, and 407 Queen Street. Image as of May 2021, via Google Streetview.

The subject site is located just over 200 metres west of Lyon Station, a light rail station (LRT) on Line 1 – Confederation Line. As well, a bi-directional cycle track on Bay Street provides connections to Wellington Street to the north and the broader Centretown neighbourhood to the south.





Figure 3: The south side of Queen Street, with 434 and 424 Queen Street in the foreground and the three single-detached buildings in the background.

The surrounding neighbourhood is best described as eclectic with a varying typology of building types and land uses.

For the lands bracketed by Bay Street, Sparks Street, Queen Street, and Bronson Avenue (the north block) the Cathedral Hill development is prominent, with frontage on Sparks Street and Queen Street. It features a 21-storey high-rise apartment building, beyond which lies the Ottawa Anglican Church to the west. There are three (3) churches total in the corridor, including the Ottawa Anglican, Christ Church Cathedral immediately to the east of Cathedral Hill, and St. Peter's Lutheran Church, which occupies the southwest corner of Sparks Street and Bay Street. Another building is under construction at 412 Sparks Street and is intended once built to be an 18-storey retirement residence. It is located north and west of the subject site, wrapping around the western edge of the 411 Queen Street, and is framed by Christ Church Cathedral to the west and St. Peter's Lutheran Church to the east. Bronson Park is located to the west of Bronson Avenue.

For the lands bracketed by Bay Street, Queen Street Albert Street, and Bronson Avenue (the south block), the western portion of the block is made up of two high-rise apartment buildings, a row of three (3) single-detached homes, and the Holiday Inn. The apartment buildings include The Gardens (north tower) and the Gardens II (south tower) on Bronson two (2) 11-storey buildings, the Queen Towers Apartment. The single detached homes include one building that continues to be rented as for residential uses at 410 Queen Street, one that houses the Embassy of Nepal at 408 Queen Street, and one that has been converted to offices and appears to be occupied by a law office at 406 Queen Street. The Holiday Inn is an 11-storey building. On the west side of Bronson Avenue is the Juliana Apartments, an 11-storey building. East of the Gardens II tower fronting onto Albert Street is 473 Albert Street is an 11-storey building branded as The Slayte, which is an office building being converted to residential uses. It is presently under construction. East of The Slayte is a convenience store and Domaine 435, a 10-storey apartment building and further east is OCCO Kitchen and Bar at the corner of Bay Street and Albert Street.

There is no established pattern of building typology or parking layout present in the surrounding neighbourhood. While there is often a clear and predominant pattern of driveway type and orientation, building type and height in the Centretown neighbourhood, the lands surrounding Cathedral Hill are eclectic and vary greatly. Therefore, permitting the

front yard parking would not set a precedent, as there are only six (6) single detached buildings in the area and the three (3) to the south also appear to utilize front yard parking spaces.

### 1.2 Overview of Application

A minor variance application is being submitted to permit and legalize four (4) parking spaces on the subject site, with two (2) proposed in front of 407 Queen Street, one (1) proposed in front of 409 Queen Street, and three (3) proposed in front of 411 Queen Street. This application is being advanced as a result of a notice received from the City of Ottawa dated July 15, 2021, regarding road reconstruction and changes to the street access of the subject site via Queen Street. This notice and the associated maps are included in Appendix A.

A Concept Plan, shown below as Figure 4, and included under a separate cover, demonstrates the proposed parking layout.



Figure 4: Site Plan





Figure 5: Comparison of existing versus proposed soft landscaping

At present, there are 65 square metres of soft landscaping between the three (3) properties. The proposed design would introduce new locations and opportunities for soft landscaping, which would thereby increase it to 103 square metres, a 58% increase.

As part of the application, two (2) new small trees are proposed to be planted, with the exact location and tree species to be determined at a later date. Two (2) small new trees are shown in front of 407 Queen Street as a possible location in

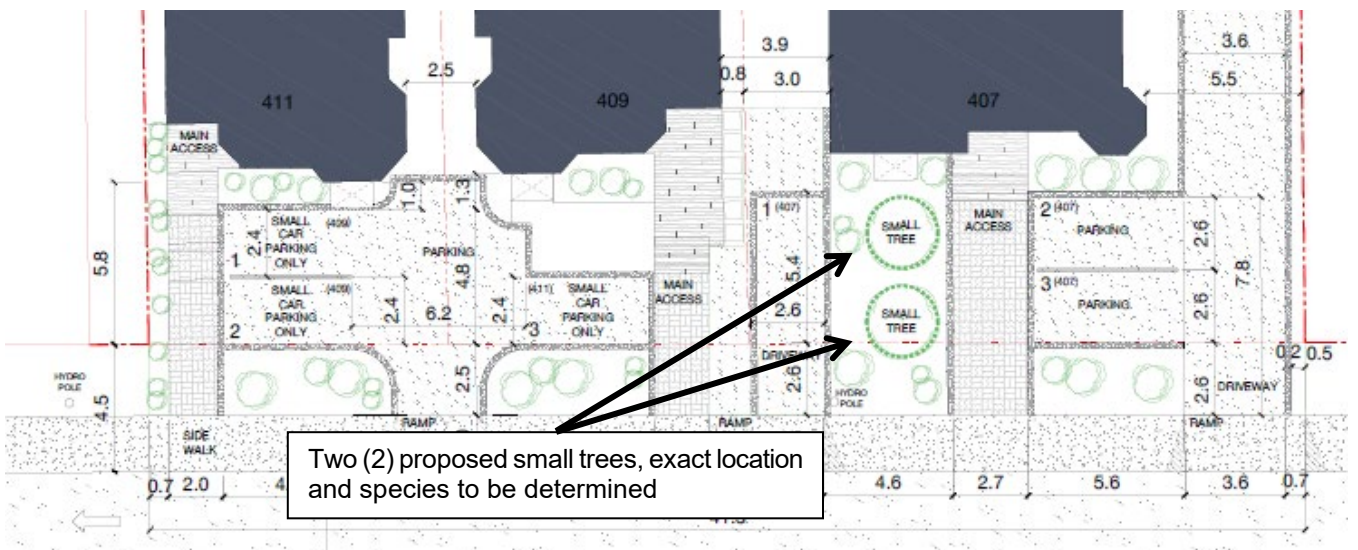


Figure 6: Potential location for two (2) small new trees

Relief from the zoning by-law is required to permit the six (6) proposed parking spaces on the subject site. As is described in section 2.2, By-law 124-90, which amended By-law Z-2K, permits for one (1) front yard parking space per property. Based on aerial photography, front yard landscaping appears to have been removed to expand the front yard parking sometime between 1991 and 2002, shown below in Figure 7 and Figure 8. Based on a review of the satellite imagery, it does not appear that the site has legal non-conforming rights. Instead, this application is being submitted to legalize the current front yard parking so that tenants of the rental properties can continue to enjoy the ability to utilize off-street parking.



Figure 7: Aerial photograph of the subject site, dated 1991, retrieved from GeoOttawa.



Figure 8: Aerial photograph of the subject site, dated 2002, retrieved from GeoOttawa.



### 1.3 Area Context

The subject site is located in the Centretown neighbourhood of the City of Ottawa. More specifically, surrounding land uses include:

- / **North:** 412 Sparks Street is located immediately north of the subject site, an 18-storey retirement residence that is currently under construction. The retirement residence includes the addresses of 412 Sparks St and 439, 441, 443, and 445 Queen St. Vehicular access to the retirement residence is proposed to be provided via Queen Street. Further north is Sparks Street and a low stone wall forms the edge of the street, beyond which is the Garden of Provinces and Territories, a 1.6-hectare terraced garden.
- / **East:** Immediately east of the subject site is 407 Queen Street, another three (3) storey rental property managed by Fleming Property Management. Continuing east is St. Peter's Lutheran Church and associated pay-lot surface parking lot. The church is a corner through lot, with frontage on Queen Street, Bay Street, and Sparks Street. Bay Street is located to the east, beyond which is a 12-storey office building and the West Memorial Building.
- / **South:** Queen Street bounds the site immediately to the south. Across the street is a block containing primarily high-rise residential, hotel, and office buildings typical of the Centretown area, with some active uses at grade. A row of four (4) heritage-designated single-detached houses are located on the south side of Queen Street. These buildings now appear to incorporate some non-residential uses, including an embassy and a lawyer's office.
- / **West:** The driveway providing access to the under-construction retirement residence is located immediately west of the subject site. Further west is the Christ Church Cathedral, the namesake for the Cathedral Hill area and Heritage Conservation District. The 21-storey residential building and Cathedral Hall is integrated with the Cathedral. A row of townhouses fronting onto Sparks Street separates the Cathedral from the residential tower. On the Queen Street side, a semi-detached heritage building has been incorporated into the building's podium. Vehicular access to the underground parking garage serving this building is provided from Queen Street.



