



MOMENTUM

February 24, 2025

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

Committee of Adjustment  
Received | Reçu le

Revised | Modifié le : **2025-02-25**

City of Ottawa | Ville d'Ottawa  
Comité de dérogation

This is a revised submission related to this application to respond to comments dated February 12<sup>th</sup> received from Penelope Horn and a request for a sine die adjournment of the application on February 19<sup>th</sup>. This letter should be read in conjunction with the original rationale dated January 6, 2025.

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

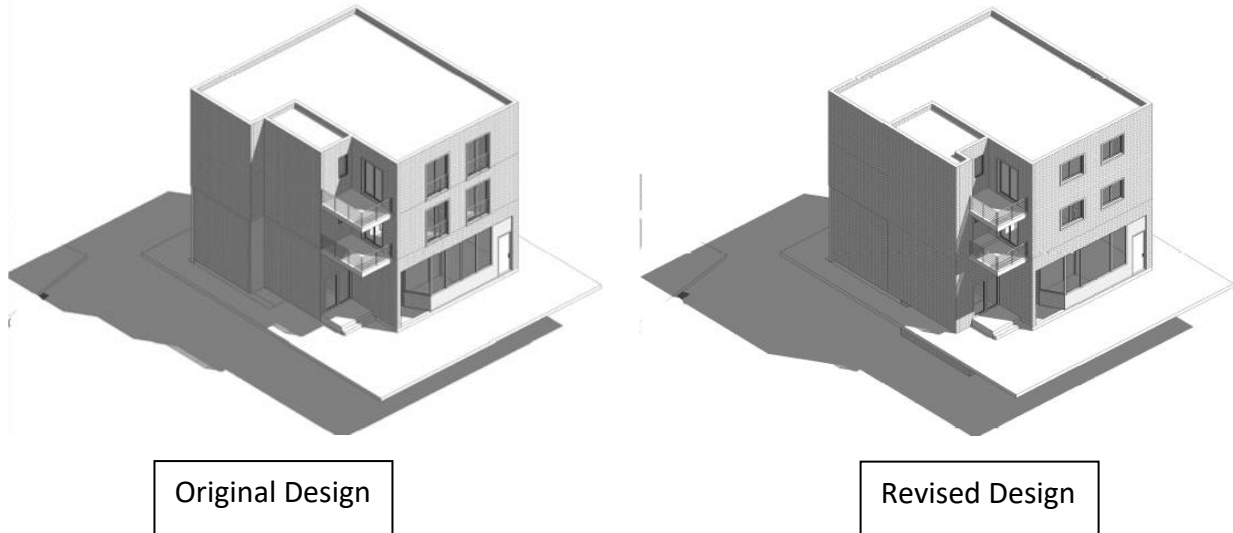
- Site Plan (Full size and reduced)
- Existing and Proposed Floor Plans (Full size and reduced)
- Elevation drawings (Full size and reduced)
- Easement documentation regarding access and maintenance

## Design Revisions

In response to comments regarding the provision of bicycle parking and for waste management storage, the site plan has been amended to include two horizontal spaces measuring .6 in width and 1.8 metres in length to the left of the entrance to the proposed residential units. The proposed spaces will comply with **Section 111 Bicycle Parking Space Rates and Provisions of By-law 2008-250** which requires .5 spaces per low-rise apartment dwelling unit. These spaces may be provided in any yard and are required to be easily accessible to the main entrance. (See Appendix A – Site Plan)

With respect to waste management storage, **Section 141 Residential Neighbourhood Commercial Suffix Subsection (9)** requires that *“Storage and refuse collection must be completed enclosed within a building”*. To accommodate this, the left (southern) wall has been extended to allow the proposed new stairway to directly access the basement level of the

building. A separate enclosed storage area has been provided on the basement level for the residential units. This change to the exterior has had a minimal effect on the overall look of the building.



The existing bakery/retail use will continue with its current practice of internal storage in the existing basement area under the bakery. Waste collection for the entire redevelopment will continue to be provided by municipal curbside pickup.

