

April 24, 2024

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

**Attention: Michel Bellemare, Secretary - Treasurer**

Dear Mr. Bellemare:

**Reference: 786 McKellar Avenue  
Applications for Consent and Minor Variance  
Our File No 123129**

**Committee of Adjustment**  
Received | Reçu le

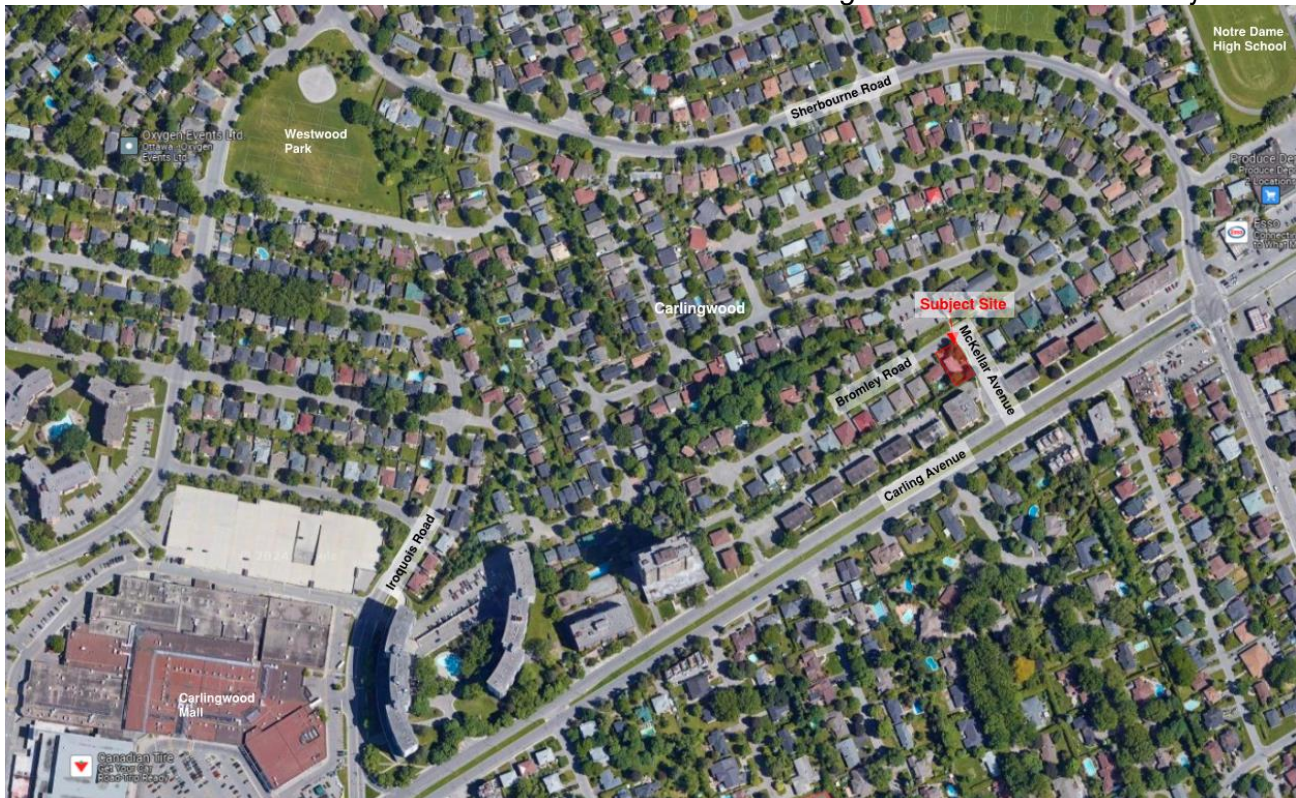
2024-04-25

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

Novatech has been retained by the owner of the property municipally known as 786 McKellar Avenue (the "Subject Site") to prepare and file applications for Consent and Minor Variance in order to facilitate the development of four townhouse dwellings.

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

*Figure 1: Location of the Subject Site*



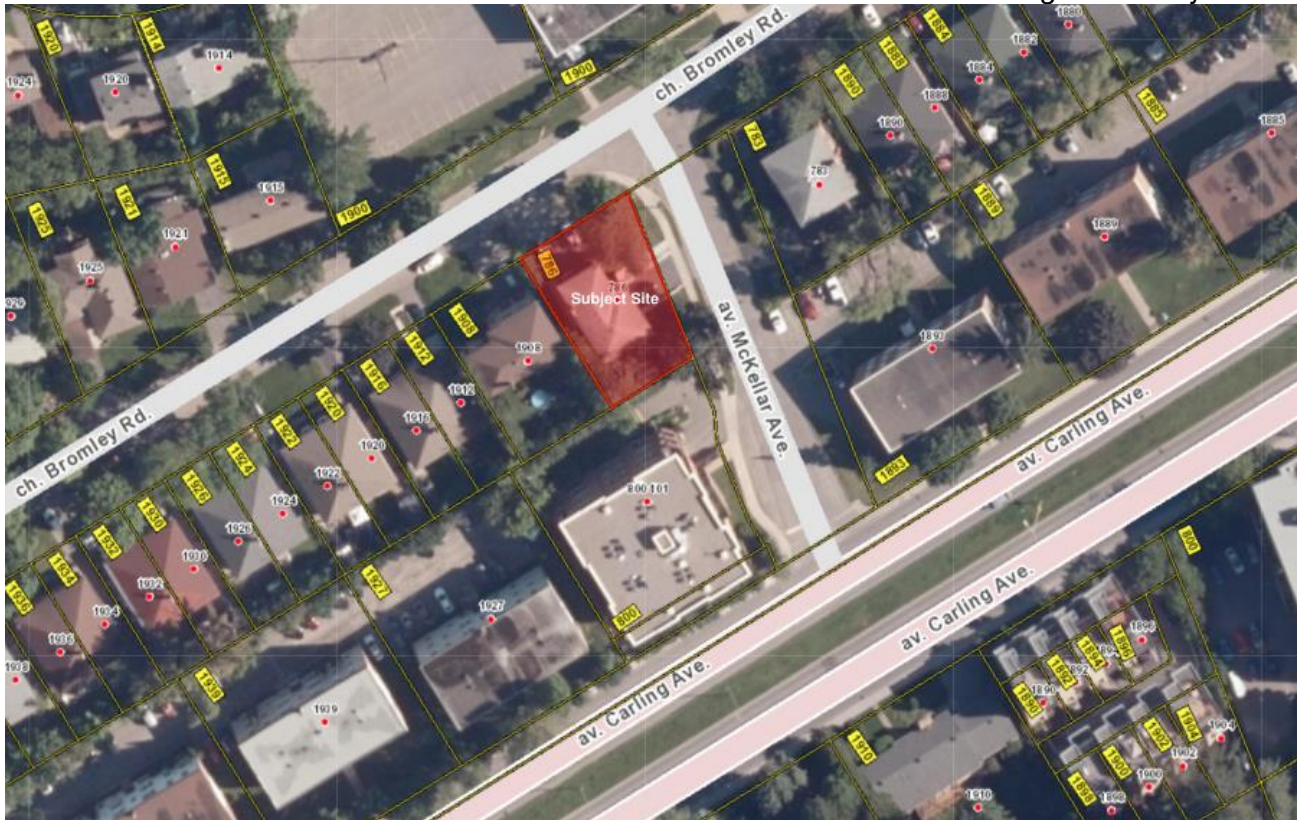


## Site and Context

### Site

786 McKellar is located in the Carlingwood neighbourhood and is within the City of Ottawa's Bay Ward (Ward 7). The property is a corner lot located at the southwest corner of Bromley Road and McKellar Avenue. The Subject Site is in an area bounded by Iroquois Road to the west, Carling Avenue to the south, and Sherbourne Road to the north and east. The Subject Site has a frontage of 30.93 metres along McKellar Avenue, a frontage of 22.07 metres along Bromley Road, and a lot area of approximately 589 square metres. The Subject Site is legally known as Lot 13, Registered Plan M-98, City of Ottawa.

