

August 7, 2024

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

**RE: Application for Consent & Minor Variance  
3776 - 3780 Albion Road South, City of Ottawa**

**Committee of Adjustment**  
Received | Reçu le

**Revised | Modifié le : 2024-08-07**

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

Dear Mr. Bellemare,

The owner (Concorde Properties) Capital) of 3776 - 3780 Albion Road South, has retained Fotenn Consultants Inc. ('Fotenn') as Agent to submit a Consent to sever application to the Committee of Adjustment. The intent of the application is to sever the existing lot into two (2) separate lots with surface access easements. An accompanying minor variance application is also being submitted to accommodate the proposed development of the two lots.

The new lots are intended to accommodate low-rise, back-to-back townhouse buildings to be constructed in the future on the severed and retained lands each. The future low-rise townhouse buildings have already received Zoning By-law Approval from the City of Ottawa in their current form, however, minor zoning by-law relief is required to accommodate the proposed ownership structure. The properties were historically separate lots as is indicated by the existing individual civic addresses provided for each, and only merged on title recently when the current owner acquired both.

If provisional consent is granted, we are requesting two certificates be provided, one (1) for the retained lands and one (1) for the severed lands.

In addition to this cover letter, the following materials have been enclosed in support of this application:

- / Completed application form;
- / Parcel Abstract;
- / Site Plan & Elevations;
- / Tree Conservation Report
- / Draft Reference Plan (R-Plan);

Sincerely,



Tim Beed, MCIP RPP  
Associate, Planning

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

**Kingston**  
The Woolen Mill  
4 Cataragui Street, Suite 315  
Kingston, ON K7K 1Z7  
613.542.5454

**Toronto**  
174 Spadina Avenue, Suite 304  
Toronto, ON M5T 2C2  
416.789.4530

fotenn.com

# 1.0 Introduction

Fotenn Consultants Inc. (“Fotenn”) has been retained to prepare this Planning Letter in support of Consent to Sever and Minor Variance applications for the property known municipally as 3776 - 3780 Albion Road South (the “subject property”) in the City of Ottawa.

The intent of this letter is to assess the proposed Consent to Sever and Minor Variance applications against the applicable policy and regulatory framework and to demonstrate how the proposal is appropriate for the subject property and compatible with surrounding land uses and existing infrastructure.

## 1.1 File History

In August 2022, Ottawa City Council approved a Zoning By-law Amendment pertaining to the proposed redevelopment of the subject property. The approvals referenced a three-storey, residential-use building with private and surface parking. The plans submitted to the Committee of Adjustment have not been altered since that time.

The Zoning By-law Amendment was crafted to address the specific details of the proposed buildings and provided relief for provisions relating to maximum building height, setbacks, and residential vehicle parking.

### Application Timeline

- Initial Pre-App Meeting: November 2019
- Meeting with Councillor and Community: 2020
- ZBLA Application Submission: October 2020
- Meeting with City and Councillor: 2020
- First Public Meeting: May 26th, 2021
- Meetings with City and Councillor: Autumn 2021
- Second Public Meeting: October 6th, 2021
- Revised Proposal Submission: February 2022
- / Zoning Approval: August 2022
- / Discussion with City: Winter – Spring 2024

## 1.2 Purpose of Applications

### 1.2.1 Consent Application

The Consent to Sever application seeks to subdivide the subject property into two (2) lots for financing purposes, each to accommodate the proposed low-rise back-to-back townhouse buildings, one each to be constructed on the retained and severed lands. The development has already received Zoning By-law Amendment approval (By-law 2022-331) from the City of Ottawa but technical minor variance applications are required to support this proposal.

Notably, the properties were historically separate lots as is indicated by the existing individual civic addresses provided for each, and only merged on title recently when the current owner acquired both.

As per the table and graphic below, the proposed severed area consists of Parts 1, 2, & 7 whereas the retained lands consist of Parts 3, 4, 5 & 6. Each new proposed lot cumulatively comprises a total land area of 1,403m<sup>2</sup> with 17.69m<sup>2</sup> metres of frontage along Albion Road and 79.2 metre lot depth.

Parts 3, 4 and 7 are needed to satisfy Land Registry Office requirements; the existing ownership limit between 3776 and 3780 Albion Road (line between PIN's 04338-0159 and 0158) does not align with the centreline of the proposed right-of-way of the approved plan which also represents the new severance limit.

- Part 4 is part of the existing lot currently known as 3776 Albion but will become part of future 3780 Albion,
- Part 7 is part of the existing lot currently known 3780 Albion but will become part of future 3776 Albion.
- Part 3 is the continuation of this "wedge" between new and old parcels,
  - o Part 3 is presently part of existing 3776 Albion but will become part of the new 3780 Albion property after the severance.

Easements are also required to facilitate this development.

It is proposed to establish easements, for vehicle access and egress through the shared driveway to the site as follows:

- Easement proposed over Parts 4, and 6 in favour of Parts 1, 2 and 7 to provide ingress and egress.
- Easement proposed over Parts 2 and 7 in favour of Parts 3, 4, 5 and 6 to provide ingress and egress.

