

November 13, 2023

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

**RE: Application for Minor Variances  
79 Lyndale Avenue, Ottawa**

**Committee of Adjustment**  
Received | Reçu le  
**Revised | Modifié le : 2023-11-14**  
City of Ottawa | Ville d'Ottawa  
**Comité de dérogation**

Dear Mr. Bellemare,

Fotenn Planning + Design ("Fotenn") has been retained by Richcraft Highrise Rental Limited Partnership to submit an application for a Minor Variance on their behalf for the property known municipally as 79 Lyndale Avenue in the City of Ottawa ("the subject property"). The subject property is legally described as Part of Lot 11, West Forward Avenue, Registered Plan 35, City of Ottawa.

The purpose of the Minor Variance applications is to allow for the construction of a new single detached dwelling on a legal non-complying lot that currently accommodates a deteriorating single detached dwelling.

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

- / A cover letter explaining the nature of the applications;
- / The Minor Variance application form;
- / Topographic survey and,
- / Site Plan and Schematic Design Package.

Please contact the undersigned at [mcelligott@fotenn.com](mailto:mcelligott@fotenn.com) with any questions or requests for additional materials.

Sincerely,



Matthew McElligott, MCIP RPP  
Principal, Planning & Development

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**FOTENN**

## Application Overview & Surrounding Context

Fotenn Planning + Design (“Fotenn”) has been retained by Richcraft Highrise Rental Limited Partnership to prepare this cover letter in support of a Minor Variance application for the property known municipally as 79 Lyndale Avenue, in the City of Ottawa.

The purpose of the Minor Variance application is to recognize existing zone provisions of non-compliance and to allow for the construction of a single detached dwelling. The existing two-storey home, which currently encroaches onto the adjacent city-owned laneway, is beyond repair and no longer contributes to the street and wider neighbourhood. The owner intends to reinvest and rejuvenate the property with a modern single detached home that will significantly improve the streetscape along this section of Lyndale Avenue.



Figure 1: Rendering of the proposed detached dwelling, laneway and recently constructed high-rise building (The Collective)

