



November 11, 2024

Committee of Adjustment
101 Centrepointe Drive
Ottawa, Ontario
K2G 5K7

Committee of Adjustment

Received | Reçu le

Revised | Modifié le : 2024-11-14

City of Ottawa | Ville d'Ottawa

Comité de dérogation

Dear Committee Members,

**RE: Application for Minor Variance
250 Shakespeare Street
LT 334, PL 246 ; VANIER/GLOUCESTER
City of Ottawa
Owner: 1000598810 ONTARIO INC.**

HP Urban Inc and The Stirling Group have been retained by the Property Owner to assist with a Minor Variance application for the property located at 250 Shakespeare Street, described as LT 334, PL 246 ; VANIER/GLOUCESTER. The property is rectangular in shape and resides within the Vanier neighbourhood, Ward 12 (Rideau-Vanier). The property owner is proposing to build a low-rise rental apartment building with 8 units.

The subject property is located within the Inner Urban Transect and is identified as Neighbourhood on Schedule B2 of the Official Plan. The subject property is zoned Residential Fourth Density, subzone UA (R4UA) in the City of Ottawa Zoning By-Law.

To proceed with the development as proposed, a Minor Variance is required for the Lot Area provision and the Rear Yard Setback provision.

Attached with this letter are copies of the following documents:

- Committee of Adjustment Application requesting a minor variance for lot area and rear yard setback
- Site Plan and Elevations
- Topographic Survey
- Tree Report

SITE LOCATION

The subject property is a large rectangular lot located on Shakespeare Street at the intersection of Tabor Avenue and Shakespeare Street. The lot is approximately 272 m² and currently contains a one and a half storey residential dwelling.

Figure 1 shows an aerial view of the subject property outlined in Orange. As shown in the aerial image, the surrounding land uses are predominantly residential. A small commercial use exists directly adjacent to the subject property at 201 Marier Avenue.



Figure 1 – Aerial view of the subject property, 250 Shakespeare Street

PROVINCIAL POLICY STATEMENT, 2024

The Provincial Planning Statement was issued under section 3 of the Planning Act and came into effect October 20, 2024. It replaces the Provincial Policy Statement that came into effect on May 1, 2020. The PPS sets the policy foundation for regulating the development and use of land province-wide, helping achieve the provincial goal of meeting the needs of a fast-growing province while enhancing the quality of life for all Ontarians.

Section 2.2 notes that “Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected needs of current and future residents of the regional market by:

- c) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation; and
 - *The proposed development efficiently uses land, existing resources and infrastructure. It is well positioned within the City for residents to use active transportation modes; the property is located adjacent to a Minor Corridor in Marier Avenue and between two Major Corridors in Beechwood Avenue and Montreal Road.*
- d) requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations.
 - *As noted, the proposed development would see the introduction of 8 rental units on a lot where a single residential dwelling is located. The subject property is in close proximity to transit and both minor / major Corridors.*

Section 3.1 speaks to General Policies for Infrastructure and Public Service Facilities and Policy 2. a) notes “the use of existing infrastructure and public service facilities should be optimized”

- *The proposed development would utilize existing services along Shakespeare Street that have the capacity to serve this development.*

Section 4.1 discussed Natural Heritage and Policy 1. Says “Natural features and areas shall be protected for the long term.

- *The subject property does not have any Natural Features on site.*

As demonstrated above, the proposed development and subsequent minor variance application aligns with the Provincial Policy Statement (2024).

CITY OF OTTAWA OFFICIAL PLAN, 2022

The Official Plan sets forth broad policies that will help govern growth and change in Ottawa, as well as specific policies dependent upon land use designations. Schedule B2 – Inner Urban Transect – of the Official Plan identifies the land designation for the subject property as Neighbourhood.

The City of Ottawa’s Growth Management Framework is set out in Section 3 of the Official Plan. It focuses on the goal of providing sufficient development opportunities to increase sustainable transportation mode shares and use of existing and planned infrastructure, while reducing greenhouse gas emissions.

