

September 12, 2023

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

**RE: Application for Minor Variance
286-288 Arlington Avenue, Ottawa**

Committee of Adjustment
Received | Reçu le

Revised | Modifié le : 2023-09-13

City of Ottawa | Ville d'Ottawa
Comité de dérogation

Dear Mr. Bellemare,

Fotenn Planning + Design ("Fotenn") has been retained by Ethos Developments (the "Owner") to submit an application for Minor Variances for the property municipally known as 286/288 Arlington Avenue in the City of Ottawa. The subject property is located in the Ward 14 (Somerset), is within the Central and East Downtown Core Secondary Plan Area, is designated Local Neighbourhood, and is zoned R4UD[478]-Residential Fourth Density Zone UD.

The subject property contains both sides of a semi-detached residential building with a current total of three dwelling units, one of which is a secondary dwelling basement unit. The Owner is seeking to remodel the interior of the building to accommodate three additional dwelling units for a property total of six dwelling units intended for the rental market. The proposed intensification constitutes as a Conversion from a semi-detached dwelling to a low-rise apartment building land use per Zoning By-law 2008-115, triggering evaluation of the proposal against the requirements of this higher density use.

The existing building has setbacks that do not comply with current zoning standards given that the building was constructed circa 1910. As a result, the building is considered to be non-conforming per Section 3(2) of the Zoning By-law. The setback requirements for the higher density use, as well as for landscaping and fenestration, are greater than for the original use, prompting the following Minor Variances to be requested in this application:

- / Reduction to the 1.5 m interior yard setback requirement for low-rise apartments (0.16 m would be provided for the east interior yard setback and 1.07 m would be provided for the west interior yard setback; there would be no change to the existing building on these façades)
- / Reduction of the 40% minimum requirement for soft landscaping in the minimum required front yard area (11.2 % would be provided)
- / Reduction to the 25% minimum front façade window requirement (14.6 % would be provided; no change would occur to the existing fenestration)

Please find enclosed the following materials in support of this application:

- / Minor Variance application form
- / Planning Rationale
- / Site Survey prepared by Attaboy Drafting

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

Kingston
The Woolen Mill
4 Cataragui 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

Fotenn has completed a thorough review of the Minor Variances requested and believes that approvals would be of sound planning practice since the requests meet the four tests under the *Planning Act*. The proposed remodeling will allow for a gentle density increase to occur in an established neighbourhood that will contribute towards the City of Ottawa and the Province of Ontario's goals for increased housing supply, particularly in the urban rental market. The retention of a 110+ year old building to achieve new dwelling units reflects best practices for the sustainable redevelopment of existing housing resources while conserving the heritage character of an established neighbourhood.

Should you have any questions related to the contents of this application, please do not hesitate to contact the undersigned at beasley@fotenn.com or casagrande@fotenn.com.

Sincerely,



Erica Beasley, M.PL
Senior Planner



Brian Casagrande, MCIP RPP
Partner

1.0

Introduction

Fotenn Planning + Design (“Fotenn”) has been retained by Ethos Developments (the “Owner”) to submit an application for Minor Variances for the property municipally known as 286/288 Arlington Avenue in the City of Ottawa. The subject property is located in Ward 14 (Somerset), is within the Centretown Secondary Plan Area, is designated Local Neighbourhood, and is zoned R4UD[478]-Residential Fourth Density Zone UD.

The subject property contains both sides of a semi-detached residential building with a current total of three dwelling units, one of which is a secondary basement dwelling unit. The Owner is seeking to remodel the interior of the building to accommodate three additional dwelling units, for a property total of six dwelling units intended for the rental market. The proposed intensification constitutes as a Conversion from a semi-detached dwelling to a low-rise apartment building land use per Zoning By-law 2008-115, triggering evaluation of the proposal against the requirements of this higher density use.

The building has setbacks that do not comply with current zoning standards given that the building was constructed circa 1910. As a result, the building is considered to be existing non-conforming per Section 3(2) of the Zoning By-law. The application for Minor Variances is triggered by the change of use that is introducing greater setback requirements, as well as greater requirements for landscaping and fenestration, that do not reflect the original construction and layout of the property.

This Planning Rationale provides a detailed description of the subject property, its local neighbourhood context, and area characteristics. A review of the requested Minor Variances against provincial and municipal policies and regulations is provided. The document is organized as follows:

- / Subject Property and Area Description
- / Policy and Regulatory Context
- / Four Tests of the *Planning Act*
- / Conclusion

The following relevant documents have been consulted in the preparation of this Planning Rationale:

- / 1990 *Planning Act*
- / 2020 Provincial Policy Statement
- / 2022 City of Ottawa Official Plan
- / City of Ottawa Zoning By-law 2008-250

Based on the merits of the remodeling and development proposal, it is Fotenn’s opinion that the requested Minor Variances are appropriate for the subject property and its neighbourhood context. The requests are in conformance with the goals and policies set by the Province of Ontario and the City of Ottawa for achieving an efficient land use pattern, accommodating growth in built up areas, protecting the character of established neighbourhoods, and generating new rental housing opportunities.

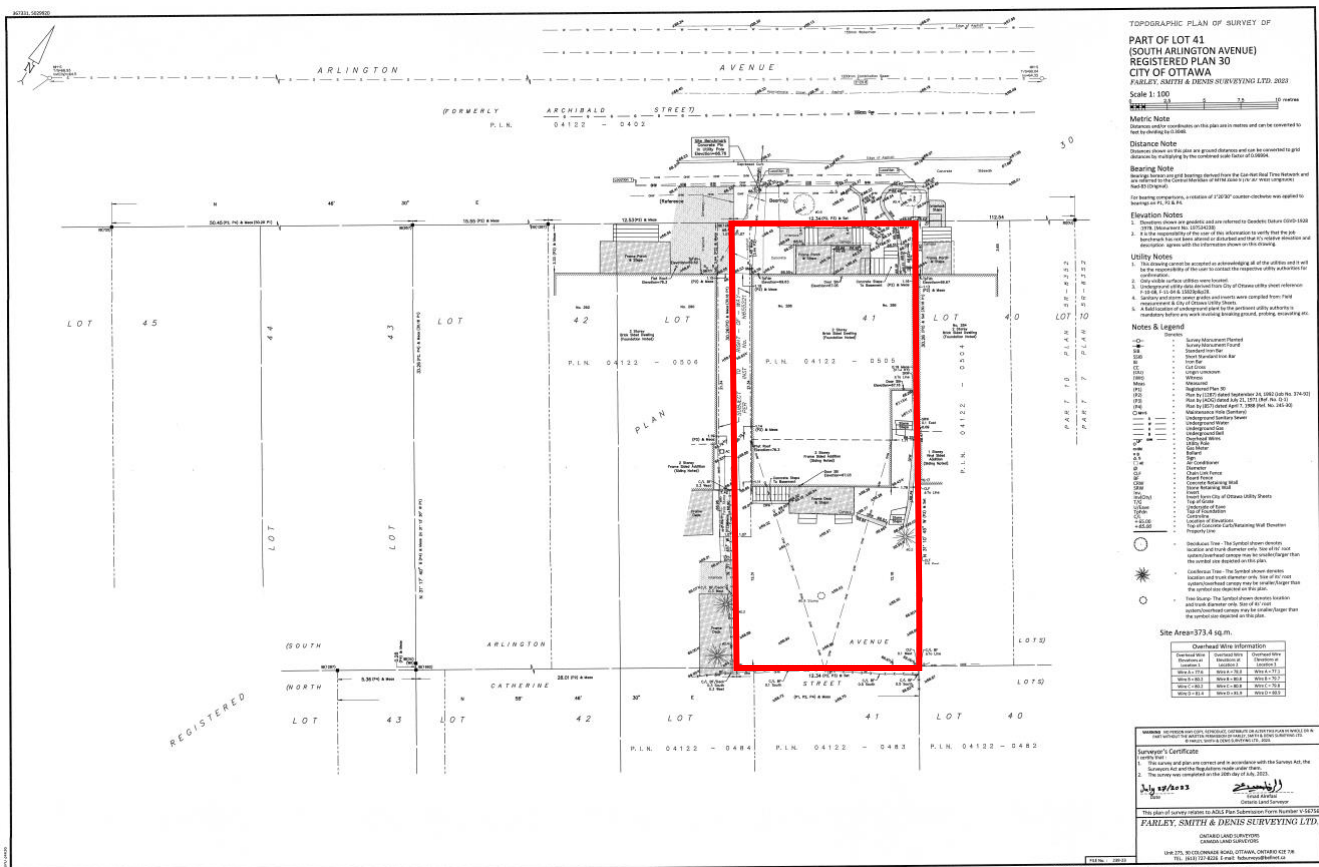
2.0 Subject Property and Area Description