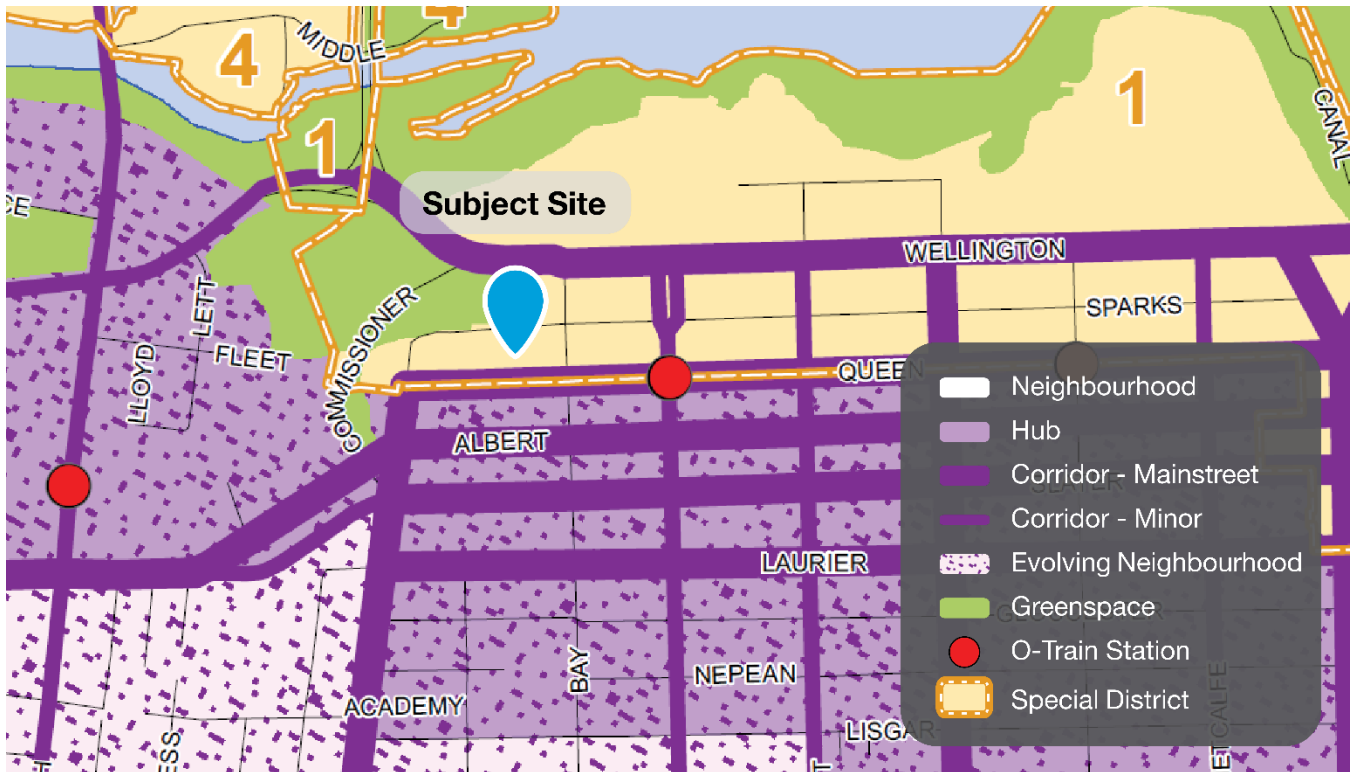
## Policy and Regulatory Context

### 2.1 City of Ottawa Official Plan (2022)

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

#### 2.1.1 Transect, Designation, and Overlay

The subject site is located in the Downtown Core transect and is designated as Parliament and Confederation Boulevard Special District.



**Downtown Core Transect:** The Downtown Core's established and intended built form is urban. All development shall maintain and enhance the urban pattern of built form and site design. The Downtown Core shall continue to develop as healthy 15-minute neighbourhoods within a highly mixed-use environment, where:

- / Hubs and a dense network of Corridors provide a full range of services;
- / A high concentration of employment is maintained and increased;
- / Existing and new cultural assets are supported, including those that support music and nightlife; and
- / Residential densities are sufficient to support the full range of services noted in Policy a) (the first bullet).

**The Parliament and Confederation Boulevard Special District** is the heart of Ottawa's image and identity as the Capital of Canada. The Parliament Buildings sit prominently on a cliff above the Ottawa River and are contextually linked to the

Rideau Canal, Chateau Laurier, Major's Hill Park, and the Canadian Museum of History in Gatineau. Parliament Hill, with its formal green lawns bordered by a natural forested setting, serves as a focal point of Confederation Boulevard, which is a ceremonial route with many federal institutions on Wellington Street between Bay and Elgin Streets and on Sussex Drive between Rideau Street and the Prime Minister's residence and Rideau Hall. This ceremonial route encompasses streets and unites both sides of the Ottawa River within the metropolitan core. It is also home to the National Gallery and other federal institutions and foreign embassies.

Section 6.6.1 discusses how the city seeks to strengthen the role of Special Districts as places that are important to the city's identity, and emphasize and increase their contribution to Ottawa's culture. Policy 1(b) states that development applications and capital projects within Special Districts must demonstrate adherence to this section and the general policies in Subsections 4.5 [Cultural Heritage and Archaeology] and 4.6 [Urban Design], which are discussed further below.

Relevant policies applicable to the Parliament and Confederation Boulevard Special District affecting the subject site are provided in section 6.6.2.1 and include policies 1 to 3 and 5:

- / National symbols will be protected within the Parliament and Confederation Boulevard Special District and the City will support the integration of federal and municipal plans.
- / Encourage this area as the preferred location for new or expanded institutions of national or international significance.
- / Development must conserve properties of cultural heritage value including those designated under the *Ontario Heritage Act*, within the Sparks Street Heritage Conservation District, the Historic Sites and Monuments Board of Canada or by the Federal Heritage Buildings Review Office.
- / The design of public and private spaces should encourage people to eat, drink, sit and spend time in the Special District. Development and capital projects should include high-quality materials, surface treatments, street trees, universal accessibility, maintain sunlight and minimize wind on public realm, public art and commemorative monuments. Streetscape improvements should reflect the national significance and heritage character of the Special District and be coordinated with cultural heritage attributes.

**The proposed development will not result in adverse impacts National symbols protected within the Special District. The legalization of the parking spaces does not introduce new land uses and will not negatively detract from the cultural heritage value of the Heritage Conservation District. Until 2018, the front yard condition had deteriorated, with the paver stone walkway leading to both 409 and 411 Queen Street being in poor condition. Landscape improvements have since been made and the walkways were improved, with a new set of steps installed at 411 Queen Street. These upgraded landscaping features will be maintained as part of this application process and will improve the private space.**

### 2.1.2 Cultural Heritage and Archaeology

Section 4.5 outlines the city's policies related to Cultural Heritage and Archaeology. Conserving cultural heritage resources and honouring Ottawa's diverse cultural communities forms an integral part of the City's planning and decision-making. Cultural heritage resources include: built heritage resources such as listed and designated properties, cultural heritage landscapes, archaeological resources, artifacts, monuments and other types of sites that are of cultural value to a community.

Section 4.5.1 provides direction on how the city seeks to conserve properties, areas and landscapes of cultural heritage value. Policy 4 states that groups of buildings and areas of the city shall be designated as Heritage Conservation Districts under Part V of the Ontario Heritage Act, as shown on Annex 3.

**The subject site is located in the Cathedral Hill Heritage Conservation District (HCD).**

Section 4.5.2 indicates that the city shall manage built and cultural heritage resources through the development process. Policy 1 states that when reviewing development applications affecting lands and properties on, or adjacent to a



designated property, the City will ensure that the proposal is compatible by respecting and conserving the cultural heritage value and attributes of the heritage property, streetscape or Heritage Conservation District as defined by the associated designation bylaw or Heritage Conservation District Plan and having regard for the Standards and Guidelines for the Conservation of Historic Places in Canada.

