



MOMENTUM

Committee of Adjustment  
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**2025-01-14**

City of Ottawa | Ville d'Ottawa  
Comité de dérogation

January 6, 2024

Secretary-Treasurer  
Committee of Adjustment  
4<sup>th</sup> Floor, 101 Centrepointe Drive  
Nepean ON K2G 5K7

RE: Resubmission - File D08-02-241A-00066  
48 Nelson Street

This resubmission is filed on behalf of Rehab Aldas, the owner of 48 Nelson Street. A letter authorizing me to act as the agent for this application can be found in Appendix A. This application form and related documentation replaces the submission made in March 2023 in its entirety.

Additional documentation in support of the application for minor variance can be found in the following documents submitted with this letter:

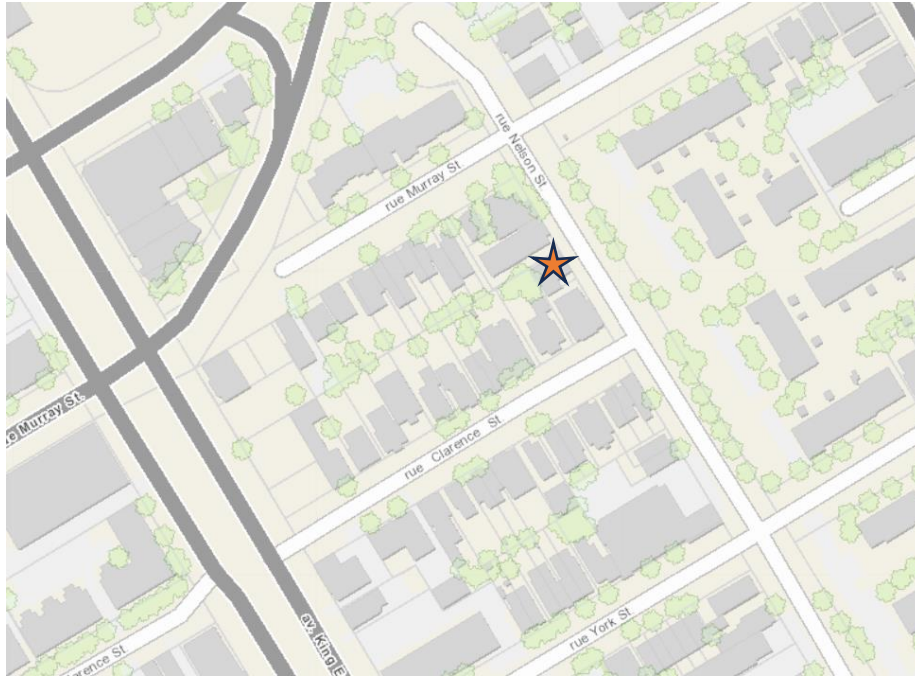
- Application form (Attached)
- Letter of Agent Authorization (See Appendix A)
- Survey dated November 13, 2024 (Full size and reduced)
- Site Plan (Full size and reduced)
- Existing and Proposed Floor Plans (Full size and reduced)
- Elevation drawings (Full size and reduced)
- Waiver of Tree Inventory Report requirement (See Appendix B)

### Neighbourhood Context

The Property (48 Nelson Street) is located in the Lowertown neighbourhood between Clarence and Murray Streets on the south-west side of the street. The immediate area is primarily residential in character with a mixture of building forms and densities (see Appendix C for photos of the site and immediate area). One block to the west is King Edward Avenue which is a multi-lane divided arterial roadway serving as a major connection to the Province of Quebec.

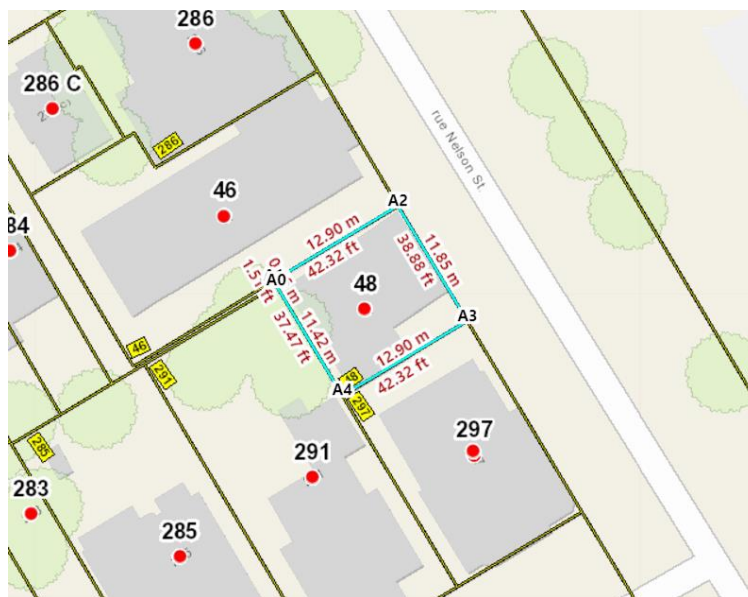
The Property is currently occupied by a single-storey brick and stucco building which was constructed in the 1950's. A two-storey vinyl-clad addition to the original structure can be found on the south side. A bakery with a retail store was established in 1960 and has been in

operation continuously since that time. A temporary at-grade patio was constructed in front of the building during the COVID pandemic to provide additional service area.



**Subject Property** ★

The Property is roughly square in shape with a frontage of 11.85 metres along Nelson Street. The depth of the lot is approximately 12.9 metres for a total area of 152.9 m<sup>2</sup>. The existing footprint of the building covers the majority of the lot area.

