

2025-07-28

City of Ottawa | Ville d'Ottawa
Comité de dérogation

1. Background and Context

The subject site is located on the west side of Hastings Street, in the Bay Ward (Ward 7) of the City of Ottawa. See Fig. 1. The subject site is a riverfront lot along the Ottawa River. It is generally rectangular in shape with a total area of approximately 1,940 square metres, a lot width of 21.3m, and an average depth of approximately 91.0m. The subject site currently includes a two-story single detached dwelling and a detached three car garage. A mature cedar hedge provides visual and physical separation to the adjacent residential properties to the north. Elevated hydro distribution lines are present in the public right-of-way along the west side of Hastings Street. Municipal water is also available in the public right-of-way.



Figure 1. Subject Site and surrounding context

The subject site is located approximately 80 metres walking distance to the edge of the western greenbelt.

1.1 Surrounding Area

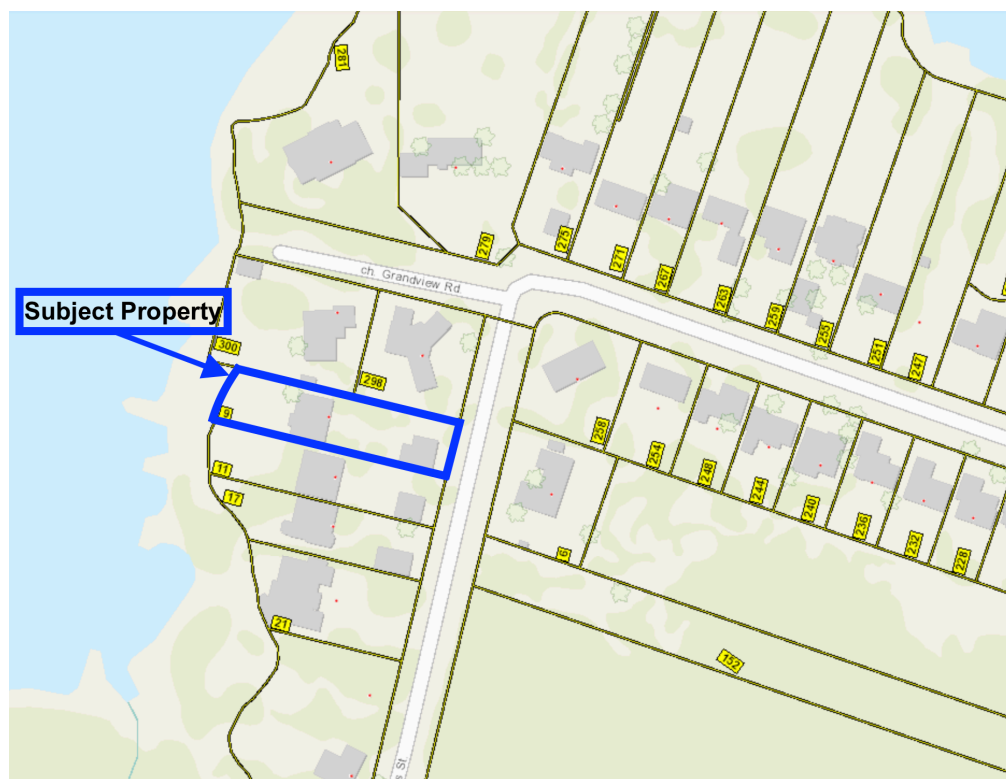
The subject site is located in the Crystal Bay-Lakeview Park neighbourhood, which is characterized by low-density, low-rise, single-detached dwellings to the north, east, and south of the subject site. See Fig. 2.

North: To the immediate north are 2 two-storey residential dwellings.

East: Hastings Street abuts the site immediately to the east. A one story single-detached dwelling is located across the right-of-way.

South: To the immediate south of the site is a one storey single-detached residential dwelling, characterized by a detached two-car garage, oriented towards Hastings Street.

West: The Ottawa River abuts the subject site immediately to the west along a portion of the river commonly known as Shirley's Bay.



1.2 Road Networks

The subject site is located along Hastings Street, which is designated a local road on Schedule C4 – Urban Road Network of the City of Ottawa Official Plan. Local roads are intended to be low traffic rights-of-way, primarily carrying traffic related to the residents of the local road. The site is also located approximately 2km from Carling Avenue, which is an east-west Arterial road providing connectivity to the urban core of the City of Ottawa and Kanata. See Fig. 3.

