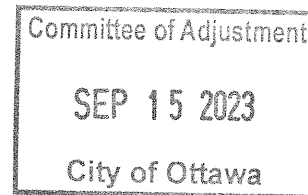


September 13, 2023

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



**RE: Application for Minor Variance
138 Forward Avenue, Ottawa**

Dear Mr. Bellemare,

Fotenn Planning + Design ("Fotenn") has been retained by InHarmony Developments ("the Client") to prepare a Planning Rationale for a Minor Variance application to permit a four storey, 18-unit apartment building at 138 Forward Avenue ("subject property") in the Mechanicsville community of the City of Ottawa.

The subject property received Site Plan Approval for a version of the development in December 2021. Subsequent to approval, and in response to market conditions, the owner identified that the desirability of the development would be improved by increasing the size of the units. Minor Variances are required to reduce the minimum required rear yard setback by 1.5 metres and the minimum rear yard area by approximately 23 square metres, in order to accommodate appropriate unit sizes. The proposed changes to building massing are accompanied by the addition of increased soft landscaping in the rear yard. These variances have been assessed against the Four Tests of the Planning Act, and our determination is that the variances satisfy these tests, are appropriate and are in the public interest.

In support of this application, please find enclosed the following materials:

- / Cover Letter, prepared by Fotenn Planning + Design, dated August 21, 2023;
- / Architectural Package, prepared by Susan D. Smith Architect, dated June 26, 2023;
- / Tree Conservation Report, prepared by Stantec Engineering, dated April 22, 2020;
- / Survey Plan, prepared by Annis, O'Sullivan, Vollebekk Ltd., dated March 20, 2020; and,
- / Minor Variance Application Form.

Please contact the undersigned with any questions or requests for additional material.

Sincerely,

A handwritten signature in black ink, appearing to be "Bria Aird".

Bria Aird, MCIP RPP
Senior Planner

A handwritten signature in black ink, appearing to be "Evan Saunders".

Evan Saunders, M.PL
Planner

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

1.0 Introduction

Fotenn Planning + Design (“Fotenn”) has been engaged by InHarmony Developments (“the Client”) to prepare this Planning Rationale in support of a Minor Variance application for the subject property, municipally known as 138 Forward Avenue in the City of Ottawa.

1.1 Development History

A proposed development on the subject property previously received Site Plan Approval for a four (4) storey low-rise apartment with 20 dwelling units. The approved development sought to demolish the existing two (2) storey residential building currently existing on the property. As a result of changes to the approved building massing at the rear, a reduced rear-yard setback and rear-yard area are sought through this application. The proposed enlarged floorplate of the building will help to accommodate larger unit sizes than originally anticipated. If approved, a red-line change to the approved Site Plan will be required to recognize the changes.

1.2 Site Context

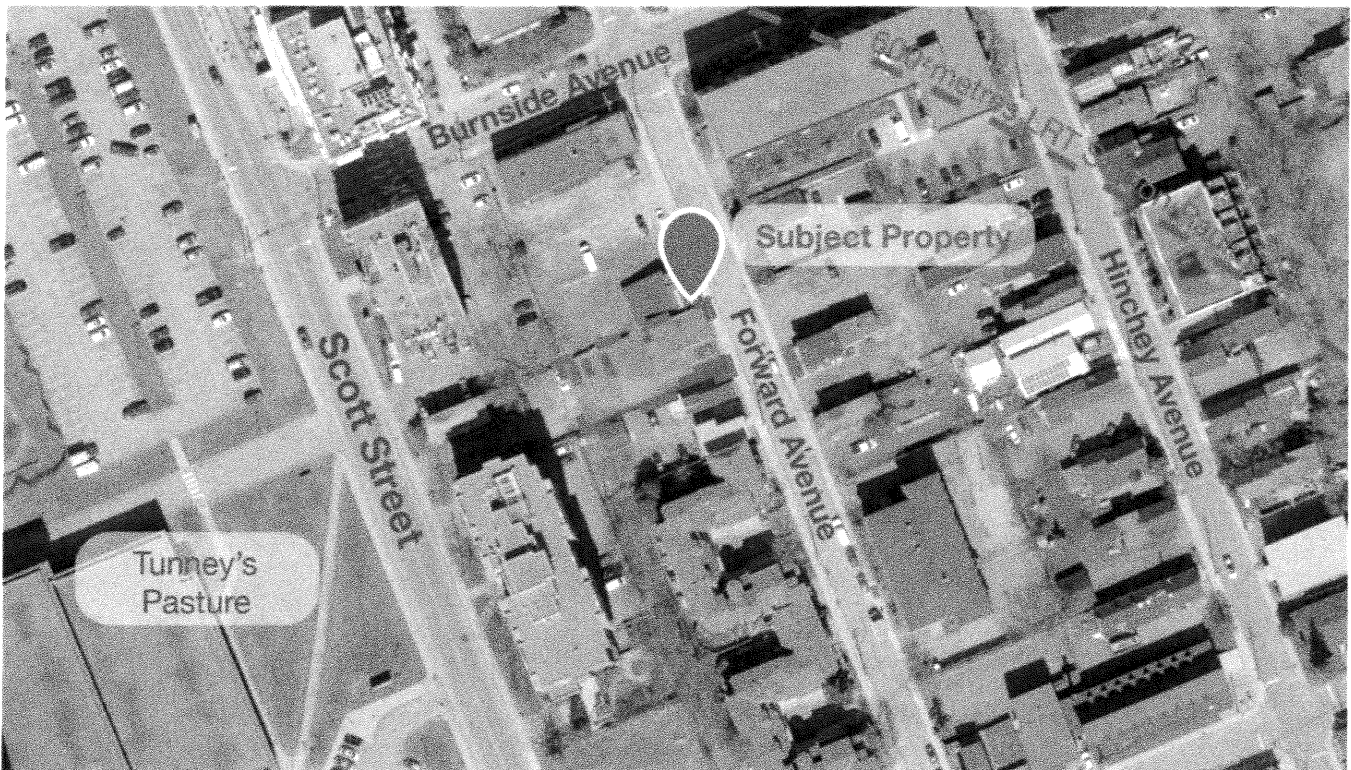


Figure 1: Site Context (subject property identified).