**The proposed re-organization and legalisation of front yard parking spaces is not anticipated to have any adverse impacts on the surrounding HCD or the associated properties.**

Policy 2 states that where development or an application under the Ontario Heritage Act is proposed on, adjacent to, across the street from or within 30 metres of a protected heritage property, the City will require a Heritage Impact Assessment, if there is potential to adversely impact the heritage resource. The HIA will be completed according to the Council approved guidelines for HIAs, as amended from time to time.

**Although the subject site is located near multiple properties designated as heritage under Part IV of the heritage Act, development is not proposed on the site. Therefore, an HIA has not been prepared. This minor variance application has been prepared to legalize existing front yard parking spaces. Further, legalization of the front yard parking spaces is not intended to have any adverse impacts on the nearby heritage-designated properties.**

Section 4.5.3 states that the city shall promote partnerships through leadership, community engagement and incentives. Policy 3 states: the Property Standards By-law shall be used to prescribe minimum standards for the maintenance of the heritage attributes of an individual property designated under Part IV of the Ontario Heritage Act or a property located in a Heritage Conservation District designated under Part V of the Ontario Heritage Act.

**This minor variance application will permit the retention of front yard parking spaces and will also allow the property owner to undertake additional landscaping and improvements to the front yard, which will improve the property.**

### 2.1.3 Urban Design

Urban Design is the process of giving form and context to a city to create the theatre of public life. It concerns the design of both the built form and the public realm. Urban design plays an important role in supporting the City's objectives such as building healthy 15-minute neighbourhoods, growing the urban tree canopy and developing resilience to climate change. New development should be designed to make healthier, more environmentally sustainable living accessible for people of all ages, genders and social statuses.

Section 4.6 of the Official Plan provides a framework to outline the City's urban design program. Per Policy 1, the city seeks to promote design excellence in Design Priority Areas (DPAs). Due to the site's location in the Parliament and Confederation Boulevard Special District, it is considered a DPA. Policies related to the DPA include:

- / Design excellence within the DPA's public realm shall be achieved in accordance with the Public Realm Master Plan, which will be guided by the framework provided in [Table 2] and by the functionality of specific street segments within each tier. The Public Realm Master Plan may include a delivery framework for capital investment, including guidance with respect to material use, streetscape elements and the necessary resources to create and maintain specialty streets and spaces. In recognition of a shared interest in promoting design excellence, development or capital works within Tier 1 and Tier 2 Design Priority Areas shall consider the relevant policies of the National Capital Commission, where applicable.
- / Design excellence shall be achieved in part through recognition and conservation of cultural heritage resources located throughout the City, including buildings, streetscapes and landscapes.
- / Development and capital projects within DPAs shall consider four season comfort, enjoyment, pedestrian amenities, beauty and interest through the appropriate use of the following elements:
  - The provision of colour in building materials, coordinated street furniture, fixtures and surface treatments, greening and public art, and other enhanced pedestrian amenities to offset seasonal darkness, promote sustainability and provide visual interest;

- Lighting that is context appropriate and in accordance with applicable standards and guidelines; and
  - Mitigating micro-climate impacts, including in the winter and during extreme heat conditions in the summer, on public and private amenity spaces through such measures as strategic tree planting, shade structures, setbacks, and providing south facing exposure where feasible.
- / High-impact city building projects are encouraged to locate in Design Priority Areas and may follow a competitive design review process. These globally recognizable buildings, public spaces or infrastructure projects shall help define Ottawa’s international image, advance tourism and contribute to the long-term competitiveness of the city's economy.

Table 2: Design Priority Areas, with the site’s applicable tier highlighted

Tier 1 – International	Tier 2 – National & Regional	Tier 3 – Local (Major)
<b>ByWard Market, Parliament &amp; Confederation Boulevard and Rideau Canal Special Districts</b>	<b>Mainstreet and Minor Corridors within the Downtown Core Transect; Lansdowne and Ottawa River Islands Special Districts</b>	<b>Mainstreet Corridors and Hubs outside of the Downtown Core; Village Cores; and Kanata North Economic District</b>
<p><u>Tier 1</u> areas link to Ottawa’s international image as the capital of Canada. These areas support high pedestrian volumes and are popular destinations for tourists and residents from across the region. These areas also include National Historic Sites and other significant sites of cultural heritage value.</p>	<p><u>Tier 2</u> areas are of national and regional importance to defining Ottawa’s image. These areas support moderate pedestrian volumes and are characterized by their regional attractions related to leisure, entertainment, nature or culture.</p>	<p><u>Tier 3</u> areas define the image of the city at the local level. Characterized by neighbourhood commercial streets and village mainstreets, these areas provide a high-quality pedestrian environment. The areas within Hubs around existing rapid transit stations are locations for higher densities and intensification.</p> <p><u>Tier 3</u> areas also represent emerging areas that may contribute to defining Ottawa’s local image in the future and areas that represent hubs of significant economic activity. These include commercial streets reflecting a suburban built form that may transition into a more walkable environment.</p>

**As part of works associated with the proposed minor variance, the landscaping and streetscaping will be improved through upgraded materials and plantings. No undue adverse impacts are expected to affect surrounding cultural heritage resources.**

## 2.2 City of Ottawa By-law 124-90

The City of Ottawa By-law 124-90 amends By-law Z-2K and provides for one (1) legal front yard parking space per property. Text from By-law 124-90 is included in Appendix D. Per section 26(A), “a maximum of one front yard parking space per lot is permitted and that parking space may contain one vehicle only.” Per conversations with city staff, they have indicated that they do not believe that the by-law applies any longer as the conversion to a low-rise apartment use occurred after 1964.



**While By-law 124-90 indicates that one (1) parking space per property was permitted at its time of passing, it has since lapsed in its applicability. Nonetheless, it demonstrates a history of front yard parking being permitted for the subject site.**

### 2.3 City of Ottawa Comprehensive Zoning By-law (2008-250)

The subject site is zoned “General Mixed Use, Urban Exception 185, Schedule 85” (GM[185] S85) under the City of Ottawa Zoning By-law 2008-250.

The purpose of the GM – General Mixed-Use Zone is to:

- / allow residential, commercial and institutional uses, or mixed use development in the General Urban Area and in the Upper Town, Lowertown and Sandy Hill West Character Areas of the Central Area designations of the Official Plan;
- / limit commercial uses to individual occupancies or in groupings in well defined areas such that they do not affect the development of the designated Traditional and Arterial Mainstreets as viable mixed-use areas;
- / permit uses that are often large and serve or draw from broader areas than the surrounding community and which may generate traffic, noise or other impacts provided the anticipated impacts are adequately mitigated or otherwise addressed; and
- / impose development standards that will ensure that the uses are compatible and complement surrounding land uses.

Permitted residential uses in the GM zone include:

- |   |                      |
|---|----------------------|
| / apartment dwelling, low rise                  | / retirement home    |
| / apartment dwelling, mid rise                  | / retirement home    |
| / bed and breakfast (maximum 10 guest bedrooms) | / rooming house      |
| / dwelling unit                                 | / stacked dwelling   |
| / group home                                    | / townhouse dwelling |
| / planned unit development                      |                      |

Per Urban Exception 185, all non-residential uses other than artist studio, instructional facility and office are prohibited. The exception also notes that the maximum floor space index does not apply to the subject site.

Note that Urban Exception 185 is shown in Appendix B and Schedule 85 is shown in Appendix C.

Three individual properties, under common ownership.