*Figure 2: Subject Site*



The Subject Site is zoned R3A in the City of Ottawa Zoning By-law 2008-250. The property is subject to the Mature Neighbourhoods Overlay. The Subject Site is designated Neighbourhood in the Inner Urban Transect in the City of Ottawa Official Plan (2022) and is subject to the Evolving Neighbourhoods Overlay.

The Subject Site is currently developed with a three-unit dwelling. The neighbouring area is characterized by a mix of residential uses, including detached dwellings, semi-detached dwellings, three-unit dwellings, and low-rise apartment buildings. There are a number of low-rise, mid-rise, and high-rise apartment buildings and commercial uses along Carling Avenue, which is located just south of the Subject Site.

*Figure 3: Existing Building on the Subject Site*



### **Surrounding Context**

786 McKellar Avenue is in an area characterized by a range of dwelling types, including detached dwellings, semi-detached dwellings, three-unit dwellings, and low-rise apartment buildings on lots of varying sizes. There are primarily detached and semi-detached dwellings to the north of the Subject Site, with a greater number of multi-unit dwellings and apartment buildings closer to Carling Avenue directly south of the Subject Site.

The Subject Site is within walking distance of Carling Avenue, which is identified as a Mainstreet Corridor and an Arterial Road in the Official Plan. Additionally, the Official Plan has designated Carling Avenue for future O-Train service. The Subject Site is also in proximity to Sherbourne Road, which is designated as a Major Collector in the Official Plan. There is good transportation connectivity to and from the Subject Site.

The Subject Site is a two minute walk (120 m) from the nearest bus stop on Carling Avenue, where the 85 frequent bus route provides connections to the Dow's Lake and Pimisi LRT stations. Frequent bus service can also be accessed along Woodroffe Avenue and Dovercourt Avenue (see Figure 4).

Within 300 metres of the Subject Site there are primarily residential uses, including a number of multi-unit dwellings within the immediate vicinity, and several low-rise apartment buildings along Carling Avenue. There is a church located to the northeast of the Subject Site and some commercial uses along Carling Avenue. Within 600 metres of the Subject Site there are a greater number of low-rise apartment buildings along Carling Avenue, as well as a number of commercial uses, restaurants, mid-rise apartments, and high-rise apartments. Notre Dame High School, Tillbury Park, Westwood Park, and Glabar Park are also located within 600 metres of the Subject Site. Within 900 metres of the Subject Site are the Carlingwood Shopping Centre and Fairlawn Centre mall. There are also



several schools and parks within 900 metres of the Subject Site, including Broadview Public School, the Ottawa Jewish Community School, Evergreen Park, Lorry Greenberg Park, and McKellar Park.

Figure 4: Surrounding Context



## Proposed Development

The Consent and Minor Variance applications will facilitate the development of four townhouse units on the Subject Site. Each townhouse unit will include an additional dwelling unit in the basement. All four townhouse units will front onto McKellar Avenue. Each townhouse dwelling's principal entrance will face McKellar Avenue and will be connected to McKellar Avenue via a pedestrian walkway. A shared driveway will be located off of Bromley Road and will provide access to single garages to the rear of each townhouse dwelling.

The proposed development will advance the City's intensification goals by providing eight dwelling units in a ground-oriented built form. This intensification is well located and meets the City's 15-minute neighbourhood objectives, as the Subject Site is within walking distance of existing and future transit and commercial services. The proposed development will fit in well with the neighbourhood, which is characterized by a mix of dwelling types, including a number multi-unit dwelling types.

Figure 5: Site Plan Excerpt

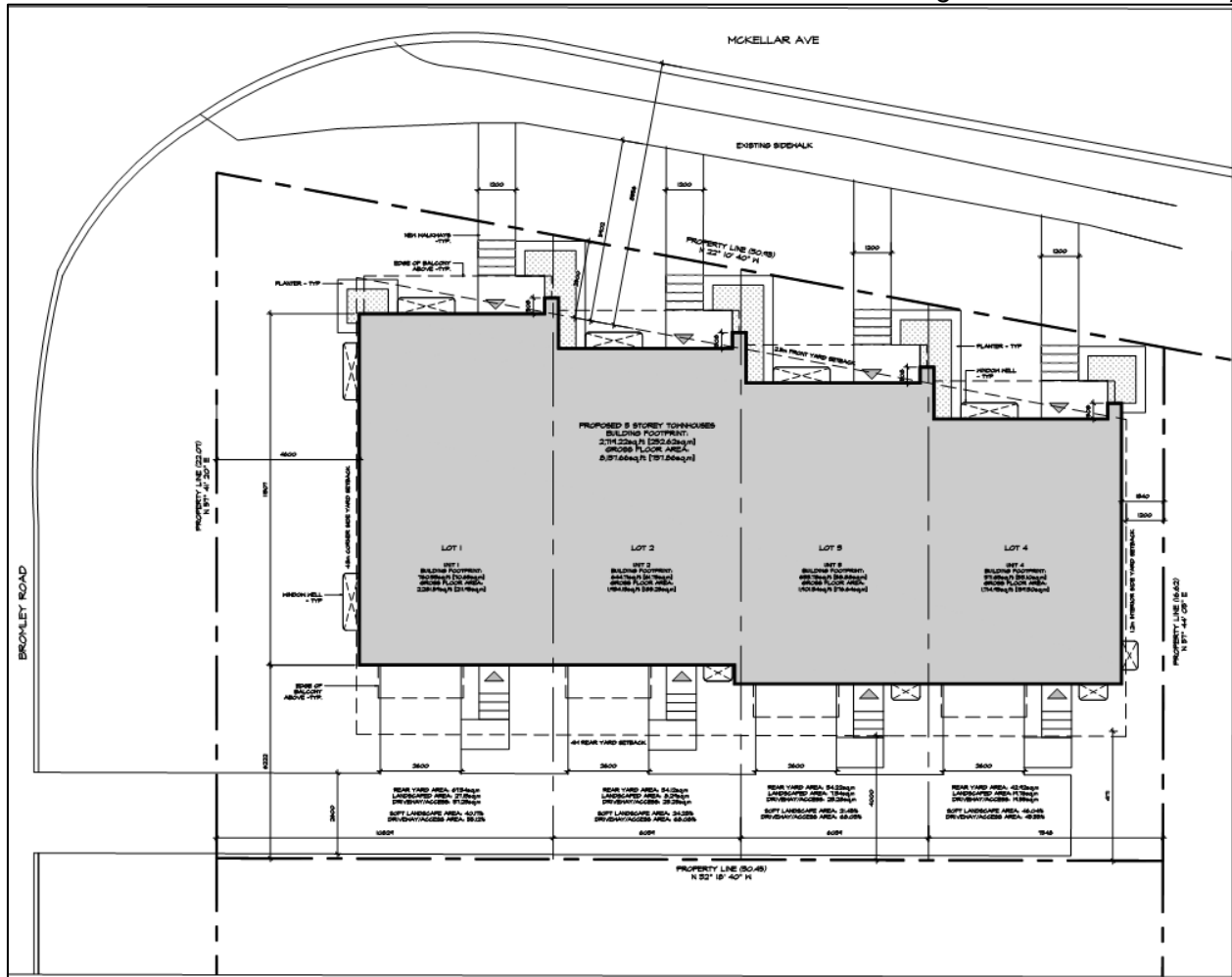
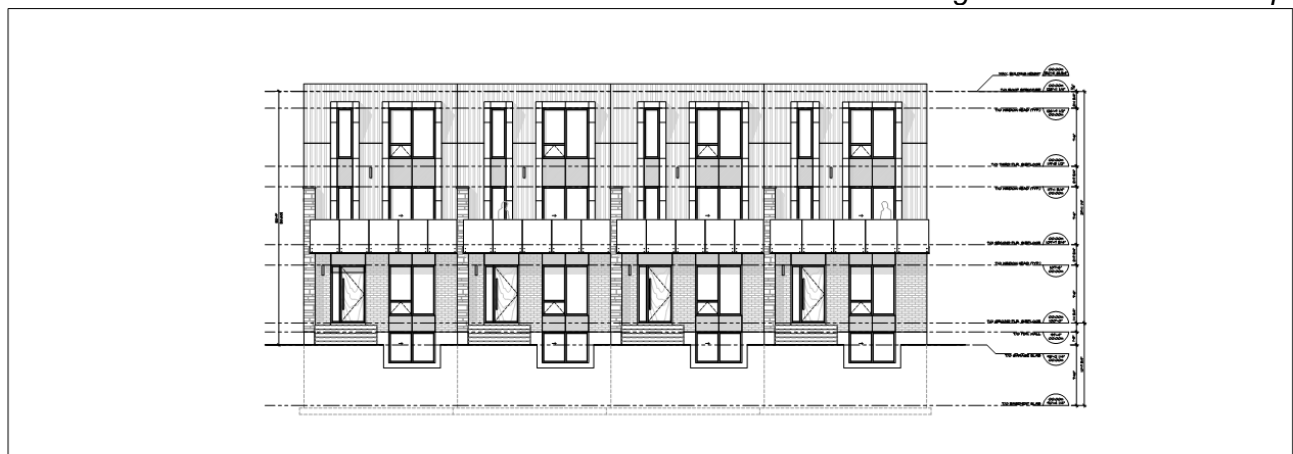