## Planning Regulatory Framework Summary

### Provincial Policy Statement 2024

This portion of the policy review remains unchanged from the January 6<sup>th</sup> letter which stated *'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 overview of the relevant policies of the Official Plan remains unchanged from the January 6<sup>th</sup> letter and has not been included. The conclusion from this review was as follows: *"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.”*

However, in response to comments received from Penelope Hope, the following additional section has been included in the review of relevant policies. This section provides guidance to the Committee on how variances related to low-rise apartment buildings should be considered given their impact on existing neighbourhoods and adjacent owners.

#### **“Section 11.5**

*9) The Committee of Adjustment shall, in addition to all other policies in this Plan, have regard for the following when evaluating minor variances to permit low-rise infill apartment dwellings:*

*a) Variances to reduce the minimum required lot size may only be considered where adequate waste storage and management, bicycle parking and intensive soft landscaping can be provided.*

*b) Variances to alter exterior design requirements such as balconies or facade articulation may be considered where, in the opinion of the Committee of Adjustment, the proposal serves the goals of context sensitive design and urban design.*

*c) Variances to reduce the minimum required side yard:*

*i) May only be considered where alternate measures to ensure adequate access for waste management and bicycle parking are provided; and*

*ii) May reduce side yards to zero to enable attached building designs, where the written consent of the abutting lot owner is secured;”*

While the Committee of Adjustment is an autonomous approval authority under the Planning Act, City Council has included this policy guidance with respect variance applications related to low-rise apartment buildings. This application involves the addition of low-rise units to an existing commercial building and as such requires consideration of the issues outlined in this policy to assist the Committee in its deliberations. A review of this policy as it relates to the four tests for the consideration of a minor variance can be found later in this letter.

### **Summary of Existing Zoning**

The review of the existing zoning of the Property - **Residential Fourth Density Subzone UD-c (R4-UD-c)** and the list of variances originally identified in the January 6<sup>th</sup> letter and application has been revised to reflect an additional variance. As well, Variance g) - To permit a reduction in the percentage of the rear yard area (See Appendix D for the updated list of all variances). This



variance, while covered in the notice for the hearing, was not properly documented at that time in the cover letter. This has been corrected in this updated planning rationale.

In addition, during the review of application, staff noted that the Property was also subject to **Section 60 – Heritage Overlay** (see Appendix C for zoning map excerpt) and may require an additional variance under that section. I agree with that opinion and have included information on this additional variance.

**Section 60** provides a number of zoning provisions which have been applied to areas of the city which contribute generally to heritage values but may not have protection under the Ontario Heritage Act through either Part IV or Part V heritage designations. It regulates the replacement of buildings lost through demolition or fire and the size and placement of additions to buildings to preserve the heritage character of the original building.

As can be seen in Appendix E, the area affected by the heritage overlay is focused on Clarence Street and not on Nelson Street where the Property is located. Thus, it is my opinion that the primary purpose of the overlay in this context is to preserve the character and streetscape of Clarence Street.

In my opinion, the **General Provisions of Section 60** are not applicable to this application as there is no intent to demolish the existing building nor was the lot vacant prior to April 1978 so there would be no need for a variance to these provisions.

**Subsection 3 Additions Parts (a) and (b)** regulate the location, height and roof slope of additions within the overlay area to preserve and complement the overall heritage character of the existing built form. These provisions require all additions to be in the rear yard; to not exceed the height of the existing building and to have a greater side yard than the existing building. The proposed redevelopment based on the existing building footprint and the addition of two storeys, while consistent with neighbouring development, will not conform to these provisions so an additional variance has been proposed. Details of this variance can be found in the next section of this letter and are summarized in Appendix D.

**Subsection 3 Part (c)** regarding location in the front yard does not apply so no further variance is required for conformity to this provision.

**Subsection 4** relates to projections into yards which are not required in the proposed redevelopment, so no further variance is required for conformity to this provision.

**Subsections 5, 6 and 7** relate to vehicle parking matters and since no parking is required or provided for this project, no further variance is required for conformity to this provision.

### **Minor Variances Required**

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. For ease of



review and consideration of the four tests, the following is a summary of all variances originally submitted along with Variance g) which was left out of the letter dated January 6<sup>th</sup> and the new Variance h) for **Section 60**. The list builds on the order and numbering of the variances requested found in Section 2 of the original application form and can also be found in its entirety in Appendix D:

- 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 Lot Depth</b>	<b>II 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 (iv) in all cases, must comprise at least one aggregated rectangular area of at least 25 square metres and whose longer dimension is not more than twice its shorter dimension, for the purposes of tree planting.

