

City of Ottawa Committee of Adjustment  
101 CentrepoinTE Drive, 4<sup>th</sup> Floor  
Ottawa, On, K2G 5K7

September 25th, 2023

Attn: Mr Michel Bellemare  
Secretary Treasurer

Re: 2847 Riverside Dr. (Minor Variance)  
Invest Rite Corp c/o Ahmed Ibrahim  
Part of Lot 44, Registered Plan 66, City of Ottawa

**Committee of Adjustment**  
Received | Reçu le

2023-09-27

City of Ottawa | Ville d'Ottawa  
**Comité de dérogation**

On behalf of our clients, we are submitting the following Minor Variance application for the property at 2847 Riverside Dr. The application is to permit the construction of a pharmacy and clinic in the same location of the existing structure on the site. The property is zoned GM1 F(1.0) - General Mixed-use, subzone 1 in the Outer Urban transect and is designated as a Neighbourhood in the Evolving Neighbourhood Overlay. Additionally, Riverside Dr. is classified as a minor corridor on Schedule B3 of the Official Plan.

The property at 2847 Riverside was subject to a fire in August 2021 which damaged the structural integrity of the building requiring its demolition before the building can be deemed functional. Our client currently operates a Pharmasave with a small staff at 739 Ridgewood Ave. which has been purchased by Brigil and is slated for redevelopment. Our client purchased this new lot with the intention of constructing a new facility for himself once he learned he will be evicted from his current place of business by January 31st due to Brigil's plans for redevelopment.

The variances we are seeking in order to permit this development are as follows:

- A) To permit a reduced interior side yard setback abutting a residential zone of 3.39 m, whereas the Zoning By-Law requires a minimum setback of 5 m for an interior side yard abutting a residential zone. (Table 187, (d) (i), Zoning By-Law 2008-250, as amended).
- B) To permit a reduced landscape buffer along a residential zone of 0 m with a 1.4 m high opaque fence, whereas the Zoning By-Law requires a minimum landscape buffer of 1 m abutting a residential zone when a 1.4 m high opaque fence is provided. (Section 188, (7) (b), Zoning By-Law 2008-250, as amended).

All other zoning provisions are met including: parking; front, north side, and rear yard setbacks; parking lot landscaping; building height; and waste requirements. For the purposes of cost and time savings, the plan for construction includes using the existing foundation and proposing a rear and second storey addition, and using the existing site access. The location of the existing foundation does not conform to the current Zoning By-Law provisions and due to the proposed changes in footprint and elevations, the proposed development does not enjoy legal non-conforming rights. It should be noted that if the pharmacy and clinic were to be completely contained within the footprint and roofline of the existing structure then the side yard setback variance would not be required.



Image of the **subject property** showing the side and use of adjacent properties. North of the site is zoned General Mixed-use, south is zoned Residential Fifth Density, across Riverside Dr. is zoned Community Leisure Facility.

The subject property is bordered on two sides by another General Mixed-use zoned lot which features a building housing the Canadian Labour Congress and the Canadian Federation of Nurses Union. There are no setback requirements for the proposed development from these lot lines. The subject site only abuts a residential zoned

property to the south along the side lot line. The abutting residential property features a generous landscape buffer and a double lane driveway that accesses St. Patrick's Home, an assisted living facility.

The client aims to keep his new practice as close to his current location as possible to maintain a consistent presence in the community. Many of his current clients live in the neighbourhood to the southeast known as Riverside Park, as well as the residents of the St. Patrick's home. Our client's business will also help serve the residents in the new community being built by Brigil at 739 Ridgewood Ave. The variances requested will allow our client to construct a modest pharmacy and medical clinic and remove a run-down and nonfunctional building from the streetscape of Riverside Dr.