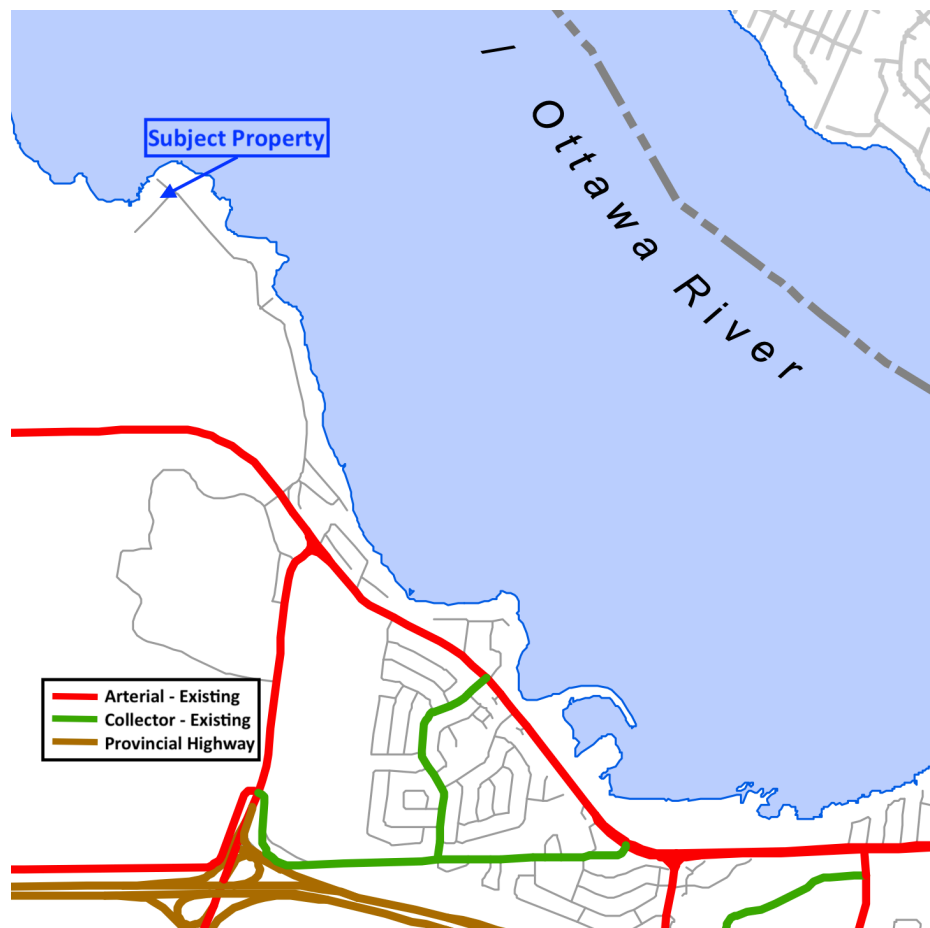


Fig.3 Road Network (Excerpt of Schedule C4 – Urban Road Network, City of Ottawa Official Plan)

2.0 Overview of Application

2.1 Proposed Development

The applicant is proposing to demolish the existing detached garage and two-storey house and construct a single-detached dwelling with frontage along Hastings Street. The proposed development is oriented in such a way as to provide adequate offsets from the Ottawa River and the restrictions set by the RVCA (Rideau Valley Conservation Authority), and also a front yard with adequate sizing to provide for a septic system.

The front yard will incorporate soft landscaping with vehicular access into the attached garage via the asphalt driveway along the south side of the site. The interior side yard to the north, will maintain the existing privacy cedar hedge, separating the subject site from the neighbouring dwellings. The north side of the site will feature an interior side yard setback of a minimum of 1.84metres. This setback will provide exterior access to the rear yard. No vehicular access to the rear yard is proposed. The south side of the site allows an interior side yard setback of 1.2m. See Fig. 4

The dwelling's footprint is proposed to be 345 square metres with 449 square metres of liveable area. The home will feature an elevator, permitting barrier-free access between all the floors. This accessible feature promotes the ideals of aging-in-place, designing dwellings for long-term occupation