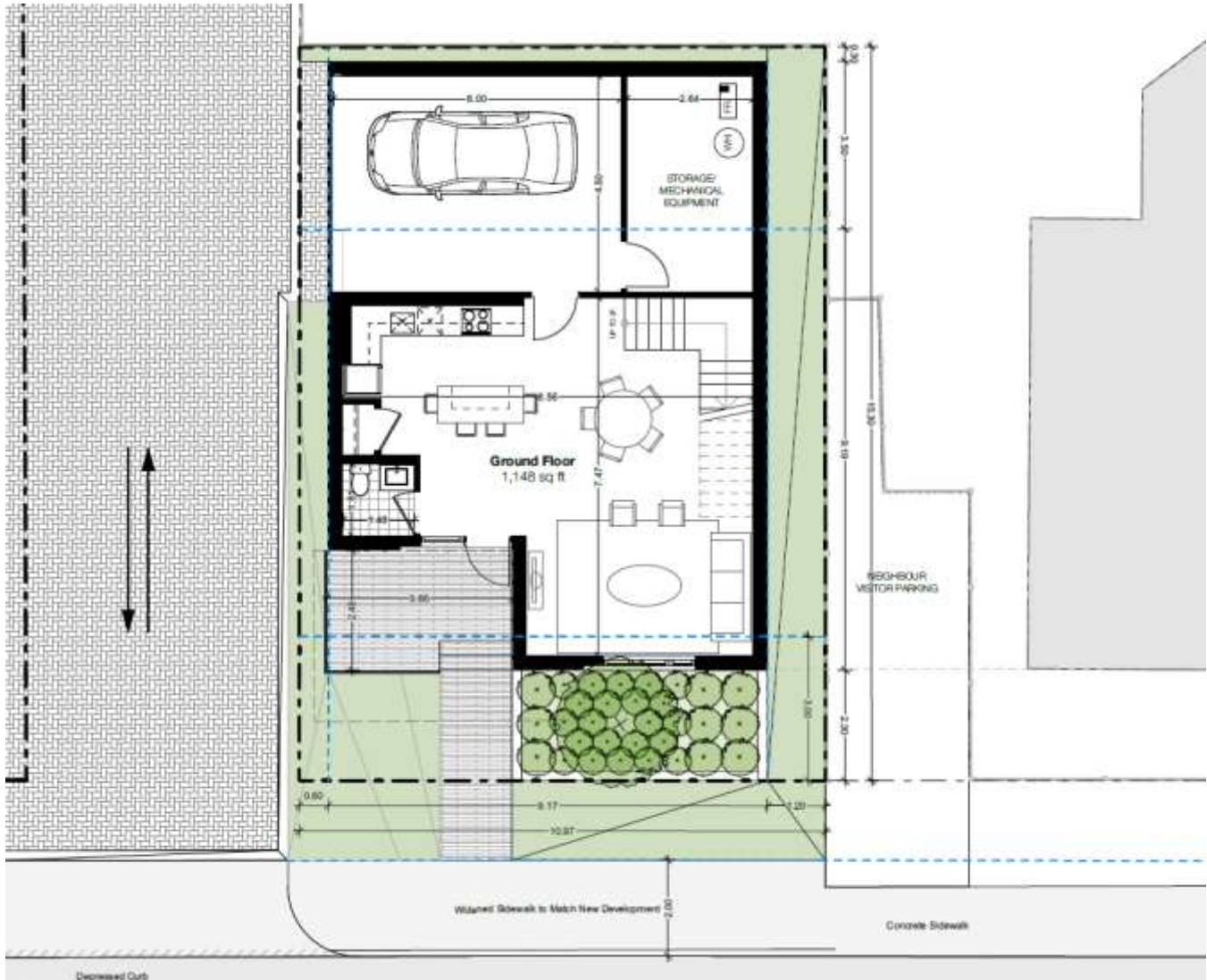


Figure 2: Site Plan snapshot of the subject property and abutting laneway showing the proposed single family dwelling.

## 1.1 Overview of Subject Property

The subject property, which is legally described as Part of Lot 11, West Forward Avenue, Registered Plan 35, City of Ottawa, has a lot frontage of 10.97m along Lyndale Avenue and a lot depth of 15.3m, resulting in a total area of 167.8 m<sup>2</sup>. The property is currently occupied by a two-storey residential building with parking along the eastern property line for two (2) vehicles. The existing building encroaches onto the public laneway along the western property line (0.24m) as well as the projecting front steps onto the public right-of-way (Lyndale Avenue). The existing dwelling is in disrepair and the entire property is hardscaped.



