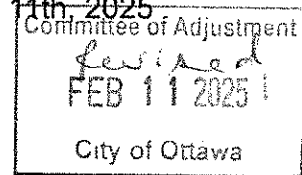


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City of Ottawa Committee of Adjustment
101 Centrepointe Drive, 4th Floor
Ottawa, On, K2G 5K7

February 11th, 2025



Attn: Mr Michel Bellemare
Secretary Treasurer

Re: 884 Charleswood Avenue (Minor Variance/Permission) - Panel 1
Yvon Lafrance
Part of Lot 23, Concession 1 (Ottawa Front), formerly in the Township of
Gloucester, City of Ottawa (Ward 13)

On behalf of our clients, we are submitting primary and secondary Minor Variance applications for the lands at 884 Charleswood Ave to permit the construction of two (2) semi-detached dwellings with one Additional Dwelling Unit per principal dwelling unit. The property fronts on Charleswood Ave and proposes three (3) driveways, one per semi-detached unit and one for the existing apartment building. Presently, there is one driveway of approximately 4.9 m in width and the proposed driveways will be approximately 7.8 m in total width.

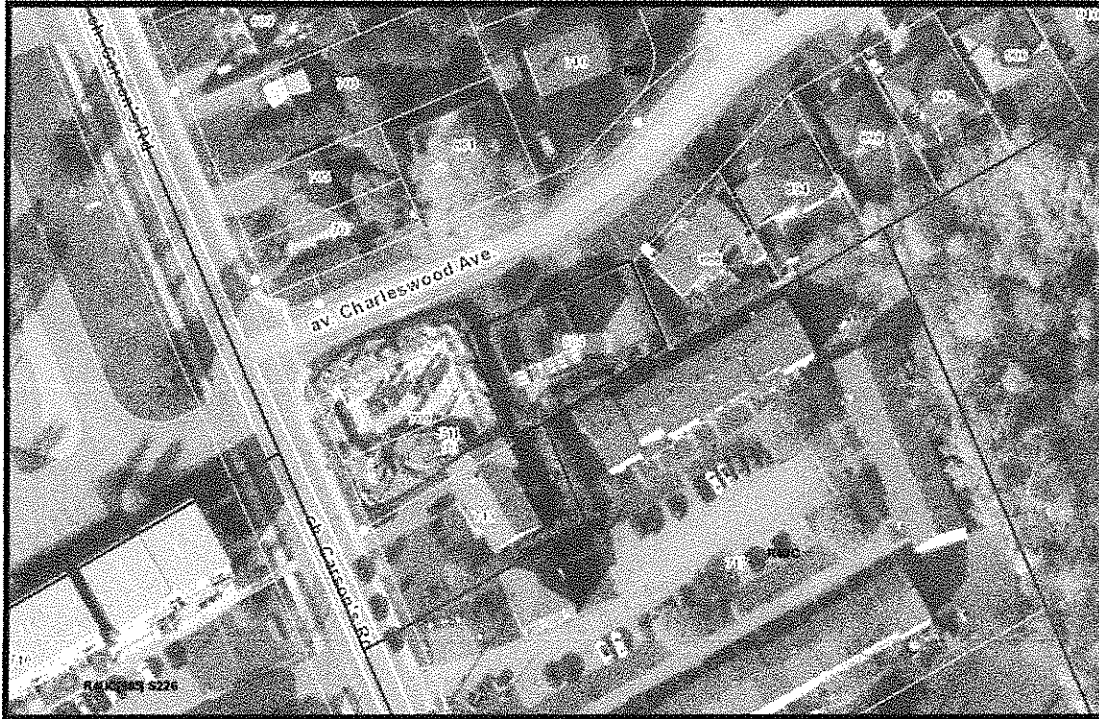
The subject lands are zoned R2F in the City of Ottawa Zoning By-Law 2008-250, as amended. The proposed location for the new semi-detached dwellings is currently a surface parking lot for the adjacent legal non-conforming low-rise apartment. These applications are being filed concurrently with a Severance application to sever the non-conforming low-rise apartment from the land for the proposed semi-detached dwellings, as well as a Permission application to permit the legal non-conforming use on a lot with a smaller lot area for the low rise apartment .



View of 884 Charleswood from Charleswood Ave looking south.

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Aerial image of the subject property.