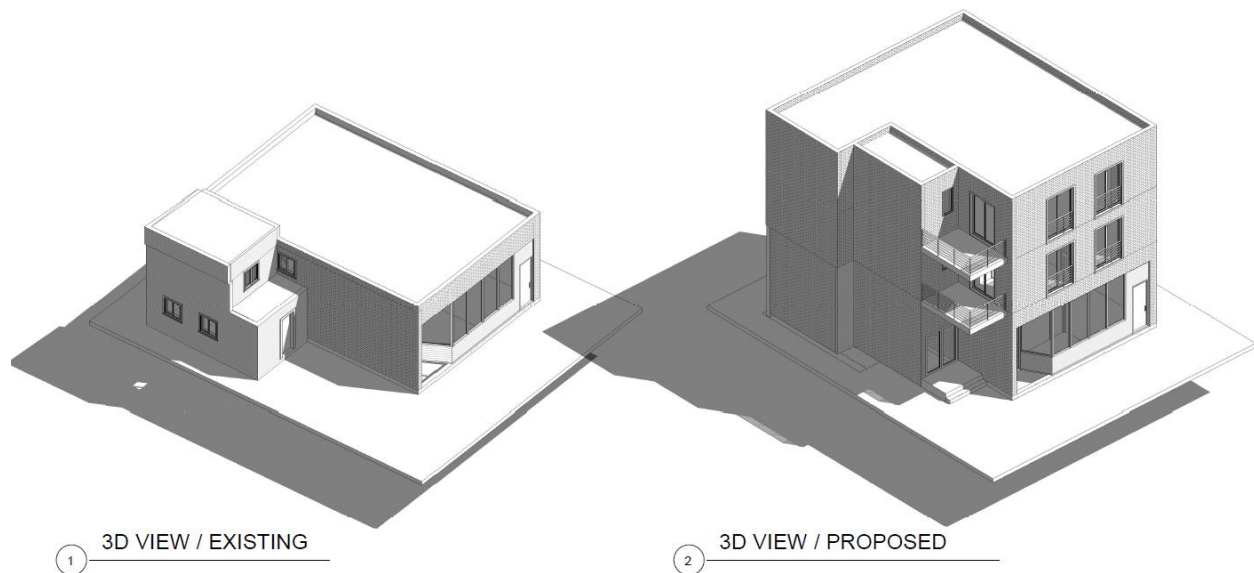


**Property Dimensions**

## Proposed Development

The Property, as previously noted, is occupied by a single-storey building accommodating a bakery with retail sales. Given the age of its construction predates By-law AZ64, the first comprehensive zoning regulations in Ottawa, the existing building footprint was determined without the direction of today's setback requirements. Currently the building encroaches on the lands known as 297 Clarence Street located immediately to the left of the Property. Also, a temporary patio located at the front of the building encroaches on the right-of-way for Nelson Street.

The intent is to redevelop the existing building based on the current footprint subject to the removal of the noted encroachments thereby maintaining the redeveloped building totally within the limits of the Property. The bakery and retail area will continue to be on the ground floor. Two new storeys, along with a separate entrance, will be added to accommodate four rental apartments. The result will be a mixed-use building of three storeys in height which is a permitted land use and building form under the current zoning. Under recent amendments to the Planning Act and to the Site Plan Control By-law 2014-256, developments creating less than 10 units are not subject to site plan approval.



## Planning Regulatory Framework Summary

### Provincial Policy Statement 2024

The Provincial Policy Statement (PPS 2024) establishes policy direction for land use planning in the Province of Ontario that encourages planning and development that is environmentally sound, economically strong, and that enhances quality of life. The PPS 2024 promotes intensification of built-up areas to efficiently use land where existing infrastructure and public



service facilities are readily available to avoid unjustified and uneconomic expansions. The policies (highlighted with underlining) relevant to the subject application are as follows:

### ***“Chapter 1: Introduction***

#### ***Vision***

*Ontario is a vast, fast-growing province that is home to many urban, rural and northern communities distinguished by different populations, economic activity, pace of growth, and physical and natural conditions. More than anything, a prosperous Ontario will see the building of more homes for all Ontarians. This is why the province has set a goal of getting at least 1.5 million homes built by 2031.*

*Ontario will increase the supply and mix of housing options, addressing the full range of housing affordability needs. Every community will build homes that respond to changing market needs and local demand. Providing a sufficient supply with the necessary mix of housing options will support a diverse and growing population and workforce, now and for many years to come.*

### ***Chapter 2: Building Homes, Sustaining Strong and Competitive Communities***

#### ***2.2 Housing***

1. 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 area by:
  - a. *establishing and implementing minimum targets for the provision of housing that is affordable to low and moderate income households, and coordinating land use planning and planning for housing with Service Managers to address the full range of housing options including affordable housing needs;*
  - b. permitting and facilitating:
    - i. all housing options required to meet the social, health, economic and wellbeing requirements of current and future residents, including additional needs housing and needs arising from demographic changes and employment opportunities; and
    - ii. all types of residential intensification, including the development and redevelopment of underutilized commercial and institutional sites (e.g., shopping malls and plazas) for residential use, development and introduction of new housing options within previously developed areas, and redevelopment, which results in a net increase in residential units in accordance with policy 2.3.1.3;



- c. *promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation;*

The redevelopment of the Property in an efficient, cost-effective manner will be an appropriate use of existing infrastructure, public service facilities. The proposed addition of two storeys to accommodate four new rental apartments is consistent with the adjacent built form and land uses. This redevelopment promotes residential intensification and housing in an area designated for growth. Given this analysis, it is my opinion that the proposed development is fully consistent with the PPS (2024).

### Official Plan

The Property is located within the **Downtown Core Transect Policy Area** and is designated with an overlay as **Evolving Neighbourhood** (see Appendix D for more detail). It is one block east of King Edward Avenue which is designated as a **Corridor**. The following is a brief overview and analysis of the relevant policies that support this application with bolded text to highlight specific portions.

#### **Section 2.1 Big Policy Moves**

The Plan outlines five major policy initiatives to guide and manage change over the planning period. Of these five policies the following are the most relevant:

*“Big Policy Move 1: Achieve, by the end of the planning period, **more growth by intensification** than by greenfield development.*

*The Official Plan will increase the share of future growth to be within Ottawa’s existing built-up area to 60 per cent by 2046, by putting in place zoning and other mechanisms to give the City the opportunity to avoid or delay further expansions. In support of this direction, new policies will increase the variety of affordable, **Low-rise housing options for residents within existing neighbourhoods close to Hubs and Corridors**, increase the urban tree canopy and promote an evolution to 15-minute neighbourhoods. This balanced approach to growth management is intended to mitigate the effects of growth on land consumption, avoid spaces of agricultural or ecological importance, efficiently use public services and moderate the impacts to municipal financial resources to service growth. **The balanced approach continues to promote a mix of housing supply.** That mix of housing supply must include a diversity of supply and housing options at different levels of market-based and affordable levels, so there is choice in the market for households to meet their needs.*

*Big Policy Move 3: Improve our sophistication in urban and community design and put this knowledge to the service of good urbanism at all scales, from the largest to the very small.*



*The goal of this Plan is to contribute towards **stronger, more inclusive and more vibrant neighbourhoods** and Villages in a way that reflects the differences from highly urbanized and dense areas in the downtown, to lower-density suburban areas farther out.*

*The Official Plan introduces a transect approach to planning that will better distinguish, by context, Ottawa’s distinct neighbourhoods and rural Villages, resulting in policies that are better tailored to an area’s context, age and function in the city. The City has been divided into six transects—each representing a different gradation in the type and evolution of built environment and planned function of the lands within it, from **the most urban (the Downtown Core)** to the least urban (Rural). Policies associated with land use designations, including Hubs, **Corridors, Neighbourhoods** and Rural Villages are specific to the context of each transect.”*

## **Section 2.2 Cross-Cutting Issues**

This section provides strategic direction *“for policy goals that require implementation policies spanning multiple themes and fall under a number of other City policies, plans, by-laws and operational or other practices. Six of these cross cutting issues have been identified that are essential to the achievement of a liveable city, but are implemented through the policies in multiple sections of this Plan. **To the extent** that urban planning or **development decisions** can play a role in achieving the City’s intent, **these themes are to be considered.**”*

For this application, the most relevant issue is **Intensification**.