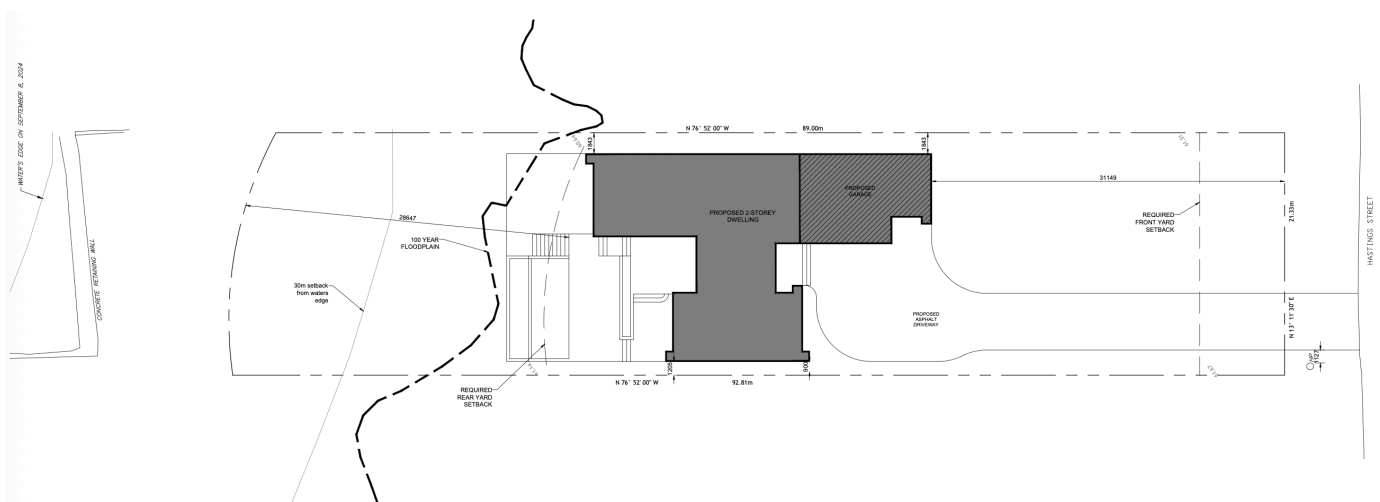


Figure 4. Site Plan of Proposed Development

As shown on the architectural elevations in Figures 5, 6, 7, and 8, the proposed exterior design features large windows on the front and rear facades which offers natural daylight into the liveable areas. The rear windows frame views towards the Ottawa River. An overhang covers the front entrance from the elements and highlights the principal entryway. A variety of siding materials are proposed for the facades to provide variety and interest and complement the existing design character of the neighbourhood. Windows along the sides of the building are much smaller in size to improve privacy and minimize overlook to adjacent development. Renderings of the proposed structure are provided in Figures 9, 10, 11 and 12.