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Permission



Building Code Services
Zoning Compliance Report
Zoning, Building Permits, Open Building Code/Property Standards Orders

Zoning Compliance Report
Zoning, Building Permits, Open Building Code/Property Standards Orders

Application Information

Date: February 1, 2024
 Application Number: COM-2024-000652
 Request Sub Type: Residential - 4 suites (units) or less per building

Number of Buildings:	Number of Dwelling Units:	Number of Suites/ Units:
1	4	4


Current Use: rentals

Applicant

Name: Yvon Lafrance
 Applicant Type: Property Owner
 Email: y.lafrance@sympatico.ca
 Telephone Number: (613) 799-4165

Property(s) Being Searched

Municipal Address	PIN	Registered Owner	Legal Description
884 CHARLESWOOD AVE, Ottawa, ON	042090263	LAFRANCE, YVON	PCL 6243, SEC CARL : PT LT 23, CON 10F, PART 2, CAR17, OTTAWA



Building Code Services
Zoning Compliance Report
Zoning, Building Permits, Open Building Code/Property Standards Orders

Zoning Designation

R2F pursuant to approved By-Law 2008-250

Conformity of Present Use with the Listed Permitted Uses

Permitted as _____

Permitted pursuant to Committee of Adjustment Decisions No.(s) _____

Not permitted but enjoys a legal non-conforming right as a four unit apartment dwelling, low rise

Not permitted and may be in violation _____

Conformity cannot be verified _____

Note: _____

Zoning Compliance Report showing that the existing building at 884 Charleswood is legally non-conforming (full document included in this application)

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Included in this submission is the Zoning Compliance Report which states that the existing building at 884 Charleswood enjoys legal non-conforming rights as a four unit apartment dwelling, low-rise. It includes details of the building permit (#49271) which was issued in September of 1962 to construct a two storey, four unit apartment building at the subject property.

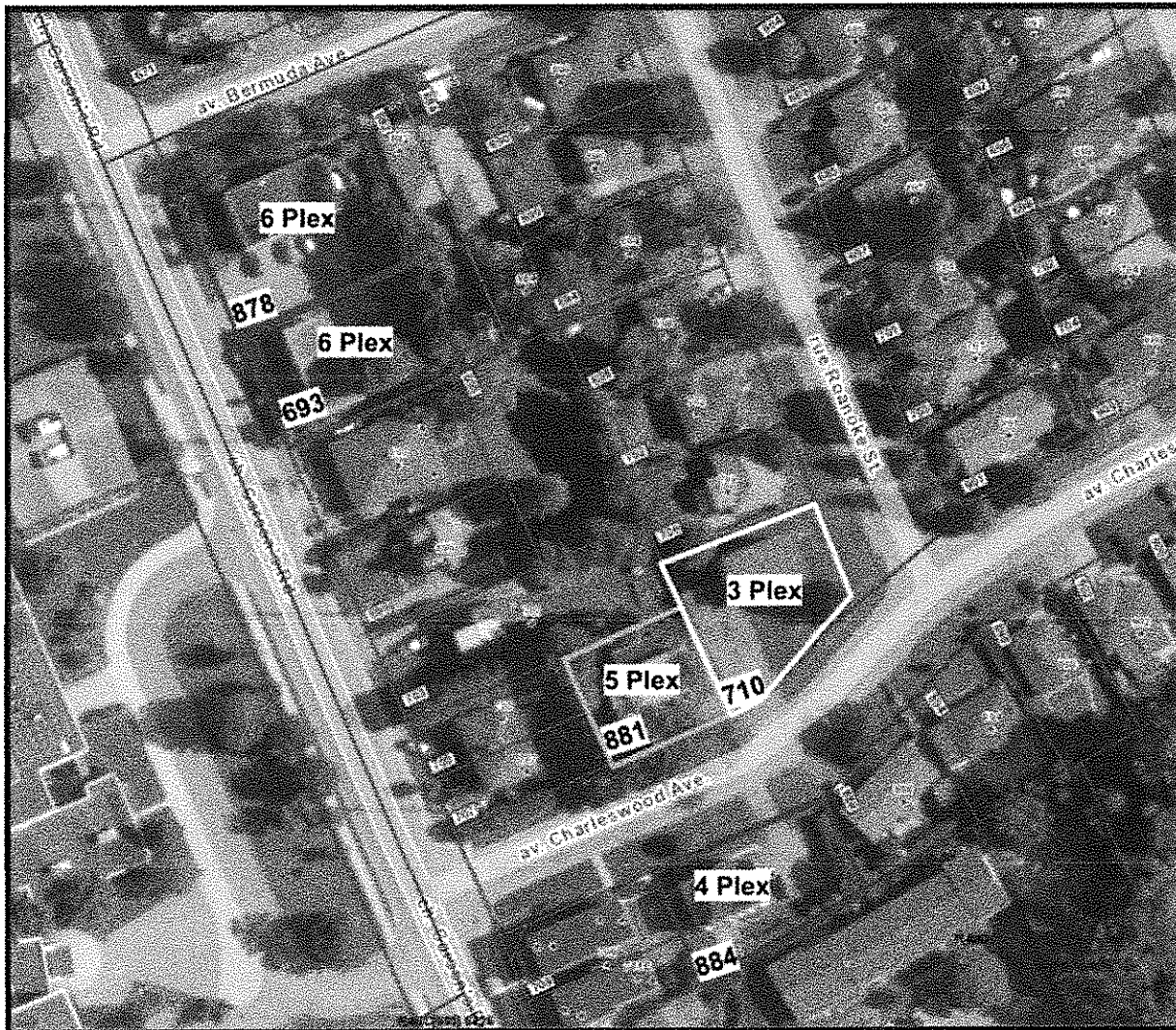
The decision of Sims et al. v. Daschko (being filed with this submission) sets out the test for expansion of a legal non-conforming use. The Ontario Municipal Board decision states that "there must always be a prior consideration of whether what is intended is indeed desirable for the appropriate development or use of the land, building or structure. The effect of any concession made must always be weighed in the light of the impact it could have upon neighbouring properties enjoying a different classification"