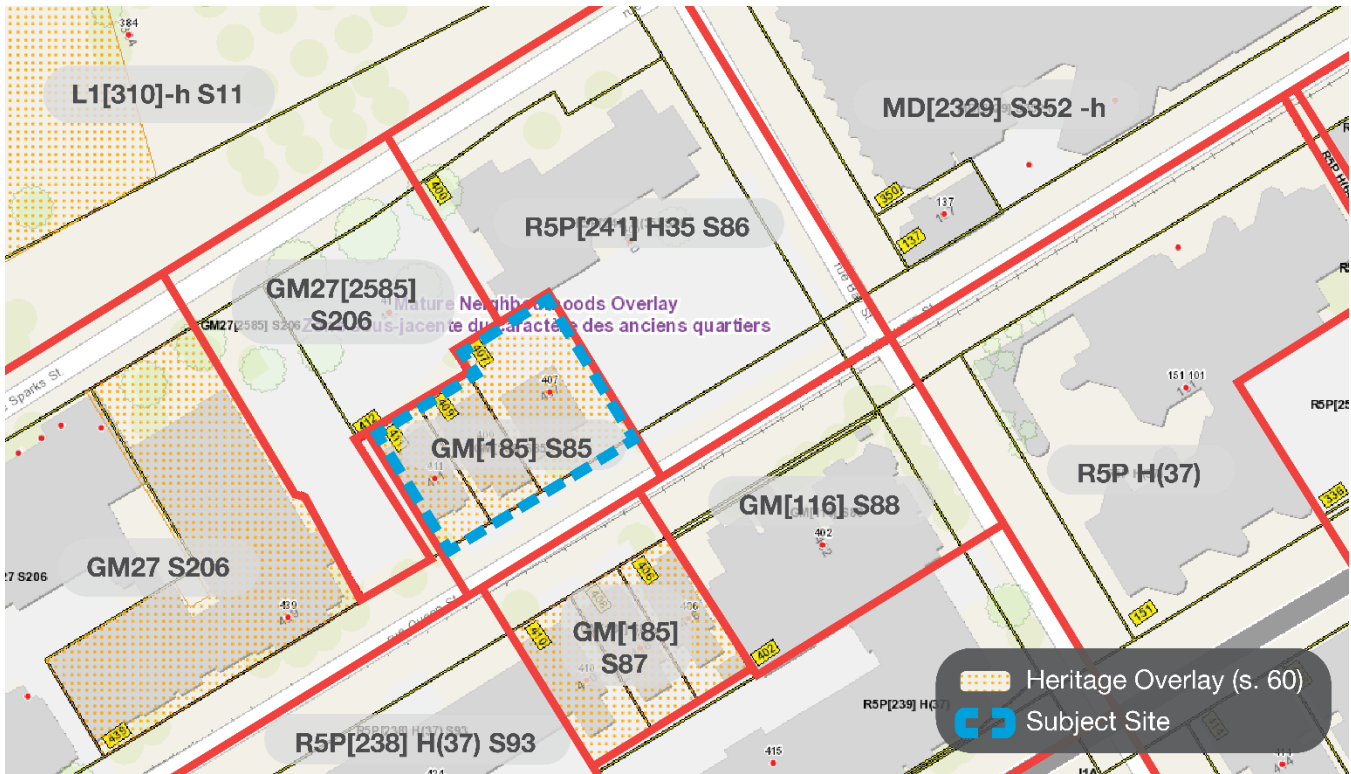


Figure 10: City of Ottawa Zoning By-law (2008-250)

**Error! Reference source not found.**, below, evaluates the proposed development against the applicable zoning performance standards. Areas of compliance are noted with a green checkmark (✓) and areas of non-compliance are noted with a red 'x' (✗).

For 409 and 411 Queen Street, the parking spaces are smaller in size; relief is required to permit their construction at a smaller size and in the front yard. However, for 407 Queen Street, relief is only required to permit parking in the front yard.

Table 3: Zoning performance standards for GM[185] S85 related to parking, 409 & 411 Queen St

GM[185] S85	Required		Provided	Compliance
<b>Minimum Parking</b> Area Z on Schedule 1A	0 parking spaces required		3 parking spaces	✓
<b>Minimum Visitor Parking</b> s. 102(2,3) Table 102	0.1 per dwelling unit after first 12 dwelling units: 4 dwelling units per building = 0 parking spaces required			✓
	No more than 30 visitor parking spaces are required per building			✓
<b>Parking space dimensions</b> s. 106(1)	Min. width	2.6 m	2.4 m	✗
	Max. width	3.1 m		✓
	Min. length	5.2 m		4.6 m



GM[185] S85	Required	Provided	Compliance
<b>Driveway width</b> s. 107(2)	A driveway providing access to parking spaces other than in a parking garage or parking lot must have a minimum width of 2.6 metres	3.0 m	✓
<b>Parking location</b> s. 109(2)	In the GM zone, no person may park a motor vehicle: in a required front yard	Parking provided in front yard	✗
<b>Minimum width of landscaped area</b> Table 187(h)	Abutting a street: 3 m	2.5 m	✗

Table 4: Zoning performance standards for GM[185] S85 related to parking, 407 Queen St

GM[185] S85	Required	Provided	Compliance	
<b>Minimum Parking</b> Area Z on Schedule 1A	0 parking spaces required	3 parking spaces	✓	
<b>Minimum Visitor Parking</b> s. 102(2,3) Table 102	0.1 per dwelling unit after first 12 dwelling units: 4 dwelling units per building = 0 parking spaces required	3 parking spaces	✓	
	No more than 30 visitor parking spaces are required per building		✓	
<b>Parking space dimensions</b> s. 106(1)	Min. width	2.6 m	2.6 m	✓
	Max. width	3.1 m		✓
	Min. length	5.2 m	5.6 m	✓
<b>Driveway width</b> s. 107(2)	A driveway providing access to parking spaces other than in a parking garage or parking lot must have a minimum width of 2.6 metres	3.6 m	✓	
<b>Parking location</b> s. 109(2)	In the GM zone, no person may park a motor vehicle: in a required front yard	Parking provided in front yard	✗	
<b>Minimum width of landscaped area</b> Table 187(h)	Abutting a residential or institutional zone or abutting a street: 3 m	Abutting a residential zone: 0.5 m Abutting the street: 2.5 m	✗	

In sum, the variances requested across the three properties are as follows:

Table 5: Summary of minor variances requested for the subject site

GM[185] S85		Variance required?		
		407 Queen St	409 Queen St	411 Queen St
<b>Minimum width of landscaped area</b>	Abutting a residential or institutional zone or abutting a street: 3 m	Yes	Yes	Yes
<b>Parking space dimensions</b>	Min width: 2.6 m	No	Yes	Yes
	Min. length: 4.6 m	No	Yes	Yes
<b>Parking location</b>	In the GM zone, no person may park a motor vehicle: in a required front yard	Yes	Yes	Yes

For all three (3) properties, a three (3) metre landscaped area was unable to be provided across the entirety of the property. However, both the hard and soft landscaping has been improved for the properties and will be maintained at a high quality moving forward. The public right of way (ROW) will also be maintained with landscaping, with a width of approximately 2.5 to 2.6 metres.

The minor variances are required to permit the existing parking spaces, which were unable to be confirmed as legal non-conforming. Parking is associated with each building; with each building providing the following number of parking spaces for tenants:

- / 411 Queen St: two (2) spaces
- / 409 Queen St: one (1) space
- / 407 Queen St: three (3) spaces

In an abundance of caution, the proposed minor variance has been assessed against the zoning by-law to ensure that the proposed arrangement of parking is not considered a parking lot. The definition of “parking lot” is as follows:

**Parking lot means a lot or place other than a building used for the parking of four or more motor vehicles, which includes the parking spaces, aisles and driveways, but excludes the interior landscaped islands and medians, the required perimeter landscaped buffer to a lot line, and an area used solely for the display of vehicles for sale.**

Since section 100(1)(c) of the zoning by-law requires that parking spaces must be located on the same lot as the use or building for which they are provided, city staff have provided the opinion that the proposed parking arrangement would not be considered a parking lot. Across the three (3) sites, in no location are there four (4) parking spaces grouped together. At most, 409 and 411 Queen Street have three (3) parking spaces with a shared driveway and the remaining three (3) driveways are grouped into one (1) and two (2) spaces. Therefore, the proposed layout would not constitute a “parking lot.”

### 2.3.1 Mature Neighbourhoods Overlay

The site is located within the Mature Neighbourhoods Overlay. The intent of the overlay is to regulate the character of low-rise development including front door location, driveway width, and parking through the completion of a Streetscape Character Analysis. The Mature Neighbourhoods Overlay generally applies to low rise-built form, and provides guidance on elements of the built form, such as walkway and driveway width, garage permissibility, location, and orientation, and parking space location and size.

A Streetscape Character Analysis must be confirmed prior to any application under the Planning Act, building permit application, or approval under the Private Approach By-law, whose approval would permit:

- / a new residential use building;
- / an addition to an existing residential use building, where the addition abuts the front yard or corner side yard;



- / a modification to an existing residential use building that includes:
  - the removal of a principal entranceway that faces the front lot line or side lot line abutting a street; or
  - the addition or expansion of an attached garage or carport that faces the front lot line or side lot line abutting a street; or
  - the addition or expansion of a driveway or parking space in the front yard or corner side yard.

**The proposed minor variance does not fall under the parameters requiring a Streetscape Character Analysis; therefore, one has not been prepared.**

## 3.0

# Minor Variance Application: the Four Tests

### 3.1 Does the Proposal Maintain the General Intent and Purpose of the Official Plan?

The subject site is located in the Downtown Core transect and is designated as Parliament and Confederation Boulevard Special District. Generally speaking, the Special District does not contemplate residential dwellings and the focus is on key symbolic properties, views, and vistas. Official Plan policies related to cultural heritage and urban design have also been considered as part of this review and legalization of the front yard parking spaces is not anticipated contravene these sections of the Official Plan.