**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> and in no case less than 25 m<sup>2</sup>.

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

- 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

- g) **Requested Variance:** To permit a reduction in the percentage of the rear yard area to 6.7% of the total lot area.

**By-law Requirement:** The rear yard must comprise at least 25 percent of the total lot area.

**Explanatory Note:** As noted in Variance a) the minimum possible rear yard for the Property based on the existing rear wall of the building is .78 metres at the north-west corner. The south-west corner of the existing building wall has a setback of .94 metres. Using the existing rear yard dimensions, the maximum possible area for the rear yard is 10.25 square metres which represents 6.7% of the total lot area of 159.2 square metres.

**By-law Section:** Section 144(3)(a)

- h) **Requested Variance:** To be exempted from the provisions of Section 60 (3) (a) and (b) which regulate the location, height and roof slope of additions.

**By-law Requirement:** Subsection (a) requires that the height of the walls and the height and slope of the roof of the addition not exceed those of the building and Subsection (b)(i) requires that the side yard setback of the addition is at least 60 cm. greater than that of the wall of the building located closest to the side lot line and Subsection (b)(ii) requires that it (the addition) is located entirely within the rear yard, or in the interior yard abutting the rear yard and complies with the rear yard setback of the underlying zone, except where the building has a non-complying rear yard setback the addition may be built to that rear yard setback, but in no case may be less than 3.0 metres.

**Explanatory Note:** These provisions relate back to the general purpose of the Heritage Overlay which is to protect/preserve the heritage character of a site when viewed from the street. As previously noted, the street included in the overlay is Clarence while this





Property fronts onto Nelson. In my opinion, this was because historically, this Property was the rear yard of the adjacent lot on Clarence. The effect of these requirements would be to prohibit any additions to the Property.

**By-law Section:** Section 60 (3) (a) and (b)

## **Analysis of the Four Tests**

This section has been updated from the January 6<sup>th</sup> letter to include the additional variance required for Section 60 – Heritage Overlay and 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(s) assessed against the by-law requirement. This test also needs to look at whether the cumulative impact of a number of variances, such as in this application, can still be considered minor. It is also very important to consider the overall impact the variance(s) 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 separate entrance to the apartments proposed on the upper floors above the bakery. A review of the existing zoning has identified eight (8) 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 as there is no appreciable change from the existing situation at grade.

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. The three-storey height provides a transition from the two-storey building on the corner of Clarence to the left to the three-storey building on the right which then drops down again to two storeys on the corner of Old Murray Street.







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**. 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 south (left) wall of the ground floor will remove an existing lot line encroachment with 297-299 Clarence Street.

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

of two-storeys of residential apartments will create a **low-rise, mixed-use building** which is a permitted use under the existing zone 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.

With respect to the requirements of **Section 60 – Heritage Overlay**, it is my opinion that the intent of this overlay was to support the protection of the streetscape of Clarence. This street contains one building (275 Clarence) designated under Part IV of the Ontario Heritage Act along with many other examples of historical residences typical of the Lowertown Community in the block between King Edward Avenue and Nelson Street. The Property which is the subject of this application, fronts onto Nelson Street and when viewed from Clarence, it is behind 297-299 Clarence Street which means it is not visible from the protected streetscape.



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 addressed in my letter of January 6<sup>th</sup>, and I would refer you to that summary in the consideration of this test.

During the first review of this application by staff, I was directed to **Section 11.5(9)** of the Official Plan and asked for comment. This section provides guidance to the Committee on the consideration of variances related to low-rise apartment buildings:

*“9) The Committee of Adjustment shall, in addition to all other policies in this Plan, have regard for the following when evaluating minor variances to permit low-rise infill apartment dwellings:*

*a) Variances to reduce the minimum required lot size may only be considered where adequate waste storage and management, bicycle parking and intensive soft landscaping can be provided.*

*b) Variances to alter exterior design requirements such as balconies or facade articulation may be considered where, in the opinion of the Committee of Adjustment, the proposal serves the goals of context sensitive design and urban design.*