The subject property, known legally as Part 1 Plan of Lots 3 and 4 West Forward Avenue Lots, Registered Plan 35, City of Ottawa, is located along the western side of Forward Avenue between Burnside Avenue to the north and Lyndale Avenue to the south. The subject property has a frontage of 15.31 metres along Forward Avenue and a lot depth of 29.91 metres, resulting in a total lot area of approximately 457.55m².

The property is currently occupied by the existing two (2) storey dwelling and features asphalt paving across the entirety of the lot, extending towards the public laneway abutting the property to the rear. There is currently no significant soft

landscaping on the property. The public laneway is not currently travelable, as several fences and other barriers currently hinder accessible movement along the internal block connection. Due to the existing paved condition of the subject property and the abutting property to the rear, parking currently encroaches on the part of the lane abutting the subject property.

1.3 Surrounding Context



Figure 2: Surrounding Context.

North: North of the subject property and continuing towards the intersection of Forward Avenue and Burnside Avenue are low-rise single-detached dwellings as well as low-rise apartment buildings. Further north along Forward Avenue, the condition changes to include mid- to high-rise apartment buildings. At the intersection of Parkdale Avenue and Emmerson Avenue is a diplomatic mission and the on-ramp to the Sir John A. MacDonald Parkway. Across the Parkway is the Ottawa River Multi-Use Pathway and the Ottawa River.

East: East of the subject property are low-rise residential dwellings, Laroche Park and a seniors' residence accessible via Stonehurst Avenue. Further east of this is an industrial warehouse facility, Bayview Station Road and the Trillium Multi-Use Pathway, as well as National Capital Commission-owned lands which extend to the Lebreton Flats neighbourhood and the Downtown Core.

South: Immediately south of the subject property are low-rise townhouse and apartment forms with frontage on Forward Avenue, a local road that culminates in a cul-de-sac. The cul-de-sac provides direct access to pathways in east and west directions towards the multi-use pathway network south of the LRT corridor. The LRT corridor itself provides a physical barrier to Scott Street to the south; a Mainstreet Corridor that is transitioning to high-rise, transit-oriented development. Beyond Scott Street, the low-rise, high-density neighbourhood fabric continues into the Hintonburg neighbourhood of Ottawa.

West: A public laneway abuts the west lot line, extending from Burnside Avenue in the north to Lyndale to the south. The property abutting the laneway to the west is a two (2) storey residential dwelling, fronting onto Parkdale Avenue. The lots fronting on Parkdale Avenue to the west of the laneway represent a different planned context than that of the subject property, allowing for greater heights and densities as it relates to the Hub designation in the Official Plan. Parkdale Avenue is a Minor Corridor and north-south Arterial Road. Across Parkdale Avenue is Tunney's Pasture, a federal employment site. The Tunney's Pasture LRT station is located approximately 520 metres west of the subject property. Further west are the Champlain Park and Westboro Beach residential neighbourhoods, and southwest of this is the Westboro neighbourhood.

The block containing the subject property is developed with a range of building typologies. As shown in Figure 3, there is no consistent pattern of rear yard setbacks along this block. Where larger rear yards are present, they are almost entirely paved and used for surface parking. Note that the property denoted by the star has since been redeveloped and the rear yard setback has shifted towards the rear lot line.



Figure 3: Graphic depicting the rear yard setbacks abutting the laneway to the west of the subject property.

2.0 Overview of Application

2.1 Proposed Minor Variance

The enclosed Minor Variance application seeks to decrease the required rear yard to increase the unit sizes for the development. The SitePlan approved development on the property features a zoning-compliant rear-yard setback, whereas the development proposed through this application seeks to reduce the rear-yard setback from 7.44 metres to 5.94 metres, a decrease of 1.5 metres (see Figure 4).

The purpose for this variance is to accommodate larger units to meet the shifting market demand. The increase to unit sizes will be achieved not only through the proposed increase to the building envelope, but also through shifting the unit mix. The unit breakdown is illustrated in the table below as follows:

	Studio Unit	One (1) Bedroom Unit	Two (2) Bedroom Unit	Total
Approved Site Plan (2021)	5	6	9	20
Proposed	3	5	10	18



Figure 4: Graphic illustrating the approved and proposed building envelope, with the proposed reduction in the rear-yard setback indicated.

In order to offset impacts on greenspace, soft landscaping and stormwater management, changes to the rear yard landscaping are also proposed, as shown on the enclosed Site Plan. The previously approved site plan provided 60% soft

landscaping in the rear yard, whereas the proposed development features 87% - an increase of 10.77 square metres. The previously-approved site plan featured a hardscaped patio across a large area of the rear yard, which is to be replaced by grass. This proposed change will help to improve the rear yard condition, increasing the amount of greenspace and permeable surfaces in the Mechanicsville neighbourhood. The proposal also intends on maintaining the major rear yard plantings as approved through the previous site plan control application. Figure 6 illustrates the landscaping features to be maintained and provided as part of this proposal, including the Bowhal Maple tree in the centre of the yard and the row of Hydrangeas along the rear lot line.