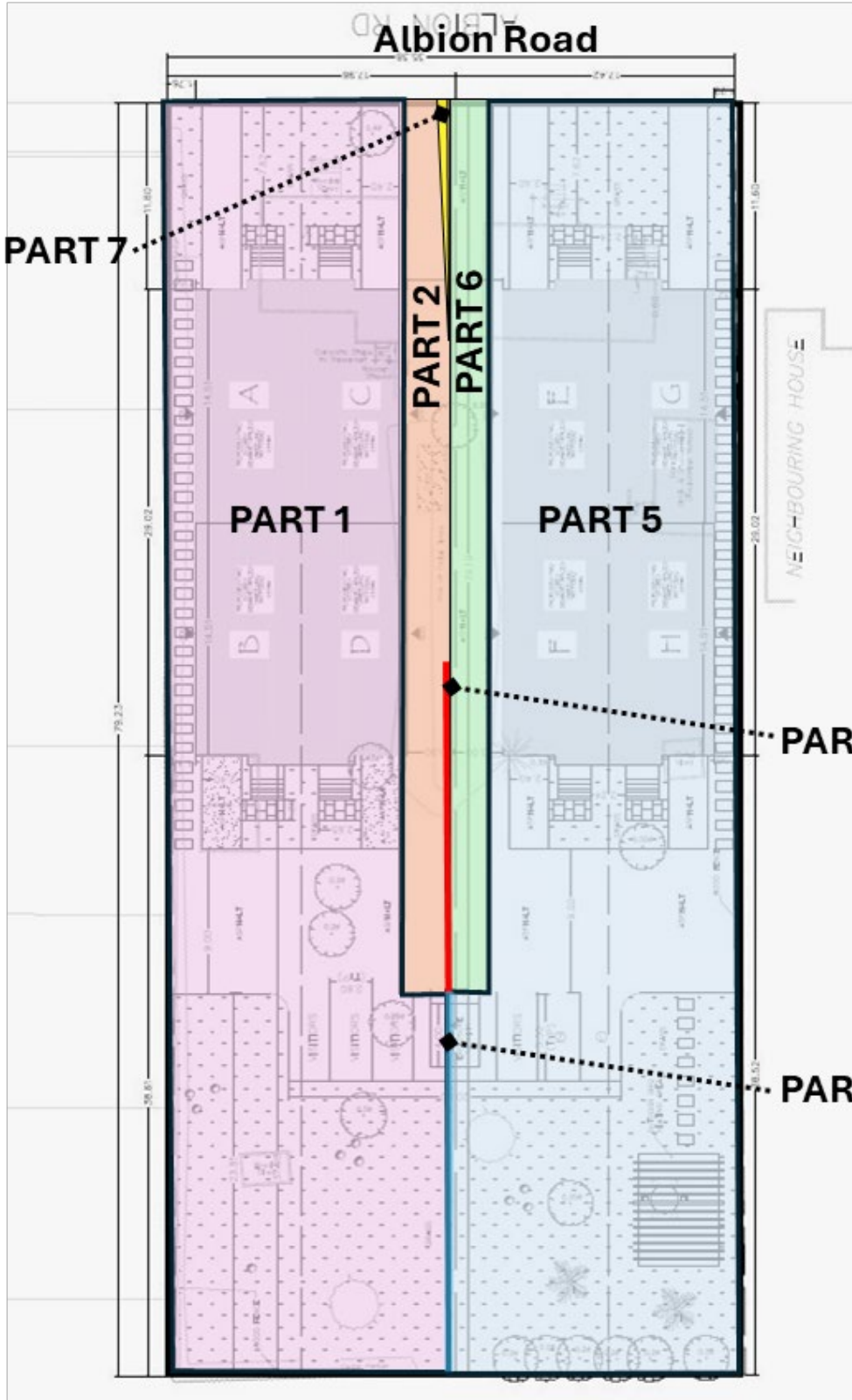


Figure 1 Coloured referenced R-Plan

Figure 2 Coloured severance plan.

	Severed	Retained
<b>Parts of Reference Plan</b>	Parts 1, 2, 7	Parts 3, 4, 5, 6
<b>Frontage(m)</b>	17.69	17.69
<b>Lot Depth(m)</b>	79.2	79.2
<b>Area m2</b>	1403.93	1403.93

**1.2.2 Minor Variance Application**

Although the Zoning By-law Amendment was crafted to specifically address the proposed development in 2022. The provisions were written to address a Planned Unit Development condition. The owner no longer intends to operate this development as a planned unit development and now requires relief from the zoning provisions specifically to remove reference to the Planned Unit Development and to allow for eaves and stair access as permitted projections on the north and south elevations of the proposed building.

1. Despite Section 107.1 & 107.2 of the zoning by-law (2008-250), the minimum width for a driveway providing access to parking spaces is 2.4 metres.
2. Despite Exception 2821 of the zoning by-law (2008-250), projections as detailed in Section 65 of the Zoning By-law are permitted on the northern and southern sides of each of the 2 buildings for:
  - o eaves, eave-troughs and gutters; and
  - o Fire escapes, open stairways, stoop, landing, steps and ramps
3. Despite Section 139(2)(d) of the zoning bylaw (2008-250) individual driveways are permitted that provide access from the front lot line and front yard parking, where a shared driveway exists to rear yard parking for each of the dwellings.

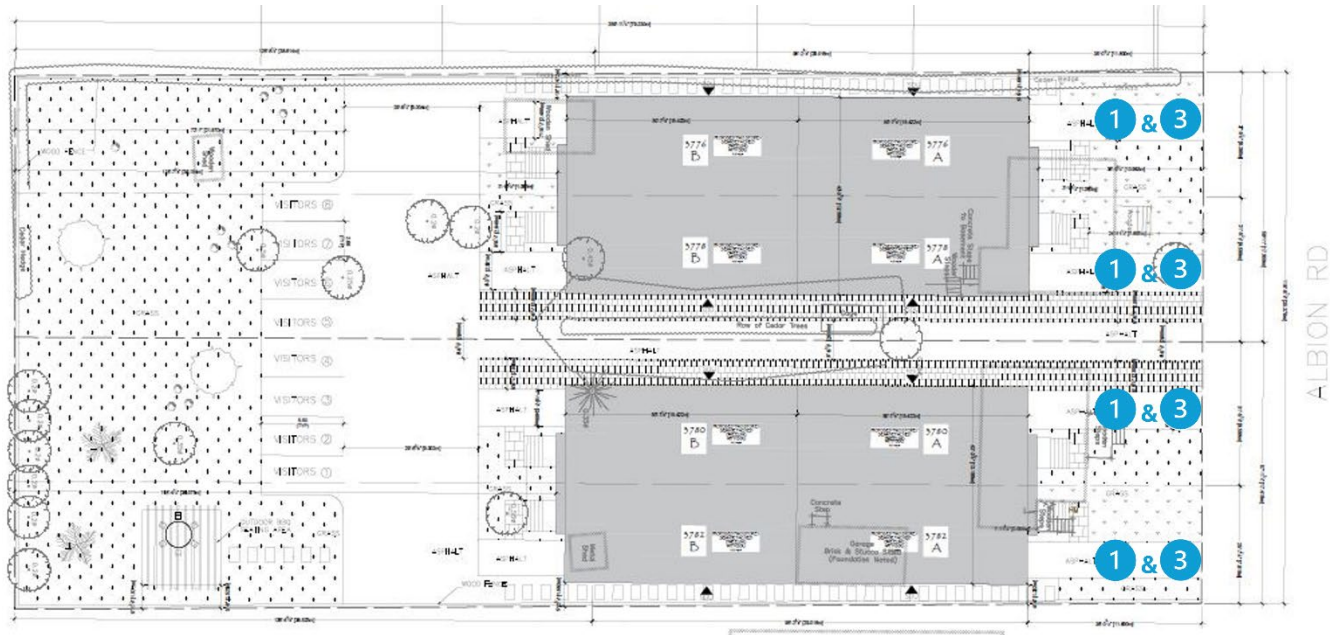


Figure 3 Location of variances 1 & 3.