This section provides an overview of the subject property and its neighbourhood context relating to the urban road network, public transit, and amenities.

2.1 Property Description

The subject property is municipally known as 286-288 Arlington Avenue. The legal description of the property is Part of Lot 41 (South Arlington Avenue), Registered Plan 30, City of Ottawa (PIN 04122-0505). The property is an interior lot with a regular shape. Per dimensions on the legal survey, the property has 12.34 m of frontage along Arlington Avenue and a depth of 30.26 m. The property measures 373.4 m² (approximately 0.04 hectares) in total area. The legal survey of the property is indicated in Figure 1, below.

Figure 1: Legal survey of subject property.



Existing development on the subject property consists of both halves of a semi-detached residential building constructed circa 1910. The building is situated at a slight angle to its frontage with its front being set back 3.48 to 3.59 m from Arlington Avenue. The building features two storeys above ground and one storey below ground. The rear of the building is comprised of a two-storey addition. The architecture and red brickwork of the building are similar to that of other detached and semi-detached buildings found along Arlington Avenue that are of a similar vintage.

There are presently three residential dwelling units on the property. One unit occupies all three floors of the western half of the building while the eastern half features a two-storey dwelling unit above grade with a separate secondary dwelling unit in the basement.

Exterior building elements include a porch and steps at the front of the building. Door access to the roof of the front porch exist for the second storey, but no guard rails or canopy are in place. Soft landscaping is located in the front yard of the property and two mature trees are located in the boulevard area between the front of the property and the street. One parking space is available on the western side of the property. A framed deck and steps are located at the rear of the building with two second storey balconies. The rear yard contains a mature tree, a tree stump, and other soft landscaping that includes several raised garden beds. Figures 2, 3, and 4, which follow, indicate the characteristics and exterior features of the building and property.

Figure 2: Bird's eye view of subject property facing southwest. Image: Google Earth.

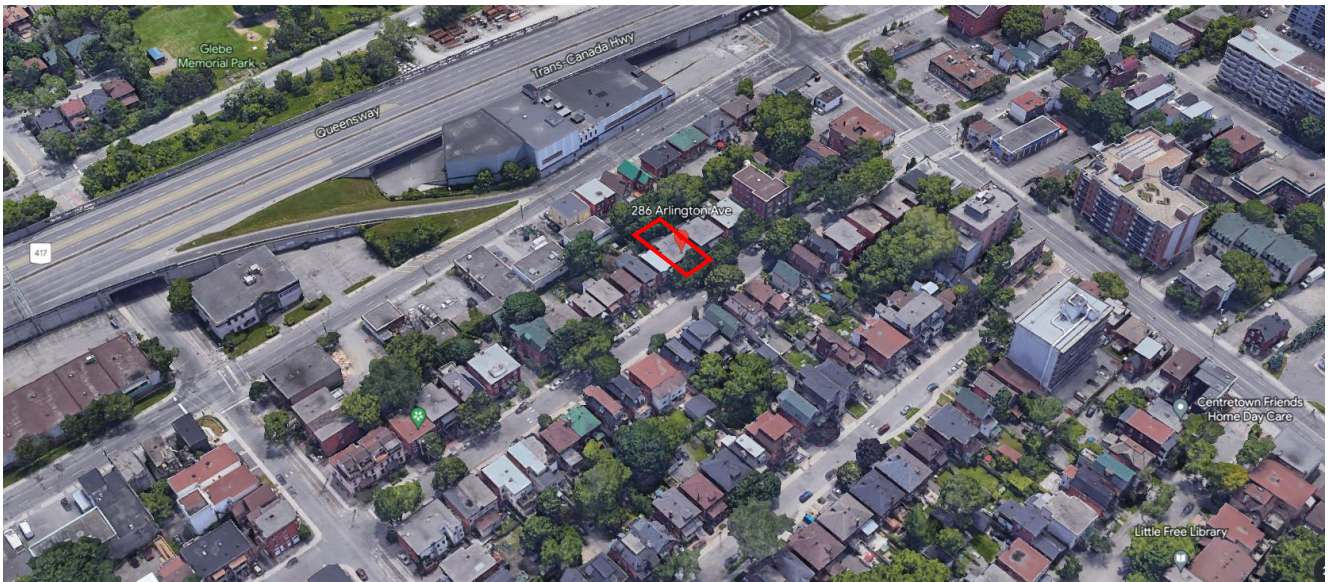


Figure 3: Aerial view of subject property. Image: Google Maps.



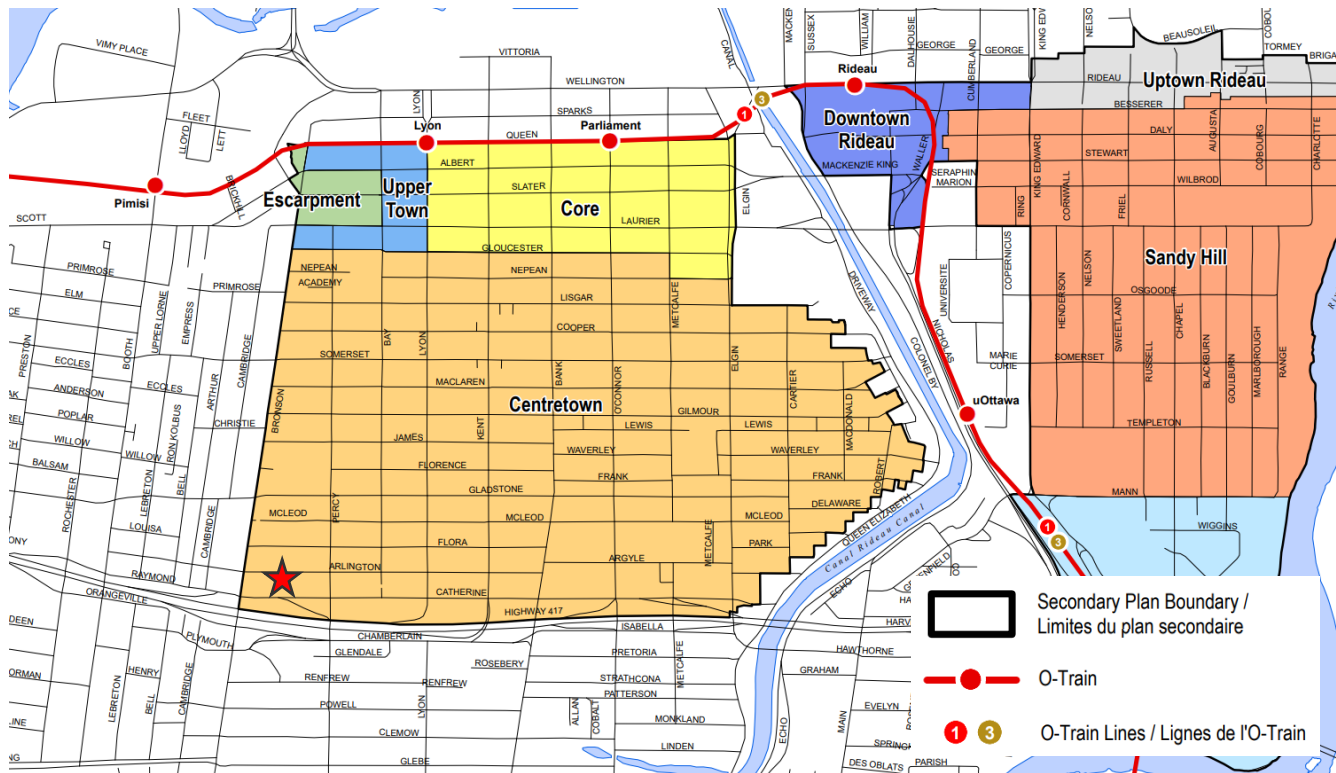
Figure 4: Streetview of subject property (trees are rooted in the boulevard in front of the property). Image: Google Maps, Streetview.