**Image showing the existing front yard conditions of the subject property and the redundant private approach to be closed.**



**Image of the front facade of the existing building to be removed which was damaged by a fire in August 2021.**



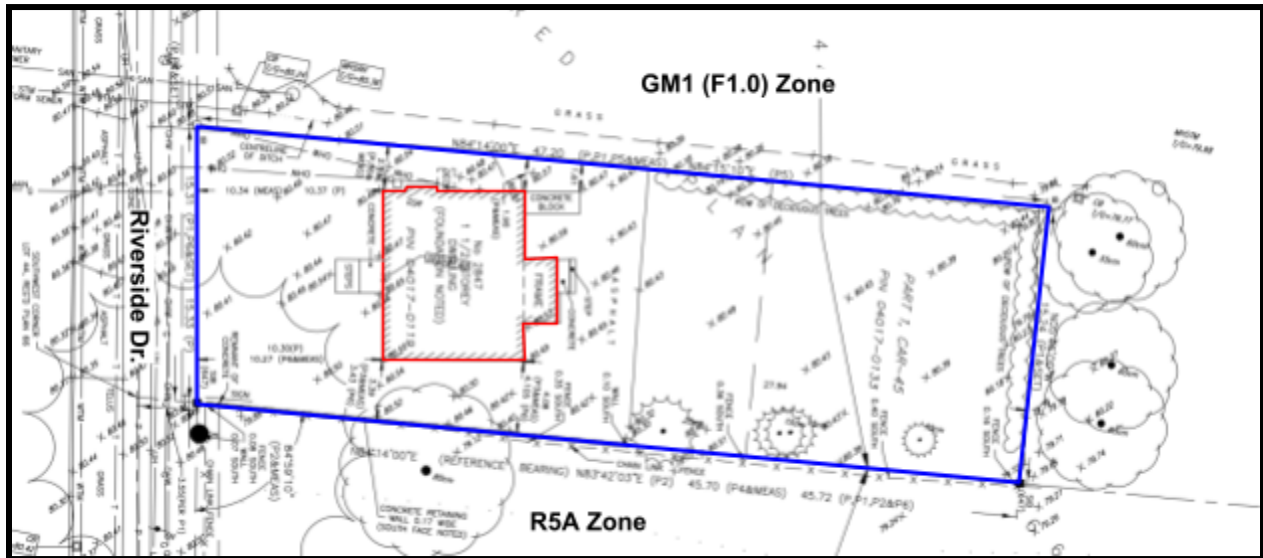
**Image showing the existing south interior side yard conditions of the subject property and the existing driveway whose location is to be maintained.**



**Image showing the northern side lot line conditions looking east towards the rear of the property.**

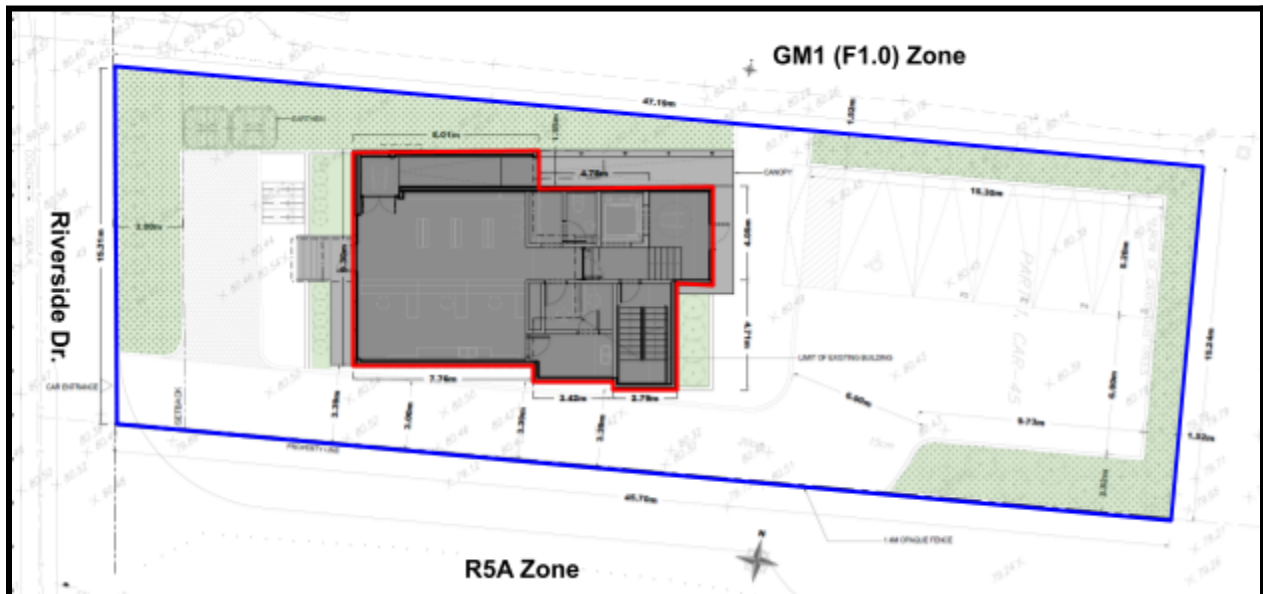


**Image showing the southeastern corner of the lot with the existing vegetation buffer, the majority of which will remain.**