**Section 2.2.1 Intensification and Diversifying Housing Options** provides a definition of intensification which includes the following attributes: *“creation of new units, uses or lots on land on previously developed land in existing communities; development of vacant and/or underutilized lots within previously developed areas; and infill development”*.

The proposed application supports the implementation of all these attributes.

**Policy 2.2.1** states: *“Direct residential growth within the built-up urban area to support an evolution towards 15-minute neighbourhoods”*.

The Property is in an older neighbourhood within walking distance to a wide range of easily accessible commercial, institutional and social services which is in keeping with this policy direction.

## **Section 5: Transect Areas**

The Property is located within the **Downtown Urban Policy Transect** area. The **Downtown Core** is a mature built environment whose urban characteristics of high-density, mixed uses and sustainable transportation orientation are to be maintained and enhanced. The Property is within close proximity to a **Corridor** designation (King Edward Avenue) and is covered by the

**Evolving Neighbourhood** overlay. The following is a brief summary of the permitted heights in this designation.

**Table 7 – Minimum and Maximum Height Overview Based on Official Plan Policy**

Transect	Official Plan Policy Reference	Designation	Height Category and Details
Downtown Core Transect	5.1.3(1)	Hubs	High-rise and High-rise 41+: between 10 storeys and 40 storeys and 41 storeys plus, through criteria and area-specific policy
	5.1.4(1)	Hubs	Low-rise, Mid-rise and High-rise: minimum 4 storeys and maximum 40 storeys
	5.1.4(3)	Mainstreet Corridors	Low-rise and Mid-rise: minimum 2 storeys and maximum 9 storeys
	5.1.4(4)	Minor Corridors	<b>Low-rise and Mid-rise: minimum 2 storeys and maximum of 9 storeys</b>
	5.1.5(1)	Neighbourhoods	Low-rise: minimum 2 storeys, generally permit 3 storeys, allow a built height of up to 4 storeys where appropriate

**Policy 5.1.1 Maintain and enhance an urban pattern of built form, site design and mix of uses.**

- 1) *The Downtown Core’s established and intended built form is urban as defined by Table 6. All development shall maintain and enhance the urban pattern of built form and site design.*

**Table 6 – General Characteristics of Urban Built Form and Suburban Built Form and Site Design**

URBAN
Shallow front yard setbacks and in some contexts zero front yards with an emphasis on built-form relationship with the public realm
Principal entrances at grade with direct relationship to public realm
Range of lot sizes that will include smaller lots, and higher lot coverage and floor area ratios
Minimum of two functional storeys
Buildings attached or with minimal functional side yard setbacks
Small areas of formal landscape that should include space for soft landscape, trees and hard surfacing
No automobile parking, or limited parking that is concealed from the street and not forming an integral part of a building, such as in a front facing garage

- 2) *The Downtown Core shall continue to develop as healthy 15-minute neighbourhoods within a highly mixed-use environment, where:*
  - a) *Hubs and a **dense network of Corridors provide a full range of services;***
  - d) ***Residential densities are sufficient to support the full range of services** noted in Policy a)*
- 3) *In the Downtown Core, the Zoning By-law may:*
  - a) ***Require mixed uses within individual buildings, such as retail or other services on the ground floor;***

***Policy 5.1.4 Provide direction to the Hubs and Corridors located within the Downtown Core Transect***

- 1) *Maximum and minimum building heights in the Downtown Core where a Hub or Corridor designation applies, except where a secondary plan permits or restricts otherwise, are as follows:*
  - c) *Outside the area described by a) and b) (note: Subsections a) and b) relate to OTrain stations. The Property is outside this area.), **not less than 3 storeys and not more than 6 storeys***

***Policy 5.1.5 Provide direction to the Neighbourhoods located within the Downtown Core Transect***

- 1) ***Neighbourhoods located in the Downtown Core shall accommodate residential growth to meet the Growth Management Framework as outlined in Subsection 3.2, Table 3b. The Zoning By-law shall implement the density thresholds in a manner which adheres to the following:***
  - a) *Allows and supports a wide variety of housing types **with a focus on missing-middle housing**, which may include new housing types that are currently not contemplated in this Plan;*
  - b) *The application, as appropriate, of Zoning By-law development standards to be applied as one lot for zoning purposes to support missing middle housing;*
  - c) ***Provides for a Low-rise built form, by requiring in Zoning a minimum built height of 2 storeys, generally permitting 3 storeys, and where appropriate, will allow a built height of up to 4 storeys to permit higher density Low-rise residential development;***
  - d) *Building on Table 6, 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.***



## Section 6: Urban Designations

### 6.3 Neighbourhoods

*“Neighbourhoods are planned for ongoing gradual, integrated, sustainable and context-sensitive development, or where an Overlay directs evolution, for gradual well-planned transformation.”*

***“Policy 6.3.1 Define neighbourhoods and set the stage for their function and change over the life of this Plan***

- 2) Permitted building heights in Neighbourhoods **shall be Low-rise**, except:
  - a) Where existing zoning or secondary plans allow for greater building heights;  
or
  - b) In areas already characterized by taller buildings.
- 4) 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:
  - d) Generally, a **full range of Low-rise housing** options sufficient to meet or exceed the goals of Table 2 and Table 3b;
  - e) **Housing options with the predominant new building form being missing middle housing**, which meet the intent of Subsection 6.3.2, Policy 1);
  - f) In appropriate locations including near rapid-transit stations, zoning may prohibit lower-density housing forms.
  - g) **To provide for a range of local services and promote the emergence or strengthening of 15-minute neighbourhoods, the Zoning By-law may permit compatible and complementary small-scale nonresidential uses and services (including retail, service, cultural, leisure and entertainment uses) that primarily serve residents within walking distance and that:**
    - i. Are compatible with, and do not reasonably pose a risk of nuisance to, nearby residential uses;
    - ii. Are contained within building forms and site design compatible with low-rise, predominantly residential neighbours;
    - iii. Are appropriately integrated with the neighbourhood street network, pedestrian network and public realm;
    - iv. May establish building and site design standards specific to such uses, in order to ensure functional requirements and context sensitive building form are met;
    - v. May restrict or prohibit motor vehicle parking in association with such uses; and
    - vi. Limits such uses to prevent undue diversion of housing stock to non-residential use.