2.2 Area Description

The subject property is located in Ward 14 (Somerset) of the City of Ottawa and is within an area identified in the Official Plan as Centretown. The area is bounded to the north by Gloucester Street and Lisgar Street, to the east by the Rideau Canal, to the south by Highway 417, and to the west by Bronson Avenue. The area is immediately south of the areas known as Core, Upper Town, and Escarpment, and is adjacent to Chinatown to the west. The limits of the Centretown neighbourhood are indicated in Figure 5, below.

Figure 5: Centretown indicated on Schedule A-Character Areas of the Central and East Downtown Core Secondary Plan.



The subject property is located on Arlington Avenue, which is a local road. Gladstone Avenue is an east-west Major Collector that runs parallel to Arlington Avenue three streets to the north. Catherine Street runs parallel immediately to the south of Arlington Avenue and is classified as an Arterial Road on Schedule C5-Downtown Core Road Network of the Official Plan, shown on Figure 6, next page. Bronson Avenue, at the west end of the block, is a north-south Arterial Road, similar to Lyon Street which runs parallel two blocks to the east. The property is located less than 100 m north of the Trans-Canada Highway. Percy Street, at the east end of the block, features a north-south designated cycle path (not shown on Figure 6).

The subject property is located close to several parks and amenities. McNabb Park is located approximately 250 m northwest of the property, which features the Charlie Bowins Skatepark and a dog park. Glebe Memorial Park, which features a splash pad and outdoor rink, is located approximately 200 m to the south of the property and Chamberlain Park, which features a sports field, is approximately 400 m to the southeast. These latter two parks are situated on the other side of the highway.

Commercial uses within a roughly 5-minute walking distance (approximately 400 m) include fast food restaurants, daycare services, artist studios, and a fitness centre. Gladstone Avenue provides an additional mix of commercial

services within a 10-minute walking distance (approximately 800 m), offering food retailing and general convenience stores.

Public bus transit routes are also available within a 5-minute walking distance on Gladstone Avenue (Lines 14, 114), Bronson Ave (Line 10), and Catherine Street (55). The closest Transitway Station is Carling located approximately 1.2 km to the southwest. Public transit locations are shown on Figure 7, below.

Several schools are located nearby to the subject property, which include St Anthony School Catholic School (approximately 575 m), Cambridge Street Community Public School (approximately 400 m), and Richard Pfaff Alternate Program (approximately 400 m).

Figure 6: Roads indicated on Official Plan Schedule C4-Urban Road Network.

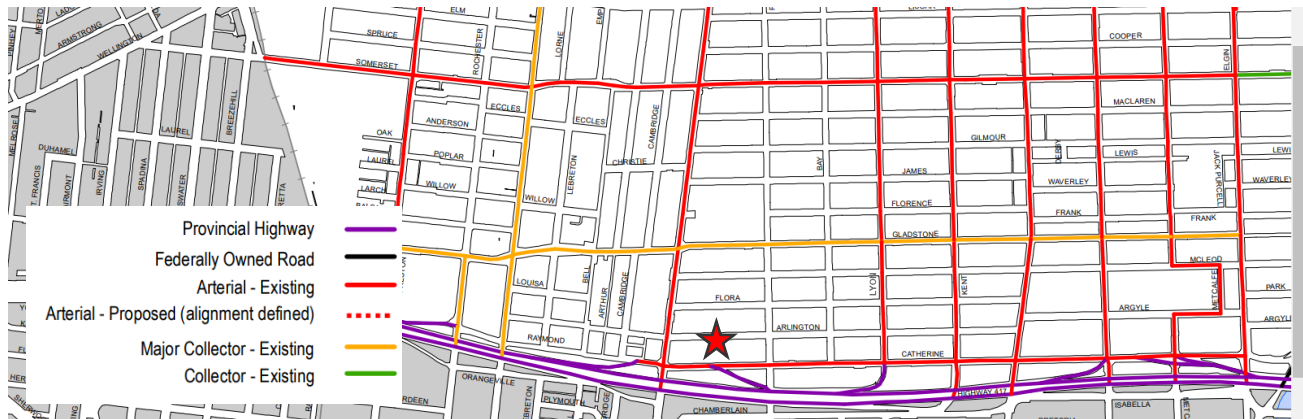
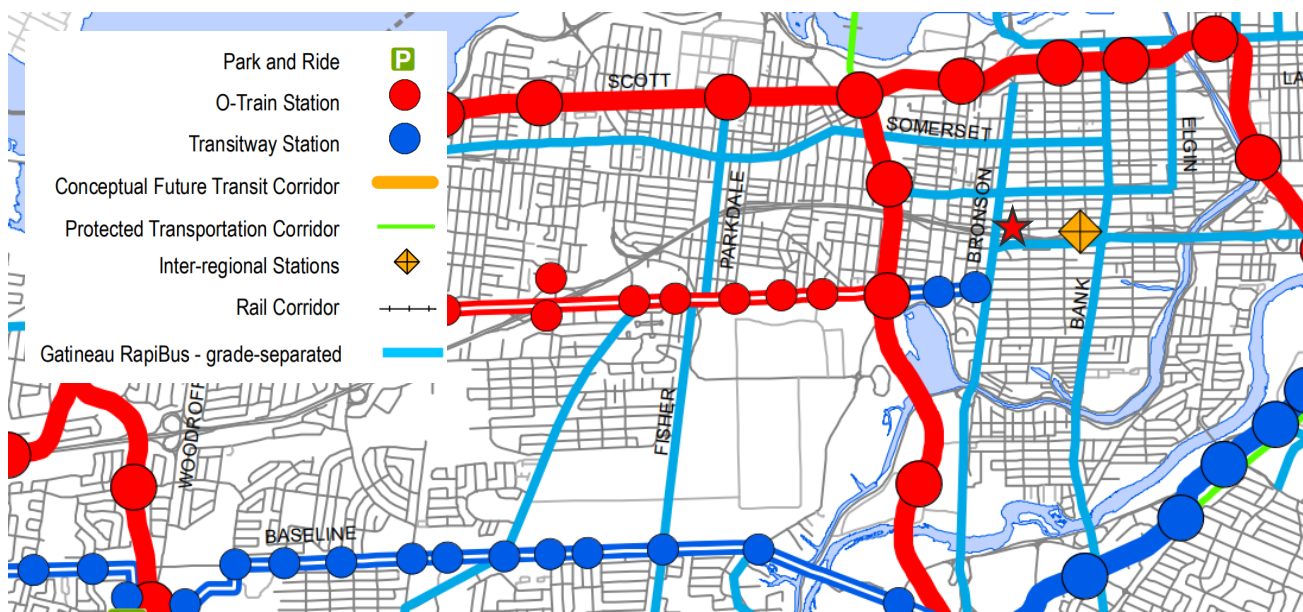


Figure 7: Transit routes indicated on Official Plan Schedule C2-Transit Network.



