

# Variance Rational

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**Committee of Adjustment**  
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**2025-04-03**

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

## 1.0 INTRODUCTION and PROJECT OVERVIEW:

This report has been prepared in support of the application for the construction of a 3-door townhouse row with the demotion of a single detached dwelling. Each Townhouse would have one primary dwelling unit (DU) and 2 additional dwelling units (ADU). The northerly townhouse would require a variance for side yard abutting residential permit it to be reduced from 7.5m to 2.8m. The southern townhouse would require a variance reducing the rear yard requirement for a residential building from 7.5m to 7.3m. The property is located at on Burland Street between Carling Avenue and Walter Street in Britannia.

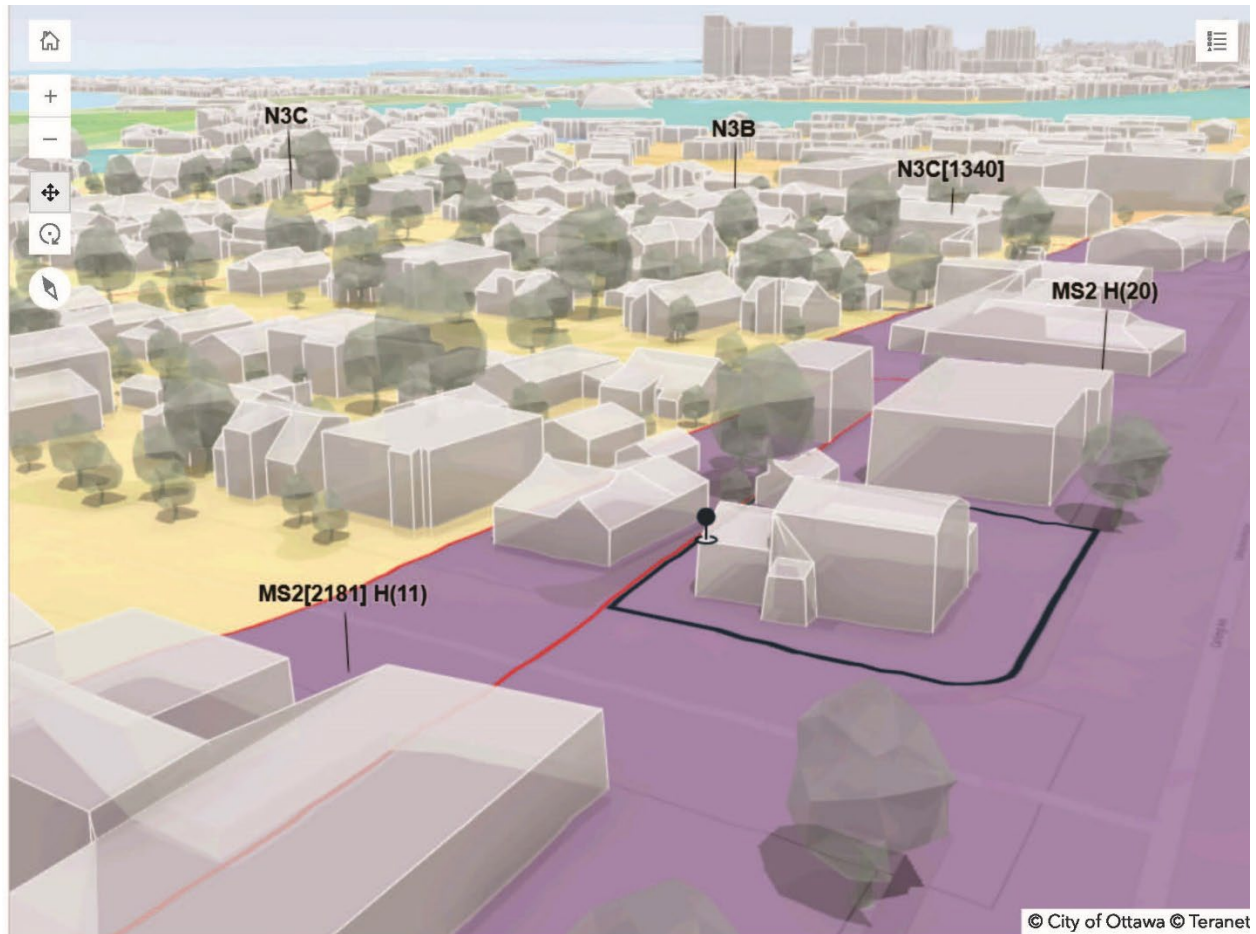
## 2.0 SITE OVERVIEW & COMMUNITY

The property is in the City of Ottawa. It has a street frontage width of 15.82m (north/south) and a depth of 30.52m (east/west). It has a lot area of 440.91 m<sup>2</sup>. The zoning is Arterial Mainstreet Exception [2181], height limit H(11). Exception 2181 permits additional uses of detached dwelling, duplex dwelling, linked-detached dwelling, semi-detached dwelling, stacked dwelling, three-unit dwelling and townhouse dwelling. It is located in the Schedule B3 Outer Urban Transect on Burland Street that is classified as a local road. The site is in a designated evolving neighbourhood.

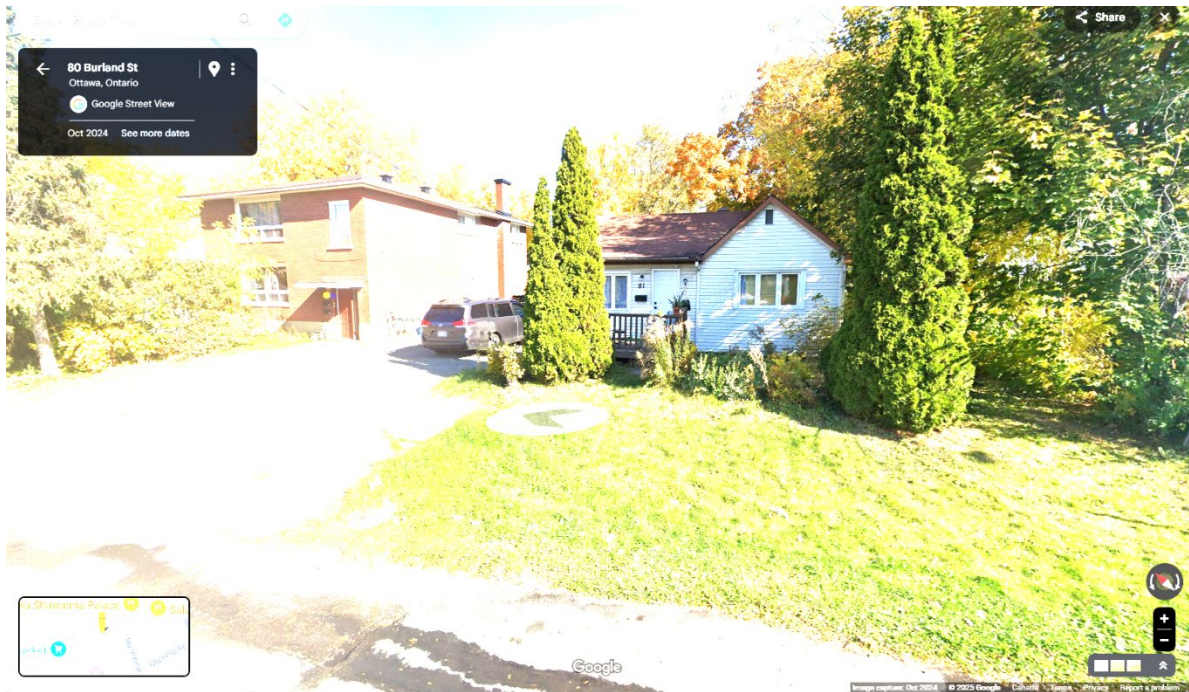


### Surrounding Land Uses:

The property is bounded by a 2-storey residential building converted to offices and retail fronting on Carling Avenue. A one storey plaza is located on the south west side across the street. The remaining properties surrounding the site are primarily one storey dwellings with a 2 storey dwelling immediately to the north.



1) Subject Property



Subject Site

**Road Network:**

Burland Street is classified as a local street between Carling Avenue and Walter Street and subject property is separated from Carling Avenue, that is classified as an existing Arterial, by one lot.



**Bicycle Network:**



There is a bicycle path along the Ottawa River just north of the property as identified in Schedule C3 – Active Transportation.