Figure 4 Location of variance 2.

## 2.0 Site Context and Surrounding Area

### 2.1 Subject Site

The subject property consists of two lots, municipally known as 3776 and 3780 Albion Road. The lands are located in the established community of Emerald Woods-Sawmill Creek within the greater South Keys-Greenboro area of the City of Ottawa. The subject properties are each currently occupied by single-detached residential buildings and various associated accessory buildings and storage areas. The site is legally known as PLAN OF SURVEY OF PART OF LOT 8 CONCESSION 3 (RIDEAU FRONT) GEOGRAPHIC TOWNSHIP OF GLOUCESTER CITY OF OTTAWA.



Figure 5 Site Aerial.

## 2.2 Surrounding Area

The surrounding community is characterized by a mix of land uses, including residential, recreational, institutional, and commercial uses. The neighbourhoods located in close proximity of the subject property have a predominantly low-rise, residential character with a large proportion of the area consisting of single-detached homes, townhomes, and low-rise apartment buildings with heights ranging between two (2) and four (4) storeys. The broader area also contains buildings with heights ranging from four (4) to 17 storeys.

The area surrounding the subject property is described as follows:

**North:** To the north, the subject property directly abuts the rear-yards of several low-rise detached dwellings with frontage along Wyldewood Street. Further north, the Emerald Woods-Sawmill Creek neighbourhood is characterized by primarily low-rise residential dwellings including detached and semi-detached building forms. Also north, a cluster of high-rise buildings front Bridle Path Drive.

Northwest of the subject property is the intersection of Bank Street and Hunt Club which includes the South Keys Shopping Centre, a range of other commercial and retail uses, and the South Keys Transit Station.

**East:** East of the subject property is the Hunt Club Upper-Blossom Park-Timbermill low-rise residential community. This neighbourhood is characterized by a series of low-rise residential-use buildings including detached, semi-detached, and townhouse dwellings. Key amenities to the east of the subject property include the Sawmill Creek Park, Pool, and Recreation Complex as well as Sawmill Creek Elementary School and Gabrielle Roy Public School.

**South:** Immediately south of the subject property is a semi-detached dwelling fronting onto Albion Road. Further south are additional detached dwellings fronting Albion Road and additional low-rise residential uses within the community. The NCC Greenbelt is located approximately one (1) kilometre south of the subject property.

**West:** Immediately west of the subject property and abutting the rear property line is the City-owned Emerald Woods Park. The area further west is predominantly characterized by low-rise detached residential buildings. The Airport Parkway and multiuse pathway; both important transportation routes, are also located west of the subject property.

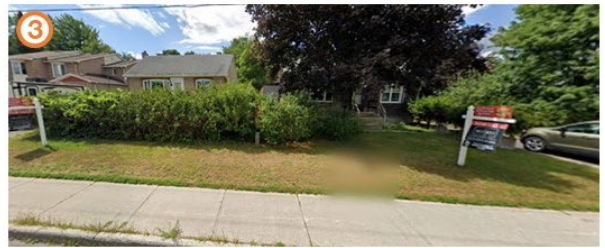


Figure 6: Context Photos from Albion Road



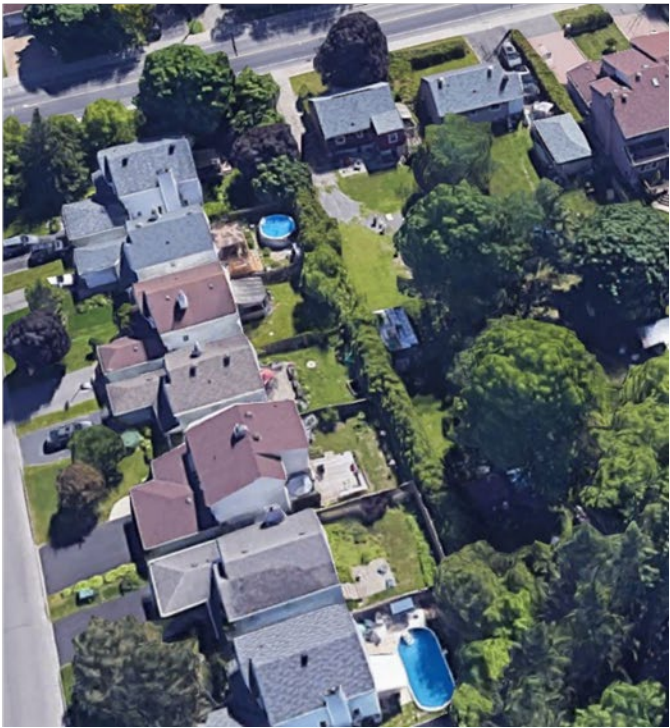


Figure 7 Existing Street view and abutting property context.



## Proposed Development

The planned back-to-back townhouse buildings consists of two (2) storeys (8.8 metres) buildings with 16 residential units. The unit-mix includes 3 bedroom town-house units as well as the additional dwelling units proposed in the basement of both proposed buildings containing 2-bedrooms each. The unit mix is designed to ensure adequate options are available to attract a wide array of residents. The proposed buildings have been situated to provide ample front yard space approximately 11 metres from the Albion Road right-of-way. An interior setback of 1.3 metres is provided to the south and 1.5 metres to the north.



Two pedestrian walkways wrap around the south and north sides of the buildings providing a direct pedestrian connection to the street from the rear yard.

As per the submitted site plan, a large outdoor amenity area is located at the rear of the property including outdoor seating and BBQ area for residents.

### 3.1.1 Public Realm and Private Property

The main entry to the four front facing units in both buildings are oriented towards Albion Road and given prominence on the street using a vertical architectural element and changes in materials.