3.0 Policy and Regulatory Context

The following section provides an overview of policies and regulations applicable to the subject property and the Minor Variances requested to accommodate the proposed remodeling and exterior development plans.

3.1 Provincial Policy Statement

The 2020 Provincial Planning Statement (PPS) is a high level-guiding policy document issued by the Province of Ontario under the *Planning Act* which provides direction on matters of provincial interest related to land use planning and development. All decisions on planning matters “*shall be consistent with*” the PPS. The PPS recognizes that “*land use must be carefully managed to accommodate appropriate development to meet the full range of current and future needs, while achieving efficient development patterns*”. To respond to current and future needs, a range of housing options is encouraged in the PPS through new residential development and intensification.

Policies that support the Minor Variances requested for the subject property include:

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

- Promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term (1.1.1a)
- Accommodating an appropriate affordable and market-based range and mix of residential types, including multi-unit housing (1.1.1.b)
- 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 (1.1.1.e)

/ **1.1.3: Identifies Settlement Areas as the focus of growth and development, where:**

- Land use patterns in settlement areas are to be based on densities and a mix of land uses which efficiently use land and resources, 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 (1.1.3.2)
- New development taking place in designated growth areas should occur adjacent to the existing built-up area and shall have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities (1.1.3.6)

/ **1.4.3: Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs or current and future residents of the regional market area by:**

- Permitting and facilitating:
 - All housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities (1.4.3.b.1)
 - All types of residential intensification, including additional residential units, and redevelopment (1.4.3.b.2)
- Directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs (1.4.3.c)

- Promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed (1.4.3.d)

/ **1.7.1: Long-term economic prosperity should be supported by:**

- Encouraging residential uses to respond to dynamic market-based needs and provide necessary housing supply and range of housing options for a diverse workforce (1.7.1.b)

/ **1.8.1: Planning authorities shall support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and preparing for the impacts of a changing climate through land use and development patterns which:**

- Promote compact form and a structure of nodes and corridors (1.8.1.a)
- Promote the use of active transportation and transit in and between residential, employment (including commercial and industrial) and institutional uses and other areas (1.8.1.b)
- Encourage transit-supportive development and intensification to improve the mix of housing uses to shorten commute journeys and decrease transportation congestion (1.8.1.e)

The Minor Variances requested for the subject property are consistent with the PPS in how they align with the vision of the PPS for accommodating residential growth through efficient land use patterns. The establishment of a low-rise apartment use on the subject property, intended as rental dwelling units, is an appropriate building form and tenure that will contribute towards meeting the pressing, long-term residential needs of the City of Ottawa. More Specifically, the proposal will support the creation of dwelling units in the missing middle housing category in a built-up area that is well serviced by public bus transit, retail, and community amenities.

3.2 City of Ottawa Official Plan

The City of Ottawa's Official Plan (OP) was approved by Council on November 4, 2022, to provide a framework for the way that Ottawa is envisioned to develop until 2046 when the city's population is expected to surpass 1.4 million people. The OP directs how growth will be accommodated over time and sets out policy direction to guide development and change over time. The OP identifies 23 Secondary Plan Areas where localized visions and policies have been adopted that are catered to the unique context of specific character areas. The subject property is located within the Central and East Downtown Core Secondary Plan area, which is discussed later in the next section.

The subject property is identified as being within the Neighbourhood designation on the OP's Schedule B1-Downtown Core Transect, indicated in Figure 8, next page. While the designation and applicable policies are further refined at the Secondary Plan level, the general policies of the parent OP designation remain applicable. The Evolving Neighbourhood Overlay also applies to the subject property.

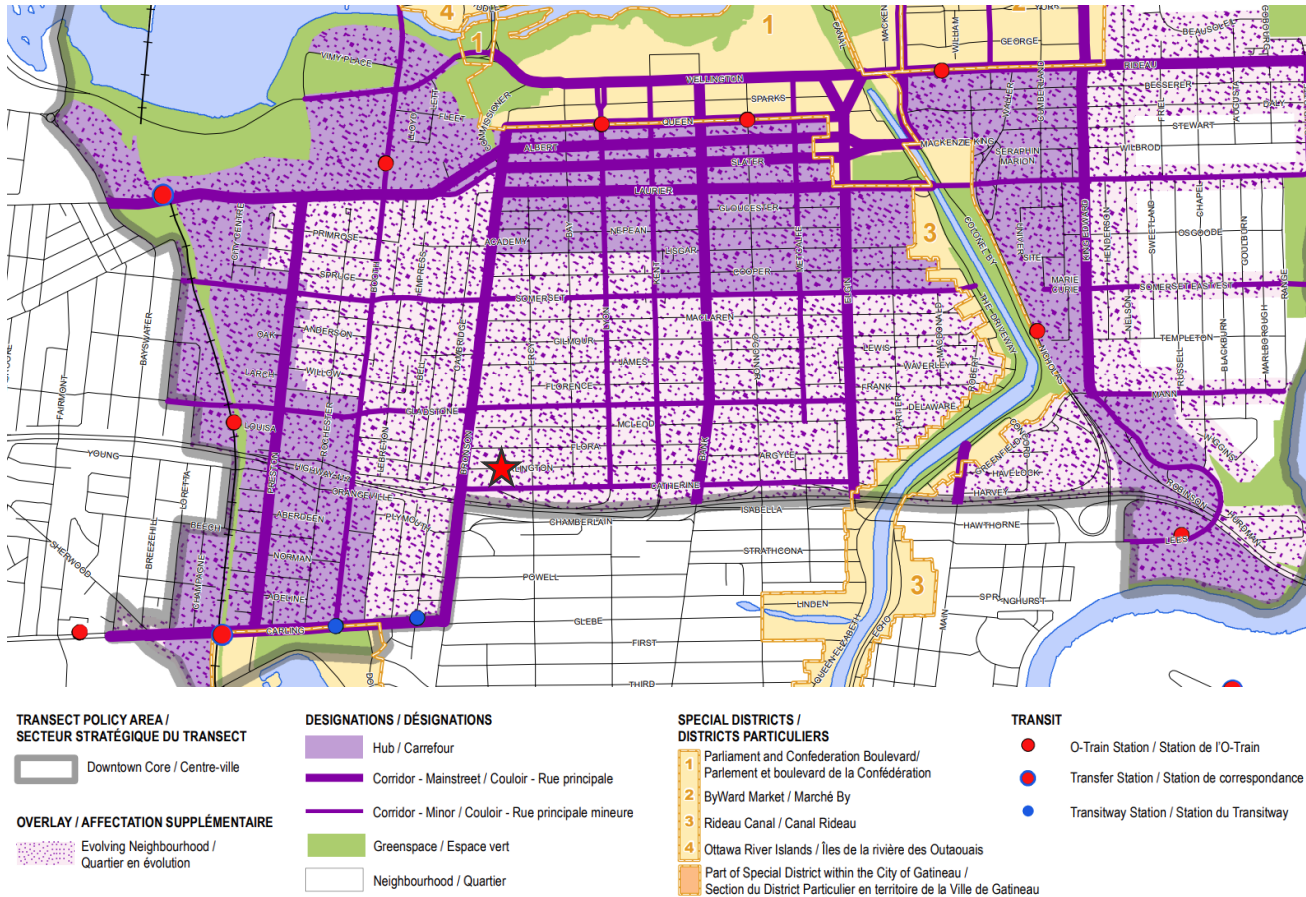
The objectives of the Neighbourhood designation, as listed in Section 6.3 of the OP are to:

- / Define neighbourhoods and set the stage for their function and change over the life of the OP
- / Guide the evolution of neighbourhoods based on their context, location, age, maturity and needs, generally towards the model of 15-minute neighbourhoods
- / Ensure that neighbourhoods form the cornerstone of liveability in Ottawa

The OP includes city-wide policy support for the production of dwelling units in the missing middle housing range generally reflected in mid-density, low-rise, multi-unit housing forms, in order to support the evolution of healthy walkable 15-minute neighbourhoods. The OP's approaches to achieving new housing in the missing middle category include:

- / 4.2.1 2) 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;

Figure 8: Land use designations and overlay indicated Official Plan Schedule B1-Downtown Core Transect.