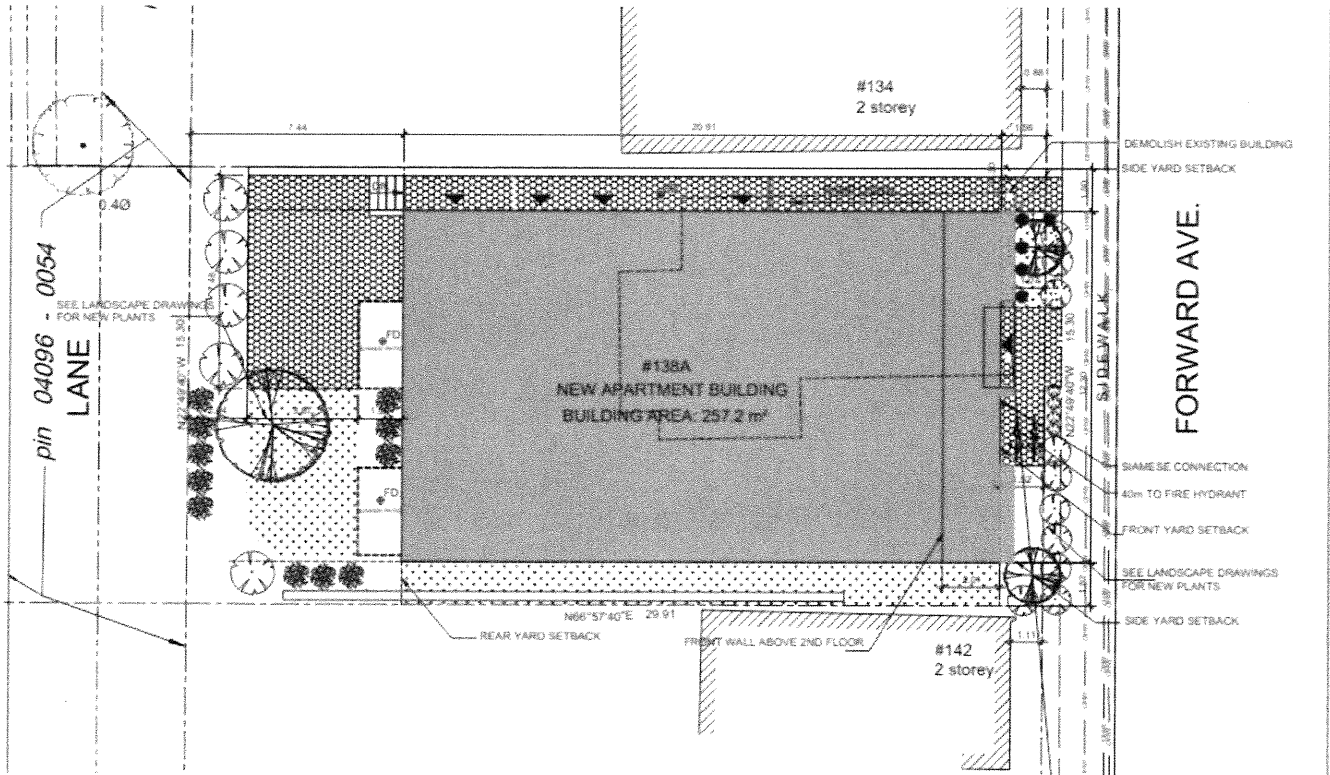


Figure 5: Approved Site Plan.

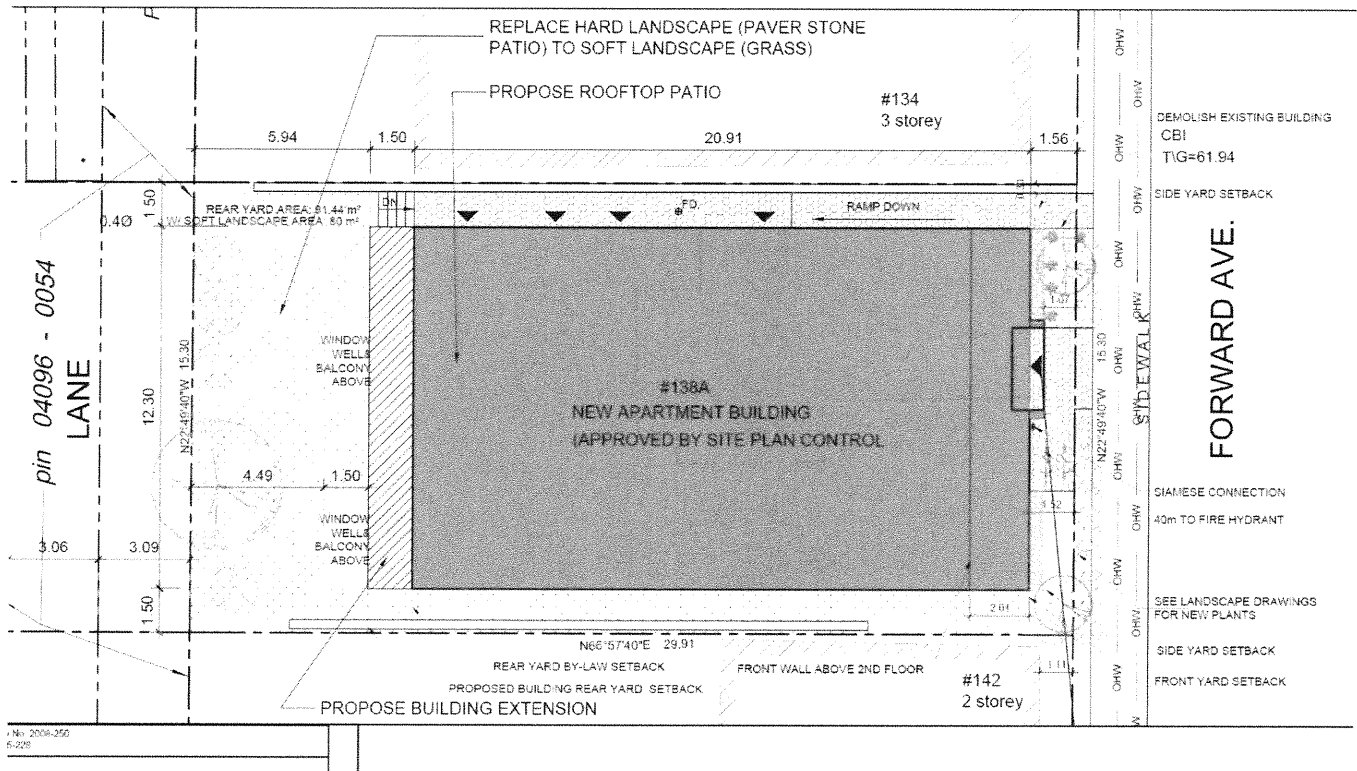


Figure 6: Proposed Site Plan.