Along Albion Road, at over 10-metres, the proposed front yard setback is positioned at an appropriate distance from the front property line to provide for a positive pedestrian experience. The front yard also contains ample landscaping including newly planted street trees to provide visual amenity and a buffer between the proposed buildings, the public realm, and neighbouring properties.

The front facing façade design choices, including active entrances, landscaping, front facing windows, peaked roofs and complementary materiality will provide a look and feel that better represents the existing character and

rhythm of the street. The orientation of the two buildings, breaks in massing, proposed setbacks, building height, and the entrance, roofline, and window treatments have all been carefully considered to ensure no undue negative impacts are created on the existing community character and to promote a complementary and respectful design in relation to the abutting properties. The proposed height, massing, and overall design are reflective on the single-detached built form that represents the existing character of the community.

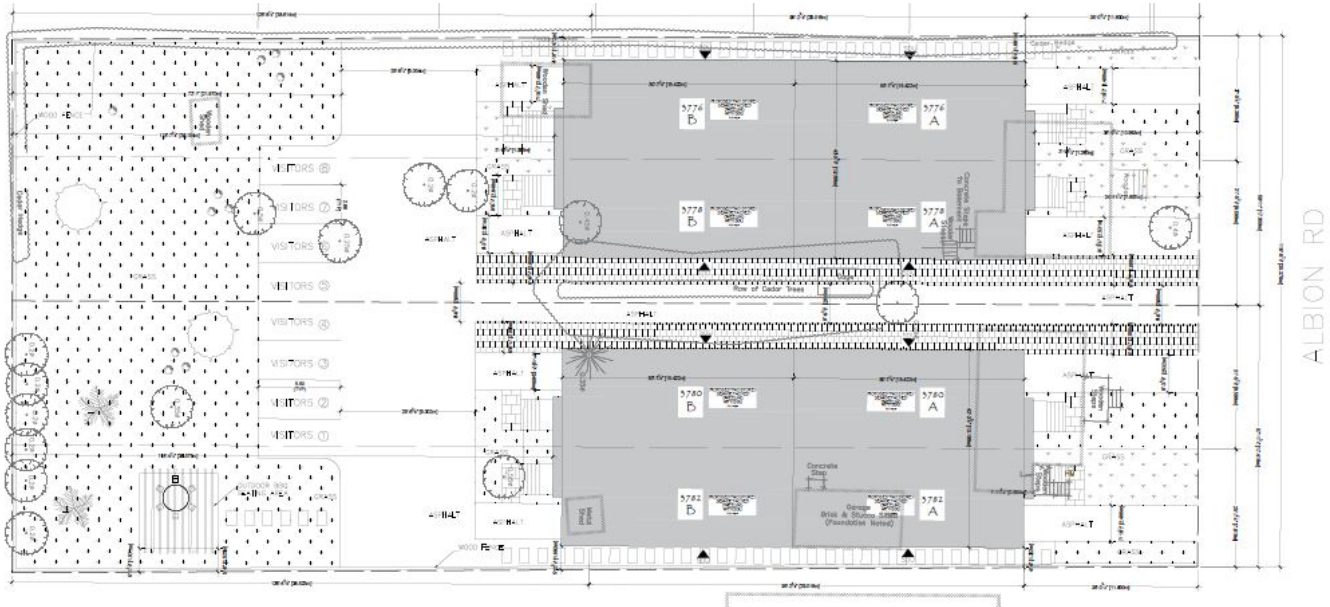


Figure 8 Proposed Site Plan.



Figure 9 Proposed front elevations.

The rear yard setback from the primary building wall to Emerald Woods Park is 35 metres and along with the large soft landscaped amenity area included in the rear yard directly bordering the park this ensures the existing condition in terms of impacts on the public space is retained.

The landscaping plan includes a program of both coniferous and deciduous tree plantings as well as benches and seating to compliment the design approach and to assist in mitigating potential concerns regarding noise and privacy impacts on the surrounding community.

# 4.0 Policy and Regulatory Framework

## 4.1 Planning Act

The Planning Act is provincial legislation that empowers municipalities to engage in land use planning activities in Ontario. Sections 53(1), 53(12), and 51(24) of the Planning Act establish the criteria for the severance of land. As the proposal includes one severed lot and no public infrastructure, a plan of subdivision is not required for the orderly development of the lands. The proposed severance meets the criteria established in Section 51(24) of the Planning Act as follows:

**a) The effect of development of the proposed subdivision on matters of provincial interest**

The proposed Consent application is consistent with the policies of the Provincial Policy Statement (2020) by providing for development within a settlement area that will efficiently use the land, existing infrastructure, and public service facilities.

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

The proposed Consent allows for residential intensification within the urban area where municipal servicing is available. The application is therefore not premature and is in the public interest. The proposed severance re-established the historic property boundaries for the two lots.

**c) Whether the plan conforms to the Official Plan and adjacent plans of subdivision, if any;**

The proposed Consent conforms with the policies of the City of Ottawa Official Plan (2022) and is permitted in the Neighbourhood designation.

**d) The suitability of the land for the purpose for which it is to be subdivided;**

The Consent application proposes the severance two historically separate lots which merged on title automatically at the time they came under single ownership. The proposal is to again create two separately conveyable lots for the purposes of future residential development. The parcels were historically separated and only merged on title recently when the current owner acquired both.

**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 abutting road is publicly maintained and connects to the larger urban road network of the City of Ottawa.

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

The parcels were historically separated and only merged on title recently when the current owner acquired both. The proposed lot sizes and shapes are consistent with the lot fabric for other properties in the surrounding area. The lots are also designed to accommodate low-rise townhouse footprints on the property while respecting required setbacks in the R3B[2821] zone which was specifically crafted for the proposed development.

**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;**

The proposed buildings comply with the applicable performance standards under the R3B[2821] Subzone with only technical amendments required to facilitate the proposed development.