3.3 Central and East Downtown Core Secondary Plan

The Central and East Downtown Core Secondary Plan (CEDCSP) provides strategic planning direction to guide future development and redevelopment within the areas known as the Central and East Downtown Core. The subject property is identified as being within the Centretown Character Area, as indicated on Schedule A shown on Figure 5, page 7.

3.3.1 Character Areas

The Centretown Character Area is described as being one of Ottawa’s oldest established communities with many significant built heritage resources and is recognized as an area of the city that will continue to evolve to accommodate more residents and businesses. The vision for Centretown is described in Section 4.4.1 of the CEDCSP. A key component of the vision relates to built form: “*Architecturally, Centretown has become a showcase of creative and beautiful design. Heritage buildings are celebrated features of the community, carefully*

preserved and creatively re-used and frequently incorporated into new development. At the same time, new buildings of all shapes and sizes, responding to neighbourhoods and the downtown context, have been constructed. The resulting eclecticism reinforces Centretown's identity as a place that values its past and embraces its future."

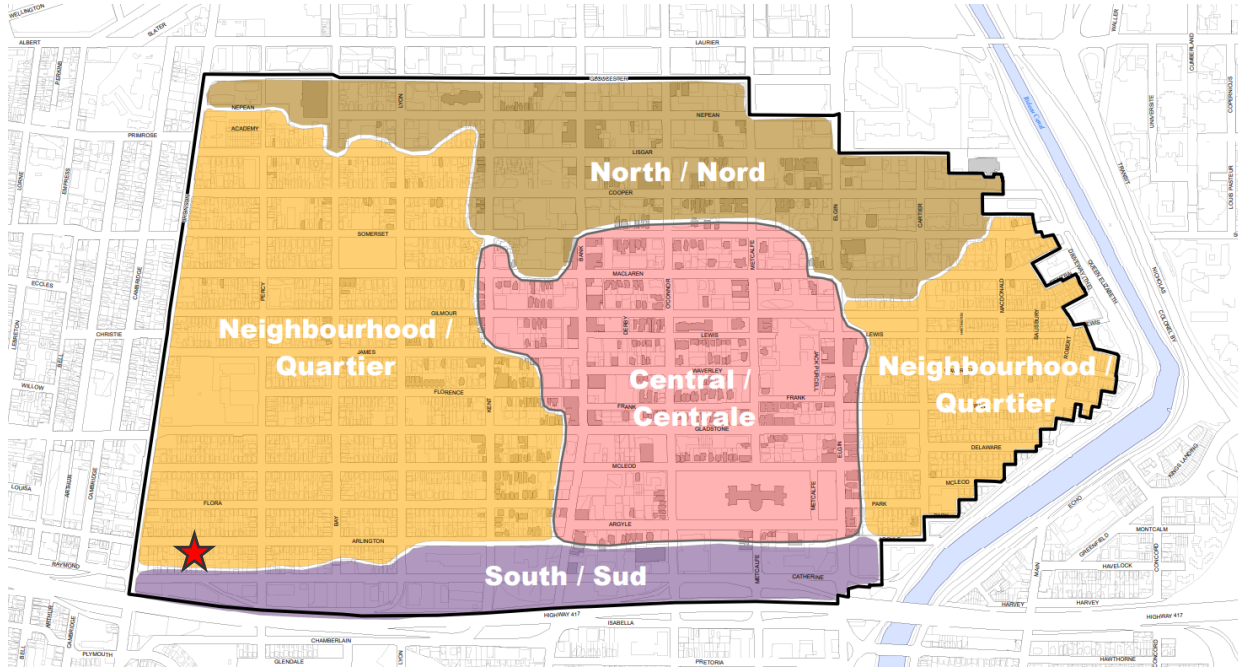
Section 4.4.4 of the CEDCSP identifies principles and objectives that have been identified for Centretown. The following are the most applicable to the subject property and application for Minor Variances:

- 1. Maintain and respect the character of Centretown's neighbourhoods**
 - / Protect buildings of cultural heritage value, heritage streetscapes and areas
 - / Rehabilitate, conserve and re-use buildings with heritage value
 - / Ensure compatibility with the character of neighbourhoods and main streets
 - / Preserve irreplaceable, valued architectural styles
- 2. Accommodate residential growth**
 - / Achieve a minimum intensification target of 10,000 new residents
- 3. Accommodate a diverse population**
 - / Ensure new housing provides a range of dwelling types and sizes, including units suitable for families with children
 - / Maintain an adequate supply of affordable housing
 - / Strengthen the protection of existing rental housing
- 4. Enhance the public realm**
 - / Protect and preserve existing trees and other desirable vegetation
- 5. Promote design excellence**
 - / Ensure new development in established neighbourhoods respects and complements the existing character of the area
 - / Respect the heritage character of Heritage Conservation Districts and other areas with built heritage resources

The Centretown Character Area is divided into several sub Character Areas, these being known as North, Central, South, and Neighbourhood (x2). These areas are indicated on Annex 1 of the CEDCSP and are shown on Figure 8, next page. The subject property is located in the western Neighbourhood Character Area.

Section 4.4.9 of the CEDCSP speaks to Land Use and Site Development considerations and describes the Neighbourhood Character Areas as being "*comprised almost entirely of low-rise buildings*" and "*are the most consistent and uniform neighbourhoods in Centretown.*" The section further describes them as "*generally attractive and healthy and are planned for sensitive physical change.*" Within these areas "*Existing low-rise neighbourhoods may experience a sensitive level of infill growth as a result of small-scale, low-rise redevelopment, secondary suites and converted houses...*"

Figure 8: Centretown Character Areas indicated on Annex 1 of the Central and East Downtown Core Secondary Plan.