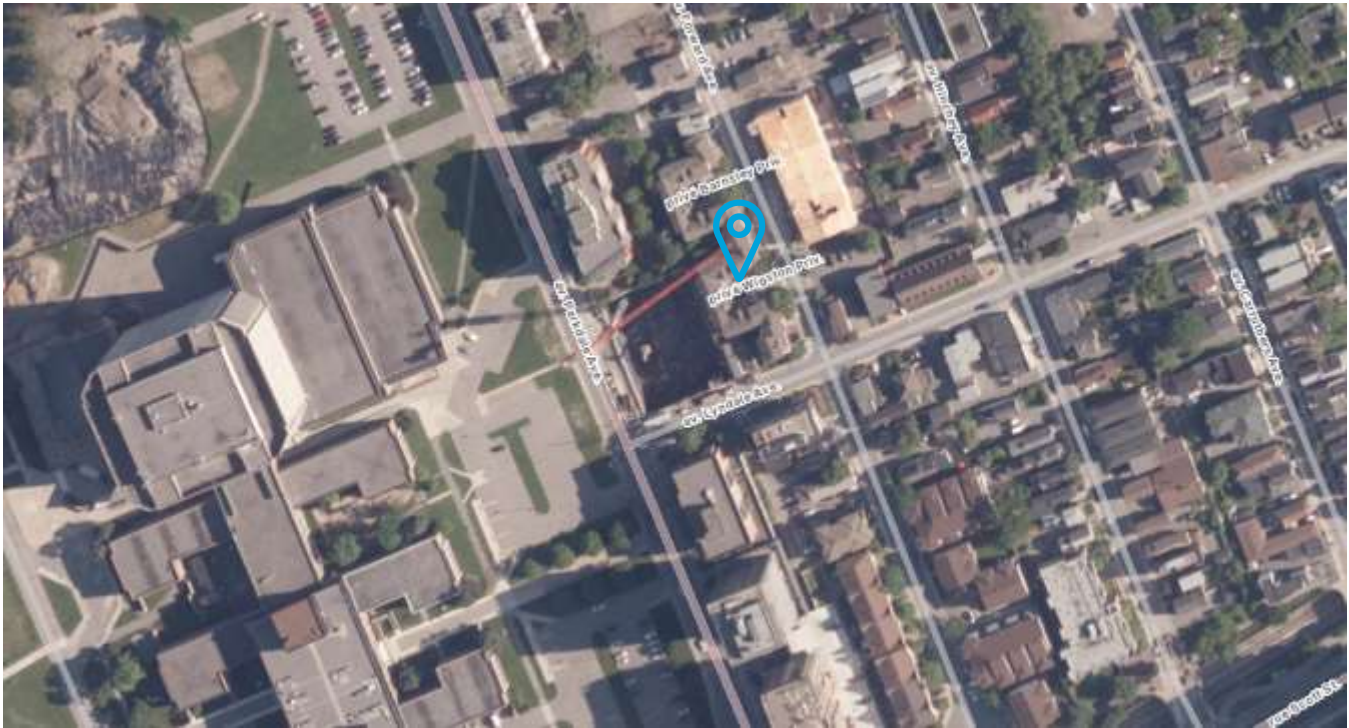


Figure 3: Surrounding context (subject property identified).



Figure 4: Streetview snapshot of the existing single detached dwelling and associated parking.

## 1.2 Surrounding Context

The subject property is located in the Mechanicsville neighbourhood in the City of Ottawa. The area surrounding the subject property can be characterized as having a range of land uses and built form. In addition to residential uses, land uses include the Tunney's Pasture federal employment complex, federal parklands along the Ottawa River and municipal parks. In terms of built form, the western edge of the neighbourhood, along Parkdale Avenue, includes a variety of mid and high-

rise developments, whereas the interior low-profile neighbourhood includes an eclectic mix of singles, duplexes, townhomes and low-rise apartments. The description of the surrounding context is as follows:

**North:** The area immediately to the north of the subject property is characterized by three-storey townhouse development (Parkdale Mews) and low-rise dwellings along Forward Avenue, whereas Parkdale Avenue accommodates a range of mid- and high-rise buildings. Further north is the Kichi Zibi Mikan Parkway abutting the Ottawa River.

**East:** Immediately east of the subject property is the three-storey townhouse development (Parkdale Mews) and other low-rise residential developments. Lyndale Avenue terminates at the newly constructed Laroche Park.

**South:** Immediately south and across the street from the subject property is a 7-storey residential apartment fronting onto Parkdale Avenue. Abutting this building to the south is the 16-storey SOHO Parkdale building. Further south and located on Scott Street is the Tunney's Pasture LRT Station (~600m) and the Wellington West Main Street.

**West:** There is an existing City-owned laneway abutting the subject property to the west. On the other side of the laneway is Richcraft's Parkdale Collective building which is nearly completed and soon to be occupied. Further west and across the Parkdale Avenue is the Tunney's Pasture federal government office complex, a large parcel that will be subject to a future mixed-use development.

## 2.0 Policy & Regulatory Framework

### 2.1 Provincial Policy Statement (2020)

The Provincial Planning Statement (PPS), which came into effect on May 1, 2020, is a policy document issued under the Planning Act which provides direction on matters of provincial interest related to land use planning and development. All municipal development policies, documents and decisions must be consistent with the PPS, read as a whole. 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".

There are several PPS policies applicable to the development of the lands, including:

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

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
- b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;

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

- a) efficiently use land and resources;
- b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;

- e) support active transportation;
- f) are transit-supportive.