**The proposal has regard to the following Provincial Interest direction of Section 2 of the Planning Act:**

- (a) the protection of ecological systems, including natural areas, features and functions;
  - **The proposal is not located within any identified ecological systems, including natural areas.**
- (b) the protection of the agricultural resources of the Province;
  - **The proposal is not located within any agricultural resources areas.**
- (c) the conservation and management of natural resources and the mineral resource base;
  - **The proposal is not located within any areas identified for natural resources and the mineral resource base.**
- (d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;
  - **The proposed demolition of the existing buildings does not impact features of significant architectural, cultural, historical, archaeological or scientific interest.**
- (f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
  - **The proposed development is in an area already serviced by municipal infrastructure.**
- (h) the orderly development of safe and healthy communities;
  - **The proposed development is in an area already developed with similar residential uses.**
- (j) the adequate provision of a full range of housing, including affordable housing;
  - **The proposed development provides for various unit types and modestly intensifies an existing residential area adding 16 additional units to the community.**
- (p) the appropriate location of growth and development;
  - **The proposed development is in an area already developed with similar residential uses.**
- (q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;
  - **The proposed development is in an area already well served by various active and public transportation options in proximity to daily services and amenities for new residents.**
- (r) the promotion of built form that,
  - (i) is well-designed,
  - (ii) encourages a sense of place, and
  - (iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;
  - **The proposed development design, scale, and height reflect the existing character of the area and offer high-quality design appropriately animating the public realm.**
- (s) the mitigation of greenhouse gas emissions and adaptation to a changing climate.
  - **The proposed development is in an area already well served by various active and public transportation options in proximity to daily services and amenities for new residents.**
  - **Infill development ensures compact and efficient growth while avoiding unnecessary green-field expansion.**

## 4.2 Provincial Policy Statement (2020)

The Provincial Policy Statement (PPS), issued under the authority of Section 3 of the Planning Act, provides direction on matters of provincial interest related to land use planning and development. The Planning Act requires that decisions affecting planning matters be consistent with policy statements issued under the Act.

The PPS promotes the development of strong communities, which relies on the establishment of efficient land use and development patterns and the accommodation of an appropriate range and mix of uses.

The relevant policy interests to the subject application are as follows:



## **1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns**

- 1.1.1 Healthy, liveable, and safe communities are sustained by:
- / promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
  - / accommodating an appropriate affordable and market-based range and mix of residential types and other uses to meet long-term needs;
  - / 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.
- 1.1.3.1 Settlement areas shall be the focus of growth and development;
- 1.1.3.2 Land use patterns within settlement areas shall be based on densities and a mix of land uses which:
- / efficiently use land and resources; and
  - / 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.

Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment, where this can be accommodated.

## **1.4 Housing**

- 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:
- / permitting and facilitating:
    - all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities; and,
    - all types of residential intensification, including additional residential units;
  - / directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs.

## **1.6 Infrastructure and Public Service Facilities**

- 1.6.6.1 Planning for sewage and water services shall:
- a. accommodate forecasted growth in a manner that promotes the efficient use and optimization of existing:
    1. municipal sewage services and municipal water services; and
    2. private communal sewage services and private communal water services, where municipal sewage services and municipal water services are not available or feasible;
  - d. integrate servicing and land use considerations at all stages of the planning process.
- 1.6.6.2 Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health

and safety. Within settlement areas with existing municipal sewage services and municipal water services, intensification and redevelopment shall be promoted wherever feasible to optimize the use of the services.

1.6.6.7 Planning for stormwater management shall:

- a. be integrated with planning for sewage and water services and ensure that systems are optimized, feasible and financially viable over the long term;
- b. minimize, or, where possible, prevent increases in contaminant loads;
- c. minimize erosion and changes in water balance, and prepare for the impacts of a changing climate through the effective management of stormwater, including the use of green infrastructure;
- d. mitigate risks to human health, safety, property and the environment;
- e. maximize the extent and function of vegetative and pervious surfaces; and
- f. promote stormwater management best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development.

**The severance of the lands to re-establish two separate parcels on full municipal services promotes the efficient use of land in accordance with housing and growth management policy direction.**

**The consent will allow for the creation of lots capable of accommodating new low-rise residential townhouse buildings, contributing to the overall mix of dwelling typologies in the neighbourhood and the City overall. The subject site is well suited for intensification being located close to transit and neighbourhood amenities. Overall, the proposed severance is consistent with the policy direction of the 2020 PPS.**

### 4.3 City of Ottawa Official Plan (2022)

The Official Plan for the City of Ottawa was approved November 4, 2022. The Plan provides a framework for the way that the City will develop until 2046, when it is expected that the City's population will surpass 1.4 million people.

**The subject site is located within the Outer Urban Transect and is designated as Neighbourhood as shown on Schedule B3 – Outer Urban Transect.**

#### 4.3.1 Outer Urban Transect

**Policy 5.3.1.1** states the Outer Urban Transects established pattern of built form and site design is suburban as and is predominantly reflective of the classic suburban model, and in some areas the conventional suburban model. Over the medium- to long-term, this area will evolve toward an urban (15-minute) model as outlined in Table 8. This Plan allows for this evolution to happen gradually.

**Policy 5.3.1.2** states that The Outer Urban Transect is generally characterized by low- to mid-density development. Development shall be low-rise within Neighbourhoods and along Minor Corridors.

Policy 5.3.1.4 states that In the Outer Urban Transect, the Zoning By-law shall provide for a range of dwelling unit sizes in predominantly ground-oriented forms in Neighbourhoods located away from frequent street transit.

**Policy 5.3.4** of the Official Plan provides direction to Neighbourhoods located within the Outer Urban Transect

Policy **5.3.4.1** states that Neighbourhoods located in the Outer Urban area shall accommodate residential growth to meet the Growth Management Strategy as outlined in Section 3 and that the Zoning By-law shall implement development standards that transition away from a suburban model and move towards urban built forms that:

- a) Allows and supports a wide variety of housing types with a focus on lower density missing-middle housing which generally reflects the existing built form context of the neighbourhood, which may include new housing types that are currently not contemplated in this Plan;
- b) The application, as appropriate, of Zoning By-law development standards to be applied as one lot for zoning purposes to support missing middle housing;
- c) Generally provides for up to 3 storeys height permission, and where appropriate 4 storeys height permission to allow for ground oriented higher-density Low-rise residential development;
- d) Provides an emphasis on regulating the maximum built form envelope that frames the public right of way; and
- e) In appropriate locations, to support the production of missing middle housing, prohibit lower-density typologies.