Policy & Regulatory Context

3.1 Provincial Policy Statement (2020)

The Provincial Policy Statement, 2020 (PPS) establishes the high-level planning policies for land use planning in Ontario. The PPS is issued under Section 3 of the Planning Act and requires that all planning matters are consistent with the PPS, including decisions made by municipalities. Applicable policies for the proposed Minor Variance application include:

- / 1.1.1: Healthy, liveable and safe communities are sustained by:
 - a) Promoting efficient development and land use patterns;
 - 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);**
 - 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.
- / 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 which are available;
 - f) Are transit-supportive, where transit is planned, exists or may be developed.
- / 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;
- / 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 types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3;
 - c) Directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;
 - d) Promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed;
 - e) Requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations; and
 - f) Establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.

The proposed Minor Variances and resultant development on the subject property are consistent with the Provincial Policy Statement in that it achieves its vision in addressing efficient development on an underutilized lot with existing municipal servicing. The proposed unit mix, incorporating a larger proportion of two (2) bedroom units, is an appropriate type and tenure of dwellings to help meet the long-term housing needs of the City. The subject property's location in proximity to the LRT also promotes transit-supportive intensification, while considering public health and safety.

3.2 City of Ottawa Official Plan (2022)

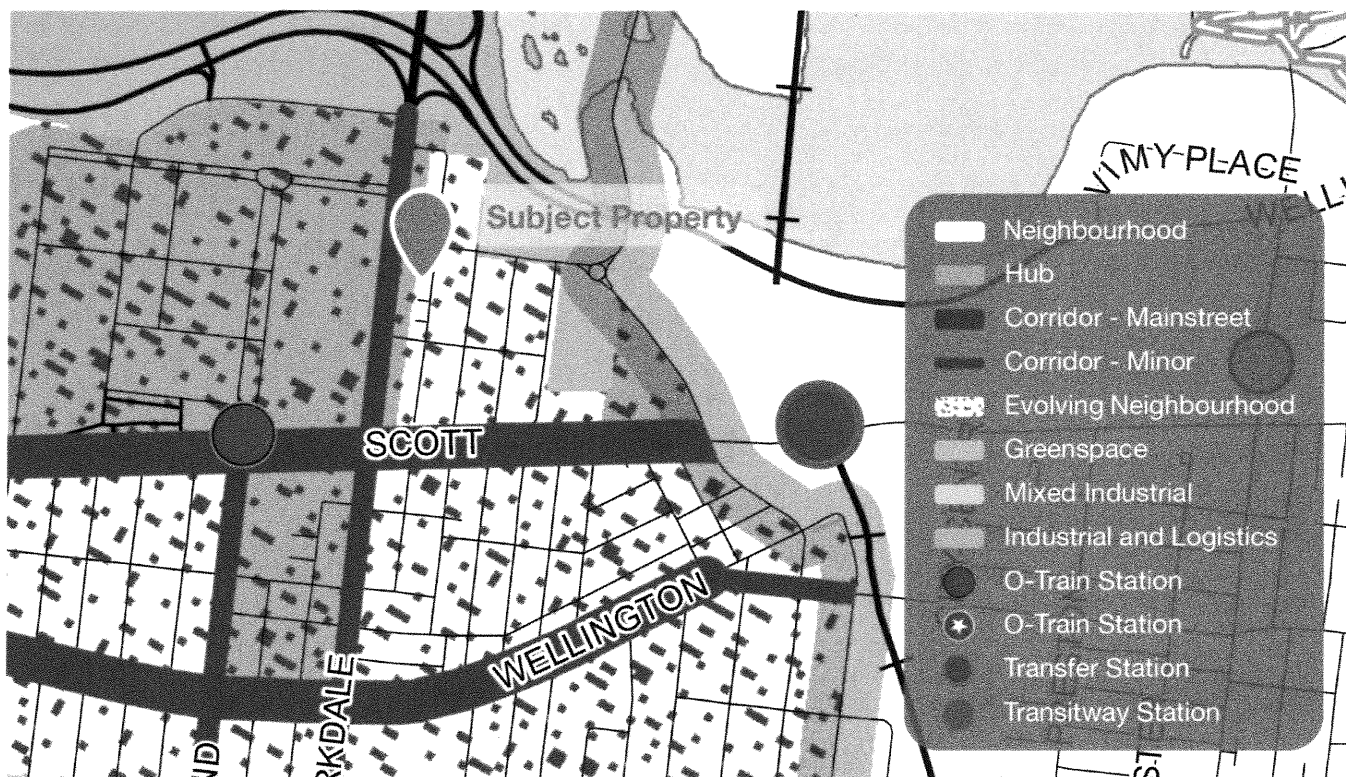


Figure 7: Schedule B2 - Inner Urban Transect (subject property depicted).

The Official Plan for the City of Ottawa was approved by the Ministry of Municipal Affairs and Housing (MMAH) on 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 the manner that the City will accommodate this growth over time and set out the policies to guide the development and growth of the City.

The Official Plan provides guidance for development across the Ottawa region, highlighting specific desired features, such as 15-minute neighbourhoods, and other intensification targets aimed at improving the walkability and sustainability of existing built-up areas. The Official Plan encourages infill and intensification through the development of various housing types, such as missing middle housing, within existing neighbourhoods in the City's urban areas.