Figure 6: Elevations Excerpt



0 EAST (FRONT) ELEVATION



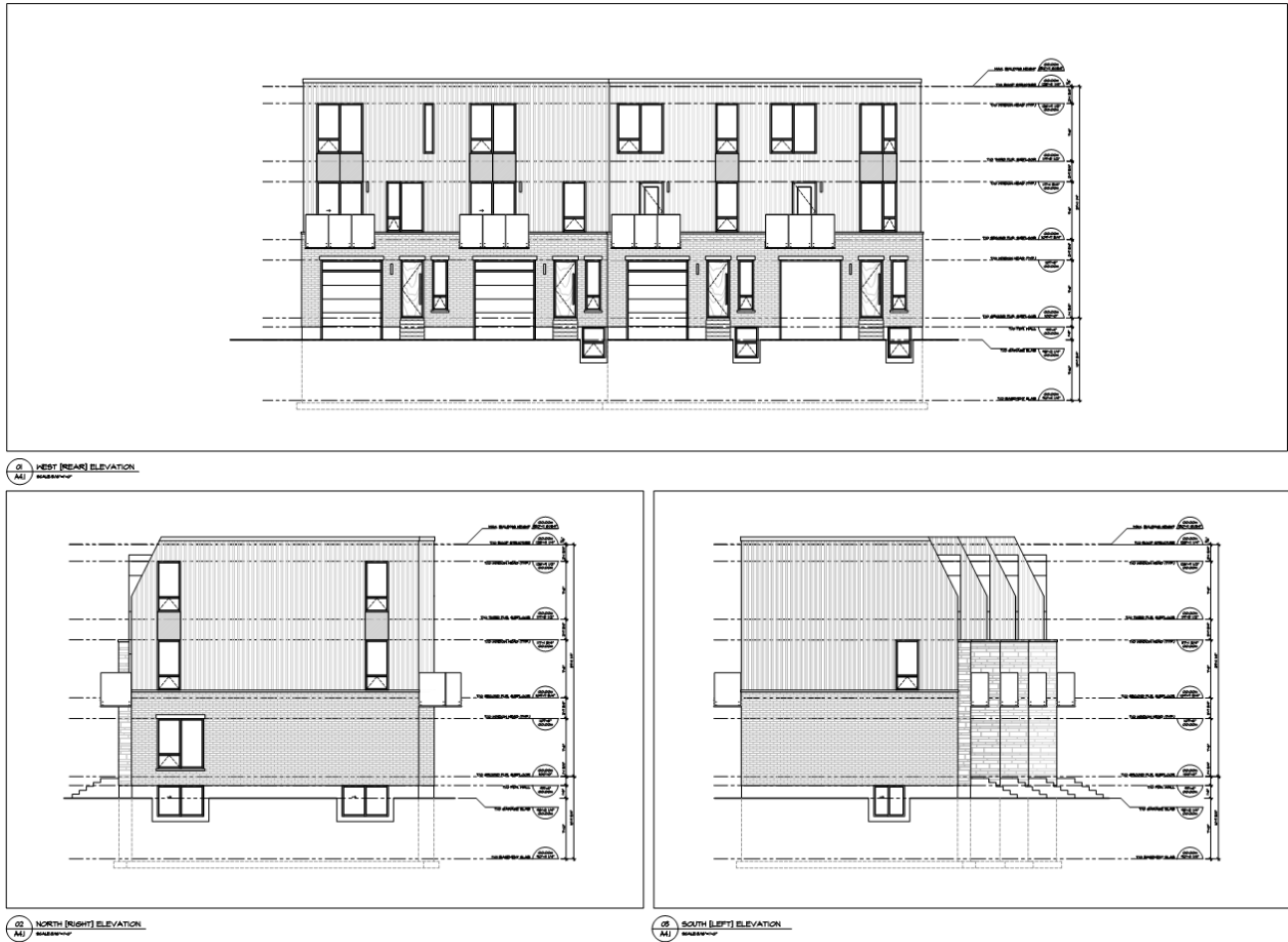


Figure 7: Rendering of the Proposed Development



## Streetscape Character Analysis

786 McKellar Avenue is subject to the Mature Neighbourhoods Overlay. Section 140(3) requires a Streetscape Character Analysis (SCA) to be conducted prior to any application under the Planning Act. A Streetscape Character Analysis was submitted to the City on August 24, 2023. The results of the analysis indicate that the dominant character groups are “ABA”. City staff confirmed that the dominant character groups are “ABA” in their concurrence letter dated September 8, 2023.

The first letter determines the characteristics for garages, carports, and parking. The Subject Site is part of Character Group A, which is dominated by dwellings where no garage or carport is attached to the front façade or corner façade of the dwelling. The second letter determines the characteristics for driveways and legal front yard parking. The Subject Site is part of Character Group B, which is dominated by individual and shared driveways. The third letter determines the characteristics for principal entranceways. The Subject Site is part of Character Group A, which is dominated by principal entranceways that are located on the front façade of dwelling units and face the street.

## Consent Applications

### Consent Application 1:

This application will establish the northernmost lot, labelled as Parts 1 and 5 on the Draft Reference Plan (Figure 8). Part 5 will be subject to an easement in favour of Parts 2 & 6, Parts 3 & 7, and Parts 4 & 8 to provide access to a garage in the rear yard. This lot will have a frontage of 11 metres along McKellar Avenue, 22.07 metres of frontage along Bromley Road, and a lot area of 228.5 square metres.

### Consent Application 2:

This application will establish a lot labelled as Parts 2 and 6 on the Draft Reference Plan (Figure 8). Part 6 will be subject to an easement in favour of Parts 3 & 7 and Parts 4 & 8 to provide access to a garage in the rear yard. This lot will have a frontage of 6.13 metres along McKellar Avenue and a lot area of 118.2 square metres.