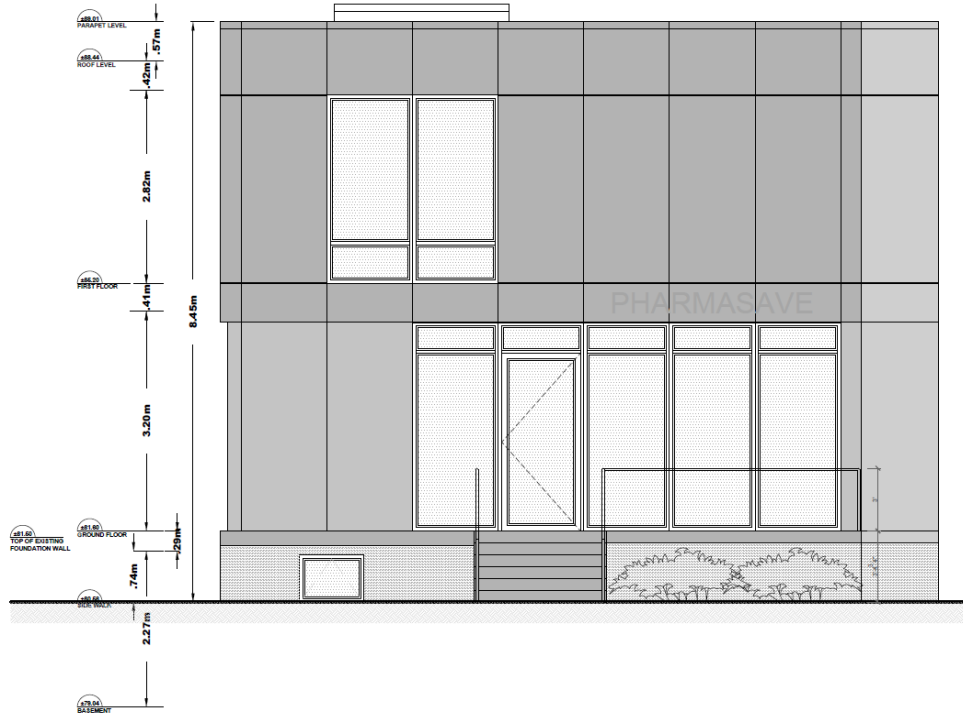
Survey plan showing the **subject property** and outline of the **existing building**.

The property has a frontage of 15.31 m and an area of 707.8 m<sup>2</sup>. The lot is significantly smaller than the surrounding properties, but has sufficient space to accommodate the proposed use and the associated parking and waste areas. The existing building has a footprint of 79.28 m<sup>2</sup> and the proposed building would have a total footprint of 152.13 m<sup>2</sup>, this represents an increase in building footprint by 72.85 m<sup>2</sup>. The extra space included in the proposed development allows for proper barrier-free entry into the building and a barrier-free path of travel to the second storey clinic space.



Site Plan showing the proposed **building** and **landscaping area**.