The intent of the City’s Growth Management Framework is:

- To provide an appropriate range and mix of housing that considered the geographic distribution of new dwelling types and/or sizes to 2046;
- To prioritize the location of residential growth to areas with existing municipal infrastructure, including piped services, rapid transit, neighbourhood facilities and a diversity of commercial services;
- To reduce greenhouse gas emissions in the development and building sectors and in the transportation network; and,
- To establish a growth management framework that maintains a greater amount of population and employment inside the Greenbelt than outside the Greenbelt.

The proposed minor variance application at 250 Shakespeare which would allow for intensification on the subject site meets the following Growth Management Framework policies among others:

- **Policy 3 in Section 3.2** states that the vast majority of residential intensification shall focus within 15-minute neighbourhoods, which are comprised of Hubs, Corridors, and adjacent Neighbourhoods.
 - *The subject property is designated Neighbourhood and is within walking distance to both Minor and Major Corridors.*
- **Policy 4 in Section 3.2** states that intensification is permitted in all designations where development is permitted taking into account whether the site has municipal water and sewer services.
 - *The subject property has municipal water and sewer services along Shakespeare Street*
- **Policy 8 in Section 3.2** states that intensification should occur in a variety of dwelling unit floor space sizes to provide housing choices.
 - *The proposed development seeks to develop the subject site with eight rental units consisting of six 1-bedroom units and two 2-bedroom units.*

Section 4.2.1 of the new Plan’s housing policy provides that the City will support mid density low rise multi unit housing by allowing housing forms that are denser, of smaller scale, of 3 or more units in appropriate locations.

- *The proposed Low-rise Apartment conform to the new plans housing direction.*

As defined in the Official Plan... *“Neighbourhoods are contiguous urban areas that constitute the heart of communities. It is the intent of this Plan that they, along with hubs and corridors, permit a mix of building forms and densities.”*

Section 6.3.1 of the Plan speaks to the function of Neighbourhoods and Policy 4) notes that “the Zoning By-law and approvals under the Planning Act shall allow a range of residential and nonresidential built forms within the Neighbourhood designation”, including: b) “Housing options with the predominant new building form being missing middle housing, which meet the intent of Subsection 6.3.2, Policy 1);”

Section 6.3.2 1) further notes 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. Innovative building forms include, but are not limited to:... development of a single lot or a consolidation of lots to produce missing middle housing;”

- *As noted on the cover page, if approved, these applications would allow for the creation of missing middle housing units on a single lot where one single detached dwelling had previously existed all while meeting most of the provisions of the R4UA zoning.*

Finally, the Inner Urban Transect designation is intended to provide flexibility in lot area and lot configurations that allow the community to meet the regeneration goals outlined the Plan’s Growth Management Strategy. The proposed minor variances and resulting construction of a Low-rise Apartment creating 8 new units would be consistent with and strongly supported by the Official Plan.

As demonstrated above, the proposed development and subsequent minor variance complies with and are supported by the policies found within the City of Ottawa Official Plan (2022).

CITY OF OTTAWA ZONING BY-LAW, 2020-290

The Zoning By-Law sets forth specific policies that will help govern growth and change in Ottawa dependent upon specific land designations. As noted on Page 1, the subject site is zoned Residential Fourth Density, subzone UA (R4UA).

The R4UA zoning notes apartment dwelling, low rise as a permitted use.