**“Policy 6.3.3 Ensure that neighbourhoods form the cornerstone of liveability in Ottawa**

- 2) ***The City shall allow, through the Zoning By-law, small-scale non-residential uses such as retail, service, cultural, leisure and/or entertainment functions: on all Collector streets; in clusters of areas that currently have these functions and uses present; and by identifying new streets that could foster small scale nonresidential growth. Where the Zoning By-law allows for these uses, the Zoning By-law will also permit the fluid switch between residential and non-residential small scale uses, to support flexible market needs and resiliency of buildings.”***

Having reviewed the policies of the Official Plan that relate to the redevelopment of the Property as a mixed use, low-rise building form, it is my opinion that this project is consistent with the overall vision and direction of the Plan and conforms to the land use policies of an **Evolving Neighbourhood** designation within the **Downtown Core Transect**. It represents the adaptation of an existing local commercial use that supports the 15-minute neighbourhood concept to include new residential uses that meet the definition of the ‘missing middle’ housing typology that the Plan encourages and supports. The built form is entirely consistent with the immediate built-up character of the neighbourhood.

**Summary of Existing Zoning and Minor Variances Required**

The Property is zoned **Residential Fourth Density Subzone UD-c (R4-UD-c)** which allows **apartment dwelling, low-rise** as a permitted land use (See Appendix E). Further the Suffix ‘c’ relates to **Section 141 Residential Neighbourhood Commercial Suffix** which does “*allow a variety of small, locally-oriented convenience and service uses that complement adjacent residential land uses, and are of a size and scale consistent with the needs of nearby residential areas*” to locate in residential zones subject to the non-residential use being on the ground floor and not to exceed 100 square metres in floor area. The proposed redevelopment will result in the continuation of the existing bakery and retail store on the ground floor with a total area of 92.29 square metres.

The Property is also covered by the **Mature Neighbourhood Overlay** which makes it subject to **Alternative Standards for Urban Areas** for the performance requirements relating to yard setbacks. These provisions are found in **Sections 161, 162 and 144**.

As previously noted, the variances that are required relate to the existing location of building footprint and not to proposed extensions or additions to the building at grade. The following is a summary of the requested variances in the order and numbering found in Section 2 of the application form:

- a) **Requested Variance:** To permit a reduction in the rear yard setback to .78 metres.



**By-law Requirement:** 144 (3) Where a lot’s rear lot line abuts either an R1, R2, R3 or R4 zone, or abuts a lane that abuts an R1, R2, R3, or R4 zone on either side, except in the case of a Planned Unit Development: (a) the rear yard must comprise at least 25 percent of the lot area; and the minimum rear yard setback is pursuant to Table 144A or 144B below. (i) where the minimum front yard is 4.5 m or less, the minimum rear yard depth is determined by Table 144A:

**Table 144A – Rear Yard Requirements For Lots with a Minimum Front Yard Setback of 4.5 m or Less**

	<b>I</b> <b>Lot Depth</b>	<b>II</b> <b>Minimum Rear Yard</b>
(i)	23.5 metres or less	25 per cent of the lot depth
(ii)	Greater than 23.5 but not more than 25 metres	the lot depth minus 17.5metres
(iii)	greater than 25 metres	30 per cent of the lot depth

**Explanatory Note:** The Property has a front yard setback that is less than 4.5 metres and a lot depth of 12.9 metres thus the minimum required rear yard is 25% of lot depth of 12.9 m which equals 3.225 m.

**By-law Section:** Table 162A/B (b) - Endnote 4) and Section 144/Table 144A

b) **Requested Variance:** To permit a reduction in the front yard setback to 0 metres.

**By-law Requirement:** 144 (1) The minimum front yard setbacks and minimum corner side yard setbacks are as follows: (a) in the case of an interior lot, the yard setback must align with the average of the abutting lots’ corresponding yard setback abutting the street; (d) Despite the foregoing, the minimum front yard setback in no case may be less than 1.5 m.

**Explanatory Note:** The building located to the right of the Property has a setback of 1.85 metres and the building to the left has a setback of 0.17 metres which under Subsection (a) would result in a required setback of 1.01 metres. As a result, Subsection (d) is the operative one which requires a minimum of 1.5 metres.

**By-law Section:** Table 162A and Section 144(1)(a) & (d)

c) **Requested Variance:** To permit a reduction in the minimum interior side yard setback to .31 m (north) and 0 m (south).

**By-law Requirement:** 144 (2) The minimum interior side yard: (a) On an interior lot or through lot, the minimum interior side yard setbacks are as prescribed in each subzone noted in Part VI, Residential Subzone Tables.



**Explanatory Note:** The Property is an interior lot by definition. In Table 162A, the minimum interior side yard setback required is 1.5 metres. The proposed redevelopment will result in a setback of 0 m on the south (left) side resolving a current encroachment onto 287 Clarence. On the north (right) side, the existing wall will not be altered and it has a surveyed setback of .31 m.

**By-law Section:** Table 162A and Section 144(2)

- d) **Requested Variance:** To permit a reduction in the minimum lot area to 152.9 m<sup>2</sup>.

**By-law Requirement:** The minimum required is 300 m<sup>2</sup>.

**By-law Section:** Table 162A

- e) **Requested Variance:** To permit the reduction in the minimum area for soft landscaping in the rear yard to 10.25 m<sup>2</sup>.

**By-law Requirement:** Section 161(15) In the case of a Three-unit Dwelling, Low-rise Apartment Dwelling or Stacked Dwelling in the R4-UA, R4-UB, R4-UC and R4-UD zones:

(a) 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. (b) The minimum area of soft landscaping per (a) must be: (i) in the case of a lot of less than 360 square metres in area, at least 35 square metres.

**Explanatory Note:** The Property has an area of 152.9 m<sup>2</sup>. The location of the existing back wall of the building results in an available area of 10.25 m<sup>2</sup> for landscaping. The minimum required on a lot less than 360 m<sup>2</sup> in an area is 35 m<sup>2</sup>.

**By-law Section:** Section 161 (15) (b)(i)

- f) **Requested Variance:** To permit a reduction in the minimum area for soft landscaping in the front yard to 0 m<sup>2</sup>.

**By-law Requirement:** Section 161 (15) In the case of a Three-unit Dwelling, Low-rise Apartment Dwelling or Stacked Dwelling in the R4-UA, R4-UB, R4-UC and R4-UD zones:

(d) The minimum area of soft landscaping in the front yard is per Table 161:

Table 161

Front Yard Setback	Minimum Aggregated Soft Landscaped Area (per cent of the Front Yard Area)
< 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.
1.5 metres – three metres	20 per cent
>3 metres	30 per cent, in the case of any lot with a lot width of less than 8.25 metres,  35 per cent, in the case of any lot with a width between 8.25 metres but less than 12 metres and  40 per cent in the case of any lot with a width of 12 metres or more.