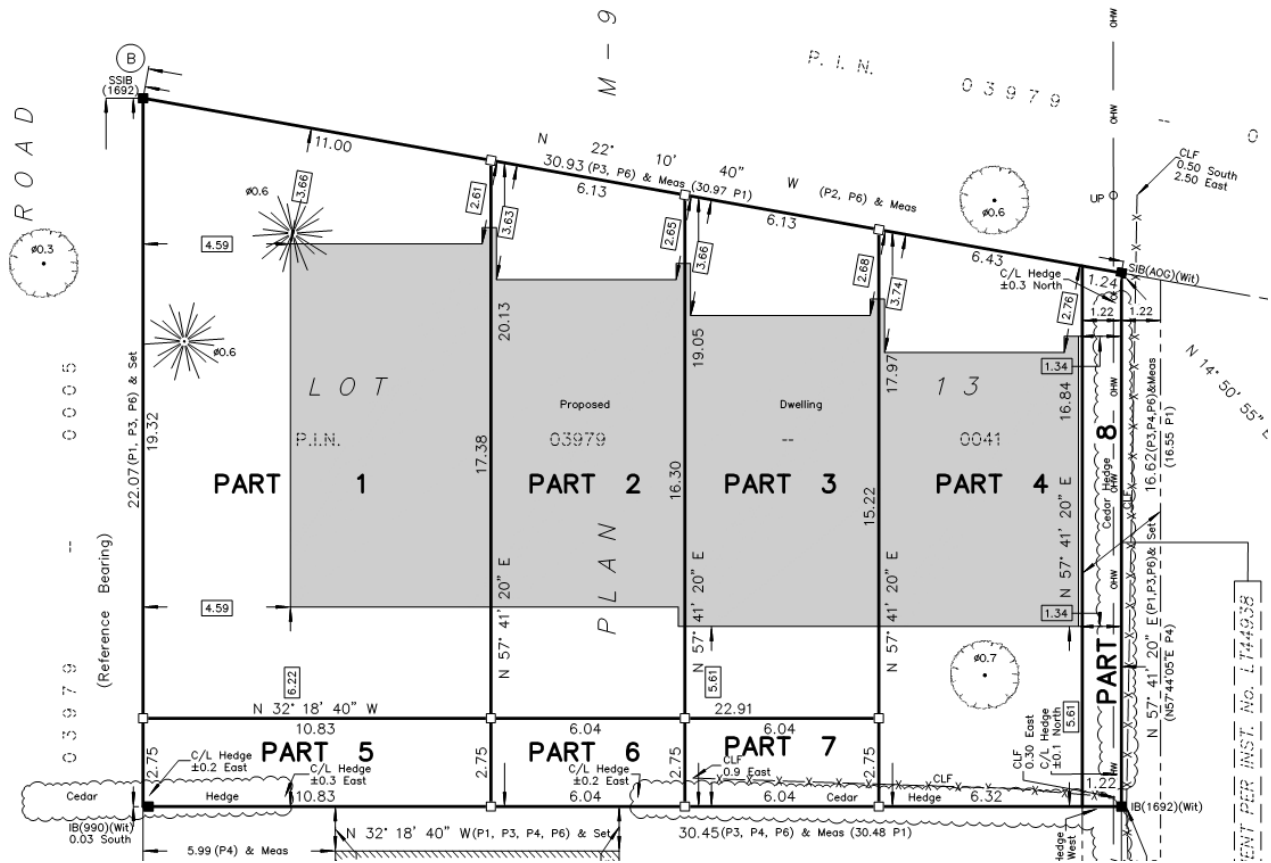
### Consent Application 3:

This application will establish a lot labelled as Parts 3 and 7 on the Draft Reference Plan (Figure 8). Part 7 will be subject to an easement in favour of Parts 4 & 8 to provide access to a garage in the rear yard. This lot will have a frontage of 6.13 metres along McKellar Avenue and a lot area of 111.7 square metres.

### Consent Application 4:

This application will establish the southernmost lot labelled as Parts 4 and 8 on the Draft Reference Plan (Figure 8). This lot will have a frontage of 6.43 metres along McKellar Avenue and a lot area of 130.6 square metres.

Figure 8: Draft Reference Plan Excerpt



## Severance Rationale

### Planning Act

Subsection 53(1) of the Planning Act states:

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

The proposed severances and easements do not necessitate the construction of new public infrastructure, including roads and services. A plan of subdivision is not required for the proper and orderly development of the municipality.

Subsection 53(12) of the Planning Act states:

*“53(12) A council or the Minister in determining whether a provisional consent is to be given shall have regard to the matters under subsection 51 (24) and has the same powers as the approval authority has under subsection 51 (25) with respect to the approval of a plan of subdivision and subsections 51 (26) and (27) and section 51.1*



*apply with necessary modifications to the granting of a provisional consent. 1994, c. 23, s. 32.”*

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

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

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

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

- the supply, efficient use and conservation of energy and water
- the adequate provision and efficient use of communication, transportation, sewage and water services and waste management system
- the orderly development of safe and healthy communities
- the adequate provision of a full range of housing, including affordable housing
- the appropriate location of growth and development
- the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians

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

786 McKellar Avenue is located within the City of Ottawa’s urban boundary and is in a fully developed neighbourhood. The proposed severances and easements are not premature and are in the public interest.

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

In order to accommodate the expected growth of the city, the City of Ottawa Official Plan supports infill development and intensification throughout the built-up area (Section 3.2). Policy 3 of Section 3.2 states:

*“The vast majority of Residential intensification shall focus within 15-minute neighbourhoods, which are comprised of Hubs, Corridors and lands within the Neighbourhood designations that are adjacent to them as shown on Schedules B1 through B8. Hub and Corridor designations are intended to be diverse concentrations of employment, commercial, community and transportation services (in addition to accommodating significant residential opportunities) that are accessible to adjacent Neighbourhood designations on a daily and weekly basis.”*

The Subject Site is designated Neighbourhood within the Inner Urban Transect of the Official Plan and is subject to the Evolving Neighbourhoods Overlay. The Subject Site is located within 100 metres of the Carling Avenue Mainstreet Corridor, where there are a number of commercial uses within walking distance, as well as existing and planned future transit service. The Subject Site is also located in proximity to a number of medium and high-density residential uses. This proximity to high-

density residential uses, commercial uses, and existing and planned future transit makes the Subject Site a prime location for intensification. The proposed development will increase the number of units on the Subject Site from three to eight. This will help meet the City's 15-minute neighbourhood objectives.

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

The proposed severances and easements will help facilitate intensification on the Subject Site, which is supported by the policies of the Official Plan. The Subject Site is subject to the Evolving Neighbourhoods Overlay and is envisioned for gradual change that will support residential growth and the City's 15-minute neighbourhood objectives. Despite the required relief from the Zoning By-law, the Subject Site will be suitable to support the proposed development. The three interior townhouse units can be accommodated on the proposed lots, despite the reduced lot area. There will be adequate space between the proposed townhouses and the street to plant trees, minimizing the impact of the reduced front yard setback.

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

Each of the proposed townhouse dwellings will contain an additional dwelling unit in the basement. These additional dwelling units will provide additional rental housing that is more affordable.

*(e) the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;*

The proposed severances and easements do not propose any new roads and will not affect highways or the transportation system.

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

The proposed severances will result in the creation of four regularly shaped lots fronting onto McKellar Avenue. The three interior lots will have generally similar lot widths and lot areas, with a larger corner lot. The proposed lots will fit into the lot fabric of the neighbouring area, where there is a variety of lot sizes. Despite the reduced lot area for the interior lots, the proposed lots are an adequate size to support a townhouse dwelling and will provide an appropriate separation between the building wall and the street. The proposed easements are appropriate to support a driveway in the rear yard in order to provide vehicular access to rear yard garages.