**Transit Services:**

The site is within walking distance (40m) of Carling Avenue which has multiple bus routes

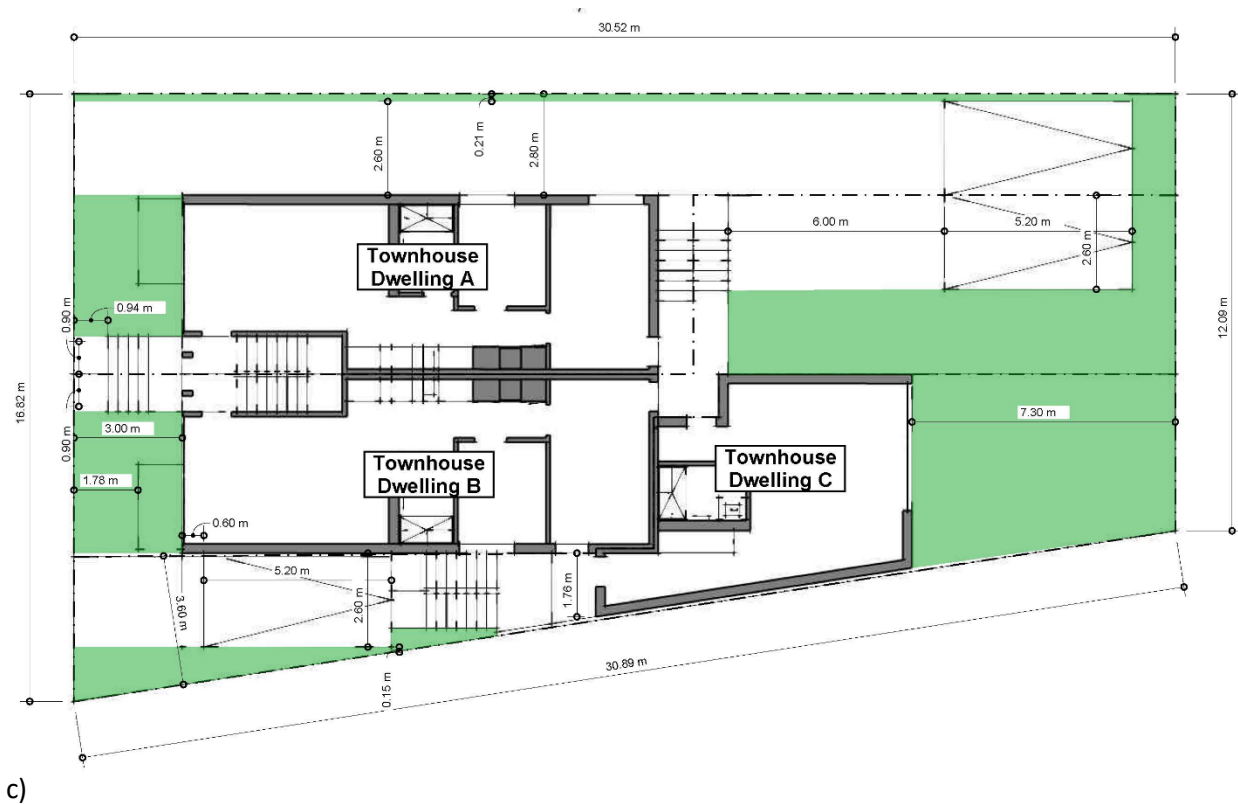
**Community Services:**

The site is located within easy walking and bicycling distances small grocery stores, drug stores and a direct bus route, 85 to both Bayshore to Lincoln Fields Plaza.

**3.0 DEVELOPMENT PROPOSAL**

The proposed buildings are three townhouse dwellings, each townhouse dwelling will have 3 units, 1 primary unit and 2 additional units. The existing zoning does not have any min lot area or lot width requirements. The application consists of 3 townhouse dwellings, two which will require variances to permit their construction.

- a) Townhouse Dwelling A requires one variance. The bylaw requires a side yard of 7.5m where that side yard abuts a residential zone. This proposal would reduce the side yard to 2.8m for Townhouse Dwelling A.
- b) Townhouse Dwelling C requires one variance. The bylaw requires a rear yard of 7.5m where that rear yard is for a residential building. This proposal would reduce the rear yard to 7.3m for Townhouse Dwelling C.



The previous proposal was for a 7 unit low rise apartment building. The Committee of Adjustment found that the request for variances did not meet 3 of the 4 tests.