1. The application is desirable for the appropriate development of the subject property

The existing low-rise apartment building was constructed in the early 1960s and has continued to be used as a low-rise apartment since that time. While we are not expanding the non-conforming use, we are severing the overall parcel which will decrease the size of the lot where it is situated.

The use of the structure is a 4-unit low-rise apartment dwelling which is not uncommon on Charleswood and the surrounding area. There are examples of this dwelling type north of the subject property within 150m at 881 Charleswood, 710 Roanoke, 878 Bermuda Ave, and 693 Carson's Rd as shown on the figure on the following page.

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Aerial image showing a 3-plex, a 5-plex, and two 6-plexes within 150m of the subject property.

The existing building is used as subsidised housing for persons with intellectual disabilities who intend to live independently with assistance. The property owner has entered into an agreement with the Association pour l'Intégration Sociale d'Ottawa (AISO). This association provides subsidised housing for those with intellectual disabilities who are capable of living independently but with additional supervision. One of the units in the low-rise apartment houses the resource person who is responsible for the well-being of the other residents. This person is the only resident with a driver's licence and a vehicle. The proposed site plan includes a single parking space west of the existing low-rise apartment. The intended use of this parking space is for the

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resource person who lives in the building and is unable to park on the street due to on-street parking restrictions.

There is approximately 90 m² of soft landscaping in the rear yard for the residents to use as amenity space. This condition remains unchanged as the portion of land proposed to be severed (for the future semi detached units) is paved for use as a parking lot and did not serve the residents as amenity space.

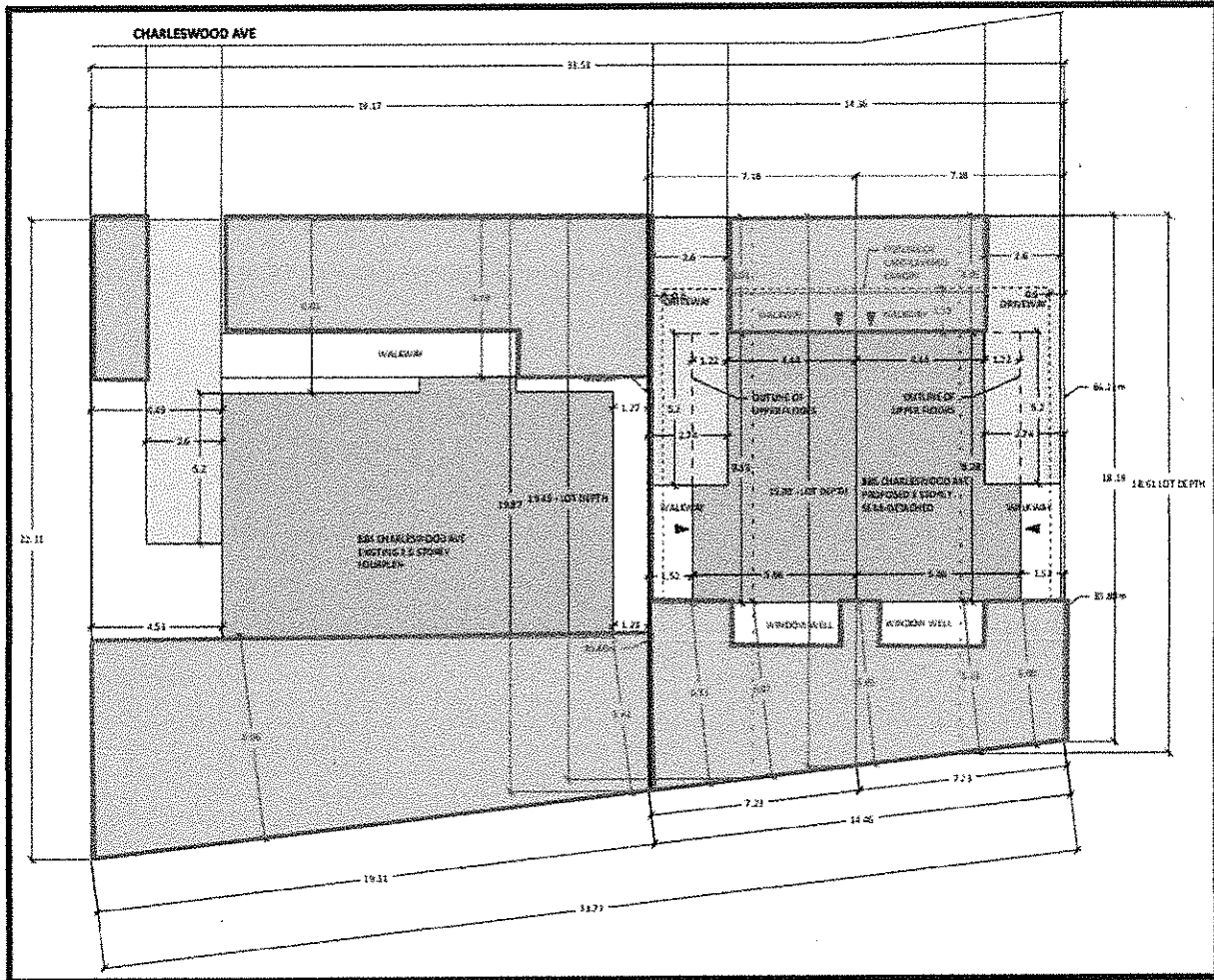
2. The application will not result in undue adverse impacts on the surrounding properties and neighbourhood