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

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

*(h) conservation of natural resources and flood control;*

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



*(i) the adequacy of utilities and municipal services;*

The Subject Site is located within the urban boundary and is connected to existing utilities and municipal services. The additional lots are not anticipated to have any impact on the adequacy of the City's municipal services or utilities.

*(j) the adequacy of school sites;*

The Subject Site is located near Notre Dame High School, Broadview Public School, and the Ottawa Jewish Community School (see Figure 4). The proposed severances and easements will have no major impact on the adequacy of school sites in the area.

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

No part of the Subject Property will be dedicated for public purposes.

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

The proposed severances and easements more efficiently use the Subject Site by providing additional housing units on the lot. The proposed severances constitute infill development, allowing growth to remain within the urban area. This is more efficient from a transportation and transit perspective and more efficiently uses existing infrastructure, services, and land.

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

The proposed development is not subject to site plan control.

**The proposed severances and easements meet the criteria set out in Section 51(24) of the Planning Act. The proposed severances and easements at 786 McKellar Avenue represent good land use planning.**

**Provincial Policy Statement**

Section 3(5) of the Planning Act states:

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

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

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

Policy 1.1.1 states:

*“Healthy, liveable and safe communities are sustained by:*

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;*
- b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;*
- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;*
- d) avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;*
- e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;*
- f) improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society;*
- g) ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs;*
- h) promoting development and land use patterns that conserve biodiversity; and*
- i) preparing for the regional and local impacts of a changing climate.”*

The proposed development promotes efficient development by more effectively using the existing lot and providing additional housing within the urban area. The proposed townhouse dwellings will fit in well with the neighbourhood, where there is a diverse range of dwelling types. The proposed additional dwellings units will help provide more affordable rental units to the area. The Subject Site is ideally located for intensification, as it is located in proximity to frequent transit along Carling Avenue, as well as commercial uses and future LRT connections along Carling Avenue. The proposed lots will have adequate access to infrastructure and public service facilities, while reducing pressure to expand the urban boundary.

786 McKellar Avenue is considered part of the “Settlement Areas” as defined in Section 1.1.3 of the PPS.

Policy 1.1.3.1 states:

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

The proposed severances and easements are consistent with this policy as they will add eight housing units within the City of Ottawa’s urban area.



Policy 1.1.3.2 states:

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

- a) efficiently use land and resources;*
- b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;*
- c) minimize negative impacts to air quality and climate change, and promote energy efficiency;*
- d) prepare for the impacts of a changing climate;*
- e) support active transportation;*
- f) are transit-supportive, where transit is planned, exists or may be developed;*  
*and*
- g) are freight-supportive*

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

The proposed severances and easements are an appropriate and efficient use of the land. By providing intensification within the urban area, the proposed development reduces pressure for expansion of the urban area. The proposed development is transit-supportive as it is within walking distance of frequent bus service and a future LRT station along Carling Avenue. The Subject Site’s proximity to commercial and transit amenities makes the site an excellent location for gradual intensification.

**The proposed severances and easements are consistent with the Provincial Policy Statement. The proposed severances and easements at 786 McKellar Avenue constitute good land use planning.**

### **Minor Variance Application**

The proposed minor variances are listed below:

#### Lot 1

- a) To permit a reduced minimum front yard setback of 2.5 metres; whereas the By-law requires a minimum front yard setback of 4.7 metres (Section 144(1)).
- b) To permit an increased front balcony projection of 1.3 metres; whereas the By-law permits a maximum front balcony projection of 0 metres (Section 65(1), Table 65(6)(b)(iii)).

#### Lot 2:

- c) To permit a reduced minimum lot area of 118.2 square metres; whereas the By-law requires a minimum lot area of 180 square metres (Section 160(1), Table 160A(A)).
- d) To permit a reduced minimum front yard setback of 2.5 metres; whereas the By-law requires a minimum front yard setback of 4.7 metres (Section 144(1)).
- e) To permit an increased front balcony projection of 1.3 metres; whereas the By-law permits a maximum front balcony projection of 0 metres (Section 65(1), Table 65(6)(b)(iii)).

#### Lot 3:

- f) To permit a reduced minimum lot area of 111.7 square metres; whereas the By-law requires a minimum lot area of 180 square metres (Section 160(1), Table 160A(A)).

- g) To permit a reduced minimum front yard setback of 2.5 metres; whereas the By-law requires a minimum front yard setback of 4.7 metres (Section 144(1)).
- h) To permit an increased front balcony projection of 1.3 metres; whereas the By-law permits a maximum front balcony projection of 0 metres (Section 65(1), Table 65(6)(b)(iii)).

**Lot 4:**

- i) To permit a reduced minimum lot area of 130.6 square metres; whereas the By-law requires a minimum lot area of 180 square metres (Section 160(1), Table 160A(A)).
- j) To permit a reduced minimum front yard setback of 2.5 metres; whereas the By-law requires a minimum front yard setback of 4.7 metres (Section 144(1)).
- k) To permit an increased front balcony projection of 1.3 metres; whereas the By-law permits a maximum front balcony projection of 0 metres (Section 65(1), Table 65(6)(b)(iii)).

*Note: All requested minor variances have been rounded to the nearest tenths decimal place, as instructed by the Committee of Adjustment.*

**Minor Variance Rationale**

Section 45(1) of the Planning Act sets the four tests that a minor variance is required to meet in order to be permitted.

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

786 McKellar Avenue is designated Neighbourhood in the Inner Urban Transect of the City of Ottawa Official Plan (2022). The Subject Site is also subject to the Evolving Neighbourhoods Overlay.

Figure 9: Subject Site's Official Plan Designation





Growth Management Framework:

Section 3 of the Official Plan provides a Growth Management Framework for the City of Ottawa. Section 3 states:

*“Most growth will occur within the urban area of the City, with a majority of residential growth to be within the built-up area through intensification, increasing over time during the planning horizon.”*

Section 3.2 of the Official Plan supports intensification and states the following:

*“Intensification will support 15-minute neighbourhoods by being directed to Hubs and Corridors, where the majority of services and amenities are located, as well as the portions of Neighbourhoods within a short walk to those Hubs and Corridors.”*

The Subject Site is located within walking distance of the Carling Avenue Mainstreet Corridor. The Subject Site is within walking distance of a number of commercial uses, existing frequent transit, and future LRT connections along Carling Avenue. The Subject Site’s proximity to these amenities will allow the proposed development to support the City’s 15-minute neighbourhood objectives. The Subject Site is a prime location for the gradual intensification outlined in the Official Plan.

Policy 4 of Section 3.2 states:

*“Intensification is permitted in all designations where development is permitted taking into account whether the site has municipal water and sewer services. This Plan supports intensification and the approval of applications for intensification shall be in conformity with transect and overlay policies as applicable. When reviewing planning applications for intensification, the City shall ensure that surface water and groundwater resources are protected, particularly where the groundwater resource is used for drinking water.”*

The Subject Site has municipal water and sewer services as it is within the City’s urban area. Intensification is permitted on the Subject Site. The proposed development is consistent with this policy, as it provides eight residential dwelling units on the Subject Site while maintaining a height, massing, and built form that is compatible with the neighbourhood context and conforms to the transect and overlay policies.

Inner Urban Transect

The Inner Urban Transect is characterized by a mix of pre-World War II and post-World War II neighbourhoods with a mix of urban and suburban built forms and character. Policy 1 of Section 5.2.1 states:

*“The Inner Urban Transect’s built form and site design includes both urban and suburban characteristics as described in Table 6. Its intended pattern is urban.”*

The proposed development will fit in well with the neighbourhood context, where there is a diversity of dwelling types including a number of multi-unit, ground-oriented dwellings. The proposed development includes a number of urban characteristics such as a shallow front yard, principal entrances facing the street, smaller lot sizes, attached buildings, and concealed vehicle parking.