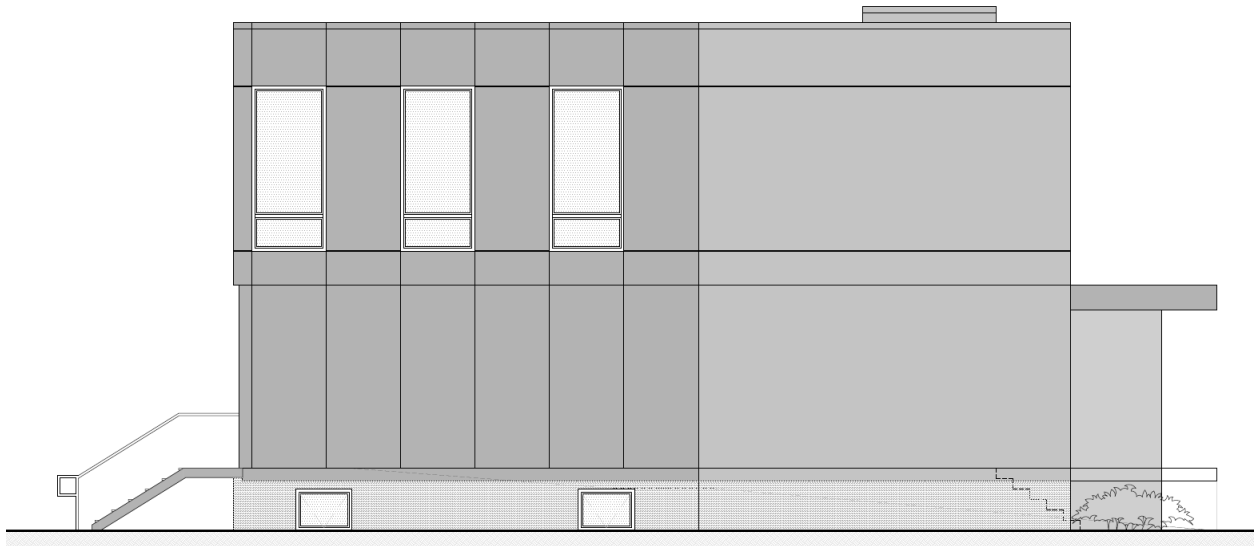




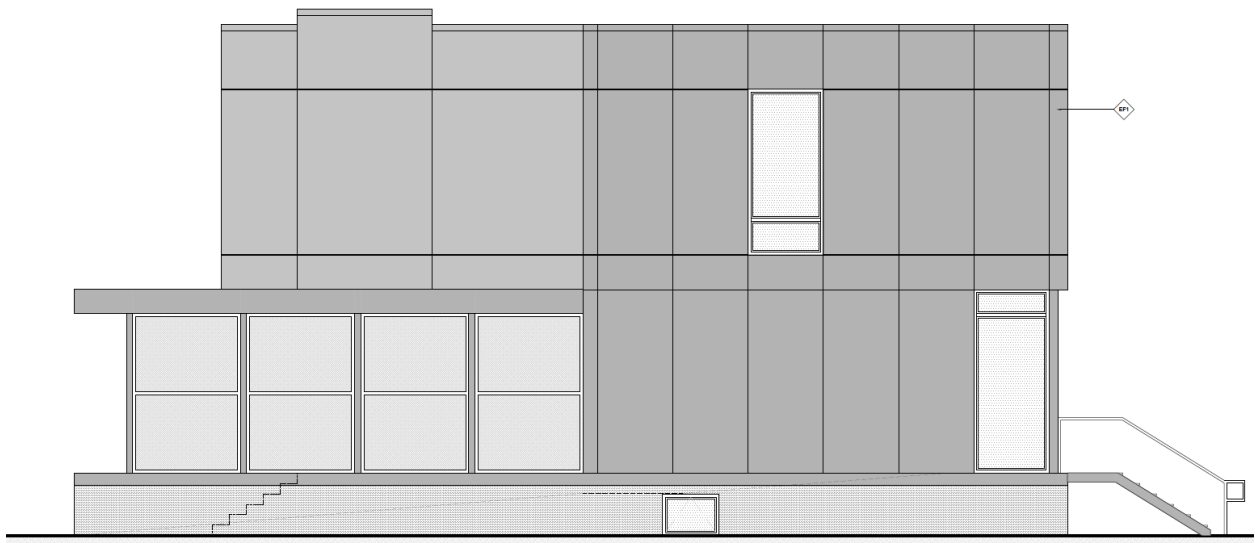
**West elevation (front).**



**East elevation (rear).**



**South elevation (facing R5A zone).**



**North elevation (facing GM1 zone).**

The proposed building design will be a significant upgrade compared to the current site conditions. The Riverside Dr. frontage features the main entrance to the pharmacy accessed by a set of stairs and a barrier-free ramp that connects to the rear yard parking area. The eastern facade (rear) features one of the barrier-free entrances to the building. The doors shown on the elevation lead to the interior lift system that accesses the clinic on the second storey. The southern facade facing the residential zone is 3.39

m from the lot line and features two small basement windows and three windows on the second story for the clinic. There will be no conflict with the residential uses of the neighbouring property as we have a 3 m wide driveway, a 1.4 m high opaque fence, and no windows on the ground floor on that facade. The northern facade facing the GM1 zone property features the covered barrier-free ramp and a 1.14 m side yard setback.