This application will not have any adverse impacts on the surrounding land or the tenants of the building. The land we are removing from this parcel is currently being used as a driveway and parking area which are not required for the existing building to be operational. As per Section 101 of the Zoning By-Law, this area of the City does not require parking to be provided for the first 12 units in a residential building.

The lands directly abutting the subject property to the south are zoned R4UC. Under the R4UC zoning, a low-rise apartment with no more than 8 units is permitted on a lot of 300m² with no parking, soft landscaping covering 50% of the rear yard, area for tree planting, and soft landscaping covering 40% of the front yard. The proposed lot will be 402.6 m² in area, will feature soft landscaping covering approximately 90% of the rear yard, 86% of the front yard, and will have multiple opportunities for tree planting. Lastly, there are several examples of similar building types in close proximity to the subject property, some of which contain more than 4 dwelling units.

The proposed lot size will not decrease the functionality of the existing low-rise apartment building and will provide adequate provisions for soft landscaping and amenity area. The proposal maintains the character of the neighbourhood by maintaining the multi-unit residential building and soft landscaping coverage.

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Site Plan showing the proposed severance line and the soft landscape area available in the front and rear yards on the severed and retained lands.

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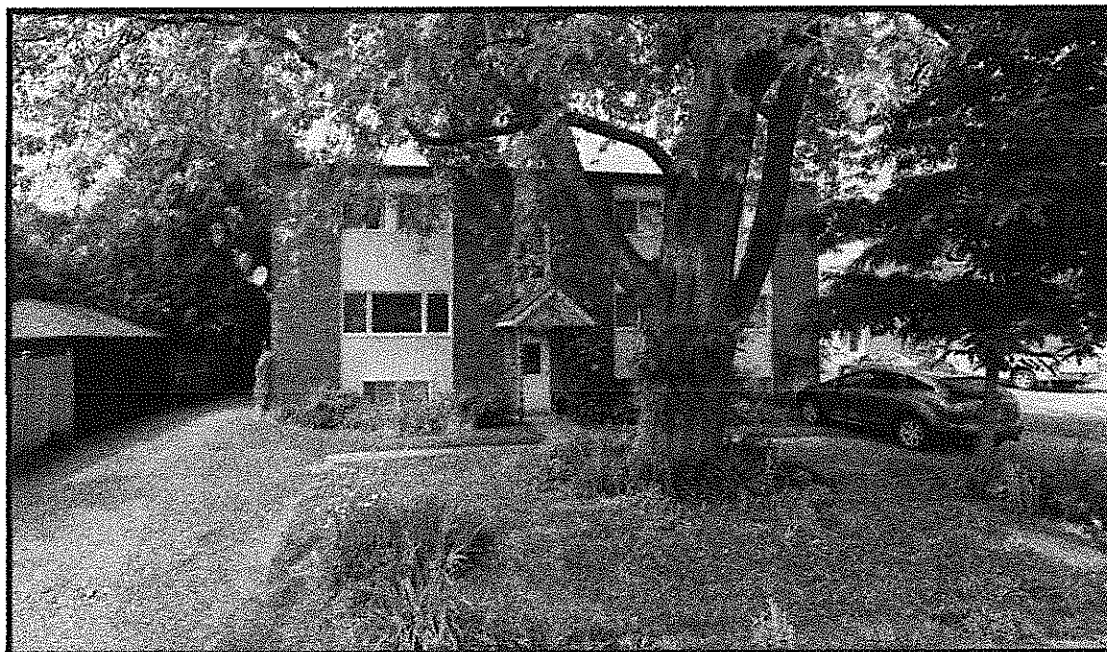


Photo of the non-conforming low-rise apartment to the north of the subject property (881 Charleswood Ave.).



Photo of the non-conforming low-rise apartment to the northeast of the subject property (710 Roanoke St.).

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Western property boundary showing the new long semi detached dwellings to the west (709-711 Carson's Rd) and the proposed driveway and parking space for the subject property's low-rise apartment.