Policy 4 of Section 5.2.1 states:

*“The Inner Urban Transect shall continue to develop as a mixed-use environment, where:*

- a) Hubs and a network of Mainstreets and Minor Corridors provide residents with a full range of services within a walking distance from home, in order to support the growth of 15-minute neighbourhoods;*
- b) Small, locally oriented services may be appropriately located within Neighbourhoods;*
- c) Existing and new cultural assets are supported, including those that support music and nightlife;*
- d) Larger employment uses are directed to Hubs and Corridors; and*
- e) Increases in existing residential densities are supported to sustain the full range of services noted in Policy a).”*

The proposed development will create four lots for residential development and provide eight residential dwelling units on the Subject Site. This will contribute to increasing residential densities in the area, which will help support a range of commercial services along Carling Avenue. The increased density will also support existing and future transit service in the area.

Policy 5 of Section 5.2.1 states:

*“The Inner Urban area is planned for mid- to high-density, urban development forms where either no on-site parking is provided, or where parking is arranged on a common parking area, lot or parking garage accessed by a common driveway. The following policies apply to private approaches:*

- a) The privatization of curb space through increasing private approaches, whereby an on-site private parking space for one or two landowners precludes the use of curb space for street parking and other purposes for all users:
  - (i) Is generally discouraged; and*
  - (ii) May be prohibited on small or narrow lots, or where such private approaches are proposed to serve a small number of parking spaces.**
- b) Maintaining or enhancing unbroken curb space for short-term, visitor and permit-zone street parking and other common purposes, and front yard space for trees and intensive landscaping, is given priority over private approaches; and*
- c) Further to the above, development applications may be required to
  - (i) Reduce the number and/or width of private approaches on a site;*
  - (ii) Re-use existing private approaches; or iii) Relocate and/or combine existing private approaches with no net increase in number or width.**
- d) In the case of completely new areas or neighbourhoods developed by Plan of Subdivision, each city block shall be planned to minimize the number of vehicular private approaches and combine or share accesses to the greatest extent possible.”*

The proposed development includes a shared driveway in the rear yard that will provide access to parking for each of the four townhouse units. This parking arrangement locates vehicles away from the public realm and proposes one common driveway rather than four individual driveways for each unit. The proposed development meets Policy 5 of Section 5.2.1 and is more desirable for mid- to high-density residential developments in the Inner Urban area.

Policy 1 of Section 5.2.4 states:

*“Neighbourhoods located in the Inner Urban area and within a short walking distance of Hubs and Corridors shall accommodate residential growth to meet the Growth Management Framework as outlined in Subsection 3.2, Table 3b. The Zoning By-law shall implement the density thresholds in a manner which adheres to the built form requirements as described in Subsection 5.6.1, as applicable and that:*

- a) Allows and supports a wide variety of housing types with a focus on missing-middle housing, which may include new housing types that are currently not contemplated in this Plan;*
- b) The application of Zoning By-law development standards to be applied as one lot for zoning purposes to support missing middle housing;*
- c) Provides for a low-rise built form, by requiring in Zoning a minimum built height of 2 storeys, generally permitting 3 storeys, and where appropriate, will allow a built height of up to 4 storeys to permit higher-density low-rise residential development;*
- d) Provides an emphasis on regulating the maximum built form envelope that frames the public right of way rather than unit count or lot configuration; and*
- e) In appropriate locations, to support the production of missing middle housing, lower-density typologies may be prohibited.”*

The Subject Site is appropriately located for residential growth and intensification, as it is within walking distance of the Carling Avenue Mainstreet Corridor. The proposed development will provide four primary dwellings units and four additional dwelling units on the Subject Site while maintaining a low-rise, ground-oriented built form that is compatible with the neighbourhood.

*Neighbourhood Designation:*

The Subject Site is designated Neighbourhood on Schedule B2 of the Official Plan. Section 6.3 provides policy direction for development in Neighbourhoods and describes the intent of the designation as *“permit[ing] a mix of building forms and densities.”* The Plan stresses that *“Neighbourhoods are planned for ongoing gradual, integrated, sustainable and context-sensitive development, or where an Overlay directs evolution, for gradual well-planned transformation.”*

The proposed development will meet this intent by providing eight dwelling units on the Subject Site. The proposed townhouse dwellings are context-sensitive and compatible with the neighbourhood, where there is a mix of dwelling types, including a number of low-rise multi-unit residential buildings. The proposed development will contribute to the gradual transformation anticipated in the Evolving Neighbourhoods Overlay.

Policy 4 of Section 6.3.1 states:

*“The Zoning By-law and approvals under the Planning Act shall allow a range of residential and non-residential built forms within the Neighbourhood designation, including:*

- a) Generally, a full range of Low-rise housing options sufficient to meet or exceed the goals of Table 2 and Table 3b;*
- b) Housing options with the predominant new building form being missing middle housing, which meet the intent of Subsection 6.3.2, Policy 1);”*



Policy 5 of Section 6.3.1 states:

- “The Zoning By-law will distribute permitted densities in the Neighbourhood by:*
- a) Allowing higher densities and permitted heights, including predominantly apartment and shared accommodation forms, in areas closer to, but not limited to, rapid-transit stations, Corridors and major neighbourhood amenities;*
  - b) Allowing lower densities and predominantly ground-oriented dwelling forms further away from rapid-transit stations, Corridors and major neighbourhood amenities; and*
  - c) Provide for a gradation and transition in permitted densities and mix of housing types between the areas described in a) and b).”*

The proposed development will help provide a full range of low-rise housing options to meet the goals of the Growth Management Framework by providing eight dwelling units in a low-rise, ground-oriented built form. The proposed development will contribute missing middle housing units to the neighbourhood. The proposed development is well located in proximity to the Carling Avenue Mainstreet Corridor. The proposed development will help support the nearby commercial and transit amenities by providing increased residential density on the Subject Site.

#### *Evolving Neighbourhoods Overlay*

The intent of the Evolving Neighbourhoods Overlay is *“to provide opportunities that allow the City to reach the goals of its Growth Management Framework”* through:

- a) Guidance for a gradual change in character based on proximity to Hubs and Corridors,*
- b) Allowance for new building forms and typologies, such as missing middle housing;*
- c) Direction to built form and site design that supports an evolution towards more urban built form patterns and applicable transportation mode share goals; and*
- d) Direction to govern the evaluation of development.*

The Evolving Neighbourhoods Overlay supports intensification and gradual change within and in proximity to Hubs and Corridors. The proposed development will provide intensification on the Subject Site while maintaining a low-rise ground-oriented built form. The proposed townhouse dwellings will fit in well with the neighbourhood, where there is a diversity of residential uses, including a number of low-rise multi-unit dwelling types. The proposed development will provide missing middle housing in the neighbourhood.

The requested variances meet the intent of the Official Plan as they will allow for intensification by providing eight dwelling units to the area. The proposed development will maintain a ground-oriented built form that will fit in well with the neighbourhood. The requested variances will provide for a more urban built form, with smaller lots and shallower front yard setbacks that emphasize a pedestrian-oriented public realm. The proposed townhouses effectively use the corner lot and have been designed to reduce the number of private approaches and the visual impact of parked vehicles.

**The minor variances maintain the general intent and purpose of the City of Ottawa Official Plan.**

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

The Subject Site is zoned Residential Third Density, Subzone A (R3A) in the City of Ottawa Zoning By-law 2008-250.