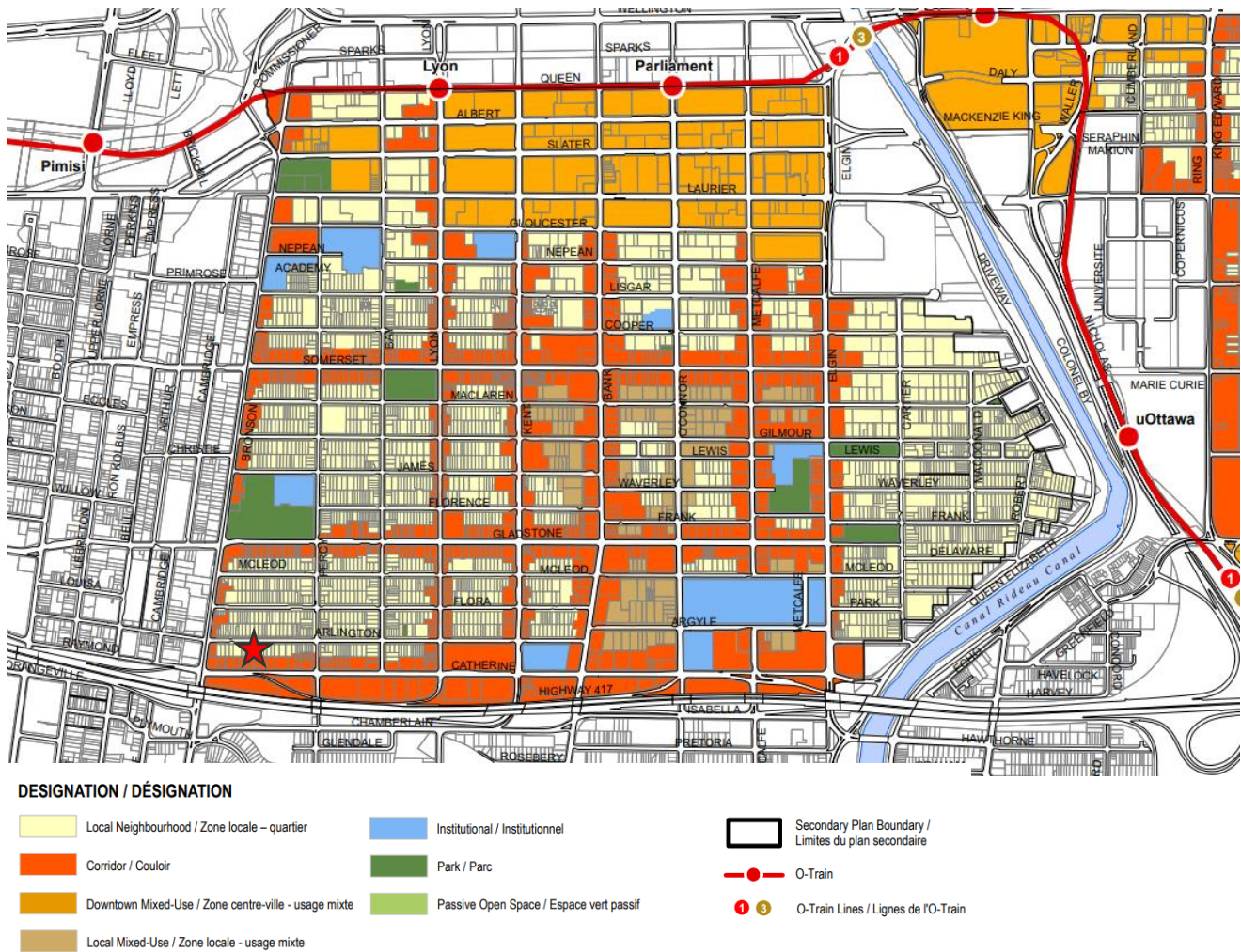
Through the Owner's proposal to remodel an existing 110+ year old building within a mature neighbourhood of district heritage character, the requested Minor Variances are in conformity with the CEDCSP and maintain the principles and objectives of the plan. The intended residential density and rental model of the dwelling units will accommodate residential growth that will contribute to achieving the City's identified intensification target for Centretown. With all of the proposed units designed to have two bedrooms, a variety of family and other cohabitation arrangements are possible reflecting resident and housing diversity. Design excellence will be demonstrated through conservation of the building's façades as well as through enhancements to exterior articulations, including balconies, porches, canopies, and stairways. The cumulative presence of these features and similar articulations on properties along Arlington Avenue contribute to the cohesiveness of the streetscape and the public realm of this area.

3.3.2 Local Neighbourhood Land Use Designation

The subject property is designated Local Neighbourhood on Schedule B of the Central and East Downtown Core Secondary Plan (CEDCSP) as indicated in Figure 9, next page. Development within the Local Neighbourhood designation is primarily residential and includes small-scale commercial and institutional uses that are meant primarily to support the everyday needs of local residents, per Section 6.3-Neighbourhoods, of Volume 1 of the Official Plan (OP).

The Owner's proposed remodeling and development plans are consistent with the above objectives in that they present a modest change that will result in residential densification appropriate for the context, location, age, maturity, and needs of the subject property and surrounding neighbourhood. The property is located in an area that can be described as a 15-minute neighbourhood, with many goods, services, amenities, and transit options located within less than a 15-minute walking radius, which support the daily needs of residents located on Arlington Avenue. The proposed remodeling and development plans are therefore in conformity with the land use designations assigned for the property in the CEDCSP and the OP.

Figure 9: Land Use Designations indicated on Schedule B of the Central and East Downtown Core Secondary Plan.



3.4 City of Ottawa Zoning By-law

The City of Ottawa’s Comprehensive Zoning By-law (Zoning By-law), approved June 25, 2008, by City Council, is a set of regulations developed to control development throughout the City of Ottawa. The Zoning By-law is the regulatory implementation of policies set out in the Official Plan and in the City’s 23 Secondary Plans. The subject property is identified in Zoning By-law as being an Exception within the R4UD[478]-Residential Fourth Density Zone UD. The Mature Neighbourhood Overlay also applies. This section describes zoning regulations that are relevant to the subject property and the requested Minor Variances.

3.4.1 R4UD[478]-Residential Fourth Density Zone UD

The subject property is identified as being within the R4UD[478]-Residential Fourth Density Zone UD. The R4UD Zone allows for a wide mix of residential building forms ranging from single detached housing to low-rise apartment buildings measuring up to up to 14.5 m in height (four storeys). The following land uses are allowed in the R4UD zone:

/ Detached	/ Three unit
/ Linked-detached	/ Stacked
/ Semi-detached	/ Low-rise apartment, maximum of 8 units
/ Long semi-detached	/ Low-rise apartment, 9 or more units
/ Duplex	/ PUD
/ Townhouse	

The existing building located on the subject property meets the Zoning By-law's use definition for 'Semi-detached Dwelling', which means "a residential use building containing two attached principal dwelling units that are divided vertically, with each unit having lot frontage except where located within a planned unit development." The proposed remodeling of the existing building would meet the Zoning By-law's definition for 'Apartment Dwelling, Low Rise', which means "a residential use building that is four or fewer storeys in height and contains four or more principal dwelling units, other than a townhouse dwelling or Stacked Dwelling." The proposal is therefore subject to review against Section 3 of the Zoning By-law, which pertains to the low-rise apartment land use.

The proposed change in principal use of the subject property is from semi-detached to low-rise apartment, with a maximum of 8 units. Provisions are in place for both uses to occur within the R4UD zone. The change in use constitutes as a 'Conversion', which is defined in the Zoning By-law as "the alteration of, but not demolition of a residential use building to increase the number of principal dwelling units or rooming units, resulting in the creation of a use which must be a permitted use in the zone and does not include the creation or addition of a secondary dwelling unit, and the converted has a corresponding meaning".

The R4UD[478] Exception that applies indicates that through By-laws 2014-189 and 2009-302 'dwelling unit' is a use that is allowed to occur on the subject property.

3.4.2 Mature Neighbourhoods Overlay

The Mature Neighbourhoods Overlay is indicated on Schedule 342 of the Zoning By-law and applies to the subject property. The Overlay includes zoning provisions intended to ensure that new infill development complements and reinforces the established neighbourhood character of each street. Per Section 140 of the Zoning By-Law, the Mature Neighbourhoods Overlay generally regulates development or additions within the front or corner side yard through the completion of a Streetscape Character Analysis (SCA). Pursuant to Section 140, Policy 3, the proposed remodeling and development plans are not subject to an SCA as the plans do not seek to develop a new residential building, building addition, or driveway or carport in the front or corner side yard.