#### **4.3.2 Neighbourhood Designation**

Neighborhoods are contiguous urban areas that constitute the heart of communities. They are planned for ongoing gradual, integrated, sustainable, and internally compatible development. Neighbourhood policies will allow for the development of a full range and choice of housing, with complementary small-scale non-residential land uses to support the creation of 15-minute neighbourhoods.

**Policy 6.3.1.2** states that Permitted building heights in Neighborhoods shall be Low-rise.

**Policy 6.3.1.4** states that 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 3b;
- b) Housing options with the predominant new building from being missing middle housing, which meet the intent of Policy 6.3.2.1.

**Policy 6.3.1.5** states that 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 form, 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).

**Policy 6.3.2.1** states that 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.

**Policy 11.5.4** states that In support of Policy 5.3.4, 1 b) and c) the Committee of Adjustment shall consider for applications for Consent with lot patterns and dimensions that result in intensification in support of ground oriented medium density residential that is consistent with the planned context.

**The proposed severance will maintain the general form and dimensions of the established lot fabric in the area in a way that will support the redevelopment of the properties with the previously approved low-rise back-to-back townhouse buildings. The proposed new lots, and future new development conforms to the Outer Urban Transect and Neighbourhood Designation policies of the Official Plan.**

**As directed by Policy 11.5.4 above, the proposed new lot will contribute to appropriate intensification in represented by ground oriented medium density residential that is consistent with the planned context.**

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

The subject property is currently zoned Residential Third Density, Subzone B, Exception 2821, (R3B[2821]) in the City of Ottawa’s Zoning By-law (2008-250) as per the approved zoning by-law amendment for the site (2022). The purpose of the R3 zone is to allow a wide mix of residential building forms ranging from detached to town-house dwellings.

Further, the Residential Third Density zone is intended to enable a wider range of low-rise, multi-unit infill housing, while respecting compatibility and context sensitive design. Provisions of the R3 zone facilitate building form and topology that constitutes the lower range of the "missing middle" of affordable low to mid-density housing suitable to a wide range of household types, incomes and tenures, as directed by the Official Plan.

The zoning framework on the lands was specifically approved for this development in August 2022 by Ottawa City Council. The proposal remains identical to what was approved at that time.



Figure 10: Zoning map of subject site (City of Ottawa Zoning By-law 2008-250)

As demonstrated below, the consent application proposal conforms to the relevant provisions of the Zoning By-law.

#### R4UC Zoning Provisions

The revised proposed development is compared to the R4UC[2790] S459 zone requirements in the table below:

<b>3776 &amp; 3780 Albion Road – Back-to-Back Towns</b>
<b>Residential Third Density Zone, Subzone B</b>

Performance Standard	Required	Provided	Compliance
Minimum Lot Area	180m <sup>2</sup>	2,799m <sup>2</sup> >180m <sup>2</sup> for all units	Yes
Minimum Lot Width	6 metres	7.96 metres per unit and 8.85 for most eastern units.	Yes
Height	10 metres in Schedule 342 <sup>6</sup>  For lands within the Schedule 342, where a building has a peaked roof having a slope of 1 in 3 (4/12 pitch) or steeper, the maximum building height is 11 metres.	8.8 metres for all units	Yes
Minimum Front yard Setback	3 metres  S. 144 - the yard setback must align with the average of the abutting lots' corresponding yard setback abutting the street(s), - 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. - Need to confirm average. Geotowa measure 8.5 metre average.	10.9 metres for all units.	Yes
Rear yard Setback	varies <sup>2</sup>  For lands located within Schedule 342, see Part V, Section 144 – Alternative Yard Setbacks for Low-Rise	36.7 metres	Yes  - Need to clarify, likely 6 to 7.5 metres.



	Residential Uses. (By-law 2020-288)  <b>S. 144</b> (b) Where a lot's rear lot line abuts any zone other than an R1, R2, R3, or R4 zone, the minimum yard setback is as prescribed in each subzone noted in the Part VI, Residential Subzone tables. (By-law 2021-111).		
Interior Side Yard Setback	1.2 m  S.144 - On an interior lot or through lot, the minimum interior side yard setbacks are as prescribed in each subzone noted in the Part VI, Residential Subzone Tables.	East: 1.48 metres  West: 1.32 metres  Between Buildings: 6 metres (3.0 metres each)	Yes  Yes  Yes
Amenity Space	N/A for townhouse	Large rear yard area.	N/A
Front Yard and Corner Side Yard Landscaping Requirements	For lots with front yard setback greater than 3 metres: - In the case of any lot with a lot width of less than 8.25 m, 30%; In the case of any lot with a width between 8.25 m but less than 12 m, 35%; and In the case of any lot with a width of 12 m or more, 40%.	AB: 63.81m <sup>2</sup> (65%) -CD:38.84m <sup>2</sup> (35%) -EF: 38.83m <sup>2</sup> (35%) -HG: 58.56m <sup>2</sup> (63%).  200m <sup>2</sup> landscaped area for the entire front yard area along Albion which is 49% of the total frontyard area of 410m <sup>2</sup> .	Yes
Driveway width	within Area A on Schedule 343, the	6 metres for double-wide driveway.	Yes

	<p>maximum width is as per Table 139(3):  <b>- Maximum width of a double-wide driveway: 6 metres</b></p> <p>Maximum width of a shared driveway: 3 (m)</p>	3 metres for shared driveway.	Yes
Driveway Width	<p>Minimum Width:</p> <ul style="list-style-type: none"> <li>/ in the case of a parking lot, 6.0 metres for a double traffic lane;</li> <li>/ three metres for a single traffic lane</li> <li>/ Exception 2821:</li> <li>/ The minimum width for a driveway for a townhouse in a Planned Unit Development: 2.4 m.</li> <li>/ <i>Section 107:</i> In the case of a driveway providing access to a permitted parking space for a Detached Dwelling, Semi-detached Dwelling, Linked-detached Dwelling, Duplex Dwelling, Townhouse Dwelling or Stacked Dwelling:</li> <li>/ the driveway must have a minimum width of 2.6 metres.</li> </ul>	<p>3.0 metre per side, total equals 6 metres</p> <p>2.4 metres as no longer considered a PUD.</p>	<p>Yes</p> <p>No</p>
Aisle Width	In the case of a parking garage, or parking lot	6 metres	Yes