3.2.1 Strategic Directions

The Official Plan proposes five (5) broad policy directions as the foundation to becoming the most liveable mid-sized city in North America over the next century. These moves include the direction to **"Achieve, by the end of the planning period, more growth by intensification than by greenfield development"** and **"Embed environmental, climate and health resiliency and energy into the framework of our planning policies."** The Official Plan policies encourage the evolution of neighbourhoods into healthy, inclusive and walkable 15-minute neighbourhoods with a diverse mix of land uses and available unit sizes to accommodate a diversity of housing options. The Official Plan also contains policies to help the City achieve its target of 100 per cent greenhouse gas emissions reduction by 2050, its target of a 40 per cent urban forest canopy cover and to increase the City's resiliency to the effects of climate change.

Big Policy Move #1 identifies the need to accommodate greater growth through intensification and infill development within the existing built-up area than through greenfield development. The policy direction seeks to direct intensification efforts to areas within proximity to Hubs and transit stations.

The proposed Minor Variances help to establish larger unit sizes in the Inner Urban Transect in line with the Official Plan's goal of producing a variety of unit types and tenure in areas anticipated to support greater growth over the life of this Plan.

Big Policy Move #4 reflects the City's vision of promoting site design that considers the long-term effects of ground materials, permeability, and vegetation in contributing to a more sustainable urban form.

The proposed Minor Variance is supported by a proposed change to the site landscaping to increase the soft landscaping on the site, improving overall site permeability, providing access to private greenspace and shade for the residents, and reducing the amount of hardscaping contributing to the urban heat island effect.

3.2.2 Inner Urban Transect

The subject property is located within the "Inner Urban Transect" of the Official Plan (Figure 5). 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. Generally, the older neighbourhoods reflect the urban built form characteristics, including shallow front yard setbacks and in some contexts zero front yards with an emphasis on built-form relationship with the public realm. The focus in these areas will be to enhance or establish an urban pattern of built form, site design and mix of uses, while simultaneously prioritizing walking, cycling and transit within, and to and from the Inner Urban Transect.

- / Per Policy 3(a) of Section 5.2.1 of the Official Plan, the Inner Urban Transect is planned for mid- to high-density development, subject to proximity and access to frequent street transit or rapid transit.
- / Per Policy 4(e) of Section 5.2.1, increases in existing residential densities are supported to sustain the full range of services noted in Policy a)
- / Per Policy 5 of Section 5.2.1, 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.
- / Per Section 5.2.4, 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. 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;
 - d) Provides for a low-rise built form, by requiring in Zoning a minimum built height of 2 storeys, permitting 3 storeys, and where appropriate allow a built height of up to 4 storeys to permit higher-density low-rise residential development; and,
 - e) Provides an emphasis on regulating the maximum built form envelope that frames the public right of way rather than unit count or lot configuration.

3.2.3 Neighbourhood Designation

The subject property is designated "Neighbourhood" in Schedule B2 of the Official Plan (Figure 10). 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. Section 3.2.3 outlines the role of Neighbourhoods in supporting a large portion of the intensification projected by the Plan as they develop in proximity to

designations of greater density and mix of uses, such as Corridors and Hubs. The designation policies ensure intensification and development while remaining sensitive to the existing character of the neighbourhood.

The following policies apply to the Minor Variance application on the subject property:

- / 6.3.1(2) Permitted building heights in Neighbourhoods shall be Low-rise;
- / 6.3.1(4) 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);
- / 6.3.1(5) 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;
- / 6.3.2 (1) The Zoning By-law and approvals under the Planning Act will allow innovative buildings forms, including in the missing middle housing category, in order to strengthen, guide towards or seed conditions for 15- minute neighbourhoods. Innovative building forms include, but are not limited to the development of a single lot or a consolidation of lots to produce missing middle housing;
- / 6.3.2(2) The City will establish form-based regulation through the Zoning By-law, Site Plan Control and other regulatory tools as appropriate, consistent with Transect direction. Such form-based regulation may include requirements for articulation, height, setbacks, massing, floor area, roofline, materiality and landscaped areas having regard for:
 - a) Local context and character of existing development;
 - b) Appropriate interfaces with the public realm, including features that occupy both public and private land such as trees;
 - c) Appropriate interfaces between residential buildings, including provision of reasonable and appropriate soft landscaping and screening to support livability;
 - d) Proximity to Hubs, Corridors and rapid-transit stations;
 - e) Transition in building form to and from abutting designations;
 - f) The intended density to be accommodated within the permitted building envelope;
- / 6.3.2(3) Further to Policy 2), form-based regulation will provide for built form and site development characteristics that are:
 - b) In those parts of the Inner Urban, Outer Urban and Suburban Transects covered by the Evolving Overlay where substantial increases of density are planned and where building form and massing is anticipated to change significantly from existing context, urban as described in Table 6;

3.2.4 Evolving Overlay

An Evolving Neighbourhood Overlay is applied to the subject site and surrounding area. The area shall evolve to create the opportunity to achieve an urban form in terms of use, density, built form and site design. The Zoning By-law shall provide development standards for the built form and buildable envelope consistent with the planned characteristics of the overlay area, which may differ from the existing characteristics of the area to which the overlay applies.

3.2.5 Urban Design

Urban Design concerns the design of both the built form and the public realm. Urban design plays an important role in supporting the City's objectives such as building healthy 15-minute neighbourhoods, growing the urban tree canopy and

developing resilience to climate change. New development should be designed to make healthier, more environmentally sustainable living accessible for people of all ages, genders and social statuses.

Policy 4 of Section 4.6.6 speaks to the provision of amenity area for residential developments, highlighting the need to provide adequate protection from heat, weather, and noise, creating high-quality spaces for residents.

Policy 6 provides specific design guidance for the low-rise built form, requiring buildings to respond to the immediate context as well as the transect-area policies, and provide adequate on-site features such as adequate soft landscaping.

The proposed Minor Variances seek to establish a built form that is compatible within the context of the Mechanicsville neighbourhood and a rear yard condition which has improved upon the existing approved Site Plan, providing increased soft landscaping which is accessible to building residents as outdoor amenity space.