3.4.3 Non-Compliance

The Zoning By-law's Section 3, Non-Conformity and Non-Compliance, applies to land or buildings that are legally non-complying with the present-day requirements of the Zoning By-law. Provision 2 indicates that "A permitted principal use, in a building or on a lot that does not comply with the regulatory provisions of this by-law, may change to another permitted use without the need for a minor variance from the Committee of Adjustment provided that the regulatory provisions are no more restrictive for the new use" (By-law 2018-155).

The subject property's front and side building façades are located closer to property lines than what is presently required for minimum setbacks for residential development in the R4UD zone. The building is, therefore, in a situation of existing non-compliance and is subject to Section 3, above. The proposed change in residential use from a semi-detached to a low-rise apartment use will increase the non-compliance of both side yard setbacks. Minor Variances are being requested to address these discrepancies.

3.4.4 Zoning Requirements Review

Table 1, below, outlines select regulations of the Zoning By-law that apply to current semi-detached building on the subject property as well as to the proposed six dwelling unit low-rise apartment building. Whether or not the proposal will be in compliance with each regulation is indicated in the final column to the right.

Table 1: Zoning requirements and compliance of development proposal.

Provision	Requirements for low-rise apartment use, maximum 8 units	Development proposal	Compliance
Permitted uses in R4 Zone Section 161	Includes semi-detached and low-rise apartment dwellings	Change of use proposed from semi-detached use (3 dwelling units) to low-rise apartment use (6 dwelling units).	Yes
Minimum Lot Width	10 m	12.34 m is the lot width.	Yes
Minimum Lot Area	300 m ²	373.4 m ² is the lot area.	Yes
Maximum Building Height	11 m	The existing building height is 8.09 m; no change proposed.	Yes
Minimum Front Yard Setback Section 144 (1)	4.5 m Average of the Abutting Lots a) In the case of an interior lot or through lot, the yard setback must align with the average of the abutting lots corresponding yard setback abutting the streets	The existing front yard setback is 3.48-3.59 m; no change proposed.	Yes (existing non-complying per Zoning Section 3(2))
Minimum Interior Yard Setback	1.5 m	The west interior yard setback is 1.07-1.19 m; no change is proposed. The east interior yard setback is 0.16-0.19 m; no change is proposed.	No (Minor Variances requested)
Minimum Rear Yard Setback and Area Section 144 (3)	Alternative yard setback for low-rise residential uses. a) The rear yard must comprise of at least 25% of the lot area and the minimum rear yard setback is pursuant to table 144A or 144B i) Where the minimum front yard is 4.5m or less, the minimum rear yard depth is determined by table 144A Table 144A For any lot with a lot depth greater than 25 m, the minimum rear yard is 30% the lot depth (Lot depth is 30.26 m x 30% = 9.078 m; 112 m ² of rear yard required)	The existing rear setback is 12.31-12.18 m measured from the rear lot line to the exterior of the rear building; no change is proposed. 88 m ² of soft landscaping is proposed (78.6 % of the 112 m ² of the minimum required rear yard area).	Yes
Landscaped Area Section 161 (15)	b) minimum area of soft landscaping in rear yard	112 m ² soft landscaping provided in minimum required rear yard area.	Yes

Provision	Requirements for low-rise apartment use, maximum 8 units	Development proposal	Compliance
	<p>ii) in the case of a lot equal to or greater than 360 m² but less than 450 m² in area at least 50 m²</p> <p>d) minimum area of soft landscaping in front yard as per Table 161</p> <p>front yard setback >3 m 40% in the case of any lot with a width of 12 m or more</p> <p><i>(Lot area is 373.4 m², lot width is 14.94 m; 40% required)</i></p>		
Table 139 (1)	<p>Front yard setback >3 m and in the case of any lot with a width of 12 m or more 40% minimum aggregated soft landscape area is required.</p> <p><i>(16.97 m² soft landscaping in minimum required front yard)</i></p> <p>50 m² of the rear yard must be soft landscaped</p> <p><i>(113.28 m² is the required minimum back yard area; 56.64 m² is the required minimum rear yard soft landscaping area)</i></p>	<p>5 m² provided in minimum required front yard area (11.2 % proposed).</p> <p>112 m² soft landscaping provided in minimum required rear yard area.</p>	<p>No (Minor Variance requested)</p> <p>Yes</p>
Fenestration Section 161 (15)g)	<p>The front façade must comprise at least 25% windows and furthermore,</p> <p>ii) windows located in doors may count towards the minimum fenestration requirement</p> <p>iii) any window counted towards the minimum fenestration requirement, other than windows in doors or at the basement level, must have a lower sill no higher than 100- cm above the floor level.</p>	<p>14.6 % (of 87 m²) of the front façade is fenestrated; no change proposed.</p>	<p>No (Minor Variance requested)</p>
Section 161 (15) h)	<p>At least 20% of the area of the front façade must be recessed an additional 0.6 m from the front setback line.</p>	<p>The existing front façade has no recessions; no changes are proposed.</p>	<p>N/A (see next)</p>
Section 161 (15) j)	<p>Despite h), no additional recession of the front façade is required when balconies or porches are provided on the front or corner side façade as follows:</p> <p>i) In the case of a lot less than 15 m, one balcony or porch for each storey at or above the first storey is provided.</p> <p>ii) In any case each balcony or porch must have a horizontal area of at least 2 m²</p>	<p>The existing balconies and porches will either be retained or rebuilt to the same dimensions as existing. The proposed first storey front porch will be 8 m²; the proposed second storey front balcony will be 8.5 m².</p>	<p>Yes</p>

Provision	Requirements for low-rise apartment use, maximum 8 units	Development proposal	Compliance
Exterior Stairs Section 161 (15) m)	Exit stairs providing required egress under the Building Code may project a maximum of 2.2 m into the require rear yard. <i>(Required rear yard is 9.078 m)</i>	The rear stairs are proposed to project 0.73 m into the required minimum rear yard setback.	Yes
Section 161 (16)	In the case of a low-rise apartment dwelling in the R4-UD zone a) No motor vehicle parking is permitted on a lot less than 450 m ² in area	One existing space to be removed; zero parking proposed.	Yes
Table 65 – Permitted Projections into Required Yards (5) Fire escapes, open stairways, stoop, landing, steps, and ramps	i) where at or below the floor level of the first floor: ii) in the case of the front yard or corner side yard: no closer than 0.6 m to a lot line, and	Existing and proposed first storey landing and stairs 0.4 m setback from the front lot line.	Yes (existing non-complying per Zoning Section 3(2))
(6) Permitted Projections into Required Yards Covered or uncovered balcony, porch, deck, platform, and verandah with a maximum of two enclosed sides, excluding those covered canopies and awnings	c) In all other cases: 2 m, but no closer than 1 m from any lot line.	More than 1 m from front lot line.	Yes (existing non-complying per Zoning Section 3(2))
Waste Management Section 143 (1)	In any R1, R2, R3 or R4 zone, any building exceeding 400 square metres in total floor area must provide the following: a) Include a path for the movement of garbage containers between a garbage storage area and the street line or travelled public lane, and such path must be: i. not less than 1.2 metres in width; ii. unobstructed by any projection or accessory structure to a height of 1.5 metres above the path surface; iii. uninterrupted by any window well, depression or grade change that would impede the movement of a wheeled garbage container; iv. for that part of the path located outside a building, paved or finished with hard landscaping and may be on a driveway or walkway; and (By-law 2019-410)	Garbage container storage is proposed at the front of the building.	Yes

Provision	Requirements for low-rise apartment use, maximum 8 units	Development proposal	Compliance
	v. notwithstanding the above, a service vent or utility may encroach no more than 0.30 metres into the above path.		
Amenity Space Section 138 (1)	N/A	The property is within Area A of map S321; the R4-UD zone is exempt.	Yes

Section 161(16)(a) of the City of the Zoning By-law prohibits motor vehicle parking on properties with a lot area of less than 450m², specifically related to stacked dwelling and low-rise apartment uses within the R4-UA, R4-UB, R4-UC, and R4-UD zones. The subject property measures 373.4 m² and is within the R4-UD zone. Table 2, below, outlines the applicable parking requirements for the low-rise apartment use.