**Explanatory Note:** The Property has a minimum front yard requirement of 1.5 m. Based on Table 161, the minimum required area for soft landscaping in the front yard would be 20%. The existing front building wall setback is 0 metres and this wall will not be altered as part of the redevelopment.

**By-law Section:** Sect 161 (15)(d) and Table 161

### **Analysis of the Four Tests**

This section provides a review of the four tests for the consideration of a minor variance under the Planning Act. A rationale demonstrating compliance with these four tests is provided in summary form.

#### **Is the minor variance minor?**

This test must be considered not just in terms of whether the requested variance is minor based on the actual quantity or scale of the variance assessed against the by-law requirement. It is also very important to consider the overall impact the variance will have on the neighbourhood character and adjacent owners.

As previously covered in this letter, the proposed redevelopment is primarily based on the existing building footprint which was constructed in the 1950's prior to any zoning regulations being in place. The only alterations to the footprint will be on the south (left) side to resolve an existing lot line encroachment and to construct a new entrance for the apartments which are to be accommodated in the proposed two new storeys above the bakery. A review of the existing zoning has identified six variances all of which relate to the original placement of the building on the Property.

While some of the requested variances, for example the reduction in the minimum lot area from 300 square metres to 159.2 square metres, would appear to be numerically significant, the proposed redevelopment does not include a change in the existing lot size. The same could be said of each of the variances both individually and collectively. Overall, the impact of the variances and the resulting built form on the adjacent properties is in my opinion minor.

With respect to the impact on the neighbourhood, the following picture of the existing streetscape visually demonstrates that the addition of two storeys to the existing building 'completes' the general character of the Nelson Street frontage and supports the low-rise residential look of the area.



Based on this assessment, it is my opinion that the requested variances are minor and satisfy this test.

**Is the variance desirable for the appropriate development or use of the property?**

This test requires consideration of the land use context, form of development and the potential for adverse impacts on adjacent lands from the proposed development.

The Property is a small, rectangular parcel located on the west side of Nelson Street between Old Murray Street and Clarence Street and one block east of King Edward Avenue. This area is generally known as the Lowertown neighbourhood, a historic mixed use area of Ottawa.

The Property has a parcel width of approximately 11.85 metres which exceeds the required width of 10 metres (**Table 162B R4UD-c**) for a **low-rise apartment building of 8 units or less**. The proposed building height of 9.89 metres is less than the required maximum height of 10 metres. All the adjacent buildings are low-rise residential buildings. The existing bakery and retail store located on the ground floor are permitted non-residential uses by virtue of **Section 141 Residential Neighbourhood Commercial Suffix** and the proposed gross floor area will be 92.29 square metres which is less than the maximum allowable area of 100 square metres (**Section 141 (6)**).

The general area along Nelson Street and around the Property is characterized by low-rise residential apartments, townhouses, semi-detached and detached dwellings. Larger scale commercial and other non-residential uses are found along King Edward Avenue as well as additional small scale ones are found further south along Nelson Street as you approach Rideau Street. Overall, the existing bakery and the proposed rental apartments blend well with neighbourhood character and mixture of land uses.

The proposed development will see the removal of the current store-front patio that encroaches on the right-of-way of Nelson Street to conform with **Section 141(8)** as the Property is not on a corner lot. Also, the reconstruction of the ground floor will remove an existing lot line encroachment 297 Clarence Street.

In summary, it is my opinion that the proposed project represents an appropriate redevelopment and use of the subject property and meets the requirements of this test. The

addition of two-storeys of residential apartments will create a **low-rise apartment building** which is a permitted use under the existing zoning and with the exception of the requested variances, meets all of the performance standards for this zone. The nature of the use and built form is consistent with the existing neighbourhood character and will result in the intensification of an underutilized lot to provide new rental housing.

### **Is the general intent and purpose of the Zoning By-law maintained?**

The Property is zoned **Residential Fourth Density Subzone UD-c (R4-UD-c)** which allows **apartment dwelling, low-rise** as a permitted land use (See Appendix E). Further the Suffix ‘c’ relates to **Section 141 Residential Neighbourhood Commercial Suffix** which does “*allow a variety of small, locally-oriented convenience and service uses that complement adjacent residential land uses, and are of a size and scale consistent with the needs of nearby residential areas*” to locate in residential zones subject to the non-residential use being on the ground floor and not to exceed 100 square metres in floor area. The proposed redevelopment will result in the continuation of the existing bakery and retail store on the ground floor with a total area of 92.29 square metres and thus be in conformity with **Section 141**.

The Property is also covered by the **Mature Neighbourhood Overlay** which makes it subject to **Alternative Standards for Urban Areas** for the performance requirements relating to yard setbacks. These provisions are found in **Sections 161, 162** and **144**.

As previously noted, the intent and purpose of the Residential Fourth Density zone “*is to allow a wide mix of residential building forms ranging from detached to low rise apartment dwellings and in no case more than four storeys, in areas designated as General Urban Area.*” This general statement also includes the following provision: “*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 reference to “General Urban Area” is a quote from the existing By-law 2008-250 text and is based on the 2003 Official Plan as amended. By-law 2008-250 has not yet been amended to reflect the wording of the Official Plan 2022. For the purposes of reviewing compliance with this test, this policy distinction is not relevant and has been addressed under the test related to Official Plan intent and purpose.

In my opinion, the proposed redevelopment of the Property maintains the general intent and purpose of the zoning by-law as the use and built form is permitted and the proposed performance standards comply with the existing zone save except for the requested minor variances. As well, the form of the proposed development is compatible and consistent with the existing development patterns in the area and will thus maintain that character. The requested variances do not, in my opinion, result in any adverse impacts that would affect this determination of compliance with the test.



**Is the general intent and purpose of the Official Plan maintained?**

The relevant sections of the Official Plan 2022 were previously reviewed in this letter.

In summary, based on this review of relevant policies, it is my opinion that the requested variances are compliant with the general intent and purpose of the Official Plan and thus meet the requirements of this test.

**Summary**

This concludes the analysis of the four tests necessary for the approval of a minor variance under the Planning Act. Based on this review, it is my opinion that all the tests have been adequately met to permit the approval of this application. If additional information or clarification of this submission is necessary, please do not hesitate to contact me.

Yours respectfully

*Dennis Jacobs*

Dennis Jacobs  
Principal Planner





# APPENDIX

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E. Excerpt from Zoning By-law 2008-250	26



**Appendix A – Agent Authorization**

Secretary-Treasurer  
Committee of Adjustment  
4<sup>th</sup> Floor, 101 Centrepointe Drive  
Nepean ON K2G 5K7

RE: Application for Minor Variance  
48 Nelson Street

This is a letter to authorize Dennis Jacobs of Momentum Planning and Communications to act on my behalf as an agent to file an application for minor variances related to the redevelopment of 48 Nelson Street I, Rehab Adas am the owner of the land that is the subject of this application and do hereby authorize Dennis Jacobs to make this application on my behalf.