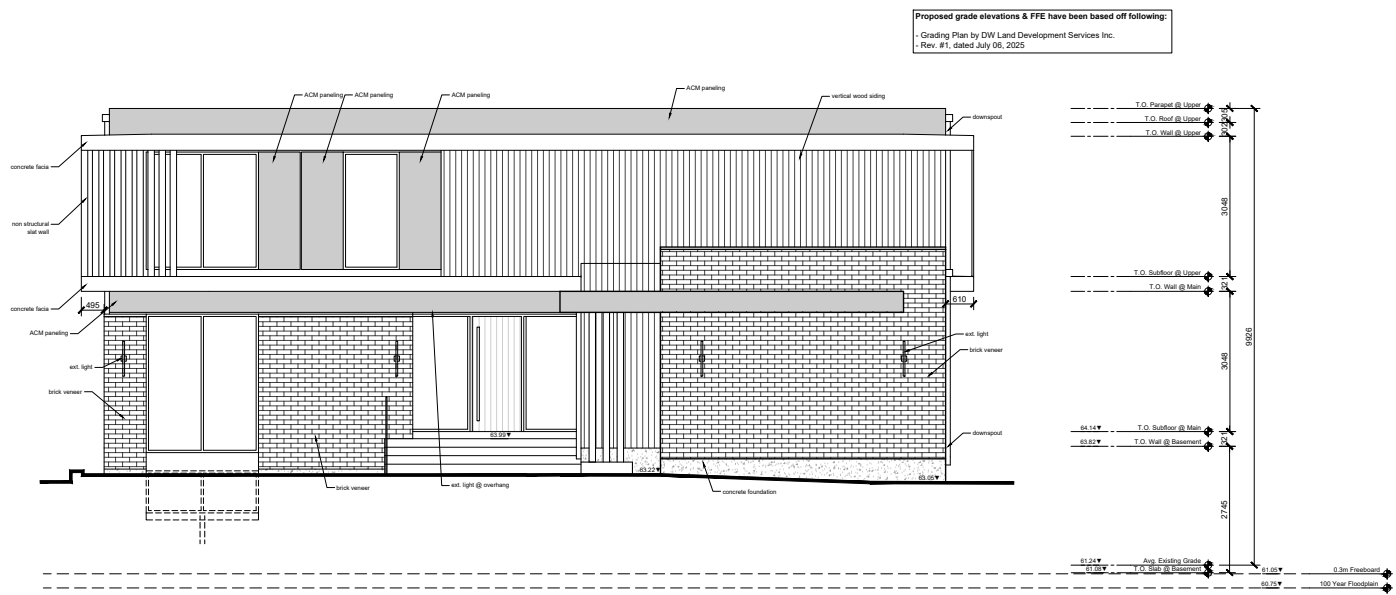


Figure 5. Front elevation

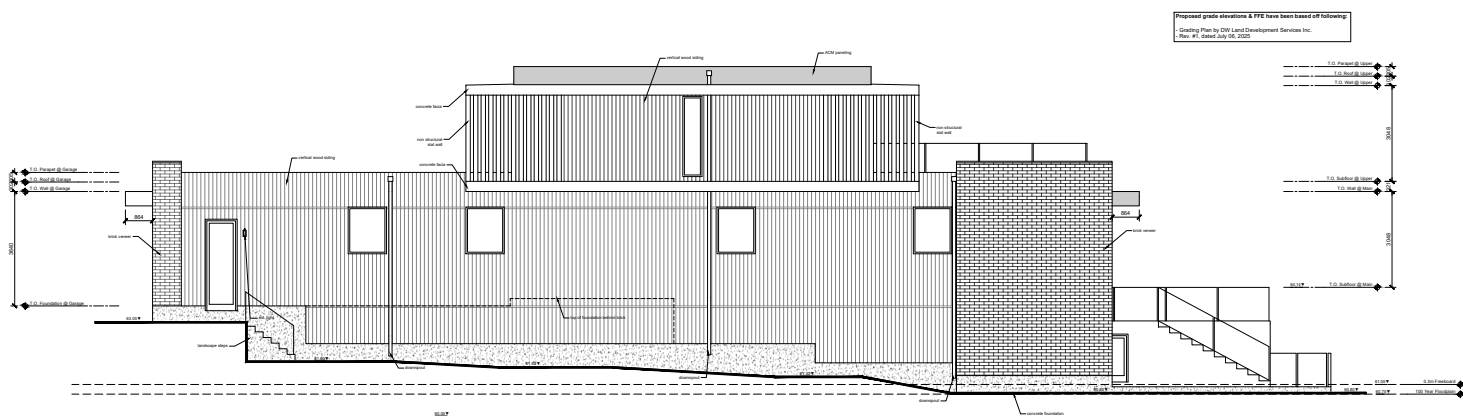


Figure 6. North side elevation

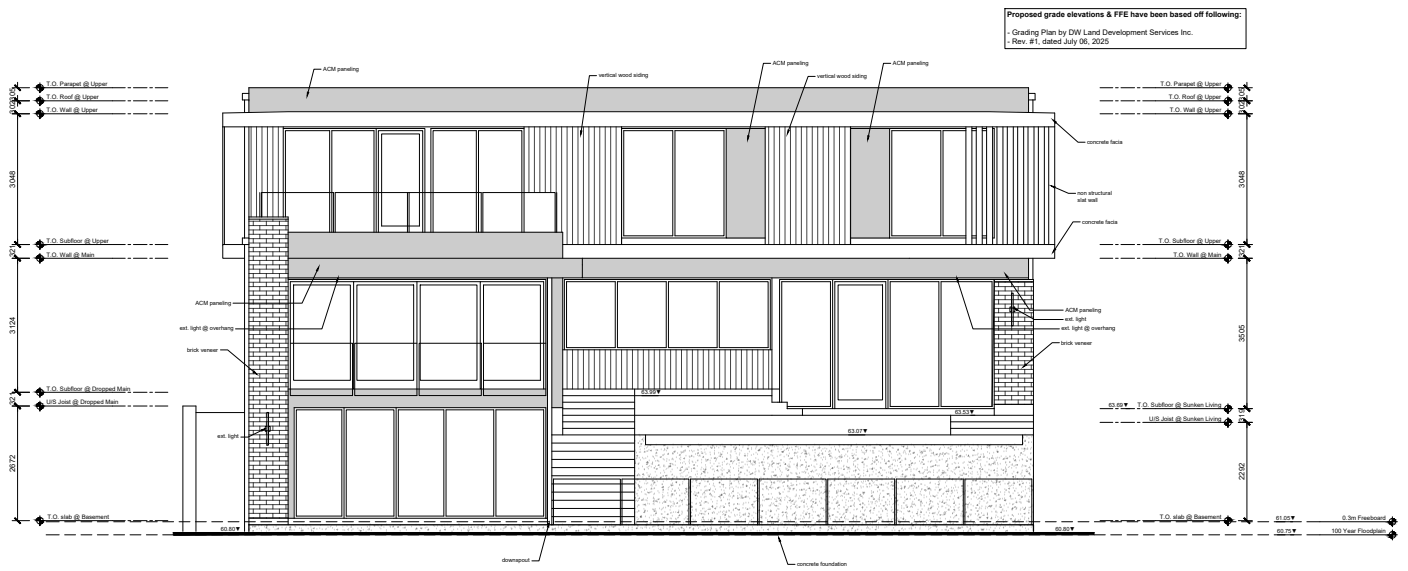


Figure 7. Rear elevation

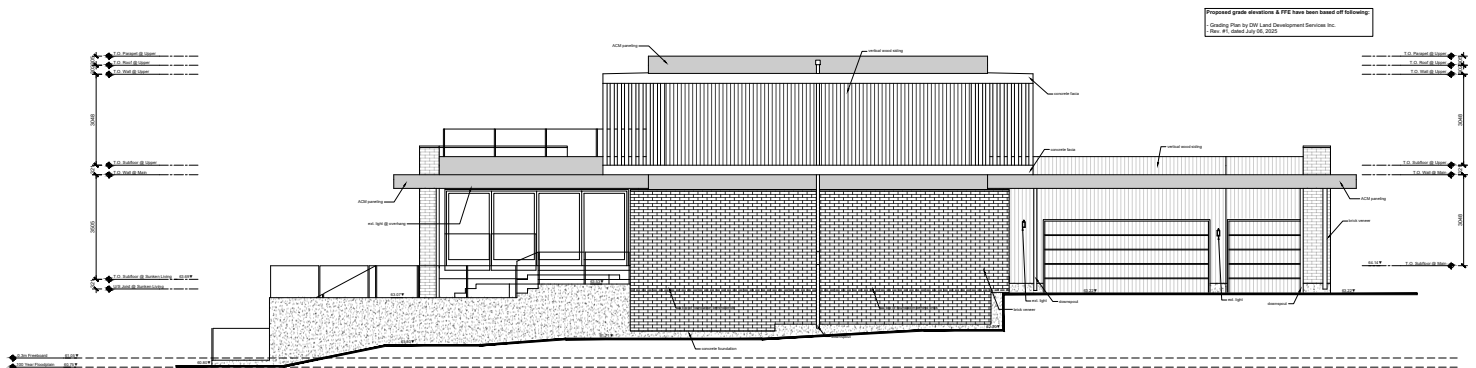


Figure 8. South side elevation



Figure 9.



Figure 10.



Figure 11.



Figure 12.

2.2 Required Application

To facilitate the proposed development, a Minor Variance application is being submitted. The Minor Variance Application will address the request for an increase to the maximum building height.

The property is located within the “Residential First Density, Subzone E” (R1E) zone in the current City of Ottawa Zoning By-law 2008-250. While complying with all but one of the applicable provisions, in order to proceed with the development, the following minor variance is required:

- To permit an increased maximum building height to 10 metres, whereas the By-law requires a maximum building height of 8.5metres as per Section 156, Table 156A – R1 Subzone Provisions of the City of Ottawa’s Comprehensive Zoning By-law (2008-250)

An assessment of this variance in relation to the Four Tests of the Planning Act is provided below, following the policy and regulatory overview.

3.0 Policy Framework

3.1 Provincial Planning Statement 2024

The Province of Ontario enacted a new Provincial Planning Statement (PPS) on October 20, 2024, which represents the consolidation of the previous PPS (2020) and the Growth Plan (2019) into a single comprehensive policy document. Included as part of the consolidation are several updates to the previous sets of policies, with a specific emphasis on growth targets and urban boundary expansion related to the provision of greater opportunities for housing across the province. All municipal development policies, documents and decisions must be consistent with the PPS, read in full, as of the date of enactment.

Policies that support the development and intensification of the subject property include:

- Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected needs of current and future residents of the regional market by:
 - o Permitting and facilitating 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.
- Development and site alteration shall be restricted in or near sensitive surface water features and sensitive ground water features such that these features and their related hydrologic functions will be protected, improved or restored which may require mitigative measures and/or alternative development approaches.
- Partial services shall be permitted within settlement areas to allow for infilling and minor rounding out of existing development on partial services provided that site conditions are suitable for the long-term provision of such services with no negative impacts.

The Minor Variance application, and the resulting proposed development on the subject property is consistent with the Provincial Planning Statement (2024) in that it achieves its vision in addressing efficient development and land use patterns on existing partial municipal services and in proximity to a range of planned public transit. The application supports compatible development within the context of the surrounding community. The proposed development is aligned with the policies of the PPS in that it provides the opportunity for compatible development within the partially serviced, urban area, contributing to the ongoing evolution and creation of healthy communities.

3.2 City of Ottawa Official Plan, 2022

The Official Plan of Ottawa (2022) provides a framework for the way that the City will develop until 2046 when it is expected that the City's population will surpass 1.4 million people. The Official Plan directs the manner that the city will accommodate this growth over time and sets out the policies to guide the development and growth of the City.