1.1.3.3. Planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.

1.1.3.6. New development taking place in designated growth areas should occur adjacent to the existing built-up area and should have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities

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 of current and future residents of the regional market area by:

- b) permitting and facilitating:
  1. 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; and
  2. all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3 (above)

**The proposed Minor Variances are consistent with the applicable policies and direction of the PPS as it relates to managing and directing land use to achieve efficient land use patterns (1.1) and housing (1.4). The proposed Minor Variances on the subject property provides for a new family-oriented dwelling in an area that is well-serviced and located in proximity to transportation and other infrastructure and amenities.**

## 2.2 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.

### 2.2.1 Inner Urban Transect

Schedule A of the Official Plan divides the City into six (6) concentric policy areas called Transects. Each Transect represents a different gradation in the type and evolution of built environment and planned function of the lands within it, from most urban (the Downtown Core) to least urban (Rural).

The subject property is located in the "Inner Urban Transect" of the Official Plan. The Inner Urban Transect includes the pre-World War II neighbourhoods that immediately surround the Downtown Core, and the earliest post-World War II areas directly adjacent to them and is therefore characterized by both urban and suburban elements. The New Official Plan provides guidance for how the existing character of these neighbourhoods should be complemented while allowing for the development of walkable, service-rich, 15-Minute Neighbourhoods.