Dec 05 2024

Date

Rehab Adas

## Appendix B - Waiver of Tree Inventory Report

RE: Minor Variance Application D08-02-241A-00066 - 48 Nelson Street



Alvarez-Barkham, Julian <julian.alvarez-barkham@ottawa.ca>

To Dennis Jacobs

Cc Becking, Kendra;

Panel 1 Committee of Adjustment Planners / Urbanistes Groupe 1 du Comité de dérogation; + 1 other

 You replied to this message on 22/11/2024 1:47 PM.

Hello Dennis,

Thanks for providing the tree permit; if you have a planting plan for the compensation tree, please provide it.

Confirmed that a TIR is not required with your minor variance application.

Kind regards,

**Julian Alvarez-Barkham** (he/him/il)  
Planning Forester | Forestier – Plannification  
Natural Systems | Systèmes Naturelles  
City of Ottawa | Ville d'Ottawa



**Appendix C - Photographs of Subject Property and Area**



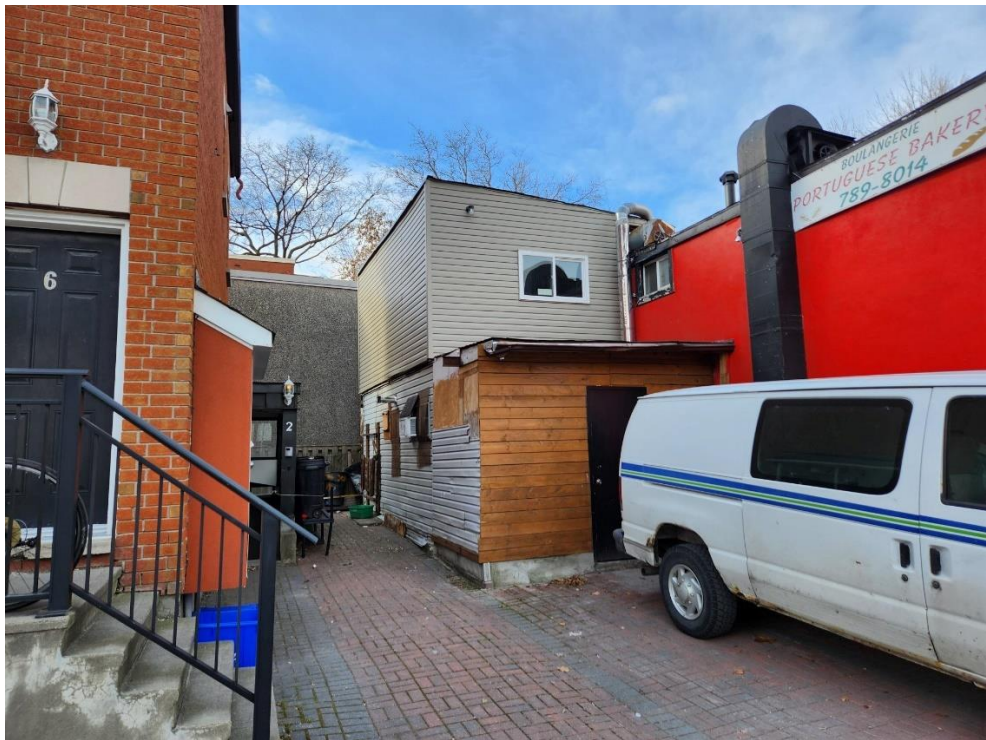
**2022 Aerial Photograph of Property** ★



**48 Nelson Street and Adjacent Lots**



**Front View**



**Left (South) Side View from Nelson Street**



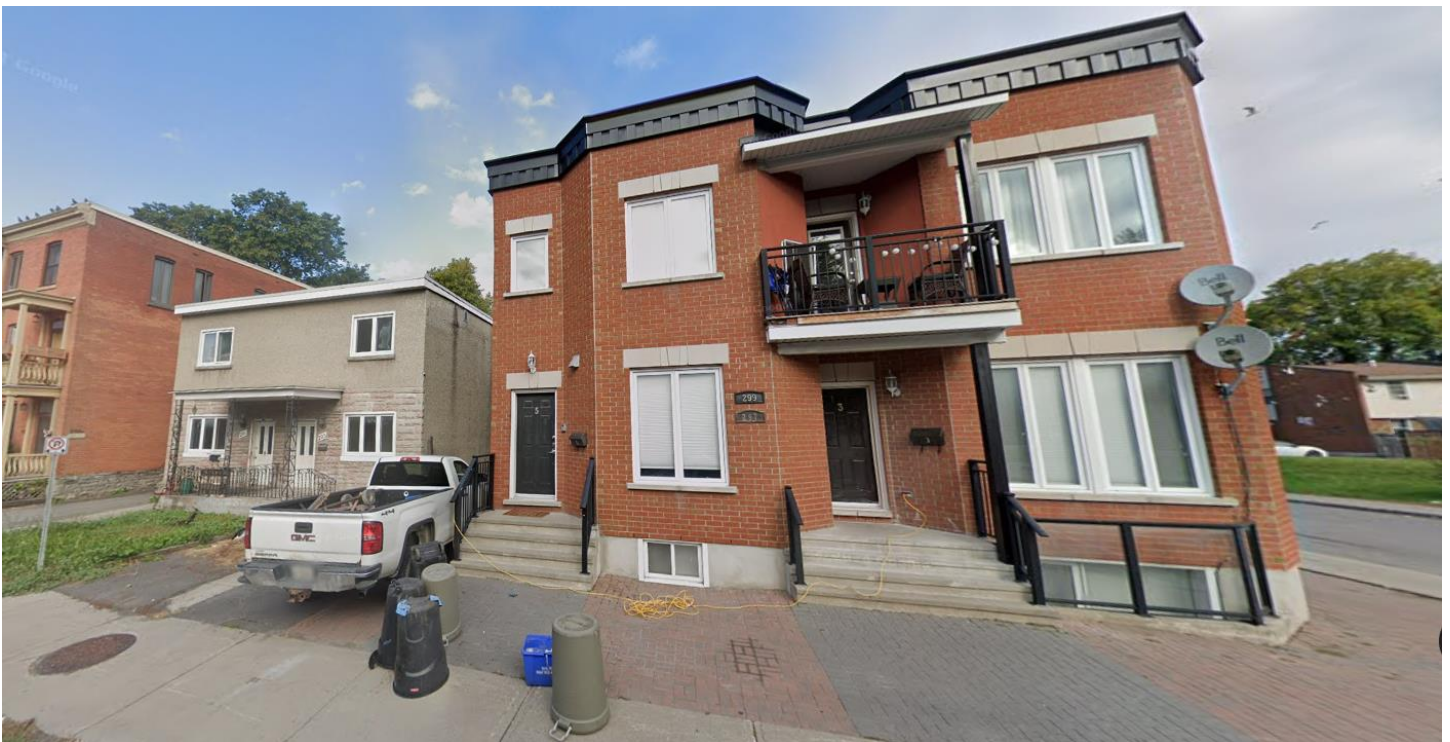
**Rear View from Right (North) Side towards Nelson Street**