The purpose of the R3 zone is to:

1. *allow a mix of residential building forms ranging from detached to townhouse dwellings in areas designated as General Urban Area in the Official Plan; (By-law 2012-334)*
2. *allow a number of other residential uses to provide additional housing choices within the third density residential areas;*
3. *allow ancillary uses to the principal residential use to allow residents to work at home;*
4. *regulate development in a manner that is compatible with existing land use patterns so that the mixed dwelling, residential character of a neighbourhood is maintained or enhanced; and*
5. *permit different development standards, identified in the Z subzone, primarily for areas designated as Developing Communities, which promote efficient land use and compact form while showcasing newer design approaches. permit different development standards, identified in the Z subzone, primarily for areas designated as **Developing Communities**, which promote efficient land use and compact form while showcasing newer design approaches.*

The following uses are permitted in the R3 zone, as per Section 159 of the Zoning By-law:

- (1) The following uses are permitted uses subject to:
  - (a) the provisions of subsection 159 (3) to (13);
  - (b) a maximum of three guest bedrooms in a bed and breakfast;
  - (c) a maximum of ten residents permitted in a group home; and (By-law 2014-189)
  - (d) a maximum of ten residents is permitted in a retirement home, converted.
    - bed and breakfast**, see Part 5, Section 121
    - detached dwelling**
    - diplomatic mission**, see Part 3, Section 88
    - duplex dwelling**, see Part 5, Section 138 (By-law 2010-307)
    - group home**, see Part 5, Section 125
    - home-based business**, see Part 5, Section 127
    - home-based daycare**, see Part 5, Section 129
    - linked-detached dwelling**, see Part 5, Section 138 (By-law 2010-307)
    - park**
    - planned unit development**, see Part 5, Section 131
    - retirement home, converted** see Part 5, Section 122
    - additional dwelling unit**, see Part 5, Section 133
    - semi-detached dwelling**, see Part 5, Section 138 (By-law 2010-307)
    - stacked dwelling**, see Part 5, Section 138 (By-law 2010-307)
    - three-unit dwelling**
    - townhouse dwelling**, see Part 5, Section 138 (By-law 2012-334) (By-law 2010-307) (By-law 2014-189)
    - urban agriculture**, see Part 3, Section 82 (By-law 2017-148) (By-law 2018-206)

The proposed townhouse dwellings are permitted in the R3 zone.

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

Table 1: Zoning Provisions

Zoning Provision	Required – Townhouse Dwelling	Provided – Lot 1	Provided – Lot 2	Provided – Lot 3	Provided – Lot 4
Minimum Lot Width (m)	6 m	10.8 m	6.0 m	6.0 m	7.5 m
Minimum Lot Area (m <sup>2</sup> )	180 m <sup>2</sup>	228.5 m <sup>2</sup>	118.2 m <sup>2</sup>	111.7 m <sup>2</sup>	130.6 m <sup>2</sup>
Maximum Building Height (m)	10 m	10 m	10 m	10 m	10 m
Minimum Front Yard Setback (m)	4.73 m	2.5 m	2.5 m	2.5 m	2.5 m
Minimum Corner Side Yard Setback (m)	4.5 m	4.6 m	N/A	N/A	N/A
Minimum Rear Yard Setback (m)	4 m	6.2 m	5.6 m	5.6 m	5.6 m
Minimum Interior Side Yard Setback (m)	1.2 m	N/A	N/A	N/A	1.3 m
Minimum Aggregate Front Yard Soft Landscaping	35% (Lot 1) 30% (Lots 2, 3, and 4)	93.8% (81.0 m <sup>2</sup> )	76.1% (11.6 m <sup>2</sup> )	76.1% (11.6 m <sup>2</sup> )	81% (15.6 m <sup>2</sup> )
Rear Yard Parking Area	70% of the rear yard	55.1% (37.2 m <sup>2</sup> )	68.1% (23.2 m <sup>2</sup> )	68.1% (23.3 m <sup>2</sup> )	45.6% (19.6 m <sup>2</sup> )
Rear Yard Soft Landscaping	15% of the rear yard	40.1% (27.1 m <sup>2</sup> )	24.2% (8.3 m <sup>2</sup> )	21.4% (7.3 m <sup>2</sup> )	46% (19.7 m <sup>2</sup> )
Maximum Driveway Width (m)	2.6 m	2.6 m	2.6 m	2.6 m	2.6 m
Maximum Front Balcony Projection	0 m	1.3 m	1.3 m	1.3 m	1.3 m

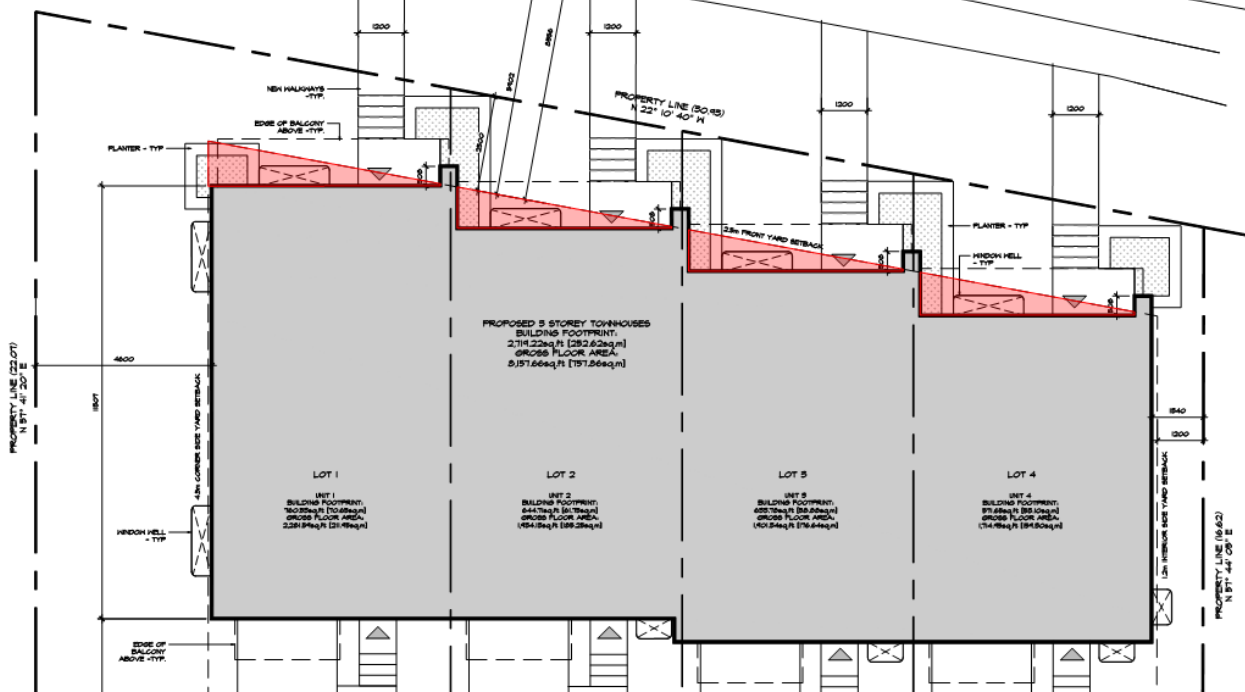
Variations a), d), g), and j) request a reduction in the minimum front yard setback from 4.7 metres to 2.5 metres for Lots 1, 2, 3, and 4. The intent of the front yard setback provision is to ensure that adequate separation is provided between buildings and the street and to ensure that a consistent streetscape is maintained. Despite the requested reduced front yard setbacks, the proposed development will provide adequate separation from the street while maintaining a shallow setback that is more characteristic of urban streetscapes. There is more than 6 metres of City-owned right-of-way between the property line and the street. Overall, approximately 8.5 metres of separation will be provided between the proposed building and the street.