- a) *Based on the circumstances, the Committee is not satisfied that sufficient evidence was presented to conclude that, from a planning and public interest point of view, the requested variances are desirable for the appropriate development or use of the land, building or structure on the property, and relative to neighbouring lands.*
- b) *In addition, the Committee finds that the requested variances do not maintain the general intent and purpose of the Zoning By-law because, while intensification may be possible on the site, this proposal, including the proposed parking solution, does not represent orderly development that is compatible with surrounding uses.*
- c) *Additionally, the Committee finds that the requested variances are not minor because no substantial evidence such as a parking demand study was presented demonstrating that the proposal would not create an unacceptable adverse impact on the neighbourhood.*

We submit that the proposed design and required variances should be found minor for the following reasons

- a) The character of the development has been altered from a low-rise apartment building to a development consisting of 3 townhouses as permitted in the zone to be compatible with the adjacent R10 zoning which permit detached dwellings with up to 1 DU and 2 ADUs. The height limit is 8m in the R10 zone. The permitted height limit in the AM zone at this location is 11m, which is intended to act as a transition between the TM zone on Carling and the R10 zone to the north.

- b) The site is located in area C, schedule 1a, the parking requirements TABLE 101 – MINIMUM PARKING SPACE RATES row R9 are one space per townhouse. The parking requirements have as follows:
  - a. Each townhouse dwelling has a dedicated parking space
  - b. Visitor parking is not required as there are 3 townhouses and the requirement in Table 102- MINIMUM VISITOR PARKING SPACE RATES is 0.2 spaces per townhouse.  
Townhouse Dwelling 3 has a compliant tandem parking space that meets the requires of 102 (4), so the required visitors spaces is 2 townhouse dwellings X 0.2 or 0.4 spaces, there fore zero spaces are required.
- c) A transportation Impact Assessment is not required as the proposed development meets none of the TIA triggers, Trip Generation, less than 90 dwelling Units; Location, HUB or adjacent to dedicated transit route; and Safety as the site is on a local road with a speed limit of 50kmh or less

The requested variances in side yard and rear yard should be considered minor for the following reason:

- a) The R10 zoning to the north permits side yards 1.2m
- b) The rear yard variance is from 7.5m for a residential building in the AM zone to 7.3m allows for a significantly larger rear yard of 14m adjacent to the northerly property.
- c) The percentage of landscaped open space has been increased to 93 sqm or 21% of the total lot area, compared to original proposed low rise apartment building

#### 4.0 POLICY AND REGULATORY FRAMEWORK:

##### **Provincial Policy Statement (2020)**

The Provincial Policy Statement is issued under the authority of section 3 of the Planning Act and came into effect on May 1, 2020. In respect of the exercise of any authority that affects a planning matter, section 3 of the Planning Act requires that decisions affecting planning matters “shall be consistent with” policy statements issued under the Act.

Under the PPS, settlement areas are intended to be the primary focus of growth in the province.

*Policy 1.1.1. Healthy, liveable and safe communities are sustained by:*

***a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;***

***b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;***

***c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;***

*d) avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;*

***e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;***

***f) improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society;***

***g) ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs;***

***h) promoting development and land use patterns that conserve biodiversity;***

*and*

*i) preparing for the regional and local impacts of a changing climate.*

The subject lands are situated within the urban boundary of the City of Ottawa and constitute a settlement area. Accordingly, the lands are a logical and preferred location for new development. Within settlement areas, the PPS encourages land use patterns that make efficient use of land, effective use of infrastructure and public services, support active modes of transportation and are transit-supportive (Policy 1.1.1).

#### **Province of Ontario Planning Act**

The proposed consent to sever is consistent with the requirements of 53(1) that a plan of Subdivision is not required for the orderly development of the property as there are sufficient services, roads etc and no public services will be developed by the owner.

#### **City of Ottawa Official Plan**

The Ottawa Official Plan has been reviewed. The site is designated General Urban Area on Schedule B of the City of Ottawa Official Plan. Lands within this designation are meant to provide a full range and choice of housing options in combination with conveniently located employment, retail, service, entertainment and institutional uses. The project site does not fall within any of Schedule C7-A - Design Priority Areas – Urban. It is classified as “Evolving Neighbourhood” under Schedule B1 - Downtown Core Transe

The Proposal supports 15 min neighbourhood through the following:

- a) Only 3 parking spaces are created so there will be little traffic impact.
- b) Amenity space is provided in the rear yard.
- c) Lighting will be for safety purposes and will respect the dark skies initiative.
- d) The building will not generate additional noise.