**Adjacent Buildings to Right (North) Side**



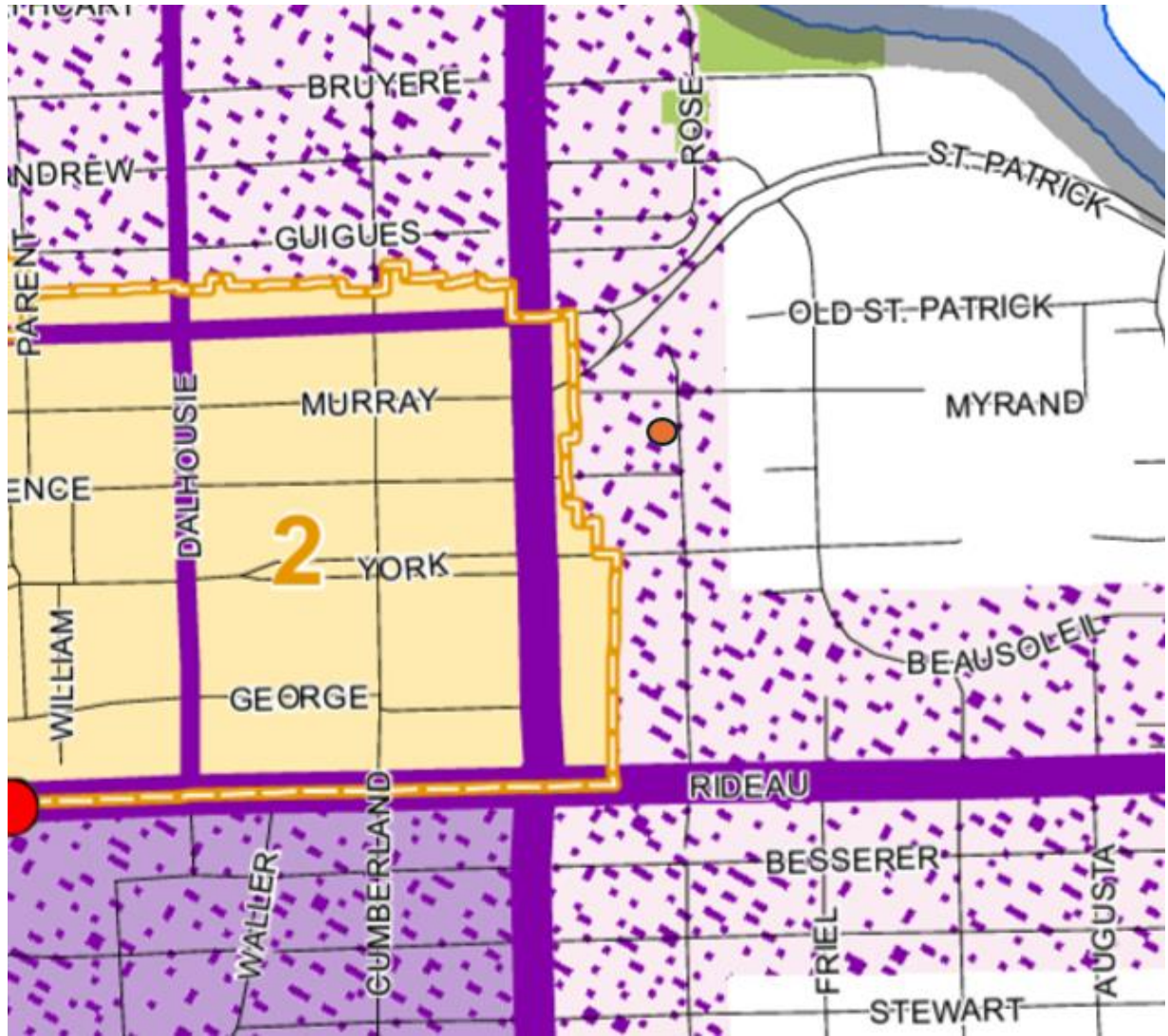
**Adjacent Building to Left (South) Side**



**View from corner of Clarence and Nelson Street – the Lot for House on left extends behind 48 Nelson Street**

Appendix D – Official Plan Schedules

Excerpt from Schedule B1 - Downtown Transect Policy Area




Subject Property ●

TRANSECT POLICY AREA /  
SECTEUR STRATÉGIQUE DU TRANSECT

 Downtown Core / Centre-ville

OVERLAY / AFFECTATION SUPPLÉMENTAIRE

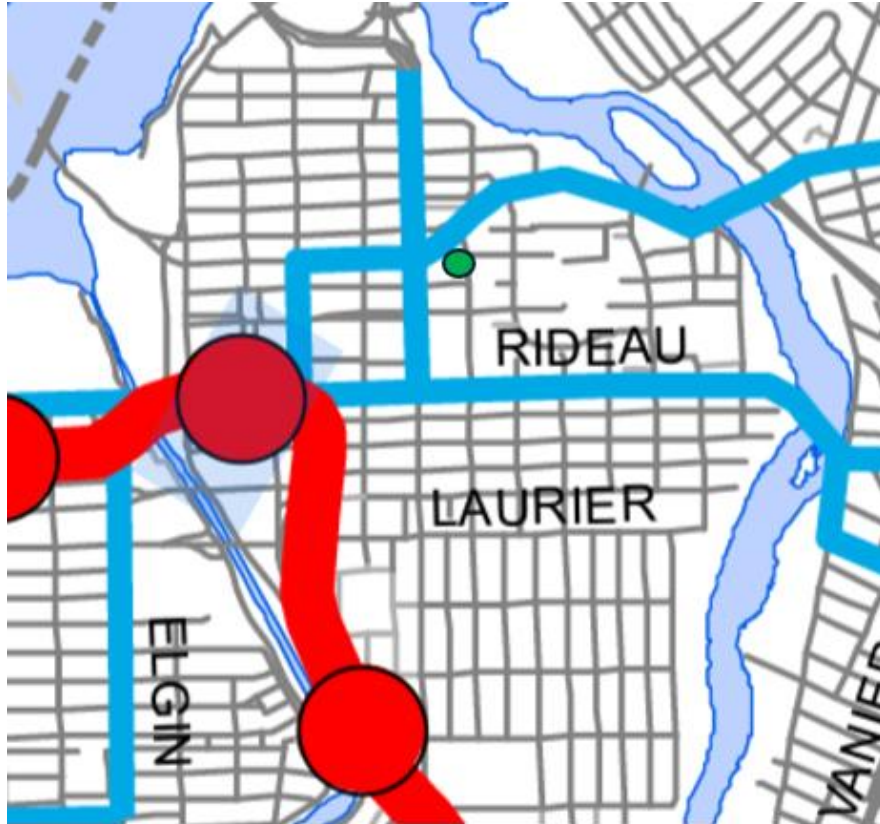
 Evolving Neighbourhood /  
Quartier en évolution