Minor Variance

The proposal requires the following variances:

- A) Lot area (east). A requested lot area of 133.6 m², whereas the Zoning By-Law requires a minimum lot area of 270 m² per lot (Table 158A, V, Zoning By-Law 2008-250, as amended).
- B) Lot area (west). A requested lot area of 139.7 m², whereas the Zoning By-Law requires a minimum lot area of 270 m² per lot (Table 158A, V, Zoning By-Law 2008-250, as amended).
- C) Lot width (east). A requested lot width of 7.18 m, whereas the Zoning By-Law requires a minimum lot width of 9 m per lot (Table 158A, IV, Zoning By-Law 2008-250, as amended).
- D) Lot width (west). A requested lot width of 7.18 m, whereas the Zoning By-Law requires a minimum lot width of 9 m per lot (Table 158A, IV, Zoning By-Law 2008-250, as amended).

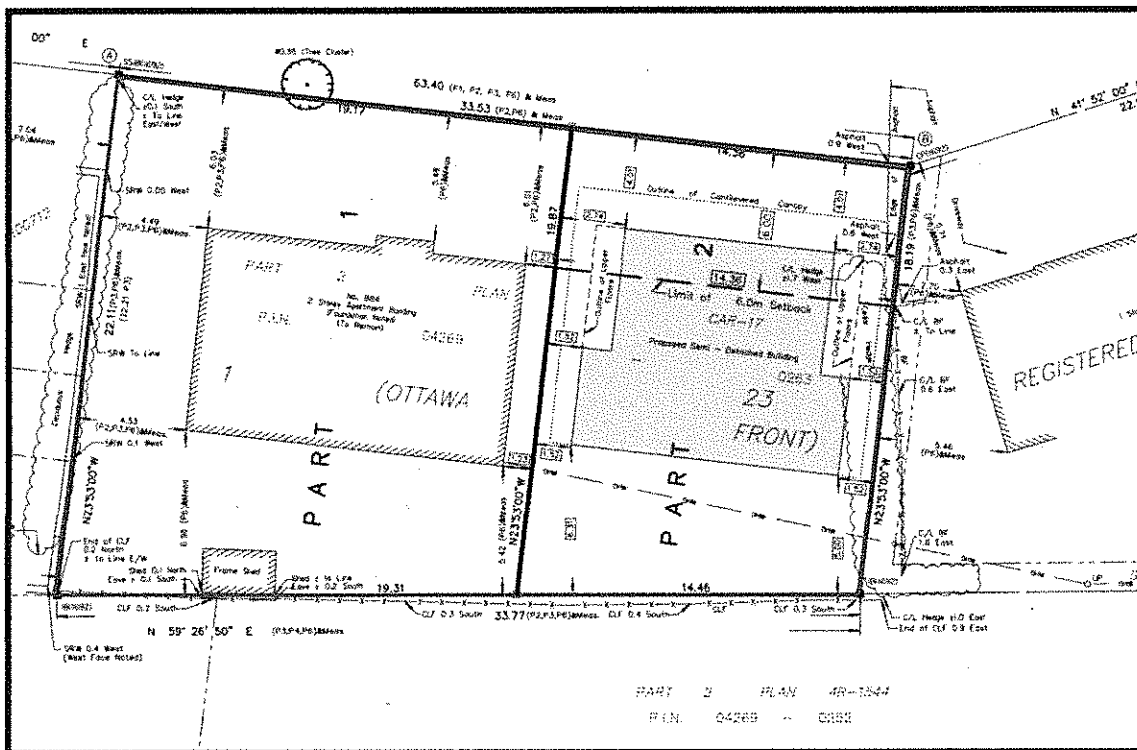
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Please note that the Minor Variance applications for the Semi detached units have been split up into primary and secondary application so that the individual sides of the semi are subject to separate applications in conformity with Committee of Adjustment policy whereby an application is required for each lot, existing or proposed, for which the authorization of one or more minor variances or permission is requested.

E) Building height. A requested building height of 9.1m, whereas the Zoning By-Law permits a maximum building height of 8 m (Table 158A, VI, Zoning By-Law 2008-250, as amended).