- e) The lot areas and lot width comply with the zoning bylaw
- f) The additional people living in the neighbourhood will increase the number of commercial services that might chose to locate in the area as well as better utilize transit services.

### **OP Section 3. Growth Management Framework**

#### OP 3.2 Support Intensification

##### Table 3b

"Housing density

**Outer Urban Transect, 40 to 60 units per hectare,"**

This project helps move the outer urban transact closer to 40 to 60 units per hectare with a net density of 200 units per hectare.

### **OP Section 4. City-Wide Policies**

#### OP 4.2 Housing

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

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-minuteneighbourhoods 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 the emphasis on the built form and the public realm, as-of-right within the Zoning By-law;
- b) Allowing housing forms of eight or more units in appropriate locations as-of-right within the Zoning By-law;"

### **OP Section 5. Transects**

#### **5.3.1 Recognize a suburban pattern of built form and site design**

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

2) The Outer Urban Transect is generally characterized by low- to mid-density development. Development shall be:

- a) Low-rise within Neighbourhoods and along Minor Corridors;
- b) Generally Mid- or High-rise along Mainstreets, except where the lot is too small to provide a suitable transition to abutting low-rise areas, in which case only low-rise development shall be permitted; and
- c) Mid- or High-rise in Hubs.

3) In the Outer Urban Transect, the City shall support the rapid transit system and begin to introduce urban environments through the designation and overlay policies of this Plan, by:

### **OP 5.6 Overlays**

5.6.1.1 Provide built form direction for the urban area where intensification is anticipated to occur

2) Where an Evolving overlay is applied:

a) The Zoning By-law shall provide development standards for the built form and buildable envelope consistent with the planned characteristics of the overlay area, which may differ from the existing characteristics of the area to which the overlay applies;

While low rise apartment buildings are not characteristic to this neighbourhood, as an “Evolving Neighbourhood” the OP encourages their development.

### **OP Section 6. Urban Designations:**

The site is designated a Neighbourhood under 6.3 of the OP

“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...”

And

“4) The Zoning By-law and approvals under the Planning Act shall allow a range of residential and non-residential built forms within the Neighbourhood designation, including:

a) Generally, a full range of Low-rise housing options sufficient to meet or exceed the goals of Table 2 and Table 3b;

b) Housing options with the predominant new building form being missing middle housing, which meet the intent of Subsection 6.3.2, Policy 1);”

The proposed building responds to these requirements by proposing two three storey long semidetached residential dwelling.

### **Urban Design Guidelines for Low-rise Residential Buildings**

The proposal maintains the current lot pattern and keeps the exiting building fronting on the street, some characteristics of the buildings in the neighbourhood with a modern architectural style.

### **City of Ottawa Comprehensive Zoning By-law 2008-250:**

#### **Purpose of the Zone**

The property is currently AM [2181] H (11):

The purpose of the AM – Arterial Mainstreet Zone is to:

- (1) accommodate a broad range of uses including retail, service commercial, offices, residential and institutional uses in mixed-use buildings or side by side in separate buildings in areas designated Arterial Mainstreet in the Official Plan; and
- (2) impose development standards that will promote intensification while ensuring that they are compatible with the surrounding uses.

### **5.0 CONCLUSION:**

The proposed development has been designed to meet the current planning framework. It is consistent with the Provincial Policy Statement and conforms to the City of Ottawa Official Plan.

The Variances should be considered minor

1. They are minor and desirable.
  - a. They reflect a suitable transition between residential and commercial arterial main street uses
2. The general intent and purpose of the Zoning By-law is maintained
  - a. the intent of the bylaw is to permit the townhouses in this particular exception to the AM zone.
  - b. The intent of the bylaw that the new infill properties respect the existing character of the neighbourhood. The development respects heights and uses
3. The general intent and purpose of the Official Plan is maintained;
  - a. The official plan supports this kind of gentle intensification of land uses compatible with the current urban fabric.
4. The Ontario Planning Act supports intensification in residential urban areas