Table 2: Parking requirements and compliance of development proposal.

Provision	Required	Development proposal	Compliance
Vehicle Parking Requirements	0.5 spaces / unit for each unit in excess of 12. <i>(0 spaces required)</i>	1 existing resident parking space to be removed; zero parking proposed.	Yes
Visitor Parking	0.1 per dwelling unit, less the first 12 units <i>(0 spaces required)</i>	0 existing visitor parking spaces; 0 visitor parking proposed.	Yes
Bicycle Parking	0.5 spaces per dwelling unit <i>(6 units x 0.5 = 3 bicycle spaces)</i>	0 existing bike parking spaces; 4 proposed.	Yes

3.4.5 Minor Variance Requests

The following outlines the requests included in this application for Minor Variances for the subject property:

- / Reduction to the 1.5 m interior yard setback requirement for low-rise apartments (0.16 m would be provided for the east interior yard setback and 1.07 m would be provided for the west interior yard setback; there would be no change to the existing building on these façades)
- / Reduction of the 40% minimum requirement for soft landscaping in the minimum required front yard area (11.2 % proposed)
- / Reduction to the 25% minimum front façade window requirement (14.6% would be provided; no change would occur to the existing fenestration)

The requests reflect the Owner's interest in conserving the character and integrity of the 110+ year old semidetached building while increasing the dwelling unit yield of the property. The increase would be from the existing three units to six total units.

4.0 Four Tests of the *Planning Act*

Section 45(1) of the *Planning Act* (“*the Act*”) (R.S.O. 1990, c. P.13) outlines four tests for determining the suitability of a proposed Minor Variance deviating from the local Zoning By-law. If all four tests are met, the Committee of Adjustment is authorized to approve a Minor Variance. The Minor Variances requested in this application seek to reduce setback, landscaping, and fenestration requirements so that the residential density of a century-old building can be increased without changing the general form or character of the building and layout of the property. The residential conversion from a semi-detached to a low-rise apartment use will result in a change in total dwelling units from the current three units to a proposed total of six units.

The evaluation criteria of *the Act* are explored as follows:

1) The variances are minor in nature.

The primary consideration of whether a Minor Variance should be granted is the evaluation of any anticipated adverse impacts on other properties, particularly those which are neighbouring. The Minor Variances requested are not anticipated to impact other properties. The footprint of the existing building and the exterior development envelope will remain the same, with some improvements made to elements including porches, balconies, and bicycle parking. Since no changes are proposed to fenestration, no new concerns regarding impacts to the privacy of neighbouring properties are anticipated. As a result, it is Fotenn’s opinion that the requested variances are minor in nature.

2) The variance maintains the general intent and purpose of the Zoning By-law.

The stated purpose of the R4UD-Residential Fourth Density Zone UD includes the following, amongst other factors:

- / Allow a wide mix of residential building forms ranging from detached to low-rise apartment dwellings, in some cases limited to four units, and in no case more than four storeys, in areas designated as General Urban Area in the Official Plan.
- / Regulate development in a manner that is compatible with existing land use patterns so that the mixed building form, residential character of a neighbourhood is maintained or enhanced.

It is Fotenn’s opinion that the Minor Variances requested maintain the general intent and purpose of the Zoning By-law and the R4UD zone given that they will accommodate a use that is already permitted within this zone. No significant changes to the exterior of the existing residential building will result. The general appearance of the building’s semi-detached structure and positioning and quantity of its fenestration will be retained on all façades, consistent with other development found along Arlington Avenue. Similarly, the requested reduction in the quantity of soft landscaping required will not result in any noticeable change to the grounds of the subject property. It is worth noting that the overhanging canopy of the two mature trees that are rooted in the boulevard area abutting the front of the property make a considerable contribution to the amount of vegetation enjoyed onsite by residents. These trees also contribute significantly to the streetscape and public realm of Arlington Avenue. No changes are proposed to these trees, nor the tree located in the rear yard.

3) The variance maintains the general intent and purpose of the Official Plan.

The high-level objectives of the Official Plan’s Neighbourhoods designation are to:

- / Define neighbourhoods and set the stage for their function and change over the life of the Official Plan.
- / Guide the evolution of neighbourhoods based on their context, location, age, maturity and needs, generally towards the model of 15-minute neighbourhoods.

/ Ensure that neighbourhoods form the cornerstone of liveability in Ottawa.

The requested Minor Variances to allow for the proposed remodeling and development plans to advance on the subject property are in conformity with the objectives of the Neighbourhoods designation in that they present a modest change that will result in residential densification appropriate for the context, location, age, maturity, and needs of the subject property and surrounding neighbourhood. The property is located in an area that can be described as a 15-minute neighbourhood, with many goods, services, amenities, and transit options located within less than a 15-minute walking radius, which support the daily needs of residents on Arlington Avenue.

For the same reasons, the proposed remodeling and development plans are additionally in conformity with the more specific objectives identified for the Centretown Neighbourhood stated in the Central and East Downtown Core Secondary Plan (CEDCSP), which include to:

- / Maintain and respect the character of Centretown's neighbourhoods
- / Accommodate residential growth
- / Accommodate a diverse population
- / Enhance the public realm
- / Promote design excellence

In its existing and maintained forms, the subject property will continue to make an important contribution to the Arlington Avenue public realm through its façade articulations and the mature trees located in the boulevard area abutting the front of the property. These elements will be retained and enhanced through the remodeling and development process, and the classic design excellence of the existing residential building will continue to make its century-old contribution to the local streetscape. The result of the remodeling work will be the addition of three units to the rental housing market, for a property total of six units, accomplishing residential growth and intensification in a manner that is sensitive to the surrounding neighbourhood context. The CEDCSP and Official Plan both identify low-rise residential development as an acceptable and compatible land use within the respectively applicable Local Neighbourhood and Neighbourhoods designations. It is therefore Fotenn's opinion that the requested variances will maintain the general intent of the City's Official Plan and the area's applicable Secondary Plan.

4) The variance is considered desirable for the appropriate development or use of the land, building, or structure.

It is Fotenn's opinion that the requested Minor Variances meet this test in that they will accommodate residential growth in a sustainable way through the remodeling of an existing housing resource. This approach to densification promotes sustainable (re)development while conserving the building's contribution to the heritage character of the neighbourhood and general urban fabric of the area.

5.0 Conclusion

Fotenn has completed a thorough review of the requested Minor Variances and believes that approval would be of sound planning practice given how the requests meet the four tests under Section 51 of the *Planning Act*. The proposed remodeling and development plans will allow for a gentle density increase to occur in an established neighbourhood that will contribute towards the City of Ottawa and the Province of Ontario's goals for increasing housing supply. In Fotenn's professional planning opinion, the retention and remodeling of a 110+ year old building to create new rental dwelling units reflects best practices for supporting land use efficiency and sustainable (re)development, and is in the best interest of the public.

Please contact the undersigned if you have any questions related to the contents of this application at beasley@fotenn.com or casagrande@fotenn.com.

Sincerely,



Erica Beasley, M.PL
Senior Planner



Brian Casagrande, MCIP RPP
Partner