The Official Plan speaks to the importance of residential density being able to support services in the Downtown Core Transect. The proposed minor variance will ensure that residential occupation of the dwellings can continue and support retail uses in the surrounding neighbourhood. The subject site is also located in a Heritage Conservation District (HCD). The proposed re-organization and legalisation of front yard parking spaces is not anticipated to have any adverse impacts on the cultural heritage value of the HCD or the associated properties.

The subject site is located in the Parliament and Confederation Boulevard Special District and the Official Plan provides direction on protection of national symbols. The proposed development will not result in adverse impacts national symbols protected within the Special District.

### 3.2 Does the Proposal Maintain the General Intent and Purpose of the Zoning By-law?

The subject site is zoned “General Mixed Use, Urban Exception 185, Schedule 85” (GM[185] S85) under the City of Ottawa Zoning By-law 2008-250. The purpose of the GM zone is to allow residential, commercial, institutional, and mixed-use development; limit commercial uses to individual occupancies or in groupings in well defined areas such that they do not affect the development of the designated Traditional and Arterial Mainstreets as viable mixed-use areas; and permit uses that are often large and serve or draw from broader areas than the surrounding community and which may generate traffic, noise or other impacts.

A zoning compliance table has been provided in section 2.3 of this rationale and summarizes the provisions of the zone. The proposed minor variance seeks relief from the following provisions:

#### 409 and 411 Queen Street:

- / Parking space dimensions
  - A width of 2.4 m is provided whereas 2.6 m is required
  - A length of 4.6 m is provided whereas 5.2 m is required
- / Parking location
  - Parking is provided in a front yard whereas it is prohibited in the GM zone
- / Landscaping provisions
  - A minimum width of 2.5 m is provided for landscaped area whereas 3 m is required

#### 407 Queen Street:

- / Parking location
  - Parking is provided in a front yard whereas it is prohibited in the GM zone
- / Landscaping provisions
  - A minimum width of 2.6 m is provided abutting a street for landscaped area whereas 3 m is required
  - A minimum width of 0.5 m is provided abutting a residential zone for landscaped area whereas 3 m is required

Each of these requested minor variances are reviewed in greater detail, below:

### 3.2.1 Parking Space Dimensions

While the parking spaces are not located in a parking garage, the size complies with the performance standards per section 106(3), which specify that up to up to 50% of the parking spaces in a parking lot or parking garage may be reduced to a minimum of 4.6 metres long and 2.4 metres wide, provided that any such space:

- / Is visibly identified as being for a compact car
- / Is not a visitor parking space required under Section 102
- / Is not abutting or near a wall, column or similar surface that obstructs the opening of the doors of a parked vehicle or limits access to a parking space, in which case the minimum width is 2.6 metres.

The parking spaces are 4.6 metres long and 2.4 metres wide, are noted on the site plan as 'Small car parking only' and will be communicated thusly to potential tenants. Therefore, while the proposed development cannot utilize the policy under section 106(3), it has been used as a guideline for acceptable parking space dimensions for a small car.

### 3.2.2 Parking Location

Whereas front yard parking is prohibited in the GM zone, this is proposed in some form for all three (3) properties. One (1) parking space on the west side of 407 Queen Street is a legal parking space; therefore, relief is sought for the other five (5) parking spaces. The layout and organization of the parking spaces as well as landscaping and materiality have been improved to mitigate impacts resulting from the front yard parking.

### 3.2.3 Landscaping Provisions

Relief is sought from the landscaping provisions. The front yard landscaping appears to have been removed to expand the front yard parking sometime between 1991 and 2002. Until 2018, the front yard condition had deteriorated, with the paver stone walkway leading to both 409 and 411 Queen Street being in poor condition. Landscape improvements have since been made and the walkways were improved, with a new set of steps installed at 411 Queen Street. These upgraded landscaping features will be maintained as part of this application process and will continue to improve the previously-deteriorated landscaped condition, resulting in an overall improvement to the streetscape.

It is also worth noting that although a reduction in the minimum landscaping adjacent to a residential zone is being sought, the impact to the adjacent neighbour will be limited. This is because the lands to the east, 400 Sparks Street, is zoned "Residential Fifth Density, Subzone P, Urban Exception 241, 35-metre Height Limit, Schedule 86" (R5P[241]H(35)S86) are presently occupied by a church and a parking lot. Figure 11, below, shows the subject site and surrounding lands as a satellite image, overlaid with the zoning. Therefore, while a landscaped buffer is required between the subject site and a Residential zone, impacts to lands zoned as Residential are anticipated to be minimal.

**The minor variance requested meets the general intent and purpose of the zoning by-law.**





### 3.3 Is the Proposal Desirable for the Appropriate Development or Use of the Land?

The minor variance will enable the three (3) properties to continue to enjoy parking for tenants. Although underground parking is common in the Downtown Core, due to the age of the homes, underground parking is not viable to be constructed at present. Therefore, the proposed minor variance will permit tenants to continue to enjoy the ability to park private vehicles on the site. This continues the existing condition, which can be traced back to sometime between 1991 and 2002. While previously the site enjoyed the ability to park one (1) vehicle per site, this seems to have been expanded sometime in the past and in contravention to the zoning by-law at the time. The proposed minor variance would legalize the existing number of parking spaces, but in a layout that is preferable to the current condition. Presently, there are three (3) curb cuts that take up much of the frontage. These curb cuts would be narrowed significantly so that multiple parking spaces share the same driveway, rather than the current layout, which has a wide driveway that is not shared.

The reorganization of the parking spaces was developed in consultation with city staff and iterated over many months to the current site plan to make multiple improvements over the present design.

**The proposed parking layout and design is a significant improvement to the existing condition and will continue improvements to the landscaping on the site. It is therefore appropriate for the use of the land.**

### 3.4 Is the Proposal Minor in Nature?

The proposed variance is minor as the variance is required to legalize the number of existing parking spaces, but makes significant improvements to the parking design and layout and landscaping. The proposed parking is sensitively designed to mitigate for any potential impacts on the surrounding HCD and adjacent properties. The variance is not expected to generate any undue adverse impacts on neighbouring properties.

**The proposed variance is minor in nature.**

## 4.0 Conclusion

The proposed variance represents appropriate, orderly development, and function of 407, 409, and 411 Queen Street. It is our professional planning opinion that the proposed Minor Variance constitutes good planning as:

- / The proposal conforms to the Provincial Policy Statement (2022);
- / The proposal conforms to the policies and objectives of the Downtown Core Transect and the Parliament and Confederation Boulevard Special District designation in the City of Ottawa Official Plan (2022);
- / The proposal conforms with policies related to Cultural Heritage and Archaeology and Urban Design in the Official Plan;
- / The proposal meets the intent of the City of Ottawa Comprehensive Zoning By-law; and
- / The proposed minor variances meet the four tests, as set out in the *Planning Act*.

Sincerely,



Jacob Bolduc, MCIP RPP  
Associate



Tamara Nahal, MPI  
Planner

# Appendix A: Notice Received from the City of Ottawa



July 15, 2021

RECEIVED JUL 19 2021

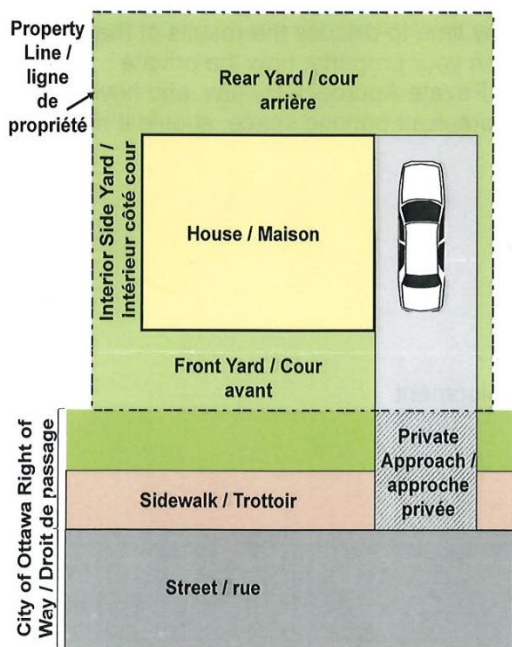
Dear Property Owner

**Re: Road Reconstruction and Changes to the Street Access for your Property**

In 2021 the City of Ottawa will start construction on the replacement of portions of the existing sewers, roads, and watermains in your neighbourhood that will impact the right-of-way in front of your property.