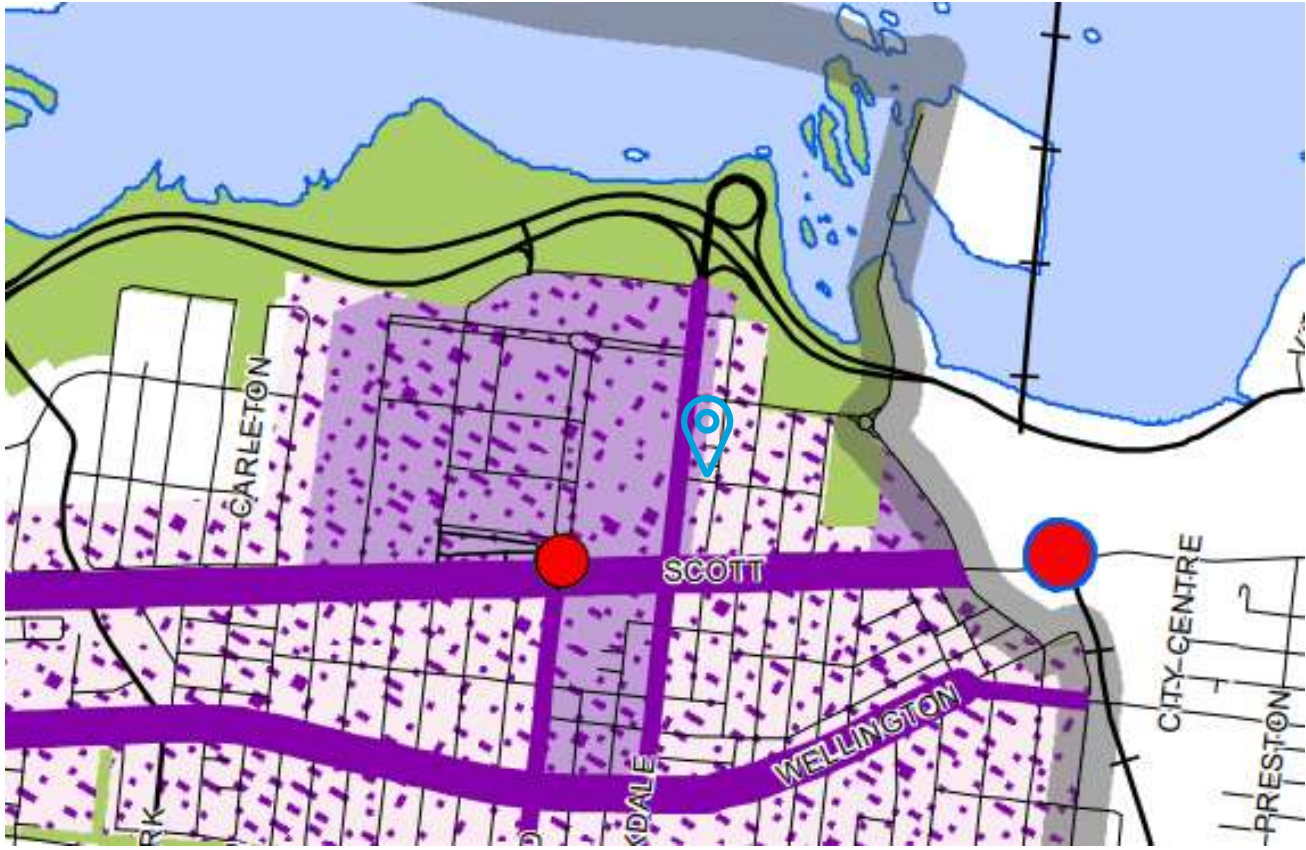


Figure 5: Schedule B2 - Inner Urban Transect (subject property identified).

### 2.2.2 Neighbourhood Designation

The subject property is designated “Neighbourhood” in Schedule B2 of the Official Plan (**Error! Reference source not found.**). The Neighbourhood designation represents the core of the communities found in the urban and suburban areas of the City. The stage of evolution varies across neighbourhoods around the city, and the policies of the Official Plan recognize this, and help to guide development towards the desired 15-minute neighbourhood pattern of development.

The Neighbourhood policies of Section 6.3 require the Zoning By-law to permit a range of residential built form, but primarily low-rise housing options. The policies also allow for outdoor amenity areas to be ‘limited to balconies, terraces and/or rooftops’ in order to achieve growth management targets.

**The Neighbourhood policies of the Official Plan support the development proposal.**

### 2.2.3 Housing

Section 4.2 (Housing) of the Official Plan seeks to enable greater flexibility and an adequate supply and diversity of housing options throughout the city, including private ownership and rental. Policies of this section promote ‘a diverse range of flexible and context-sensitive housing options in all areas of the city’ through the Zoning By-law, with an emphasis on ‘promoting diversity in unit sizes, densities and tenure options within neighbourhoods including diversity in bedroom count availability’ (4.2.1.b).

**The Housing policies of the Official Plan support the construction of a three-bedroom rental dwelling on the property within the context of this property.**

## 2.2.4 Urban Design

Urban Design plays an important role in supporting the City's objectives, including building healthy 15-minute neighbourhoods. Section 4.6 of the Official Plan enables the sensitive integration of new development for low-rise residential in order to meet the City's planning objectives. New development should generally be located to frame the street and provide for an appropriate setback within the street context. Further, new development should minimize conflicts between vehicles and pedestrians and improve the attractiveness of the public realm and surface parking must be visually screened from the public realm (4.5.5.2).



Figure 6: Rendered view of the proposed detached dwelling and improved public realm





Figure 7: Rendered view of the proposed detached dwelling and improved public realm

**Overall, the design of the single detached dwelling achieves many of the stated Official Plan urban design objectives, including framing of the street, the provision of a context appropriate front yard setback as well as providing vehicular parking in a garage that's accessed from the public laneway.**

### **2.2.5 Right-of-way**

It should be highlighted that the existing detached dwelling encroaches onto the abutting laneway to the west by approximately 0.24m. Further, the existing front steps on Lyndale Avenue also encroaches (0.66m) on the public Right-of-Way. By demolishing the existing dwelling and constructing a new dwelling that respects property lines, the proposal meets the policies of Section 4.1.7 (Protect and Invest in right of way). As a consequence of this development, the City will be able to reclaim their right-of-way on both the laneway and Lyndale Avenue.