The subject property is located within the "Outer Urban Transect" and designated a "Neighbourhood" as shown in Schedule A and B3 of the New Official Plan

3.2.1 Outer Urban Transect Area

The subject site is located within the Outer Urban Transect of the Official Plan (Figure 13). This area is characterized by low-rise residential uses with generous setbacks and the separation of land uses. These neighbourhoods were designed around automobile travel, the Official Plan envisions these areas evolving towards an urban 15-minute community model promoting increased densities of ground-oriented residential, transit connectivity, and residential commercial uses.

Section 5.3.1 recognizes the urban pattern of built form and site design. Policy 2 states the Outer Urban Transect is planned for low-rise residential development within the Neighbourhood designation, Policy 4 adds that residential developments should be ground-oriented in these areas.

The site is within an automobile-dependent neighbourhood, supportive of future low-density ground-orientated housing. This style of development is

compatible with the surrounding existing built forms along Hasting Street and Grandview Road.

Section 5.3.4 policies provide direction to Neighbourhoods located within the Outer Urban Transect guiding residential growth. The following development standards apply:

- Allow and support a wide variety of housing types with a focus on lower density missing-middle housing which generally reflects the existing built form context of the neighbourhood, which may include new housing types that are currently not contemplated in the Official Plan;
- Generally provides for up to 3 storeys height permission, and where appropriate 4 storeys height permission to allow for ground-oriented higher density low-rise residential development;
- Provides an emphasis on regulating the maximum built form envelope that frames the public right of way in appropriate locations, to support the production of missing middle housing, prohibit lower-density typologies.

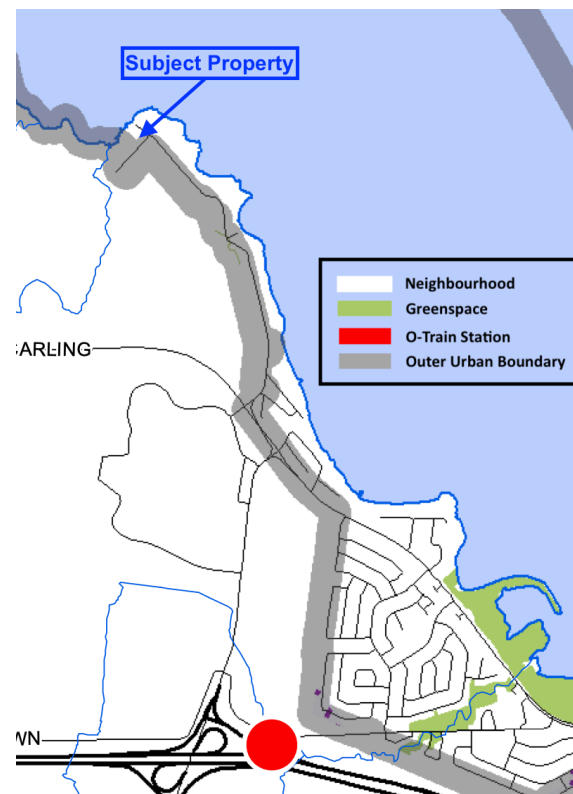


Fig. 13. Excerpt of Schedule B3 – Outer Urban Transect, City of Ottawa Official Plan

The Official Plan is supportive of low-density developments where the parcel is of sufficient size to allow for sufficient setbacks to maintain the context of the neighbourhood. The proposed dwelling shall continue the pattern of established development in the neighbourhood in massing, height, and setback from Hastings Street and Grandview Road.

3.2.2 Neighbourhood Designation

The subject site is designated “Neighbourhood” in the Official Plan. Neighbourhoods are contiguous urban areas that constitute the heart of communities. It is the intent of the Official Plan that they, along with hubs and corridors, permit a mix of building forms and densities.

Residential build forms permitted within Neighbourhoods, pending the provisions of the Zoning By-law, are described in Policy 4 of Section 6.3.1, which state the following is permitted:

- A full range of Low-rise housing, and
- Housing options with the predominant new building form being missing middle housing.

The proposed built form meets the character of the established neighbourhood as a low-rise single detached dwelling.

Section 6.3.2 builds upon Section 6.3.1 providing a vision for the future of Neighbourhoods to move towards the models of 15-minute communities. Policy 2 states the City will establish form-based regulation through the Zoning By-law, Site Plan Control and other regulatory tools as appropriate, consistent with Transect direction. Such form-based regulations may include requirements for articulation, height, setbacks, massing, floor area, roofline, materiality and landscaped areas having regard for:

- Local context and character of existing development;
- Appropriate interfaces with the public realm, including features that occupy both public and private such as trees;
- Appropriate interfaces between residential buildings, including provision of reasonable and appropriate soft landscaping and screening to support livability;
- Proximity to Hubs, Corridors and rapid-transit stations;

- Transition in building form to and from abutting designations;
- The intended density to be accommodated within the permitted building envelope.