*c) Variances to reduce the minimum required side yard:*

*i) May only be considered where alternate measures to ensure adequate access for waste management and bicycle parking are provided; and*

*ii) May reduce side yards to zero to enable attached building designs, where the written consent of the abutting lot owner is secured”*

The following comments are provided in response:

- It is my opinion that the primary intent of Subsection a) was in the consideration of a variance related to a severance which would reduce the minimum lot area. In this application, we are redeveloping an existing lot which was created prior to zoning regulations coming into force for this area. To address the specific matters noted, we have proposed a waste management storage area accessible to the residential units in a minor expansion of the existing basement. Bicycle parking for the required two spaces has been proposed at the front of site by the entrance to the apartment units.
- With respect to Subsection b), there are no proposed variances that relate to exterior design features and thus this provision does not apply.

- Subsection c) relates to reductions in minimum side yard setbacks and the need to ensure access to waste management storage and bicycle parking. In this application, the side yard reductions relate only to the location of the existing walls, not to new construction. As previously, noted we are providing waste management storage and bicycle parking with easy access.

In summary, based on the review of relevant policies in the January 6<sup>th</sup> letter and to this additional analysis, 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 of Four Tests**

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.

### **Concluding Comments**

The original staff review of this application also posed questions relating to the existing easement on the north side of the site as well as the overall site functionality for during construction and for ongoing maintenance given the limited setbacks.

With respect to the status of the existing easement, my clients have obtained the following advice as to the continued use of this easement for access and maintenance.

The right of way you have is over Part 5 on 4R21472 is still valid and in place. Our title searcher found the originating document, CR274293, and it does not set out a purpose although access is typically assumed, so perhaps one could argue it could be used for fire access or construction purposes.

The Property Identifier number for the right of way lands, 04213-0024 only indicates that it is “together with” the N322436 when it should be “subject to and together with”. I don't believe the Land Registrar will fix this by a PIN correction anymore, but we have submitted one anyways and will let you know when we hear back.

Mark K. Habib, B.A, JD  
Barrister, Solicitor & Notary Public  
16-2450 Lancaster Road  
Ottawa, Ontario  
K1B 5N3

Additional documentation has been attached to this letter. From this, it would appear that my clients have a reasonable expectation to support the use of this land during construction and



for ongoing maintenance. With respect to access during construction and ongoing maintenance on the west and south sides of the building, my clients have reached out to their neighbours for a letter of support which I will provide as soon as they are available. Based on this information, I believe my clients have demonstrated that the site can be redeveloped as proposed.