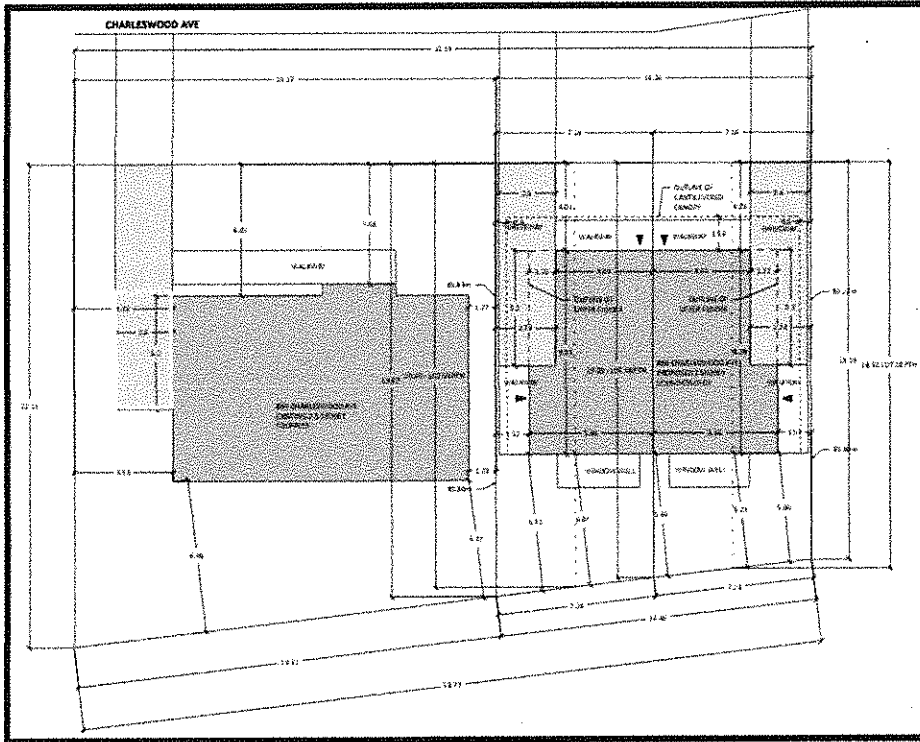
The proposal conforms to all other Zoning By-Law requirements such as building setbacks, landscaping, and parking. The primary units have a floor area of 115 m² (1,237 ft²) per side which accommodates an entrance at grade, a combined kitchen/living/dining room on the second floor, and two bedrooms and one bathroom on the third floor. The additional dwelling units have a floor area of 70 m² (753 ft²) per side which accommodates a combined kitchen/living/dining room at grade, and a mechanical room, one bathroom and one bedroom in the basement. The unit sizes are functional and are proportionally sized according to the proposed lot sizes.



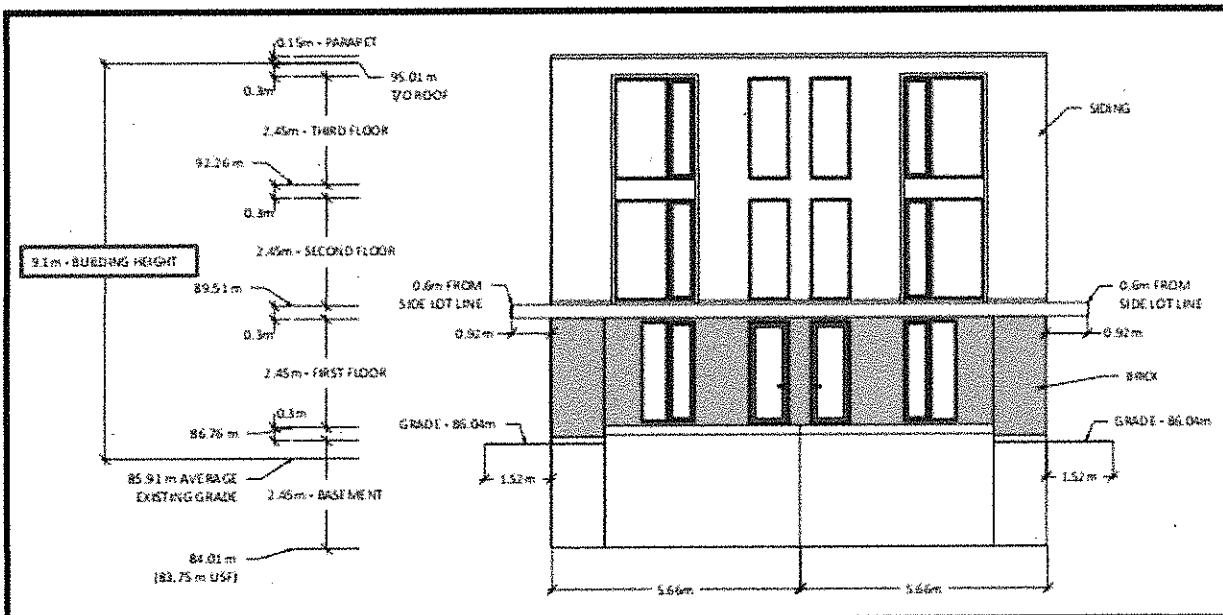
Draft 4R Plan showing Parts 1 (west) and 2 (east).

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Site Plan of 884 Charleswood showing the proposed parking space dedicated to the resource person.



Front elevation showing the 9.1 m building height from Existing Average Grade, excluding the 0.15 m parapet.

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Photo of the subject property showing the existing legal non-conforming low-rise apartment (right), the existing parking lot (left), and the proposed severance line.



Photo of the new construction west of the subject property located in the same R2F zoning as the subject property.

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The four tests of a Minor Variance application from Section 45 (1) of the Planning Act are that the variances are minor in nature, are desirable for the appropriate development or use of the land and building, and are to maintain the general intent and purpose of the Official Plan and the Zoning By-law.