The proposed development shall continue the existing neighbourhood's established built form and style. The height of the structure and roofline respect the views toward the Ottawa River for neighbouring properties, offering appropriate transition to existing developments. The application does not seek to introduce a new built form or increase the density of the site. Through the redevelopment of the site, the applicant shall provide soft landscaping and incorporate new trees on site.

The proposed minor variance maintains the general intent and purpose of the Official Plan. The proposed development has been designed in a compatible manner to the established neighbourhood with consideration to adjacent uses.

3.2.3 Urban Design

The Official Plan establishes a set of urban design strategies aimed at encouraging excellence in the design of both new developments and the public realm, contributing to the overarching vision of this Plan. Specific policies related to low-rise development highlight context-sensitivity, amenity space provisions, accessibility, and the development's relationship to the public realm. The Plan's overall aim of creating 15-minute neighbourhoods is encouraged through the intensification of existing residential areas along Corridors and within Hubs, acknowledging the role of good urban design in making these spaces walkable, inviting, and supportive of growing communities.

The applicable provisions of this plan, as they relate to urban design, are outlined below:

- To minimize impacts on neighbouring properties and on the public realm, transition in building heights shall be designed in accordance with applicable design guidelines
- Low-rise buildings shall be designed to respond to context, and transect area policies, and shall include areas for soft landscaping, main entrances at-grade, front porches or balconies, where appropriate.

Buildings shall integrate architecturally to complement the surrounding context.

The modern architecture style, including the main entrance at-grade with a covered porch, and flat roofs, meet the existing style of other re-developed properties in the neighbourhood. The development of the site, as proposed, shall complement the neighbourhood character.

3.2.4 Servicing

Section 4.7.2 provides policy concerning the affordable and sustainable pattern of infrastructure development with respect to municipal and private servicing. Policy 6 states that partial services may be considered within the Urban area where development on partial services already exists and the proposal constitutes minor infill or minor rounding out providing that site conditions are suitable for the long-term provision of such services with no negative impacts.

The development of one replacement dwelling unit on the subject site maintains the servicing standard of the area. The development shall utilize a new septic system to be installed during the construction process. Municipal water will be connected to the dwelling unit from available services on the right-of -way.

3.2.5 Water Resources

Section 4.9.3 restricts or limits development near surface water features. The following development standards apply in regards to developments along the Ottawa River frontage

- The minimum setback from surface water features shall be the development limits as established by a Council-approved watershed, sub-watershed or environmental management plan.
- Lands within the minimum setback shall remain in a naturally vegetated condition to protect the ecological function of surface water features from adjacent land-use impacts, subject to the exceptions in Policies 6) and 7). Any natural vegetation that is disturbed due to development or site alteration activities shall be restored and enhanced, to the greatest extent possible, with native species and shall avoid non-native invasive

species. Burial or complete encasement of a permanent surface water feature shall not be allowed.

In consultation with the Rideau Valley Conservation Authority, it was determined that the offset from the river would be controlled by either:

- **A 30m offset from the edge of the river**
- **The established 1:100 year flood line limit**
- **Rear Yard zoning By-Law requirement**

The orientation of the dwelling away from the river setback protects the sensitive ecological features of the shoreline and river and protects the proposed home from flood risk. After considering the three requirements, it was determined that the Zoning requirement would set the building limit on the river side of the project. (As noted in Figure 4)

3.3 City of Ottawa Zoning By-Law (2008-250)

The subject site is zoned “Residential First Density, Subzone E” (R1E) in the City of Ottawa’s Comprehensive Zoning By-Law (2008-250) as shown on Figure 14. The purpose of this zone is to:

- Restrict the building form to detached dwellings in areas designated as General Urban Area in the Official Plan
- Allow a number of other residential uses to provide additional housing choices within detached dwelling residential areas
- Permit ancillary uses to the principal residential use to allow residents to work at home
- Regulate development in a manner that is compatible with existing land use patterns so that the detached dwelling, residential character of a neighbourhood is maintained or enhanced.

A detached dwelling building is permitted within and follows the intent of the applicable R1E zoning. All the conditions for lot size, building setbacks, and coverage of lot have been met and the only condition which we are seeking a minor variance for is building height. (Please refer to Table 156A-R1 Subzone provisions for the required list)



Figure 14. Zoning map of the subject site.