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

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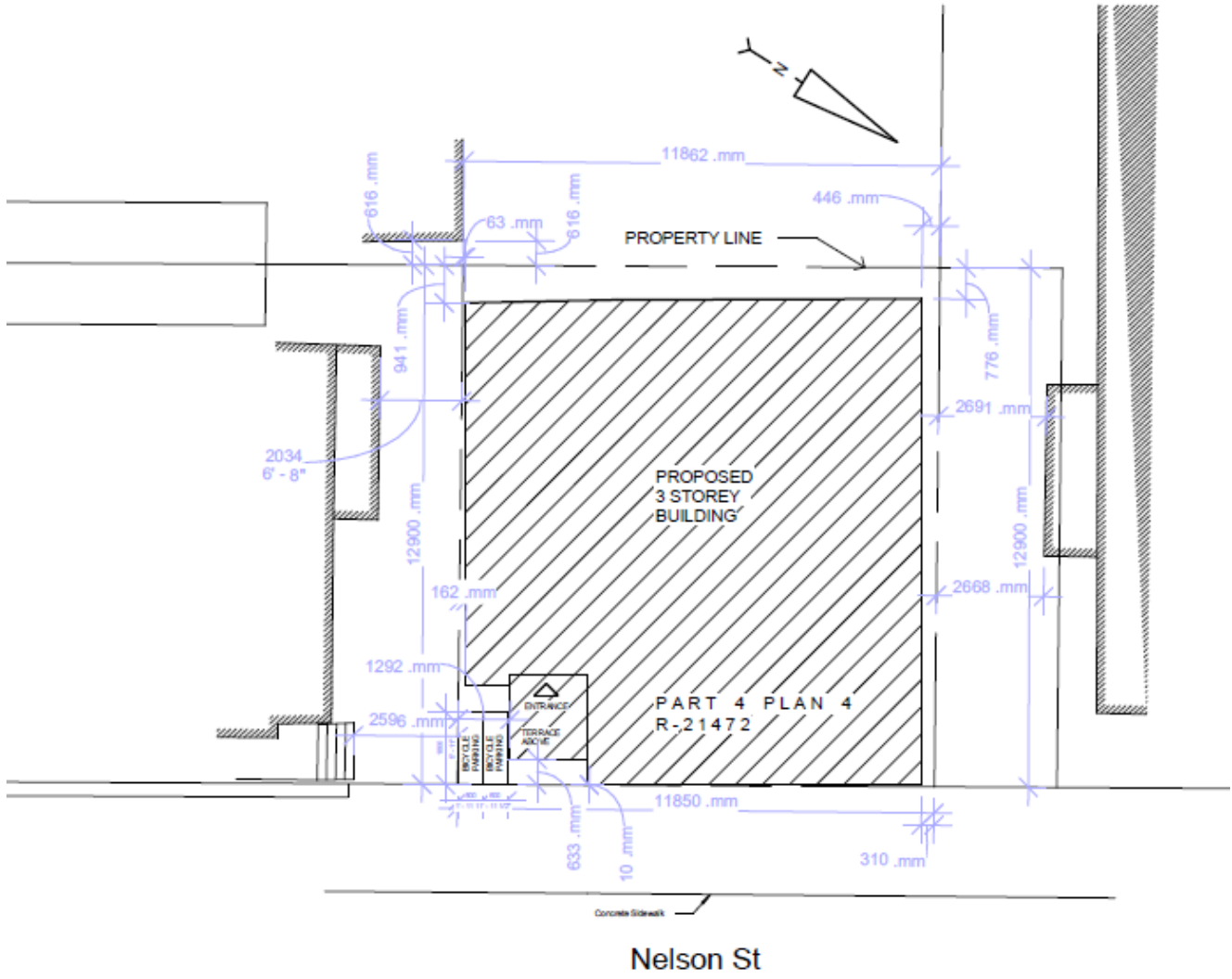


# APPENDIX

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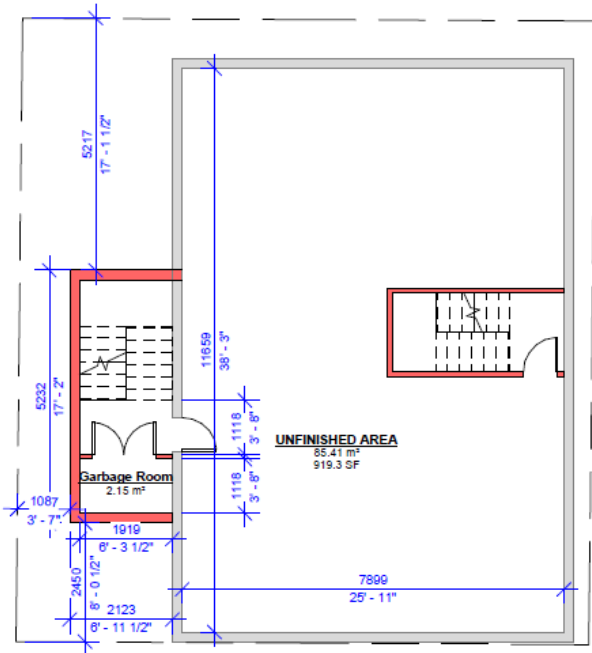