The proposed Minor Variances conform to the relevant policies of the Inner Urban Transect, Neighborhood, and Evolving Overlay sections of the City of Ottawa Official Plan. The proposal seeks to maintain the anticipated low-rise four (4) storey character, as envisioned through the transect and designation policies, providing residential intensification in an area serviced by rapid transit and in close proximity to a Hub and Corridors. Given the subject property's proximity to Parkdale Avenue (Minor Corridor) and Tunney Pasture (Hub & LRT Station), the proposed development will facilitate appropriate intensification on an underdeveloped lot, and the Minor Variances help to ensure that the proposed unit types contribute to a greater unit mix within the existing community.

The proposed development also contributes to the Plan's goal of balancing environmentally-conscious site design in pursuit of intensification. The expansion of the building envelope towards the rear of the lot is proposed to be offset by the inclusion of greater soft landscaping, which was previously hardscaped with patio pavers. This area is proposed to be used by residents as well as contribute to the limited greenspace found within the residential neighbourhood areas of the Mechanicsville community.

The proposed Minor Variances maintain the general intent and purpose of the Official Plan.

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

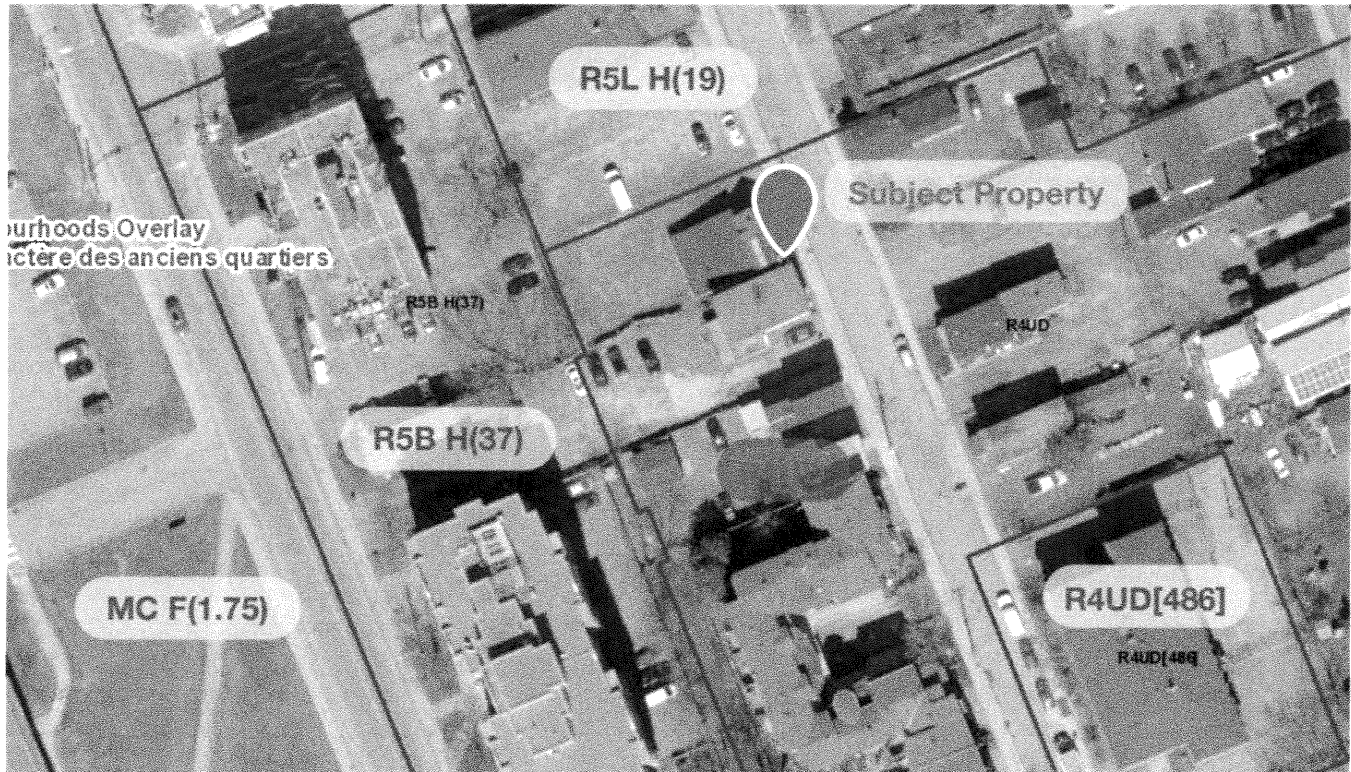


Figure 8: Zoning graphic (subject property identified).

The subject site is zoned “Residential Fourth Density, Subzone UD” (R4UD) in the City of Ottawa’s Comprehensive Zoning By-Law (2008-250) as shown on Figure 6. The purpose of this zone is to:

- / allow a wide mix of residential building forms ranging from detached to low rise apartment dwellings, in some cases limited to four units, and in no case more than four storeys;
- / allow a number of other residential uses to provide additional housing choices within the fourth density residential areas;
- / permit ancillary uses to the principal residential use to allow residents to work at home; and,
- / regulate development in a manner that is compatible with existing land use patterns so that the mixed building form, residential character of a neighbourhood is maintained or enhanced.

The Mature Neighbourhoods Overlay also applies to the subject site. The Overlay includes zone provisions intended to ensure that new infill development complements and reinforces the established neighbourhood character as seen along each street. As per Section 140 of the By-law, the Mature Neighbourhoods Overlay generally regulates development or additions within the front or corner side yard through the completion of a Streetscape Character Analysis. Pursuant to Section 140 (4a), the proposed low-rise development is not subject to a Streetscape Character Analysis, as the proposal does not include a driveway or attached garage or carport, and includes a principal entrance facing the front lot line.