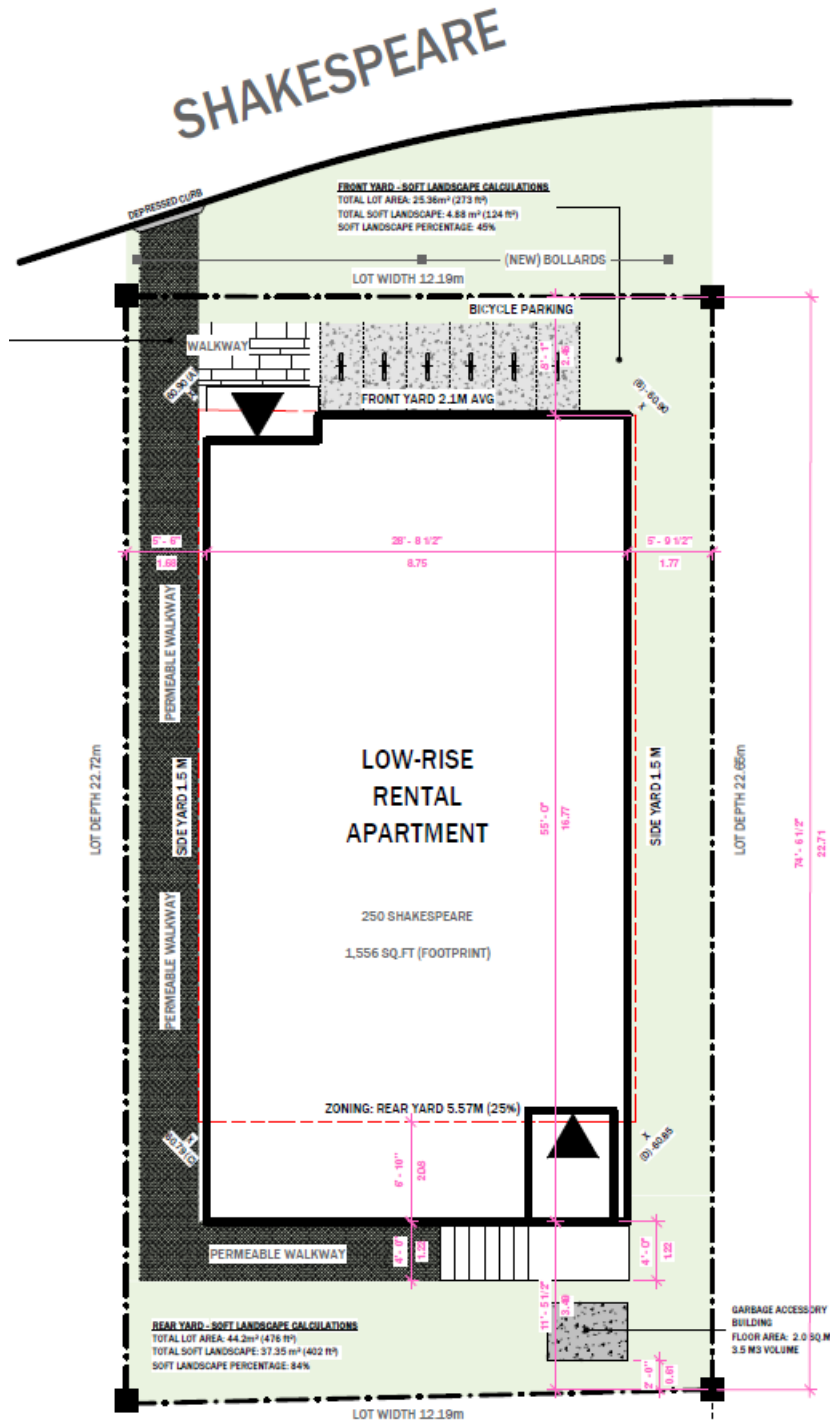
The below table outlines how the proposed development meets the R4UA zoning provisions as provided by Table 162A.

R4UA	Required	Provided
Minimum Lot Width	12m	12.19m
Minimum Lot Area	360 m ²	272 m ²
Building Height	11m	10m
Minimum Front Yard	2.1m	2.1m
Minimum Rear Yard	5.68m (25% lot depth)	3.49m (15.4%)
Minimum Interior Side Yard	1.5m	1.68m
Landscape – Front Yard	20% of the front yard	45% of the front yard
Landscape – Rear Yard		84% of the rear yard

As shown above, the proposed development complies with the R4UA zoning provisions but requires a variance to the Minimum Lot Area and Minimum Rear Yard provisions.