1. The application is minor in nature.

The semi-detached units feature a compact interior design with room on the lot for a walkway, sufficient soft landscaping, driveways, rear yard setback, and rear yard area. The minimum required rear yard setback is 25% of the lot depth (19.03 m) which is 4.76 m and the provided rear yard setback is 5 m. The minimum required rear yard area is 25% of the lot area (273.3 m²) which is 68.33 m² and the provided is 82 m². The deficiency in the lot area from 270m² to 133.6m² and 139.7m² does not impact our ability to construct two functional primary units and two functional additional units while meeting the building setback, parking space, and soft landscaping requirements.

The reduced lot width request represents a 1.82 m reduction (20%) per side of the semi-detached dwelling. The proposed lot width provides adequate space for a functional primary and additional dwelling unit as well as a 1.52m (5') wide side yard setback and driveway which is designed to the minimum 2.6m wide and only covers 36% of the resulting lot frontage.

The proposed building height is 9.1 m whereas the Zoning By-Law only permits 8 m. The 9.1 m building height is an increase of 1.1 m and is needed to properly service the units. The existing services within the City right-of-way are located closer to the surface of the road than is typical, so in order to propose a proper service slope from the units to the services in the street, the building must be elevated more than is typically expected. The proposed semi-detached dwellings feature a flat roof which aligns with the design of the existing low-rise apartment and minimises the overall building height. The floor to ceiling heights proposed are 8ft (2.44 m). This variance would be required for any 3 storey proposed development if it included a basement regardless of building type or footprint.

2. The application is desirable for the appropriate development of the lands in question.

The proposed development follows many key guidelines from the City of Ottawa's Urban Design Guidelines for Low-rise Infill Housing (2022). This design guideline document is to be applied to all infill development in the Downtown Core-, Inner Urban-, Outer Urban- and Suburban Transects, as identified on Schedule B of the Official Plan. This infill may include the following residential types: single detached, semi-detached, duplex, triplex, townhouses, stacked townhouses, low-rise apartments (four units and

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more) and other forms of ground-oriented housing typologies that may emerge. Those key guidelines and the proposal's responses are as follows:

Streetscape

1.1 Contribute to an inviting, safe, and accessible streetscape by emphasising the ground floor and street façade of infill buildings. Locate principal entries, windows, porches and key internal uses at street level. *Both principal entries are located on the front facade, emphasised with a front walkway, slight canopy overhang, and windows beside each front door.*

Landscape

2.1 Landscape the front yard and right-of-way to emphasise aggregated soft landscaping as much as possible and provide adequate soil volume for the planting of large sized trees. *The proposal includes the planting of two large City trees, one for each proposed lot as part of the severance application. Any area not used for walkway or driveway is proposed as soft landscaping.*

Building Design

3.1.2 Locate and build infill in a manner that reflects the desirable planned neighbourhood pattern of development in terms of building height, elevation and the location of primary entrances, the elevation of the first floor, yard encroachments such as porches and stair projections, as well as front, rear, and side yard setbacks. *Similar developments are taking place in this neighbourhood (ex. 709 Carson's Rd.). This design respects building setbacks, first floor height, and front entry locations in regards to the existing neighbourhood pattern and the Zoning By-Law.*

3.1.11 Respect the grades and characteristic first-floor heights of the neighbourhood by not artificially raising or lowering grades. *The development aims to respect the elevation of the neighbouring properties and does not propose to significantly raise or lower the grades. The first level of the proposed dwelling will align with the first level of the adjacent low-rise apartment dwelling and the dwelling to the east.*

3.3.1 Design all sides of a building that face public streets and open spaces to a similar level of quality and detail. Avoid large blank walls that are visible from the street, other public spaces, or adjacent properties. *The facade that faces Charleswood is proposed with a similar materiality to the existing low-rise apartment dwelling, but uses larger windows that distinguish it as a modern development. No facade is without windows or articulation, although the glazing on the side facades is minimal to avoid issues of spatial separation.*

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For neighbourhood context, directly to the west is a new development containing 8 new units (2 sets of long semi-detached dwellings) built in 2021, and to the south is a development containing 26 townhouses.