Section 45 (1) of the Planning act states: 'The Committee of Adjustment, upon the application of the owner of any land, building or structure affected by any by-law that is passed under section 34 or 38, or a predecessor of such sections, or any person authorised in writing by the owner, may, despite any other Act, authorise such minor variance from the provisions of the by-law, in respect of the land, building or structure or the use thereof, as in its opinion is desirable for the appropriate development or use of the land, building or structure, if in the opinion of the committee the general intent and purpose of the by-law and of the official plan, if any, are maintained.'

Therefore, the four tests of a Minor Variance application from Section 45 (1) of the Planning Act are that the variance is minor in nature, the proposal is desirable for the appropriate development or use of the land, and that the proposal meets the general intent and purpose of the By-Law and Official Plan.

#### **1. The variances are minor in nature.**

The requested variance for the interior side yard setback represents a reduction of 1.61 m from the required 5 m. The existing southern side yard setback is non-compliant and because the proposal will be using the same foundation as the existing building, we cannot correct the non-compliance. Despite the reduced side yard setback, there is sufficient space for the 1.4m high opaque fence and a 3 m driveway that allows vehicles to pass from the site entrance to the parking area in the rear. The reduced side yard setback is not being exaggerated from the current conditions and will not negatively impact the abutting residentially zoned lands. This is because the abutting residential lot has a vegetated buffer and a double wide driveway accessing the St. Patrick's Home parking lot.

The requested variance for the reduced landscaping buffer is due to the limited width of the site and its relationship to the existing driveway and building foundation. We are not proposing to widen the existing driveway which could have eliminated potential space for a landscape buffer, instead we are proposing to keep the location of the existing driveway where no landscape buffer currently exists. The proposal includes the required landscape buffering along the front lot line which abuts the sidewalk along Riverside Dr. and the required landscape buffering for the parking lot. The property to the south features a generous landscape buffer and double wide driveway on the south side of

the property line which provides a visual buffer from the subject property. We are aware that we cannot rely on the neighbouring properties to provide a landscape buffer on our behalf but we are not aware of any changes proposed on the neighbouring site that would create unfavourable conditions along this lot line. Additionally, the portion of the property east of the proposed development includes a 1.82 m wide landscaped buffer for a span of about 9.73 m. This will buffer the proposed parking area from the residential lot.

## **2. The proposal is desirable for the appropriate development or use of the land.**

The site is currently unusable and so any improvement to the site should be welcomed. We are proposing a community-based land use that will provide essential amenities, such as a pharmacy and a medical clinic, to the surrounding community. Riverside Dr. is classified as an Arterial Mainstreet as per Schedule C4 in the City of Ottawa Official Plan and therefore the Design Guidelines for Development along Arterial Mainstreets apply.

Below are excerpts and **responses** from the Design Guidelines for Development along Arterial Mainstreets:

Guideline 2. Provide or restore a 2.0 metre wide unobstructed concrete sidewalk. Locate the sidewalk to match the approved streetscape design plans for the area. In addition, provide a 2.0 to 4.0 metre wide planted boulevard and a 1.0 to 3.0 metre landscape area in the right-of-way. **The proposal includes a 2m wide sidewalk and a 3 m soft landscaping buffer between the property line and the paved area. We will also be increasing the amount of sod in the ROW as we are removing a redundant site access from the north portion of the property.**

Guideline 7. Design new development to be compatible with the general physical character of adjacent neighbourhoods. Protect the positive elements of the existing fabric including significant buildings, existing trees, pedestrian routes, public facilities and pedestrian amenities. **The building being removed is not considered significant to the community or the streetscape. The new design will be compatible in function and design with the general character of the street. The linear features of the front facade, such as the panelling and the rear canopy, echo the design of the building at 2841 Riverside Dr.**

Guideline 13. Ensure that buildings occupy the majority of the lot frontage. If the site is on a corner, situate the building at the lot line with the entrance at the corner. **The lot frontage is only 15.31 m and the proposed building width is 9.3 m. This building width represents the majority of the lot frontage and still allows for a small side yard setback to the north and a single lane driveway to the south.**

Guideline 16. Design richly detailed buildings that create visual interest, a sense of identity and a human scale along the public street. **The proposed design brings the building into the modern era with clean lines and a compact site design. The total building height is 8.45 m and is setback 10.27 m from the front property line. Riverside Dr. is frequently used by pedestrians and this building is closer to the street compared to the neighbouring properties without being overbearing to pedestrians walking by.**