	<p>accessory to a residential use an aisle serving parking spaces angled at between 56 and 90 degrees must be at least 6.0 metres wide</p>		
Driveway location	<p>Any driveway, other than a shared driveway, must be separated from any interior side lot line by a landscaped strip not less than 0.15m in width, and consisting of: (i) soft landscaping, or (ii) pavers or interlock brick in a pattern distinct from that of the driveway. (iii) Where a semi-detached or townhouse dwelling is not severed, Section 139(2)(c) applies to individual driveways serving each unit, such that the driveways must be separated from each other by at least 0.3m<sup>2</sup> (By-law 2021-111)</p>	<p>Driveway Separation for lot line: &gt;0.15 metres.</p> <p>Driveway Separation from other driveways: &gt;0.3 metres.</p>	<p>Yes</p> <p>Yes</p>
Front-facing Garages and Carports	<p>Any garage or carport facing the front lot line or side lot line abutting a street is subject to the following:</p> <p>(a) the entrance to the garage or carport must be set back at least 0.6m further from the applicable lot line than either (i) the principal entrance; or (ii) The front edge of a landing or porch, giving access to the principal entrance, or the portion of a projecting landing</p>	- 0.61 metre setback	Yes

	<p>or porch that does not fall within a required yard.</p> <p>(b) Despite 139(3)(a)(ii), the garage or carport may not be more than 0.6m closer to the front lot line or side lot line abutting a street than is the principal entrance to the dwelling.</p>		
Walkway width	<p>(ii) In the case of any other residential use building, 1.2 m;</p> <p>(iii) Despite (i), a walkway giving access to a storage area for containerized waste may not exceed 2.2m in width.</p> <ul style="list-style-type: none"> <li>- A maximum of one walkway per yard is permitted to extend to the right-of-way in the case of a detached, semi-detached, long semi-detached or townhouse dwelling.</li> </ul>	<ul style="list-style-type: none"> <li>- 1.2 metres</li> <li>- N/A</li> </ul>	Yes
Permitted Projections	Exception 2821: Despite Section 65, projections are not permitted on the northern and southern sides of each of the 2 buildings.	Eaves and stair riser both project into the required yard by 50cm.	NO
Driveway Permissions (139.2.d)	Despite (a), Where a rear lane access is open and travelable, or where a shared driveway exists to rear yard parking for each of the dwellings,	Both private and shared driveways are proposed.	NO

	individual driveways providing access from the front lot line and front yard parking are prohibited, and no person may park a car in any portion of the front yard or corner side yard.		
<b>Parking</b>			
Min Res Parking	Area C: <b>Townhouse:</b> 1 per dwelling unit  <b>Secondary Dwelling Unit:</b> 0	- 1 per unit	<b>Yes</b>
Min Visitor Parking	Area C: Townhouse dwelling: 0.2 per dwelling unit however: <ul style="list-style-type: none"> <li>- In the case of a townhouse dwelling or stacked dwelling, where each dwelling unit has a driveway accessing a garage or carport located on the same lot as that dwelling unit, and in the case of a planned unit development, where a dwelling unit has a driveway accessing its own garage or carport; no visitor parking is required for that dwelling unit.</li> </ul>	<ul style="list-style-type: none"> <li>- 0 spaces required.</li> <li>- 8 provided.</li> </ul>	<b>Yes</b>
Bicycle Parking	Not Required.	Not Required	<b>Yes</b>



Additional Dwelling Units	Provided	Conformance
<p>1. Subject to subsections (2) through (19), a coach house and/or additional dwelling units are permitted on a lot containing a detached dwelling, linked-detached dwelling, semi-detached dwelling, townhouse dwelling or duplex dwelling.</p>	<p>Within townhouse units.</p>	<p>Yes</p>
<p>2. An additional dwelling unit or coach house must be located on the same lot, or portion of a lot as its associated principal dwelling unit, whether or not that parcel is severed.</p> <p>- In the case of a semi-detached, linked-detached, or townhouse dwelling, the regulations of this section apply to each portion of a lot on which each principal dwelling unit is located, whether that parcel is to be severed.</p> <p>- Where permitted, in no case may the sum of all principal dwelling units, additional dwelling units, and coach houses located on a lot, or portion of a lot associated with the principal dwelling unit where the lot is not severed, exceed three units.</p>	<p>One ADU is located on the portion of the lot associated with each individual principle Townhouse Unit.</p>	<p>Yes</p>
<p>3. Parking and driveways serving an additional dwelling unit and/or coach house are subject to the following:</p> <p>(b) Except in the case of subsection (5)(a), and despite 100(5), a parking space for an additional dwelling unit or coach house must be located in a permitted driveway associated with the principal dwelling unit and may be in tandem with the principal dwelling unit's parking space.</p>	<p>No parking provided for propose ADUs</p>	<p>YES</p>

The proposed lot severance conforms to the vast majority of applicable performance standards of the Zoning By-law.

The requested relief noted above specifically addresses technical relief required to permit the proposed building now that it is not considered a Planned Unit Development and does not represent any physical change to the building since the Zoning By-law Amendment approvals of 2022.

## 5.0 Minor Variance Applications: The Four Tests

It is our professional opinion that the proposed development constitutes good planning and meets the four (4) tests outlined in the Planning Act as discussed below.

## 5.1 Does the proposed variance maintain the general intent and purpose of the Official Plan?

The subject property is designated Neighborhood within the Outer Urban Transect in the City of Ottawa Official Plan. The minor variance application is consistent with the policies related to the transect, designation, and overlay; as well growth management framework, and urban design.

The proposed development contributes to the vision of the Outer Urban Transect. The proposed two (2) storey stacked dwellings on the severed and retained parcels are consistent with the Neighbourhood designation. The building design builds upon the existing neighbourhood context and contributes to the provision of missing middle housing type to the neighbourhood, expanding housing type and choice for future residents.