Figure 8: Rendered view of the public laneway looking south towards Lyndale Avenue

**The City of Ottawa’s Official Plan outlines the general strategies for growth and development across the region, detailing specific policies for both urban and rural areas. The Plan highlights key features related to residential development within the Inner Urban Transect and the role of the Neighbourhood designation in accommodating a range of built forms uses in pursuit of the 15-minute neighbourhood goals established through this Plan. This review examined the policies as they apply to the proposed Minor Variance application on the subject property. The policies of the Official Plan were shown to be supportive of the development proposal for a single detached dwelling.**

### 2.3 Scott Street Secondary Plan

The Scott Street Secondary Plan was created to guide development of the Scott Street area, translating key aspects of the CDP into statutory policy. The purpose of this secondary plan is to direct greater intensification to certain areas while maintaining the low-rise character in other areas. The introduction of the Neighbourhood Line indicated on the schedules of the secondary plan provides the clear distinction between these low-rise areas of communities and the other areas within the secondary plan that are anticipated to undergo significant change.



Figure 9: Schedule A (Designation Plan) Scott Street Secondary Plan

As illustrated on the Scott Street Secondary Plan Designation Plan, the subject property is located within the Low-rise Neighbourhood land use designation and is immediately adjacent the Neighbourhood Line. Per the policies of the Plan, the neighbourhood line and land use designation identify the subject property for low-rise built form, and anticipates very little change outside of small-scale infill and intensification. Maximum building heights are capped at four (4) storeys.

**Overall, the development proposal meets the policy direction of the Secondary Plan as it allows for thoughtful infill and intensification of residential uses in an area identified for low-rise built form.**

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

The subject property is zoned Residential Fourth Density, SubZone UD (R4UD). The purpose of the R4 zone is to allow for a wide mix of residential building forms ranging from detached to low-rise apartment dwellings. The following table identifies the zoning 'requirements' for single detached dwellings, the 'existing' conditions as well as the 'proposed' development.

79 Lyndale – R4UD – detached dwelling

ZONE PROVISION	REQUIREMENT	EXISTING (see attached TOPO survey)	PROPOSED
Minimum lot width	7.5	10.97m	10.97m
Minimum lot area	225m <sup>2</sup>	167.8m <sup>2</sup>	167.8m <sup>2</sup>

Maximum building height	11m	2-storey	9.5m
Minimum front yard setback	4.5	1.53m	2.3m
Minimum corner side yard setback	4.5	N/A	N/A
Minimum rear yard setback	Varies; endnote 4  Table 144A: Lot depth with 23.5m or less = 25% of the lot depth  15.3m x 0.25 = 3.82m	0.23m	0.3m or 7.8%
Rear yard area	Section 144 (3)  25% of lot area  167.8m x 0.25 = 42m <sup>2</sup>	2.52m <sup>2</sup>	3.3m <sup>2</sup> or 7.8%
Minimum interior side yard setback	1.2/0.6m	0.35m/0.0m	1.2m/0.6m
Endnote 4	Where located within Schedule 342, see Part V, Section 144 – Alternative Yard Setbacks for Low-rise Residential Uses in the Greenbelt for the minimum required rear yard setback	See above	See above
Endnote 11	Maximum lot width in the R4-UA, R4-UB and R4-UC zones is 38 metres	N/A	N/A

It should be noted that the current property and building is legal non-complying (shown in red under 'Existing' column); meaning it does not meet the zoning requirements of the R4UD Zone, most notably for lot area and rear yard. This cover letter has appended a Topographic Survey for the existing dwelling for information purposes.

The 'Proposed' column identifies the existing legal non-complying provisions and minor variances (also shown in red) we seek to establish through the application to the Committee.



## 3.0 Four Tests of the Planning Act

Section 45 (1) of the Planning Act (R.S.O. 1990, c. P.13) outlines the “four tests” for determining the suitability of a proposed Minor Variance. If all four tests are met, the Committee of Adjustment is authorized to grant a variance.

As indicated in the Table of the previous section, there are four (4) variances being sought through this application to the Committee of Adjustment. They are:

- / To permit a reduction in lot area for detached dwelling of 167.8m<sup>2</sup>, whereas Section 162 of By-law 2008-250 requires a minimum lot area of 225m<sup>2</sup>;
- / To permit a reduction in the front yard setback for a detached dwelling of 2.3m, whereas Section 162 of By-law 2008-250 requires a minimum front yard setback of 4.5m;
- / To permit a reduction in the rear yard setback for a detached dwelling of 0.3m, whereas Section 162 of By-law 2008-250 requires a minimum rear yard setback of 3.82m;
- / To permit a reduction in the rear yard area for a detached dwelling of 3.3m<sup>2</sup>, whereas Section 162 of By-law 2008-250 requires a minimum rear yard area of 42m<sup>2</sup>.