Permitted uses include:

- / apartment dwelling, low rise;
- / retirement home, converted;

- / detached dwelling;
- / diplomatic mission;
- / duplex dwelling;
- / group home (maximum of 10 residents);
- / home-based business;
- / home-based daycare;
- / linked-detached dwelling;
- / park;
- / planned unit development;
- / retirement home;
- / rooming house;
- / secondary dwelling unit;
- / semi-detached dwelling;
- / stacked dwelling;
- / three-unit dwelling;
- / townhouse dwelling;
- / urban agriculture; and,
- / bed and breakfast (maximum of 3 guest bedrooms).

Table 1 below evaluates the proposed development against the applicable zoning provisions, confirming that the subject site can adequately accommodate the development.

Table 1: Zoning Provisions for the R4UD Zone.

Provision	Required	Provided	Compliance
R4-UD			
Minimum Lot Width [Table 162A]	15 metres	15.3 metres	Yes
Minimum Lot Area [Table 162A]	450 metres	458 metres	Yes
Minimum Front Yard Setback [S.144(1)(a);(d)]	Front yard setback must align with the average of the abutting lots' corresponding yard setback abutting the street; Despite the foregoing, the minimum front and/or corner side yard setback need not exceed the minimum required in the Residential subzone in which the lot is located, and in no case may be less than 1.5 m. = approx. 1.34 metres	1.56 metres	Yes
Minimum Rear Yard Setback [S. 162(e.4)]	7.44 metres	5.94 metres	No
Minimum Rear Yard Area [S. 162(e.4)]	Must comprise at least 25% of the lot area Minimum rear yard area: 458 m ² x 25% = 114.5 m ²	90.88 m ² 19.8%	No
Minimum Interior Side Yard Setback [S.144(2)(a)]	1.5 metres	1.5 metres	Yes
Maximum Building Height	14.5 metres	13.76 metres	Yes

Provision		Required	Provided	Compliance
R4-UD				
[Table 162A]				
Parking Requirements (Area Z) [S.101]		No parking required	No parking provided	Yes
Front Yard Parking [S.161(15)]		The front yard and corner side yard must be equipped with solid, permanent fixtures sufficient to prevent motor vehicle parking	Front yard not large enough to accommodate motor vehicle parking	Yes
Bicycle Parking [S.111A]		0.5 spaces/dwelling unit 18 units= 9 spaces	18 spaces provided	Yes
Bicycle Parking Space Dimensions [S.111B]		Horizontal: 0.6 m by 1.8 m Vertical: 0.5 m by 1.5 m (max 50% of required spaces)	Horizontal: 0.6 m by 1.8 m Vertical: 0.5 m by 1.5 m	Yes
Landscaping Requirements [S.161(15)]	Front Yard Landscaping	20%	50%	Yes
	Front Yard Soft Landscaping	<1.5 metres: no minimum but all lands within the front yard and within the corner side yard that are not used by permitted projections, driveways and walkways, must consist of soft landscaped area.	Provided	Yes
	Rear Yard Soft Landscaping	Lot 450 m ² or greater, at least 50% of rear yard Rear yard: 99.39 m ² x 50% = 49.66 m ²	59.28 m ²	Yes
		Any part of the rear yard not occupied by accessory buildings and structures, permitted projections, bicycle parking and aisles, hardscaped paths of travel for waste and recycling management, pedestrian walkways, patios, and permitted driveways, parking aisles and parking spaces, must be softly landscaped.	Provided	Yes
	Minimum Soft Landscaping	Must comprise at least one aggregated rectangular area of at least 25 square metres and whose longer dimension is not more than twice its shorter dimension, for the purposes of tree planting.	Provided	Yes

Provision	Required	Provided	Compliance
R4-UD			
Principal Entrance Requirement [S.161(15)]	At least one principal entrance to a ground-floor unit or to a common interior corridor or stairwell must be located on the facade and provide direct access to the street.	Provided	Yes
Front Façade Window Coverage [S.161(15)]	The front facade must comprise at least 25 per cent windows.	Provided	Yes
Front Façade Setback [S.161(15)]	At least 20 per cent of the area of the front facade must be recessed an additional 0.6 metres from the front setback line.	Provided (25%)	Yes
Minimum Number of Two Bedroom Dwelling Units [S.161(15)]	In the case of a lot of 450 square metres or greater at least 25 per cent of dwelling units must have at least two bedrooms.	Total # bedrooms: 18 Two-bedroom units: 10	Yes

3.4 Proposed Minor Variances

The property is located within the Residential Fourth Density, Subzone UD (R4-UD) zone. While broadly complying with the applicable provisions, in order to proceed with the development, the following minor variances are required:

- / To permit a reduced minimum rear yard setback of 5.94 metres, whereas the By-law requires a minimum rear yard setback of 7.44 metres (Section 162 (Endnote 4)) of the City of Ottawa's Comprehensive Zoning By-law (2008-250); and
- / To permit a reduced minimum rear yard area of 90.88 square metres (19.8%), whereas the By-law requires a minimum rear yard area of 114.5 square metres (25%) (Section 162 (Endnote 4)) of the City of Ottawa's Comprehensive Zoning By-law (2008-250).

An assessment of these variances in relation to the Four Tests of the *Planning Act* is provided below, following the policy and regulatory overview.

Four Tests – *Planning Act*

Section 45 of the *Planning Act, R.S.O. 1990* provides the Committee of Adjustment with the ability to grant minor variances by weighing their appropriateness on the basis of Four Tests. It is required to be demonstrated that a proposed variance satisfies the following tests:

- / Is it in keeping with the general intent and purpose of the Official Plan?
- / Is it in keeping with the general intent and purpose of the Zoning By-law?
- / Is it desirable for the appropriate development or use of the land, building or structure?
- / Is the application minor in nature?

It is our professional planning opinion that the application meets the “Four Tests” as follows:

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

The subject property is designated “Neighbourhood” on Schedule B3 (Inner Urban Transect) of the Official Plan. The Neighbourhood designation is intended to support low-rise housing and mid- to high-densities, promoted through compatible mixed-use environments. The minimum built height is two storeys and up to four storeys to permit higher-density low-rise residential development. The intent of this designation is to ensure new infill is functionally and aesthetically compatible and contributes to the towards the reduction of reliance on private vehicles while furthering the establishment of 15-minute neighbourhoods.