DESIGNATIONS / DÉSIGNATIONS

-  Hub / Carrefour
-  Corridor - Mainstreet / Couloir - Rue principale
-  Corridor - Minor / Couloir - Rue principale mineure
-  Greenspace / Espace vert
-  Neighbourhood / Quartier



Excerpt from Schedule C2 Transit Network (Ultimate)



● Subject Property

**RAPID TRANSIT  
TRANSIT LEVEL OF SERVICE 'A'**

O-Train - Grade Separated Crossings 

Transitway - Grade Separated Crossings 

**TRANSIT LEVEL OF SERVICE 'B'**

O-Train - At-Grade Crossings 


Transitway - At-Grade Crossings 

**TRANSIT PRIORITY**

Transit Priority Corridor 

Park and Ride 

O-Train Station 

Transitway Station 

Conceptual Future Transit Corridor 

Protected Transportation Corridor 

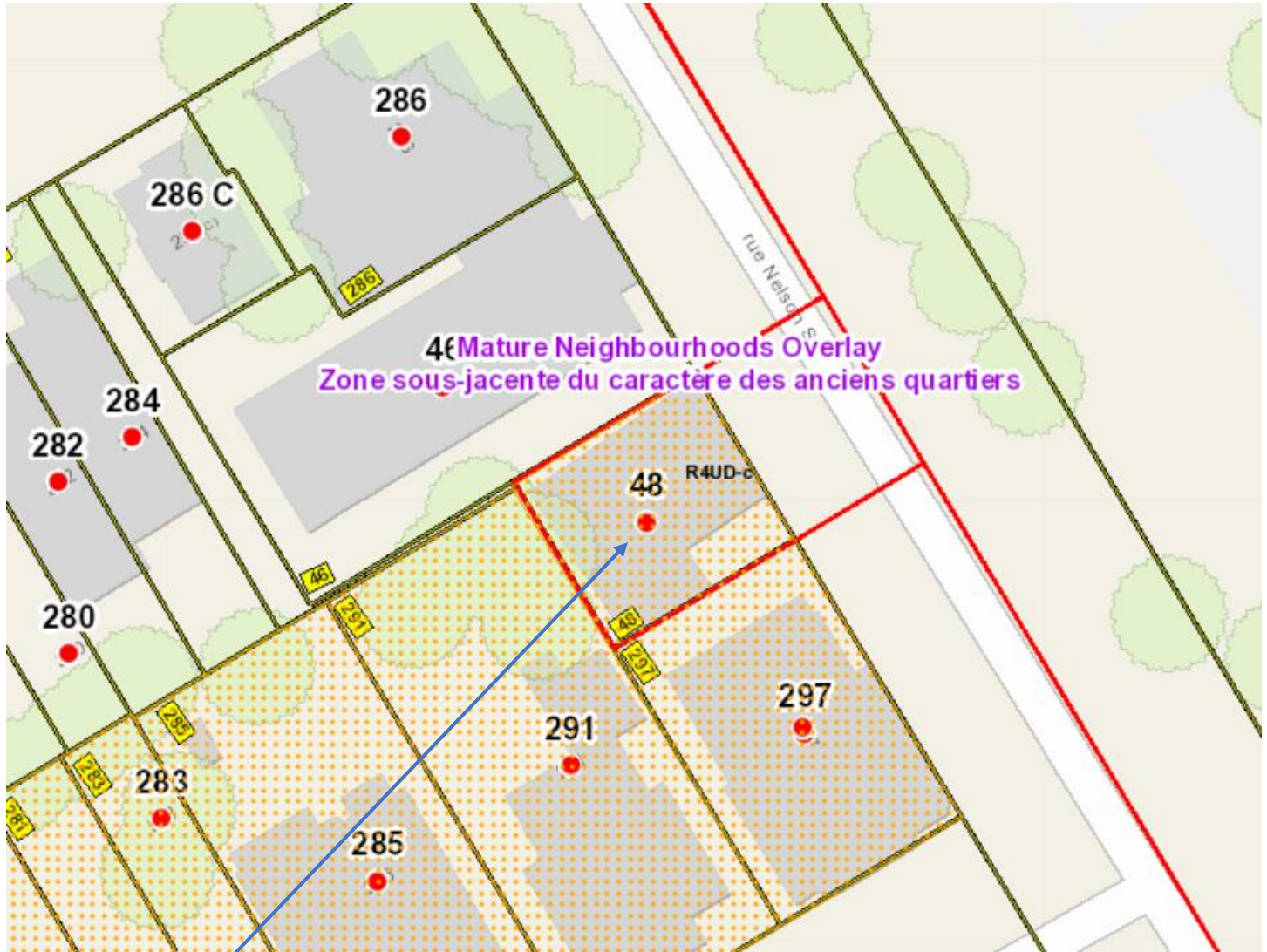
Inter-regional Stations 

Rail Yard 

Rail Corridor 

Gatineau RapiBus - grade-separated 

Appendix E: Excerpt from Zoning By-law 2008-250



Subject Property



R4-UD (By-law 2020-290)		Detached	7.5	225	11	4.5	4.5	varies <sup>4</sup>	1.2/0.6	11
		Linked-detached	7.5	225	10	4.5	4.5	varies <sup>4</sup>	1.2/0.6	10
		Semi-detached	6.0	180	10	4.5	4.5	varies <sup>4</sup>	1.2	10
		Long Semi-detached	10	300	10	4.5	4.5	varies <sup>4</sup>	1.2/0.6	10
		Duplex	7.5	225	10	4.5	4.5	varies <sup>4</sup>	1.2/0.6	10
		Townhouse	4.5	135	10	4.5	4.5	varies <sup>4</sup>	1.2	10
		Three-Unit	10	300	11	4.5	4.5	varies <sup>4</sup>	1.2	
		Stacked	14	420	11	4.5	4.5	varies <sup>4</sup>	1.5	
		Low-rise Apartment, maximum of 8 units	10	300	10	4.5	4.5	varies <sup>4</sup>	1.5	
		Low-rise Apartment, 9 or more units	15	450	14.5	4.5	4.5	varies <sup>4</sup>	1.5	
		PUD	NA	1,400	as per dwelling type	4.5	4.5	varies <sup>4</sup>	varies <sup>1</sup>	1.10

Excerpt - Table 162A