**This letter contains information on how your access to the roadway is proposed to change as a result of the street reconstruction.**

The private approach is the portion of the driveway within the City right-of-way located between your property and the curb that provides access to the street (as shown in the diagram below).



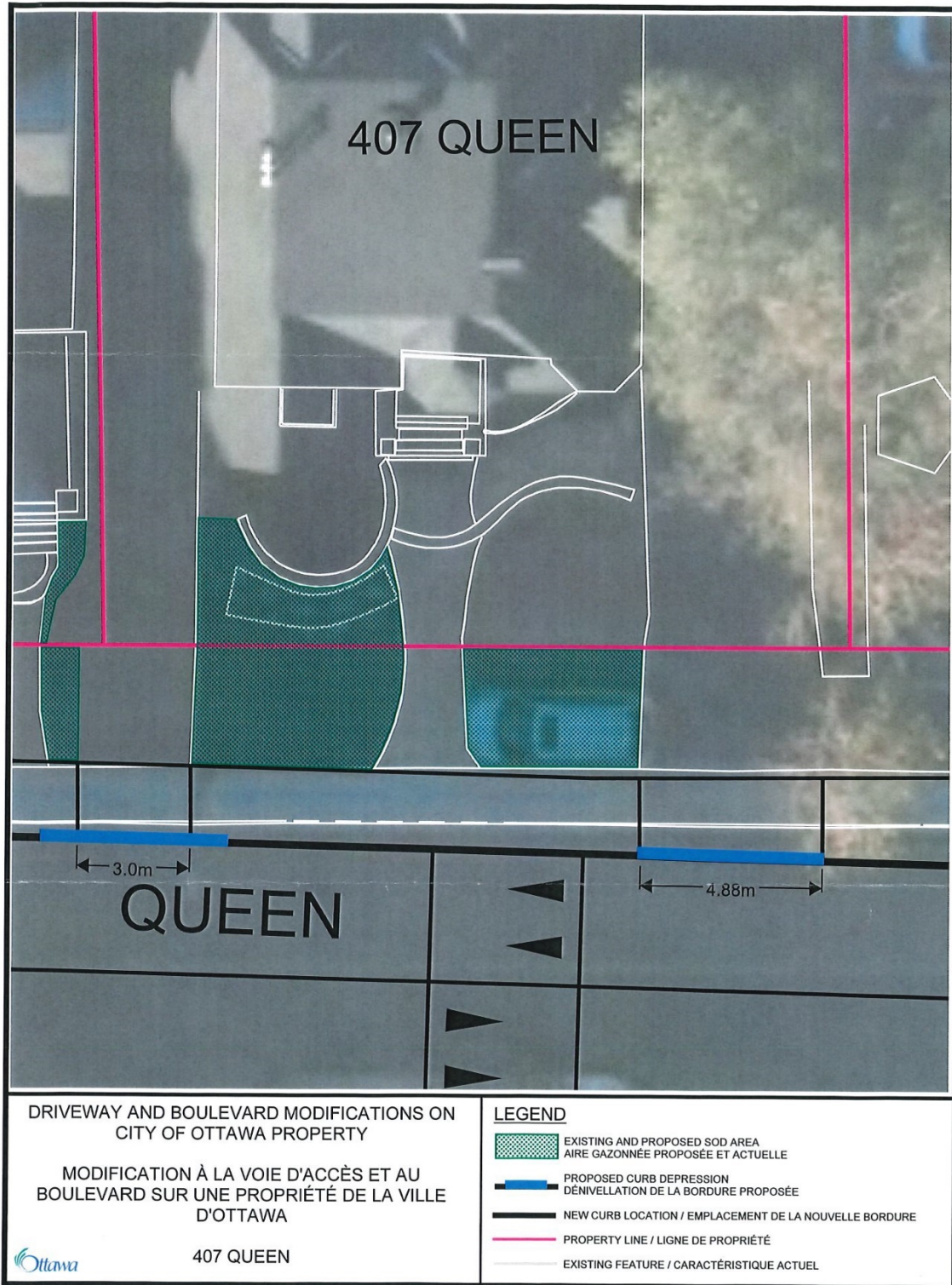
Private Approaches will be impacted as a result of the reconstruction and will be reinstated in accordance with the City of Ottawa's Private Approach By-law.

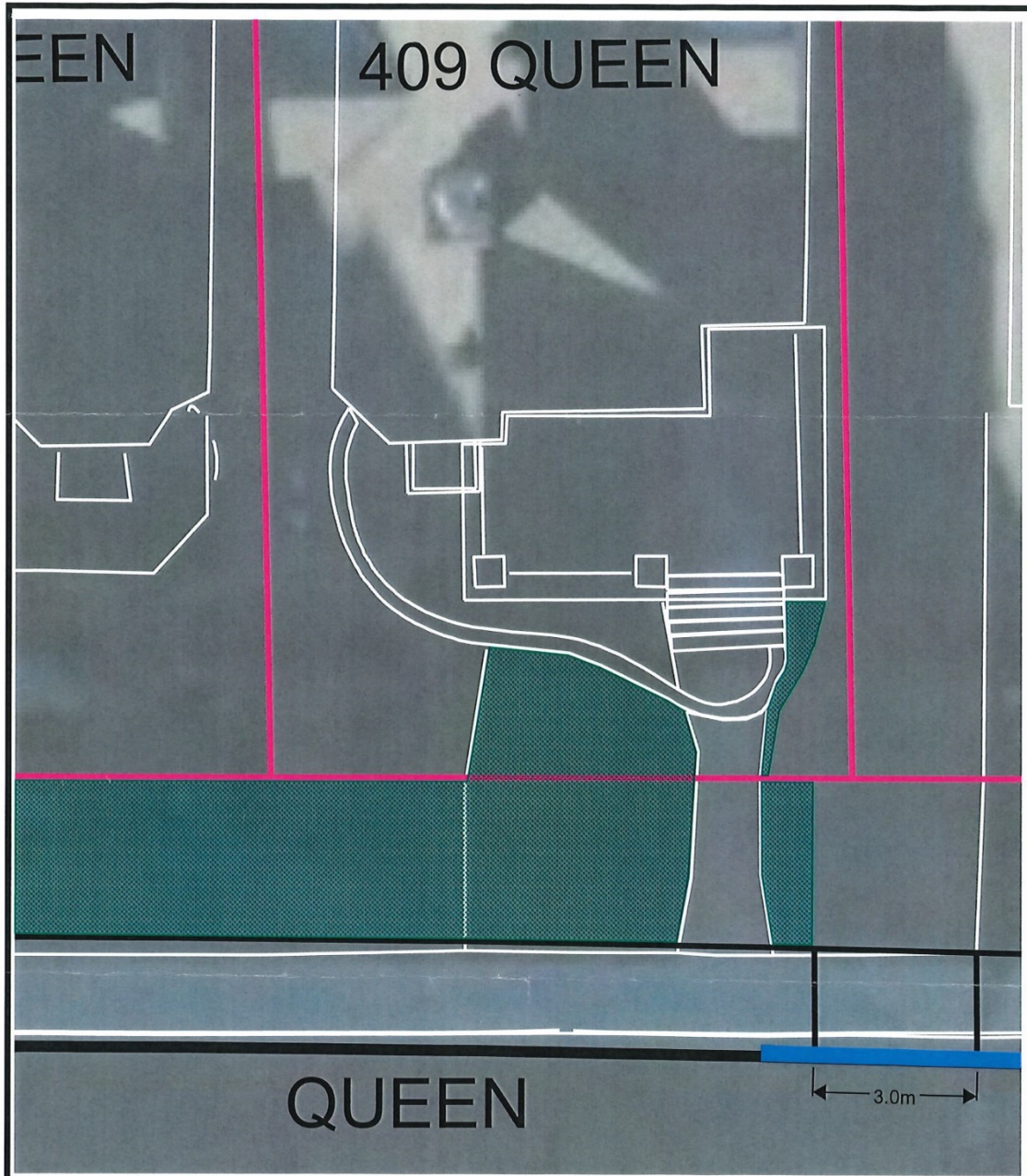
In addition to other requirements of the Private Approach By-law, a private approach must connect to a legal driveway and lead to a legal parking space on your property. Legal driveways and parking spaces are those that either comply with the City of Ottawa Zoning By-law, or are permitted to exist because they are grandfathered. That is to say that a grandfathered driveway and / or parking space was established in one of two ways:

- 1) It was established at a time when zoning would have permitted it; or,
- 2) It was established at a time before any zoning regulations existed.