3. It conforms to the general intent and purpose of the Official Plan.

The subject property is located in the Outer Urban transect and is designated as a Neighbourhood. The property is approx. 450m from Montreal Rd which is a Mainstreet Corridor and approx. 675m from the Aviation Parkway which marks the border between the Outer and Inner Urban transects. The following sections are Official Plan policies and the proposal's responses:

2.2.1 Direct residential growth within the built-up urban area to support an evolution towards 15-minute neighbourhoods. This Plan envisions directing residential intensification towards Hubs, Corridors and surrounding Neighbourhoods where daily and weekly needs can be accessed within a short walk. This direction will support an evolution of these areas towards becoming 15-minute neighbourhoods. *This proposal increases the number of units on this site by adding two primary dwelling units and two additional dwelling units. This growth represents intensification in the Outer Urban neighbourhood. The site is located in an area where daily amenities can be accessed within a 650 m walking distance. Amenities such as grocery stores, a hair salon, convenience stores, pharmacies, medical clinics, automotive service centres, and restaurants are located within a 5-10 minute walk from the subject property. Other sites of importance in close proximity to the site include La Cite Collegiale (300m walking distance), Montfort Catholique elementary school, Samuel-Genest Catholique High School, and Bathgate Park.*

4.2.1 Enable greater flexibility and an adequate supply and diversity of housing options throughout the city.

1) A diverse range of flexible and context-sensitive housing options in all areas of the city shall be provided through the Zoning By-law, by: b) Promoting diversity in unit sizes, densities and tenure options within neighbourhoods including diversity in bedroom count availability; *The proposed units include two primary units with two bedrooms each, and two additional units with one bedroom each. This unit size and organisation is common to the area, especially with sites so close to the college.*

2) The City shall support the production of a missing middle housing range of mid-density, low-rise multi-unit housing, in order to support the evolution of healthy walkable 15-minute neighbourhoods by: a) Allowing housing forms which are denser, small-scale, of generally three or more units per lot in appropriate locations, with lot configurations that depart from the traditional lot division and put

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the emphasis on the built form and the public realm, as-of-right within the Zoning By-law; *Missing middle housing is defined as low-rise, multi-unit developments between three and sixteen units and is typically ground-oriented. This development proposes a 4-unit, smaller-scale building permitted by the Zoning By-Law and includes two ground-oriented units per lot.*

3) Accessory Dwelling units as provided for by the Planning Act, including coach houses and secondary dwelling units in the main building, are recognized as key components of the affordable housing stock and shall be protected for long-term residential purposes. The Zoning By-law shall permit these uses on residential lots with one principal dwelling unit in all areas of the City and shall establish criteria to govern appropriate integration of these units with the main dwelling and surrounding context. *The proposed additional dwelling units represent accessory dwelling units.*

5.3.1 Recognize a suburban pattern of built form and site design

2) The Outer Urban Transect is generally characterised by low- to mid-density development. Development shall be: a) Low-rise within Neighbourhoods and along Minor Corridors; *This property is within the Outer Urban Neighbourhoods as defined by Schedule B3 of the Provincially-approved Official Plan and this development is classified as a low-rise residential development.*

4. It conforms to the general intent and purpose of the Zoning By-Law.

The purpose of the R2 zone is to restrict the building form to two principal units and regulate development in a manner that is compatible with existing land use patterns so that the detached and two principal dwelling residential character of a neighbourhood is maintained or enhanced. The proposed development is aligned with the existing character of the neighbourhood as many recent developments include semi-detached dwellings with additional dwelling units. The subject land is currently occupied by a parking lot used by an existing legal non-conforming low-rise apartment and it has been expressed by City staff that a dwelling would be preferred over the property's current use through a redevelopment application.

Both halves of the semi-detached dwelling are non-conforming on lot area, lot width,, and building height. The lot area variances will permit a lot size suitable for compact semi-detached dwellings with one ADU per side. The lot width variance represents a 1.82 m reduction (20%) per side of the semi-detached dwelling but allows for sufficient side yard setbacks including one parking space per primary unit. The reduced lot sizes do not impact our ability to propose two functional primary units and two functional additional units while meeting minimum building setback, parking space, and soft landscaping requirements.

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The increased building height is required to accommodate the existing municipal services which are at a higher elevation within the City right-of-way compared to the current City standard. To avoid extra servicing complications in the future building permit application, a higher than permitted building height is required. Increasing the building height will not allow an additional storey to be added to the future construction. The project's civil engineer has reviewed the design and is confident that adequate servicing can be provided for both semi-detached dwellings and the proposed building height is required to exceed the maximum zoning requirement in order to properly accommodate the public services in the City's right-of-way.

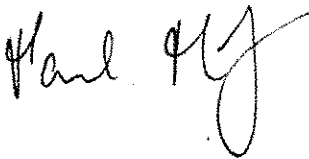
At this time we are also submitting the following in support of the application:

- Completed application forms (Primary and Secondary Minor Variance applications and Permission application (1 original))
- Application fees
- A site plan showing the proposed new building
- Architectural elevation plans of the proposed building from all four sides
- A survey plan of the entire property
- Owners authorisation
- Tree Information Report and Cultivated Butternut Assessment
- A Zoning Compliance Report prepared by the City of Ottawa for the existing building at 884 Charleswood
- Civil sketch from T L Mak Engineering Consultants Inc. (for illustration purposes)
- Case study of Sims et al. v. Daschko

When the notification signs are ready for this application could you please email the undersigned and I will arrange for their installation on the property.

Should you have any questions or require anything further, please do not hesitate to contact the undersigned at (613) 599 9216 or via email at probinson@probinsonconsulting.com

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Paul Robinson, RPP

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