The proposed Minor Variances meet the intent of the applicable Official Plan policies through the development of a low-rise apartment building, designed to be compatible within the existing context of the Mechanicsville community. The purpose of this application to reduce the rear yard setback and rear yard area is to increase the size of units to improve the useability and adaptability of the proposed units. The Official Plan seeks to provide a range of unit types and tenure across the City.

Additionally, the proposal offsets the larger building footprint by increasing soft landscaping in the rear yard. Where the previously approved site plan included 60% soft landscaping in the rear yard, the proposed development features 87% soft landscaping. This improvement in site design meets the direction of the Official Plan to mitigate the impacts of climate change by increasing greenspace and permeable surfaces. The proposed development’s increase in soft landscaping at the rear contributes to a greater proportion of permeable surface across the lot, provides private access to greenspace within the built-up urban area, and supports the goal of reducing the impacts of the urban heat island effect.

The proposed Minor Variance meet the general intent and purpose of the Official Plan.

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

The subject site is zoned **Residential Fourth Density Zone, Subzone UD (R4UD)** in the City of Ottawa’s Comprehensive Zoning By-Law. The purpose of the R4UD zone is to allow a wide mix of residential building forms ranging from detached to low rise apartment dwellings.

The proposed Minor Variances on the subject property require relief from the required minimum rear yard setback and minimum rear yard area, per the City of Ottawa Zoning By-law. The intent of the rear yard setback and area requirements are to provide adequate separation from abutting properties to the rear, protect for a consistent pattern of rear yard amenity space, and to offer an on-site open space for amenity purposes. The 6.5 metre rear yard setback and 99.39 square metres rear yard lot area provide sufficient area for these purposes.

The rear laneway abutting the subject property is a unique feature within the Mechanicsville and Hintonburg neighbourhoods, and must be considered when evaluating the intent and purpose of the Zoning By-law . The majority of

lots zoned R4-UD have rear yards abutting rear yards. In the case of the proposed development, the rear laneway provides an additional six (6) metre buffer from the adjacent property to the rear, resulting in a total separation of 11.94 metres – 4.5 metres more than what is required through the Zoning By-law.

Additionally, the larger block does not have a consistent pattern of rear yard setbacks, and the majority of the lots abutting the east side of the laneway have a setback of less than 6 metres to the laneway. The abutting lots to the north and south have hard landscaped rear yards that do not appear to be used for amenity.

The proposed rear yard area of 90 square metres is sufficient to provide an attractive, useable greenspace for the residents of the proposed development. Although the Zoning By-law does not impose minimum amenity area requirements for the R4-UD zone, the rear yard area exceeds the typical minimum communal amenity area requirements set out in Section 137 of the by-law for apartment units, and together with the proposed balconies, the development exceeds the typical overall amenity area requirements of six square metres per apartment unit.

The variances requested meet the general intent and purpose of the Zoning By-law, as the increased building massing and reduced rear yard will continue to have a contextually appropriate relationship to the existing and planned function of the adjacent properties. The rear yard will function as an appropriate amenity space for the residents of the proposed development.

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

The proposed development consists of the establishment of a 3.5-storey low-rise apartment building containing 10 units. As noted previously, the project is consistent with the intended function of the R4UD zone. Additionally, the proposal contributes to intensification goals of the R4UD zone and Neighbourhood designation by providing an increased supply of housing. The policies of the Inner Urban Transect of the Official Plan promote intensification, encouraging low-rise apartment buildings and other low-rise residential dwellings where they can be accommodated and fit within the local context. Further, policies within the PPS support the proposed development by:

- / promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
- / accommodating an appropriate affordable and market-based range and mix of residential types;
- / 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; and
- / ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs.

The proposed variances facilitate the efficient and desirable development of the land through the inclusion of larger dwelling units. The provision of larger units within proximity to transit is desirable as it will diversify the type and tenure of housing options available in a well-connected and serviced neighbourhood in the inner urban area. In addition, the proposal would add additional soft landscaping to a site currently dominated by landscaped area used for vehicle parking. Overall, the proposal is desirable for the development and use of the lands.

4.4 Is the Proposal Minor in Nature?

The establishment of the proposed development on the basis of the proposed minor variances is not anticipated to generate any undue or adverse impacts on adjacent properties. The proposed development is generally consistent with the provisions of the R4UD zone and capable of accommodating new development that is consistent with the existing mix of dwelling types in the area.

The primary consideration of whether a variance is minor is the evaluation of adverse impacts on other properties. The Minor Variances sought through this application are minor in nature as the proposed development presents minimal changes to the approved site plan. The impacts resulting from the enlarged building footprint are offset by the separation provided by the laneway to the rear, the absence of a consistent pattern of rear-yard amenity space in the same block as the subject property, and the improved conditions of the rear yard provided through the inclusion of additional soft landscaping.

The proposed Minor Variances seek to improve the desirability of the proposed development by providing larger, more adaptable units. The changes to the approved site plan to permit a larger building envelope are not anticipated to create significant impacts on adjacent properties due to the site-specific context. Potential impacts on the urban heat island effect and landscaping objectives due to a larger building footprint are further mitigated by the proposed increase of soft landscaping in the rear yard.

The proposed Minor Variances are minor in nature.

5.0 Conclusion

In our professional opinion, the Minor Variances represent good planning and meet 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 saunders@fotenn.com and aird@fotenn.com with any questions or requests for additional material.

Sincerely,

A handwritten signature in black ink, appearing to be 'Bria Aird', with a long horizontal flourish extending to the right.

Bria Aird, MCIP RPP
Senior Planner

A handwritten signature in black ink, appearing to be 'Evan Saunders', with a long horizontal flourish extending to the right.

Evan Saunders, M.PL
Planner