The evaluation criteria are explored below:

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

The Official Plan designates the subject property as Neighbourhood in the Inner Urban Transect, which seeks to respect the existing character of its context, while supporting a range of residential built forms within the context of a 15-minute neighbourhood. The proposal also advances several other Official Plan directives, namely policies related to housing, urban design and the protection of right-of-ways. The subject property is located within the planning area of the Scott Street Secondary Plan and meets the policies of the low-rise neighbourhood designation.

**Overall, the proposed residential use on the subject property align with the priorities set through the applicable land use designation and transect policies, maintaining the general intent and purpose of the City of Ottawa Official Plan and the Scott Street Secondary Plan.**

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

In light of the existing dwelling and conditions of the subject property, the proposed variances maintain the general intent and purpose of the Zoning By-law. Through this application, we are seeking to establish the legal non-complying lot area, as it is an existing lot of record on a lot zoned for a range or residential built forms.

The variances relating to the rear yard setback and rear yard area and can be evaluated and considered together as the requirement requires a percentage (25%) for both lot depth and area. While the current building enjoys a legal non-complying right to the rear yard setback (0.23m) and area (2.52m<sup>2</sup>), the proposal would slightly improve upon this condition by increasing the rear yard setback (0.3m) and area (3.3m<sup>2</sup>). Due to the size and dimensions of the existing lot, these variances are intended to formalize the existing legal non-complying in order to reconstruct a modern dwelling where it already exists in proximity to the rear lot line.

One of the intended purposes of rear yard setbacks and rear yard area is to provide for appropriate amount of outdoor amenity area and while the proposal does not include any outdoor amenity area at grade within the rear yard, the second and third floor of the dwelling proposes more than 60m<sup>2</sup> of outdoor space, exceeding the rear yard area requirement. Concerns related to overlook and privacy will be mitigated through existing fencing as well as additional landscape measures, including trellises and planters where appropriate.



Figure 10: Rendered view of the proposed detached dwelling and outdoor amenity area on the second floor

The variance to allow for a reduced front yard setback from 4.5m to 2.3m also maintains the general intent of the Zoning By-law. 79 Lyndale is uniquely located between a high-rise residential building that fronts onto Parkdale Avenue and townhomes that front onto Forward Avenue (Parkdale Mews). These abutting corner side yards have a similar setback from Lyndale Avenue, thereby creating a harmonious streetscape along this short section of Lyndale Avenue. Moreover, the proposed 2.3m front yard setback matches the existing corner yard setback of the dwelling at 170 Forward Avenue, as illustrated below.

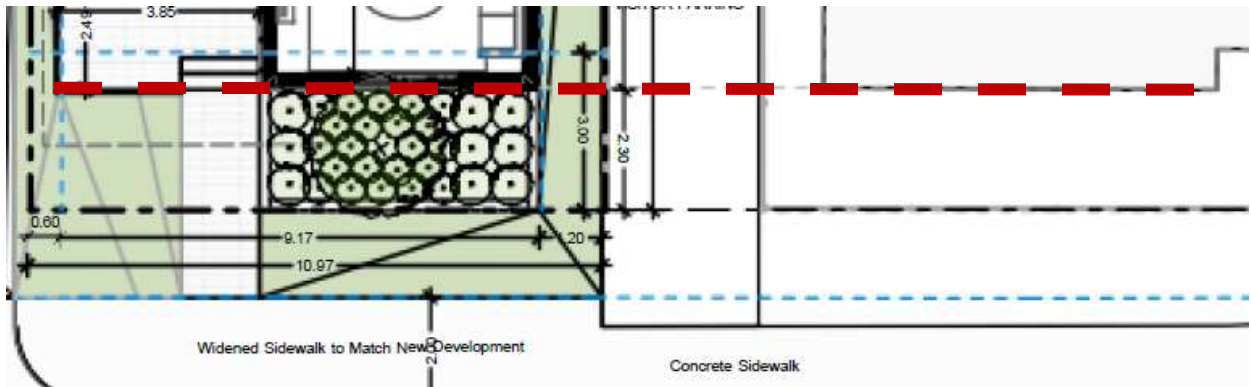


Figure 11: Proposed front yard setback matching the neighbouring setback from Lyndale Avenue (red dash line)