# Appendix A – Site Plan

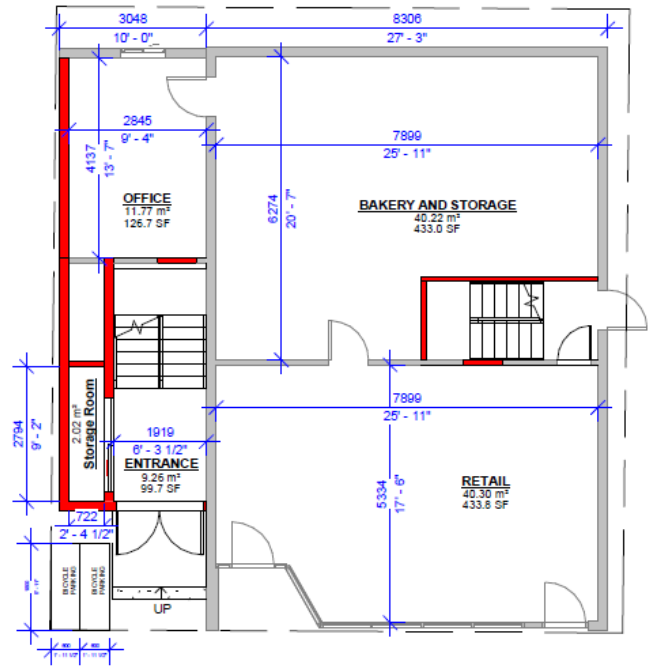




# Appendix B – Proposed Basement/Ground Floor Plan

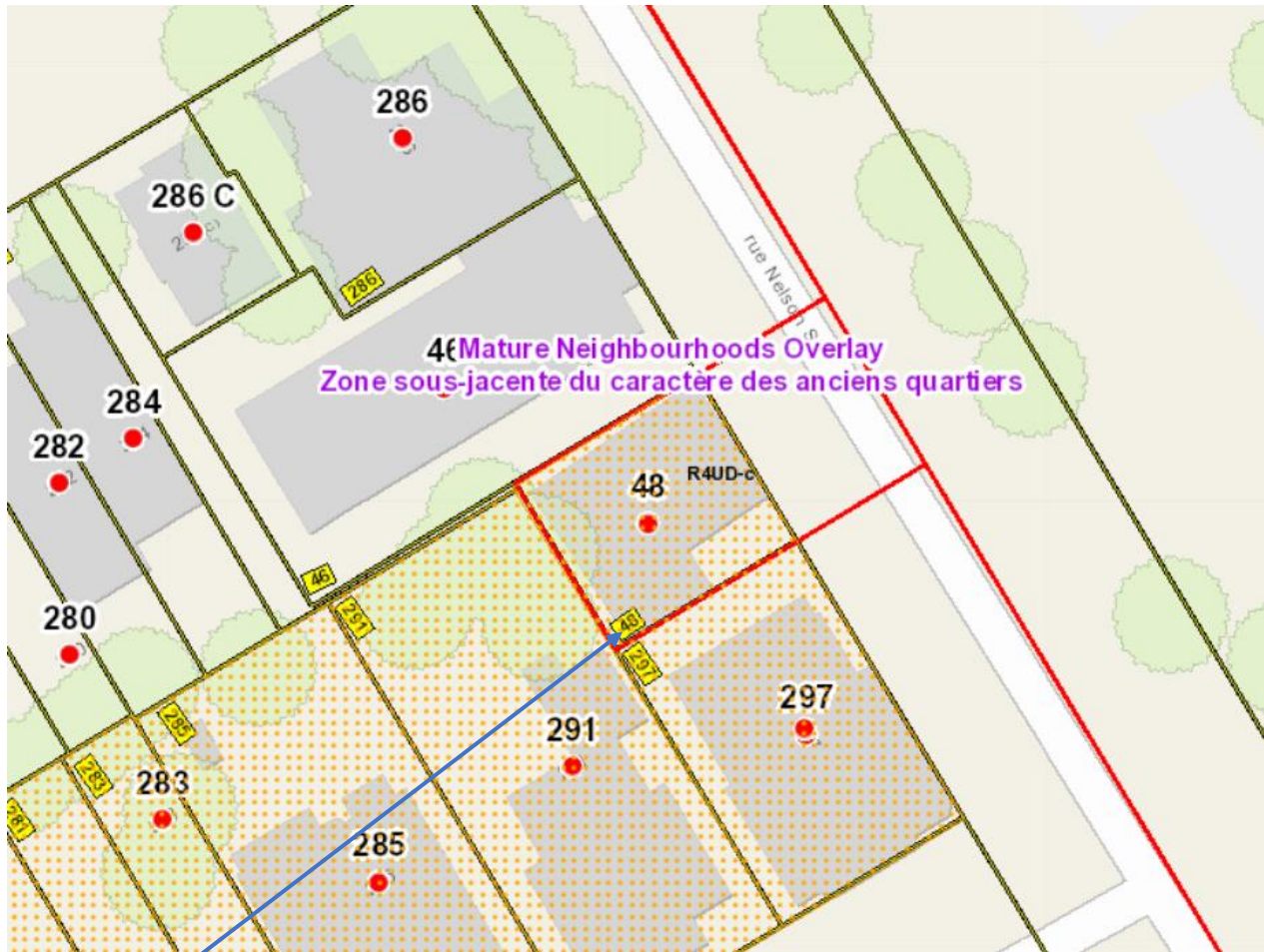


PROPOSED BASEMENT PLAN



PROPOSED GROUND FLOOR PLAN

## Appendix C - Excerpt from Zoning By-law 2008-250



Subject Property

Heritage Overlay



### Permitted Uses

- (1) The following uses are permitted uses subject to:
  - (a) the provisions of subsection 161 (2) to (15);
  - (b) a maximum of three guest bedrooms in a bed and breakfast; and
  - (c) a maximum of ten residents permitted in a group home.

apartment **dwelling**, low rise  
**bed and breakfast**, see Part 5, Section 121  
detached **dwelling**  
**diplomatic mission**, see Part 3, Section 88  
**duplex dwelling**, see Part 5, Section 138 (By-law 2010-307)  
**group home**, see Part 5, Section 125  
**home-based business**, see Part 5, Section 127  
home-based daycare, see Part 5, Section 129  
**linked-detached dwelling**, see Part 5, Section 138 (By-law 2010-307)  
**park**  
**planned unit development**, see Part 5, Section 131  
**retirement home, converted** see Part 5, Section 122  
**retirement home**  
**rooming house**  
**additional dwelling unit**, see Part 5, Section 133  
**semi-detached dwelling**, see Part 5, Section 138 (By-law 2010-307)  
**stacked dwelling**, see Part 5, Section 138 (By-law 2010-307)  
**three-unit dwelling**  
**townhouse dwelling**, see Part 5, Section 138 (By-law 2012-334) (By-law 2010-307) (By-law 2014-189)  
**urban agriculture**, see Part 3, Section 82 (By-law 2017-148) (By-law 2018-206)



# Appendix D – List of Variances

February 24, 2025

Revised Application Form: Page 3 – 48 Nelson Street

File D08-02-241A-00066

## Section 4 Application Details

### 2. Relief Required:

- a) **Requested Variance:** To permit a reduction in the rear yard setback to .78 metres.  