In your area, driveways and parking spaces that do not comply with the City of Ottawa Zoning By-law are generally considered grandfathered if they existed prior to 1964. The Former City of Ottawa Zoning By-law of 1964 first established rules for












**DRIVEWAY AND BOULEVARD MODIFICATIONS ON CITY OF OTTAWA PROPERTY**

**MODIFICATION À LA VOIE D'ACCÈS ET AU BOULEVARD SUR UNE PROPRIÉTÉ DE LA VILLE D'OTTAWA**

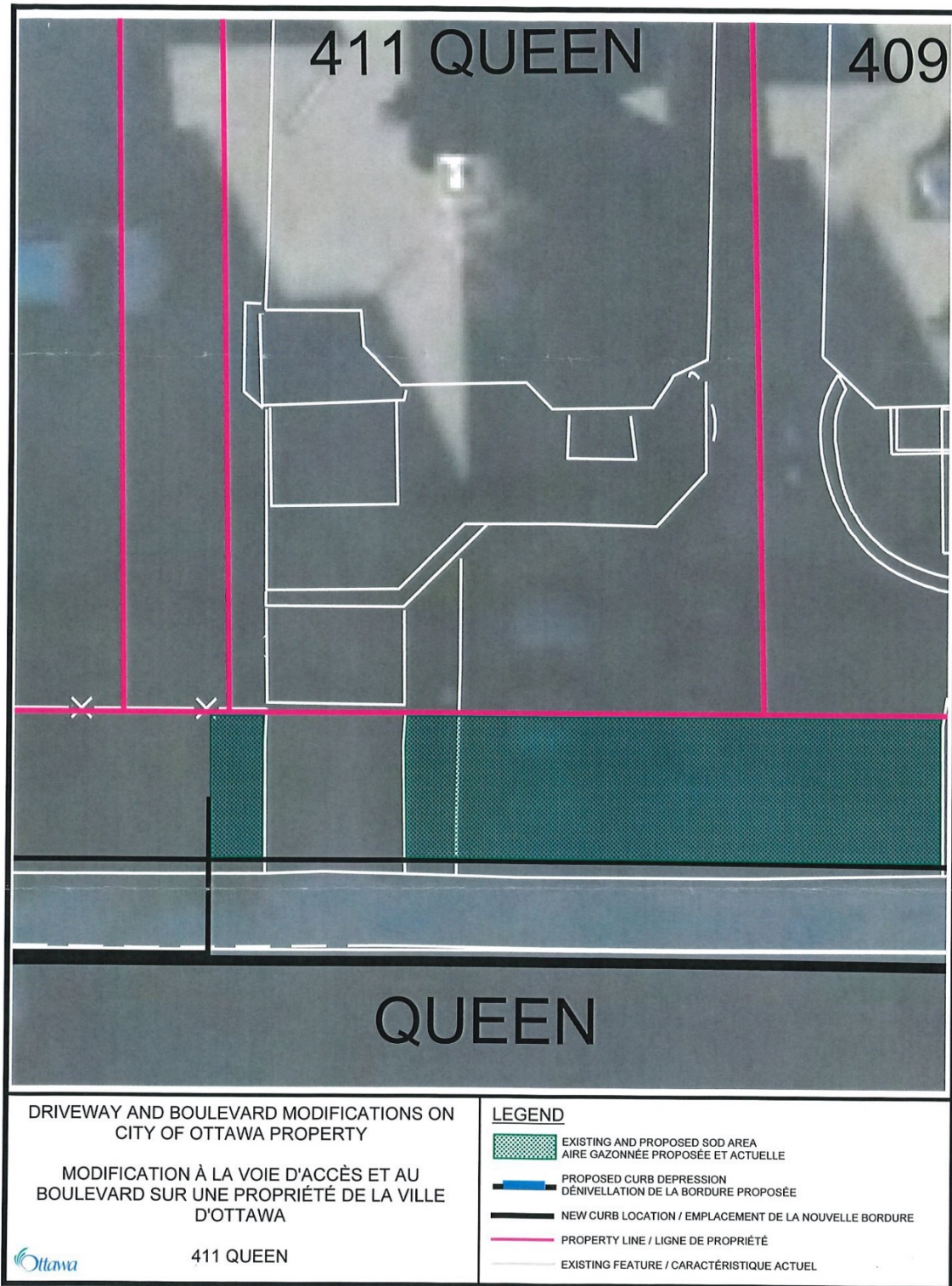


409 QUEEN

**LEGEND**

-  EXISTING AND PROPOSED SOD AREA  
AIRE GAZONNÉE PROPOSÉE ET ACTUELLE
-  PROPOSED CURB DEPRESSION  
DÉNIVELLATION DE LA BORDURE PROPOSÉE
-  NEW CURB LOCATION / EMPLACEMENT DE LA NOUVELLE BORDURE
-  PROPERTY LINE / LIGNE DE PROPRIÉTÉ
-  EXISTING FEATURE / CARACTÉRISTIQUE ACTUEL



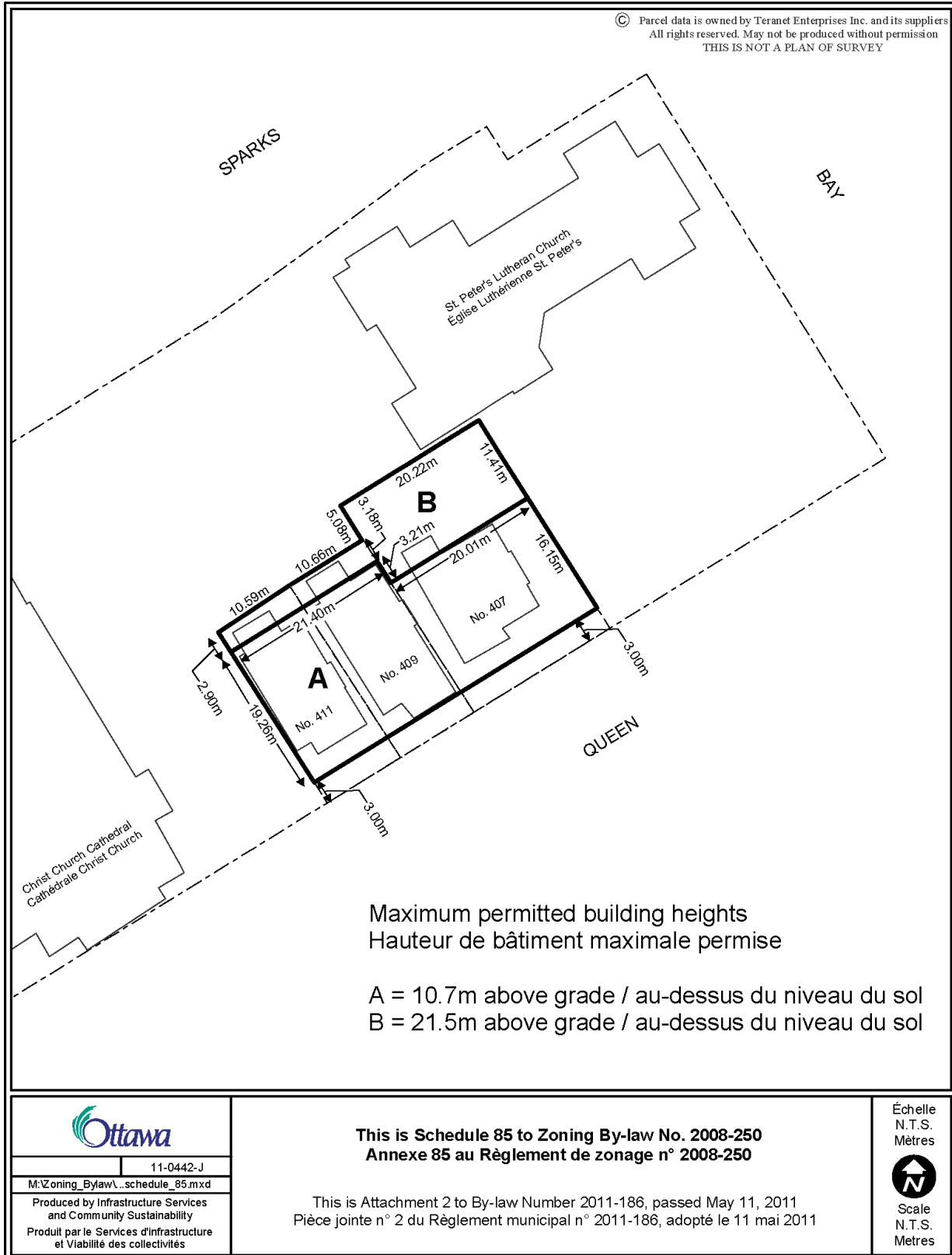


## Appendix B: Urban Exception 185

Exception	Text
<b>Exception Number</b>	185
<b>Applicable Zones</b>	GM[185] S85 GM[185] S87
<b>Exception Provisions - Land Uses Prohibited</b>	all non-residential uses other than artist studio, instructional facility and office
<b>Exception Provisions – Provisions</b>	Table 187(g) does not apply



# Appendix C: Schedule 8



## Appendix D: By-law Number 124-90

- 419 -

### BY-LAW NUMBER 124-90

A By-law of the Corporation of the City of Ottawa amending By-law Number Z-2K.