Guideline 17. Orient the front façade to face the public street and locate front doors to be visible, and directly accessible, from the public street. **The main doors for the pharmacy are located front and centre on the Riverside Dr. facade. The barrier-free ramp brings people from the rear parking area to the front doors to access the space. As shown on the elevations, the building entrances are clear and inviting.**

Guideline 27. Locate surface parking spaces at the side or rear of buildings. Provide only the minimum number of parking spaces required by the Zoning By-law. **The provided parking area is located in the rear yard and contains a total of five vehicular parking spaces which is the minimum required by the Zoning by-Law.**

### **3. The proposal meets the general intent and purpose of the Zoning By-Law.**

The purpose of the GM zone is to allow residential, commercial, institutional, and mixed-use developments in the urban area; limit commercial uses to individual occupancies or in groupings in well-defined areas so they do not negatively affect the traditional and arterial mainstreets; permit uses that are large and serve a broad area which may generate traffic, noise, or other impacts; and impose development standards that will ensure that the uses are compatible and complement surrounding uses.

The GM zone permits a retail store and a medical facility which encompass the pharmacy and the clinic as proposed. The GM1 subzone imposes additional requirements regarding the floor space index (FSI) and the landscaping.

The non-compliances in this proposal are limited to one side yard setback and a landscaping buffer which are both considered existing conditions. The interior side yard setback variance is for 3.39 m whereas the zoning requires 5 m where the subject

property abuts a residential zone. The side yard setback cannot be altered as the proposed development will be using the same foundation as the previous structure. The variance represents a reduction of 1.61 m or 32.2% of the required. It should be noted that the 3.39 m setback is not consistent as the southern facade jogs into the property so the proposal is not creating a constant building wall at 3.39 m from the property line.

In regards to the landscaping buffer variance, this is another existing condition. The driveway noted on the Site Plan is an existing condition and so we are maintaining the location of the existing single-lane driveway between the proposed building and the property line. Currently, there is no vegetation buffer and a chain link fence that does not offer any privacy to the abutting property. Our proposal is to add a 1.4 m opaque fence and create a 1.82 m wide landscape buffer between the parking area and the southern property line. This new landscape buffer and fencing will prevent lights from vehicles in the parking lot from shining onto the abutting property. Additionally, the land directly south of the subject property is softly landscaped and just south of that area is a double-lane driveway. We do not anticipate any conflicts between the properties as it relates to lighting or privacy since we are proposing the 1.4 m high opaque fence and the pharmacy and clinic will only be operational during regular business hours.

#### **4. The proposal meets the general intent and purpose of the Official Plan.**

The proposal is in the Outer Urban transect, designated as a Neighbourhood in an Evolving Neighbourhood Overlay. Riverside Dr. is also identified as a minor corridor as per Schedule B3.

The key policies from the Official Plan and **responses** are as follows:

Section 2.2.2 (5) Create conditions for small-business growth. Small and start-up businesses in a range of sectors, from retail to small-scale manufacturing, creative and cultural industries, consulting and people services, where they do not create incompatibilities or nuisances, need to be nurtured and supported through regulations that provide opportunities to use a variety of spaces in a way that minimises initial start-up costs and ongoing overhead. Commercial services are an important element for 15-minute neighbourhoods that provide residents, workers and tourists with their daily and weekly needs. **The proposal represents a small business mostly in a retail capacity that does not create incompatibilities or nuisances. The proposed uses represent daily amenities needed within 15-minute neighbourhoods that will be accessible for the surrounding communities. The subject site is approximately 100 m from a bus route on Riverside that is serviced by line 190 which travels between the St. Patrick's Home and the Hurdman station. Key stops on this route are Mooney's Bay, Billings Bridge, Riverside Hospital, and the Hurdman bus station.**

Section 4.6.5 (2) Development in Hubs and along Corridors shall respond to context, transect area and overlay policies. The development should generally be located to frame the adjacent street, park or greenspace, and should provide an appropriate setback within the street context, with clearly visible main entrances from public sidewalks. Visual impacts associated with above grade utilities should be mitigated. **The proposed building is adjacent to the street with parking in the back. There is an appropriate front yard setback that contains the required soft landscaping buffer, the required bike parking, and contains a clearly visible front entrance to the pharmacy.**