**By-law Requirement:** The minimum required is 25% of lot depth of 12.9 m = 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:** (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.  
**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:** The minimum required for both sides is 1.5 metres.  
**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:** The minimum required on a lot less than 360 m<sup>2</sup> in area is 35 m<sup>2</sup> but in no case less than 25 m<sup>2</sup>.  
**By-law Section:** Sect 161 (15)(b)(i)(iv)
- 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:** The minimum required area with a lot requiring a front yard setback from 1.5 to 3 m is 20%.  
**By-law Section:** Sect 161 (15)(d)
- g) **Requested Variance:** To permit a reduction in the percentage of the rear yard area to 6.7% of the total lot area.  
**By-law Requirement:** The rear yard must comprise at least 25 percent of the lot area.  
**By-law Section:** Section 144(3)(a)
- h) **Requested Variance:** To be exempted from the provisions of Section 60 (3) (a) and (b) which regulate the location, height and roof slope of additions.



**By-law Requirement:** Subsection (a) states that the height of the walls and the height and slope of the roof of the addition do not exceed those of the building and Subsection (b)(i) requires that the side yard setback of the addition is at least 60 cm. greater than that of the wall of the building located closest to the side lot line and Subsection (b)(ii) requires that it (the addition) is located entirely within the rear yard, or in the interior yard abutting the rear yard and complies with the rear yard setback of the underlying zone, except where the building has a non-complying rear yard setback the addition may be built to that rear yard setback, but in no case may be less than 3.0 metres.

**By-law Section:** Section 60 (3) (a) and (b)

# Appendix E – Heritage Overlay on Clarence Street



Subject Property