The Council of the Corporation of the City of Ottawa pursuant to Section 34, Planning Act, 1983 enacts as follows:

1. Subsection 1 (F) of By-law Number Z-2K is amended by adding the following definition:

front yard parking space includes a parking space in a required side yard abutting a street.

2. By-law Number Z-2K is amended by adding the following Section:

#### Front Yard Parking

26.(A) A maximum of one front yard parking space per lot is permitted and that parking space may contain one vehicle only.

(B) A front yard parking space established in accordance with this Section is not a required parking space within the meaning of Section 15, 16 and 17.

(C) A front yard parking space may be established for a listed permitted

1. single family dwelling constructed pursuant to a building permit issued on or before October 18, 1961,
2. semi-detached dwelling constructed pursuant to a building permit issued on or before October 18, 1961,
3. duplex dwelling constructed pursuant to a building permit issued on or before October 18, 1961, and
4. converted dwelling constructed pursuant to a building permit issued before April 22, 1964.

if there is no required parking space on the lot.

(D) Both the driveway leading to the front yard parking space and the front yard parking space, must be

1. a minimum of 2.2 metres in width, and



2. a maximum of 2.6 metres in width.

(E) A maximum of one vehicle may be parked in a driveway leading to a front yard parking space.

(F) Where a front yard parking space abuts a road allowance

- 1. owned by the City of Ottawa, there is no minimum parking space length, or
- 2. not owned by the City of Ottawa, there is a minimum parking space length of 5.75 metres.

(G) No part of a front yard parking space may be located

- 1. within one metre of any building on the same lot, or
- 2. within 1.5 metres of any exterior door located on the ground floor or basement of any building on the same lot.

(H) Nothing in this Section shall be construed so as to permit the removal of any required parking space.

(I) The front yard parking space and the driveway leading to the front yard parking space must be completely paved with a hard surface material, or the vehicle wheel strips where the vehicle will park or drive must be paved with a hard surface material.

(J) At least 65% of the yard the front yard parking space is in must be landscaped open space, and of the landscaped open space 70% must be for the growth and maintenance of grass, flowers, trees, shrubs and other similar plants.

(K) The smallest angle formed between the length of the front yard parking space, and the front lot line in the case of parking in the front yard, and side lot line abutting a street in the case of the of parking in the side yard abutting a street, must not be less than 75 degrees, and not be greater than 90 degrees.

(L) Where subsection 4.(C) applies to a semi-detached dwelling each of the lots are to be treated as a separate lot for the purpose of applying this Section.

3. Section 65 is amended by adding the following subsection:



- 421 -

3

- (C) notwithstanding subsection (B) a front yard parking space may be established in accordance with Section 26 if there are no required parking spaces on the same lot.
4. Section 75 is amended by adding the following subsection:
- (C) notwithstanding subsection (B) a front yard parking space may be established in accordance with Section 26 if there are no required parking spaces on the same lot.
5. Section 85 is amended by adding the following subsection:
- (C) notwithstanding subsection (B) a front yard parking space may be established in accordance with Section 26 if there are no required parking spaces on the same lot.
6. Section 95 is amended by adding the following subsection:
- (F) notwithstanding subsection (B) a front yard parking space may be established in accordance with Section 26 if there are no required parking spaces on the same lot.
7. Section 107 is amended by adding the following subsection:
- (G) notwithstanding subsection (B) a front yard parking space may be established in accordance with Section 26 if there are no required parking spaces on the same lot.
8. Section 117 is amended by adding the following subsection:
- (G) notwithstanding subsection (B) a front yard parking space may be established in accordance with Section 26 if there are no required parking spaces on the same lot.
9. Section 127 is amended by adding the following subsection:
- (G) notwithstanding subsection (B) a front yard parking space may be established in accordance with Section 26 if there are no required parking spaces on the same lot.
10. Section 137 is repealed and the following Section is substituted
- 137.(A) All parking spaces must be on the same lot with the building and the required parking space may be located in
1. a garage or carport;



2. the front yard or side yard abutting a street of a single family dwelling, semi-detached dwelling, or a duplex dwelling, if the front yard parking space conforms to all of the requirements of Section 26. except subsections 26.(B), 26.(C) and 26.(H): or

3. any other open space on the lot.

11. Section 147 is repealed and the following Section is substituted

147.(A) All parking spaces must be on the same lot with the building and the required parking space may be located in

1. a garage or carport;

2. the front yard or side yard abutting a street of a single family dwelling, semi-detached dwelling, or a duplex dwelling, if the front yard parking space conforms to all of the requirements of Section 26. except subsections 26.(B), 26.(C) and 26.(H): or

3. any other open space on the lot.

12. Section 155 is amended by striking out the words "In the R10 zone:"

13. Subsection 155. (A) is repealed and the following Section is substituted

155.(A) All parking spaces must be on the same lot with the building and the required parking space may be located in

1. a garage or carport;

2. the front yard or side yard abutting a street of a listed permitted single family dwelling, semi-detached dwelling, or a duplex dwelling, if the front yard parking space conforms to all of the requirements of Section 26. except subsections 26.(B), 26.(C) and 26.(H): or

3. any other open space on the lot.

14. Section 166 is amended by adding the following subsection:

(E) notwithstanding subsection (B) a front yard parking space may be established in accordance with Section 26 if there are no required parking spaces on the same lot.



15. Section 176 is amended by adding the following subsection:
- (E) notwithstanding subsection (B) a front yard parking space may be established in accordance with Section 26 if there are no required parking spaces on the same lot.
16. Section 186 is amended by adding the following subsection:
- (E) notwithstanding subsection (B) a front yard parking space may be established in accordance with Section 26 if there are no required parking spaces on the same lot.
17. Section 197 is repealed and the following Section is substituted
- 197.(A) All parking spaces must be on the same lot with the building and the required parking space may be located in
1. a garage or carport;
  2. the front yard or side yard abutting a street of a single family dwelling, semi-detached dwelling, or a duplex dwelling, if the front yard parking space conforms to all of the requirements of Section 26. except subsections 26.(B), 26.(C) and 26.(H): or
  3. any other open space on the lot.
18. Section 256 is amended by adding the following subsection:
- (G) notwithstanding subsection (B) a front yard parking space may be established in accordance with Section 26 if there are no required parking spaces on the same lot.
19. By-law Number Z-2K is amended by adding the following new Section:
- Front Yard Parking Space
516. Notwithstanding Section 515, Section 22 does not apply to a front yard parking space, and a front yard parking space may be established in accordance with Section 26.
20. By-law Number Z-2K is further amended by adding the following new Section:



Front Yard Parking Space

526. Notwithstanding Section 525, Section 22 does not apply to a front yard parking space, and a front yard parking space may be established in accordance with Section 26.

21. This by-law may be cited as the Front Yard Parking By-law.

Given under the corporate seal of the City of Ottawa this 2nd day of May, 1990.

J.R. CYR,  
CITY CLERK.

L. SMYTH,  
DEPUTY MAYOR.

1. a garage or carport;

2. the front yard or side yard abutting a street of a single family dwelling, semi-detached dwelling, or a duplex dwelling, if the front yard parking space conforms to all of the requirements of Section 26, except subsections 26 (B), 26 (C) and 26 (H); or

3. any other open space on the lot.

Section 26 is amended by adding the following subsection:

(2) Notwithstanding subsection (B) a front yard parking space may be established in accordance with Section 26 if there are no required parking spaces on the same lot.

Law Number 2-2K is amended by adding the following new Section:

Front Yard Parking Space

216. Notwithstanding Section 515, Section 22 does not apply to a front yard parking space, and a front yard parking space may be established in accordance with Section 26.

By-law Number 2-2K is further amended by adding the following new