Section 4.6.5 (3) Development shall minimise conflict between vehicles and pedestrians and improve the attractiveness of the public realm by internalising all servicing, loading areas, mechanical equipment and utilities into the design of the building, and by accommodating space on the site for trees, where possible. Shared service areas, and accesses should be used to limit interruptions along sidewalks. Where underground parking is not viable, surface parking must be visually screened from the public realm. **With the goal of minimising conflict between pedestrians and vehicles, the development proposes to remove the second site access from the northern part of the site and only maintain the southern site access. This minimises the interaction between vehicles turning in and out of the site and pedestrians using the sidewalk. Mechanical equipment and utilities have been internalised and the parking is relegated to the rear yard screened from the public realm and neighbouring properties by a landscape buffer, fencing, and the building.**

Section 4.6.5 (4) Development shall demonstrate universal accessibility, in accordance with the City's Accessibility Design Standards. Designing universally accessible places ensures that the built environment addresses the needs of diverse users and provides a healthy, equitable and inclusive environment. **Accessible design has been considered for this development. The barrier-free parking space is located closest to the building where you have direct access to a barrier-free ramp to the pharmacy and an internal lift system that accesses the clinic on the second level.**

Section 5.3.3 (3) Along Mainstreets, permitted building heights are as follows, subject to appropriate height transitions, stepbacks and angular planes:

a) On sites that front on segments of streets whose right-of-way (after widening requirements have been exercised) is 30 metres or greater as identified in Schedule C16 for the planned street context, and where the parcel is of sufficient size to allow for a transition in built form massing, not less than 2 storeys and up to High-rise;

The proposal is on a portion of Riverside Dr. that has a protected ROW of 37.5m. The proposal is to remove the existing 1.5 storey building and construct a two storey structure. Therefore this design will be compliant with the minimum height of two storeys along main streets.

Section 5.3.3 (4) Along Minor Corridors, permitted building heights, subject to appropriate height transitions and stepbacks shall not be less than 2 storeys and up to 6 storeys except where a secondary plan or area-specific policy specifies different heights. As noted above, this lot has frontage on Riverside Dr. which is a minor corridor and an arterial mainstreet and the proposal is two storeys. Therefore it is compliant with the minimum two storey height requirement for lots in these areas.

Section 6.2.1 (2) Development within the Corridor designation shall establish buildings that locate the maximum permitted building heights and highest densities close to the Corridor, subject to building stepbacks where appropriate. Further, development:

a) Shall ensure appropriate transitions in height, use of land, site design and development character through the site, to where the Corridor designation meets abutting designations; The proposal exhibits appropriate use of land as pharmacy and clinic are permitted uses in this zone and designation; site design as the proposal makes use of the existing foundation and driveway while proposing parking in the rear and proper entrances; and development character as the materiality and form of the design are compatible with other newly constructed non-residential buildings in the area.

### **In conclusion...**

We believe these variances are minor in nature as they represent existing conditions and are minor deviations from the required provisions outlined in the Zoning By-Law. The side yard setback represents a reduction of 1.61 m and the landscaping buffer variance represents a 1 m reduction for approximately two thirds of the required buffer length.

This development is appropriate for the lands in question as it will bring valued daily amenities to Riverside Dr. It also respects the urban design guidelines set by the City of Ottawa for development along arterial mainstreets.

It conforms to the general intent of the Zoning By-Law as it represents two of the permitted uses outlined in the GM zone at an appropriate scale by following the majority of the required performance standards.



It follows the general intent of the Official Plan by conforming to the policies outlined in sections relating to economic development, urban design, the outer urban transect, neighbourhoods, and minor corridors.

At this time we are also submitting the following in support of the application:

- Completed application form
- Completed cover letter
- Application fees
- The site plan showing the entirety of the proposed site
- The architectural elevation plans of the proposed development from all sides
- Tree information report (TIR)
- The survey plan of the entire property
- Owners authorisation

Please notify the applicant when the signs are ready for this property. Should you have any questions or require anything further, please do not hesitate to contact the undersigned at (613) 695 0192 or via email at [planning@p2concepts.ca](mailto:planning@p2concepts.ca).

**P-Squared Concepts**

A handwritten signature in black ink, appearing to read 'J. Paoloni', written in a cursive style.

Jasmine Paoloni, B.A.S, Planner