To evaluate the requested variances, in context of the four tests of a minor variance as described in Section 45 of the Planning Act, a review of the site plan is required. The evaluation should show how the new buildings differs from the existing in context of the surrounding environment and streetscape and should demonstrate that the new construction will not have any adverse impacts.

The proposed Site Plan is provided on the subsequent page.



COMMUNITY CONTEXT

Immediately across the street, on the North Side of Shakespeare Street, a multi unit building exists at 249 / 251 Shakespeare Street.



West of the subject property, two units down, a low-rise apartment building exists.



Immediately to the East of the subject property, a mixed-use building exists. Commercial uses are located on the ground floor while residential uses are up above.



DISCUSSION

As noted, a minor variance is required for the lot area and rear yard setback provisions. When looking at the requested reduction for the rear yard setback, it is important to highlight what is affected. Below is an overhead view of the subject property at 250 Shakespeare Street and the neighbouring property at 201 Marier Avenue. The neighbouring property is a mixed used building with commercial uses at the ground level and residential uses on the second floor. As noted in the image below, the rear yard for 250 Shakespeare Street backs on to an asphalt parking lot of 201 Shakespeare. Thus, despite requesting a rear yard setback reduction, the requested reduction will have no impact on the neighbouring use – in this case, an asphalt parking lot.



When reviewing the rear yard function of the existing properties on the streets, occupants are using the rear yard for parking or amenity space. Several people use this space as additional storage by way of a shed as well. The proposed Low-Rise Apartment does not contemplate any

parking given its walkability. Thus, the entire rear yard of 3.49m is proposed as amenity space; a zoning compliant garbage enclosure and green space. It should be further highlighted that despite requesting variances for the Rear Yard, the proposed development exceeds the minimum soft landscaping requirements under the zoning bylaw; the Front Yard requires 20% of the area to be soft landscaped and the proposal provides 45%. Further, the Rear Yard requires 34.51m² of soft landscaping and the proposal provides 37.35 m². Thus, the provided 3.49m Rear Yard meets the needs and purpose of a Rear Yard.

In addition, when considering the ability to meet the Official Plan Tree Canopy goals the pure green space outline on the site plan in the rear yard provides in excess of 36 cubic metres soil volume. That volume is enough to support 2 large size tree species according City of Ottawa soil volume guidelines. The walkways in the rear and sideyards are proposed to be permeable allowing water to flow thru and into the ground. This type of permeable surface supports tree planting and is a positive step in climate resiliency.

While a variance is required for the Lot Area provision from 360m² to 272m², it should be noted that this an existing lot and thus the area of it would be considered legal non-compliant.

In reviewing the proposed construction, it is clear that the variance requested in the rear yard are minor, has no impact on abutting properties and is desirable as it allows for the development of sensitive intensification with the addition of a Low-rise Apartment.

FOUR TESTS

Based on the rationale provided, the proposed variance meets the four tests of a minor variance as described in Section 45 of the Planning Act.

1. The variance is minor.

The requested variance is minor in nature and will have no impact on adjacent properties.

2. The variance is desirable for the appropriate development or use of the property.

The requested variance is appropriate so that a new Low-rise Apartment building can be constructed.

3. The general intent and purpose of the Zoning By-law is maintained.

A Low-rise Apartment is a permitted use in the R4UA zone. The surrounding properties are all zoned R4UA as well. As shown in the Community Context section above, several of the surrounding properties are developed in a similar manner to what is proposed; multi unit, Low-rise developments.

4. The general intent and purpose of the Official Plan is maintained.

The site is designated Neighbourhood and as such the construction of a Low-rise Apartment is consistent with the strategic direction of the Official Plan.

CONCLUSION

The lot fabric, scale of the proposed construction and the ability to meet all other performance standards of the R4UA zone demonstrates that the proposed minor variances are desirable and will have little to no effect on adjacent properties. The approval of the minor variance will allow the proposed construction to take place in a manner consistent with the Official Plan and community expectations.

As a result, it is our opinion that the requested minor variances represent good planning and urban development.

Sincerely,

Peter Hume
HP Urban Inc.

Alison Clarke
The Stirling Group