The Subject Site's diagonal front lot line means that the average front yard setback of the proposed townhouses is greater than the front yard setback as defined by the Zoning By-law, with portions of



the proposed townhouses setback more than 3.5 metres from the front lot line (see Figure 10). This provides additional separation between the building wall and the street, as well as additional front yard amenity area.

Figure 10: Portion of Proposed Building Setback More Than Requested 2.5 Metres (red)



The reduced front yard setbacks will also accommodate a site design that emphasizes the principal entrances of each unit rather than vehicle parking. This will provide for a more urban built form and streetscape, while contributing to a public realm that is more pedestrian-oriented. There will also be adequate space in the front yard to support tree plantings, which will further enhance the streetscape and contribute to a pedestrian-oriented public realm.

Variance c) requests a reduction in the minimum lot area from 180 square metres to 118.2 square metres for Lot 2. Variance f) requests a reduction in the minimum lot area from 180 square metres to 111.7 square metres for Lot 3. Variance i) requests a reduction in the minimum lot area from 180 square metres to 130.6 square metres for Lot 4. The intent of the lot area provisions is to ensure that a consistent lot fabric is retained and that lot sizes are adequate to support the residential uses that are permitted in the R3 zone. Despite the reduced lot area, the proposed development will fit in well with the lot fabric of the neighbourhood which is characterized by a variety of lot sizes. The proposed development also provides a built form that comfortably fits on the proposed lots. The proposed development meets the required side yard setbacks and exceeds the required rear yard setback for the R3A zone.

The reduced lot area will also have a minimal impact on the streetscape. The proposed townhouses meet the minimum required lot width, and the reduced lot area will not be visible from the street. McKellar Avenue is a one-block street with only four properties fronting onto the street. The reduced lot areas will have a minimal impact on the streetscape and neighbouring properties.

Variances b), e), h), and k) request a front yard balcony projection of 1.3 metres where the Zoning By-law permits a maximum balcony projection of 0 metres. The intent of the balcony projection provisions is to reduce overlook and protect the privacy of neighbours. The proposed balconies will have a minimal impact on the privacy of neighbouring properties. Despite the increased projection, the proposed balconies will be separated from the street by more than 7 metres and will have minimal overlook on neighbouring properties across the street. The proposed balconies will also have minimal overlook on the neighbour to the south. The proposed development and the property to the south are separated by a parking area that will not be impacted by the proposed balconies.

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

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

The requested variances are considered desirable for the use of the land as they facilitate infill development that supports intensification within the urban area while having regard for the existing uses, lot fabric, and built form of the neighbourhood. The proposed development will better utilize the Subject Site by providing eight dwelling units. The Subject Site is well located for intensification as it is in close proximity to frequent bus service, commercial amenities, and future LRT service along Carling Avenue.

The proposed townhouse dwellings will fit in well with the neighbourhood, which is characterized by a diversity of residential unit types including a number of low-rise, multi-unit residential buildings. The reduced lot areas for Lots 2, 3, and 4 (Variances c), f), and i)) will not be visible from the street and will allow for the development of four townhouse dwellings on the Subject Site. The shallow front yard setbacks (Variances a), d), g), and j)) and small lot sizes will provide for a more urban built form that is more pedestrian-oriented. The site design will emphasize the front entrance of the townhouses rather than parked vehicles. The increased front balcony projections (Variances b), e), h), and k)) will provide for additional amenity space for residents and further interaction with the public realm. Adequate separation will be maintained between the proposed building and front balconies and the street.

**The minor variances are considered desirable for the use of land.**

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

The proposed development requires variances for a reduced front yard setback and front balcony projection for all four proposed lots, as well as a reduced lot area for Lots 2, 3, and 4.

Variances a), d), g), and j) request a reduced front yard setback of 2.5 metres whereas the Bylaw requires a minimum front yard setback of 4.7 metres. The requested variances constitute a reduction of 2.2 metres in the front yard setback. Despite the reduced front yard setback, an adequate amount of separation will be provided between the proposed building and the street. The proposed townhouses will be separated from the existing sidewalk by 5.9 metres and will be separated from the street by 8.5 metres. Most of the space between the street and the front wall of the property will be softly landscaped to reduce any impacts on the streetscape and there will be adequate space for tree planting in the front yard.

The reduction in the provided front yard setback also allows for a rear yard that exceeds the minimum requirement in the Zoning By-law by 2.2 metres for Lot 1 and 1.6 metres for Lots 2, 3, and 4. This increased rear yard setback will accommodate a driveway and vehicle parking for each of the

townhouse units in the rear yard rather than in the front yard. This emphasizes the principal entrances of each unit rather than parked vehicles, providing for a more pedestrian-oriented streetscape and public realm.

The reduced front yard setback will have a minimal impact on the streetscape of McKellar Avenue. McKellar Avenue is a one-block street with only a few properties fronting onto it. The properties facing McKellar Avenue provide a range of front yard setbacks. The proposed front yard setback will not impact these neighbouring properties and will provide for a more urban built form.

Variance c) requests a reduced lot area of 118.2 square metres for Lot 2 whereas the Bylaw requires a minimum lot area of 180 square metres. Variance f) requests a reduced lot area of 111.7 square metres for Lot 3 whereas the Bylaw requires a minimum lot area of 180 square metres. Variance i) requests a reduced lot area of 130.6 square metres for Lot 4 whereas the Bylaw requires a minimum lot area of 180 square metres. The requested variances constitute a reduction of 61.8 square metres, 68.3 square metres, and 49.4 square metres in the lot area for Lots 2, 3, and 4 respectively. These differences are relatively minor and will still provide adequate space to support the proposed townhouse dwellings.

The reduced lot area will have a minimal impact on the streetscape. The proposed lots meet the minimum lot width and will fit into the neighbouring lot fabric which is characterized by a diverse range of lot sizes. The reduced lot area will not be visible from the street and will therefore have no impact on the streetscape. Despite the reduced lot area, the proposal meets both the required front yard and rear yard soft landscaping requirements, and the proposed townhouses will fit comfortably on the proposed lots.

Variances b), e), h), and k) request an increased front balcony projection of 1.3 metres whereas the Bylaw permits a maximum front balcony projection of 0 metres. The requested variances constitute an increased projection of 1.3 metres. The front balcony projections will have a minimal impact on neighbouring properties. The proposed balconies will be separated from the street by more than seven metres and will not impact the privacy of neighbours across the street. The neighbouring property to the south will also be minimally impacted by the increased balcony projection. The proposed building and the neighbouring low-rise apartment to the south are separated by a parking area that will not be impacted by the proposed balcony projections.

Due to the Subject Site's diagonal front lot line, only a portion of the proposed front balconies project into the requested front yard. Figure 11 shows (in blue) the portion of the front balconies that projects into the requested front yard. This projecting portion is smaller than the requested relief would suggest and is only required in order to provide balconies with a more regular, rectangular shape. The proposed front balconies will provide amenity space to residents while having a minimal impact on the streetscape and neighbouring properties.





- Consent Sketch 2 (one 8.5x11 copy and one 11x17 copy)
- Consent Sketch 3 (one 8.5x11 copy and one 11x17 copy)
- Consent Sketch 4 (one 8.5x11 copy and one 11x17 copy)
- Minor Variance Sketch (one 8.5x11 copy and one 11x17 copy)
- Draft Reference Plan (one 8.5x11 copy and one 11x17 copy)
- Site Plan (one 8.5x11 copy and one 11x17 copy)
- Elevation Drawings (one 8.5x11 copy and one 11x17 copy)
- Parcel Abstract for 786 McKellar Avenue (one copy)
- Survey Plan (one 8.5x11 copy and one 11x17 copy)
- Tree Information Report (one copy)

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

Yours truly,

**NOVATECH**



Simran Soor, M.PL  
Planner