**The proposed minor variance application maintains the general intent and purpose of the Official Plan. The proposed variances will permit the construction of two new buildings that will provide low-rise, residential infill development in a serviced, existing neighbourhood proximate to amenities and transportation options.**

**The subject property is also located in proximity to significant transportation opportunities and important amenities to promote ease of walking and cycling as an alternative to personal vehicle use for residents and visitors. The range of unit sizes and typologies provided will ensure a diversity of housing opportunities in this area. Intensification of the subject property will make efficient use of existing infrastructure, public service facilities, and will support the City's investment and commitment to public transit.**

**The proposed severance will maintain the general form and dimensions of the established lot fabric in the area in a way that will support the redevelopment of the properties with the previously approved low-rise back-to-back townhouse buildings. The proposed new lots, and future new development conforms to the Outer Urban Transect and Neighbourhood Designation policies of the Official Plan.**

**The proposed development constitutes residential intensification as defined by the Official Plan. The planned development efficiently and modestly intensifies a site in an area well-served by community facilities, commercial services, park spaces, and transportation options.**

**The redevelopment and intensification of the subject property will further complement the existing neighbourhood and services.**

**As directed by Policy 11.5.4 above, the proposed new lot will contribute to appropriate intensification in represented by ground oriented medium density residential that is consistent with the planned context.**

## 5.2 Does the proposed variance maintain the general intent and purpose of Zoning By-law?

The proposal in its current form and function received approval for a zoning by-law amendment to permit the development in August 2022. The requirement for the Minor Variances is to address certain provisions of the site specific exception which specifically reference the previously considered Planned Unit Development.

The subject property is zoned Residential Third Density, Subzone B, Urban Zoning Exception 2821 (R3B[2821]) in the City of Ottawa Comprehensive Zoning By-law 2008-250. The intent of the zone is to allow a mix of residential building forms to provide additional housing choices, 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.

A zoning compliance table has been provided in section 4.4 of this rationale and summarizes the provisions of the R3B[2821] zone.

The proposed development meets all other provisions of the approved zoning, and therefore, overall, the proposal is consistent with the intent and direction of the R3B[2821] zone to accommodate new low-rise development in the Neighbourhood designation.

**The minor variance requested meets the general intent and purpose of the zoning by-law.**

### 5.3 Is the proposed variance minor in nature?

The variances will enable compatible intensification of sixteen (16) total dwelling units within an established low-rise residential neighbourhood, conforming with strategic direction for managing growth within Ottawa's urban areas. This type of incremental, contextually sensitive, residential intensification capitalizes on existing infrastructure, including public transit routes.

The proposed variances are related solely to the proposed drive way typology and width, while the proposed building form and massing is fully compliant with all other provisions of the R3B[2821] zone. This includes the required setbacks which provide building separation and liveability and a compatible low-rise building height to minimize overlook, shadowing and other microclimate impacts. This ensures the development will not generate undue impacts on the neighbouring lands or the broader community.

The proposal during the zoning by-law amendment went through various rounds of discussion with the community, ward councillor, and city planner with various amendments to the plans made to accommodate feedback from these meetings. The proposal now fully reflects the results of this important public consultation process.

**The proposed variances are minor in nature.**

### 5.4 Is the proposed variance desirable for the appropriate development and use of the land?

Albion Road and surrounding community can be characterised by its low-rise residential nature which is reflected in the 2-storey height of the proposed redevelopment.

An important consideration of the design was to ensure that the proposal contributes to the quality of the streetscape, and respects the scale and mass on the adjacent surrounding homes.

The proposed design which includes two (2) two-storey back-to-back townhouse buildings ensures the new development faces and animates the public streets with ground floors providing principal entries, windows, porches facing onto the street, which contribute to the animation, safety and security of the street.

The proposal is situated and designed in a manner that reflects the existing and planned neighbourhood pattern of development in terms of building height, roofline design, and location of primary entrances.

The window placement for the exterior facing side elevations to the north and south have been designed to diminish concerns of overlook and impacts on privacy for the abutting side yard neighbouring properties.

The requested variances do not preclude the ability of the proposed stacked dwellings to meet other requirements in the Zoning By-law and will continue to allow the subject site and neighbouring properties to develop in a manner consistent with the built form of the surrounding area.

The variances are required to support the development of a stacked residential building in a residential area zoned R3B[2821], which is intended to accommodate more intense forms of development through intensification while keeping building heights low-rise, being four (4) storeys or less. The variances are not expected to generate

any undue adverse impacts on neighbouring properties or the local heritage context and support the planned growth of a community in proximity to transit and community amenities.

Efforts have been made to ensure the building design, including front yard condition with ample landscaping, principle front facing residential entrances, and a sloped roof are compatible with the community. The proposed design has taken cues from the surrounding community in proposing a two-storey (8.8 metres) townhouse development with materiality, massing, and articulation that is consistent with the community.

The proposal provides for much needed residential intensification in this community while avoiding adverse impacts of excessive height, massing, or lot coverage. The proposed building form and function is well represented throughout the existing community and will constitute appropriate development within this community.

**The proposed development is compatible with the existing community character along Albion Road which includes a range of detached dwellings, converted dwellings, commercial plazas, and multi-unit dwellings. The area has several larger lots and the proposed development respects this character buildings that are set back from the front and side lot lines in a manner consistent with surrounding developments. The large rear yard setback also mitigates any potential impacts from the proposed development on adjacent rear yard amenity spaces.**

**The proposed development provides an important housing type for the area in the form of a multi-unit townhouse building. As a result, the proposed development will contribute to the balance of housing types and tenures in the community. The proposed development contributes to the continued development of an established and well positioned neighbourhood by adding a more intensive residential built form in proximity to a range of existing employment, service commercial, recreational, and institutional uses.**

**The proposed variances are desirable and appropriate for the development of the property.**

## 6.0 Conclusion

It is our professional opinion that a full Plan of Subdivision is not required for the orderly development of the lands, and a Consent is appropriate for the subject property.

The proposal to create two (2) total lots from an existing parcel satisfies the Planning Act criteria for a Consent and conforms with the policies of the Provincial Policy Statement and the City of Ottawa Official Plan.

Further, it is our professional planning opinion that the proposed Minor Variances constitute good planning as:

- / The proposal is consistent with the Provincial Policy Statement (2020);
- / The proposal conforms to the policies and objectives of the Neighbourhood designation and overall policies of the Official Plan (2022);
- / The proposal meets the intent of the R4UA zone and the City of Ottawa Comprehensive Zoning By-law (2008-250) overall; and
- / The proposed minor variances meet the four (4) tests as set out in the Planning Act.

Sincerely,

Tim Beed, MCIP RPP  
Associate, Planning

---