Section 123 of the comprehensive Zoning By-law allows for reductions to the front yard setback in residential zones, with the intent to create a consistent streetscape treatment. As proposed, the reduced front yard setback will effectively frame the street, thereby providing a desired and legible cadence and rhythm for the street. It should also be noted that buildings on the south side of Lyndale also have a similar setback, albeit these are approximately 1 to 1.5m from the right-of-way, or closer to the street.

**As discussed above, the minor variances meet the general intent of the Zoning By-law.**

**3) The variances are minor in nature.**

The requested minor variance related to lot area would formally recognize the existing legal non-complying lot of record. With the exception of a duplex dwelling, a minor variance request for any other building type (townhouse, three-unit, low-rise apartment, etc.) would require a greater variance to the by-law. Thus, replacing a single detached dwelling with another single detached is appropriate for the use of these lands.

The requested variance related to rear yard setback and area as well as the front yard setback are also minor in nature given the existing conditions. In fact, the proposal would improve upon the existing conditions by slightly increasing the existing rear yard setback and area, while also increasing the front yard setback from 1.53m to 2.3m. It should also be highlighted that the proposal does not seek any variances related to projecting front stairs, nor require any encroachment agreements with the city as it relates to their right-of-way.

Lastly, whereas the current interior side yards do not meet the zoning standards, the development proposal would meet the yard requirements of 0.6m and 1.2m.

**In consideration of the existing dwelling and on-site conditions, including the zoning provisions of non-compliance, it is Fotenn's opinion that the variances are minor in nature.**

**4) The variance is considered desirable for the development and use of the property.**

The proposal to replace an existing derelict house with a modern detached dwelling is appropriate and suitable for the use of the property as the property is zoned to accommodate residential land uses. The current detached dwelling encroaches onto the public laneway, while the front steps encroach onto the public right-of-way (Lyndale Avenue). Through reconstruction of the proposed development, the city will be able to reclaim and re-establish the public laneway for continued use. Simultaneously, there will be significant improvements to the streetscape along Lyndale Avenue by removing the projecting front steps and increasing the front yard setback to allow for new opportunities for landscaping between the right-of-way and the front façade of the detached dwelling. In addition to providing soft landscaping in the front yard, the interior side yards will also be reinstated as landscaping, allowing additional permeability.

By proposing vehicular parking to be accessed by a garage accessed from the laneway, the city meets other important objectives: concealing parking from public view; removal of a paved driveway for two vehicles; strengthening the streetscape with a building facade; and, allowing for more passive surveillance ('eyes on the street') to Lyndale Avenue.

Lastly, it is worthy of noting the project team has reached out to the Councillor's office, the Mechanicsville Community Association and neighbouring property owner groups (CCOC, Parkdale Mews) to review the design and proposal. The ensuing discussions were very positive, yielding general support for the design and proposal.

**Overall, the minor variances are considered desirable for the development and use of the property.**

## 4.0 Conclusion

In our professional opinion, the Minor Variance application represents good planning and meets the applicable evaluation criteria established in Sections 45 of the Planning Act. The application therefore upholds sound land use planning principles and is in the public interest.

Please contact the undersigned at [mcelligott@fotenn.com](mailto:mcelligott@fotenn.com) with any questions or requests for additional material.

Sincerely,

A handwritten signature in black ink, appearing to read "Matt McElligott". The signature is stylized and cursive.

Matthew McElligott, MCIP RPP  
Principal, Planning & Development



Appendix A – Topographic Survey of existing dwelling