4.0 The Four Tests of the Planning Act

Section 45 of the Planning Act, R.S.O. 1990 provides the Committee of Adjustment with the ability to grant minor variances by weighing their appropriateness on the basis of Four Tests. It is required to be demonstrated that a proposed variance satisfy the following tests:

- Is it in keeping with the general intent and purpose of the Official Plan?
- Is it in keeping with the general intent and purpose of the Zoning By-law?
- Is it desirable for the appropriate development of use of the land, building or structure?
- Is the application minor in nature?

4.1 Does the Proposal Maintain the General Intent and Purpose of the Official Plan?

The subject site is designated “Neighbourhood” on Schedule B3 (Outer Urban Transect) of the Official Plan. Development within this designation and transect is planned for ground-oriented low-rise residential development. Policies of the Official Plan focus on maintaining the existing character of established neighbourhoods by continuing patterns of maximum building heights and setbacks. The intent of this designation is to ensure new development is functionally and aesthetically compatible. In instances of waterfront parcels, the Official Plan restricts development within a conservation authority-approved setback, keeping the setback area naturalized.

The proposal maintains the low-rise intended form, residential uses, and established context of the Neighbourhood designation of the Official Plan. The proposed variance supports the compact and urban form of development intended for the site while prioritizing and adhering to the setback to the Ottawa River and established floodplain mapping. The development shall maintain the previous built form of a single detached dwelling with a greatly improved front yard setback.

4.2 Does the Proposal Maintain the General Intent and Purpose of the Zoning By-Law?

The subject site is zoned “Residential First Density, Subzone E” (R1E) in the City of Ottawa’s Comprehensive Zoning By-Law. The purpose of the R1E zone is to restrict the built form to low-rise single detached dwellings to maintain the existing land use patterns and character of a neighbourhood. “low-rise” is defined as buildings which are four storeys or less. In order to facilitate the detached dwelling on site as proposed, the proposal requires 1.5 metres of relief from the required maximum building height of 8.5 metres as per Table 156A-R1 Subzone provisions.

The variance requested to increase the maximum allowable building height to 10.0 metres meets the general intent and purpose of the Zoning By-law. The actual building height above finished grade at the front of the house is only 8.0m. The variance is required due to the sloping nature of the lot and the fact that the RVCA requires that the USF(underside of footing) elevation being set at the 1 in 100 year floodplain level, which is at a geodetic elevation of 60.75. Without the ability to sink the proposed dwelling into the ground, the resulting height of building required the variance.

4.3 Is the Proposal Minor in Nature?

The increased building height does not preclude the ability of the proposed dwelling to meet all other yard setbacks or lot coverage requirements in the Zoning By-law and continues to allow the lot to develop in a manner consistent with the built form of the surrounding area. On this site a two-storey existing home and separate 3 car garage will be demolished and replaced with a new two-story building. Both are considered “low-rise buildings”. The site conditions and RVCA require the structure to be built up higher than the existing structure. The proposed development is generally consistent with the provisions under the R1E zone; therefore, the increased building height does not create any adverse impacts to adjacent properties and is appropriate for the neighbourhood.

The variance requested to increase the maximum building height by 1.5metres is therefore considered minor.

5.0 Conclusion

It is our opinion that the Minor Variance described herein meets the Four Tests of the Planning Act and results in a development proposal which represents good planning principles and is in the public interest. The variance allows for the establishment of a compatible, low-rise single-detached dwelling form that contributes positively to the housing supply, the public realm and protects the Ottawa River water frontage. This report recognizes the following:

- The proposal conforms to the policies and objectives of the “Neighbourhood” Official Plan designation
- The proposal meets the intent of the City of Ottawa Comprehensive Zoning By-law
- The proposed minor variance meets the four tests as set out in the Planning Act.

Should you have any further comments, please do not hesitate to contact the under signed.

Sincerely,

Rodger Stewart

As a side note to our conclusion, the proposed draft Zoning By-Law to be implemented by the City of Ottawa in 2026 plans to allow a maximum building height of 11.0 metres on this site. Please see Figures 15 and 16.

Selected address: 9 Hastings St Ward: Ward 7, Bay		
	Existing Zoning (By-law 2008-250)	New Zoning (By-law 2026-50) Draft 2
Zone code	R1E	NU
Legend grouping	Residential Zone	Neighbourhood Zone
Zoning overlays		
Link to By-law text	Existing Zoning (By-law 2008-250) on Ottawa.ca 🔗	New Zoning (By-law 2026-50) Draft 2 on Engage Ottawa 🔗

Figure 15. Proposed zoning change to 9 Hastings Street, from the City of Ottawa New Zoning Bylaw - Draft 2

Zone Provisions

(2) Table 803 applies in the Neighbourhood Unserved Zone:

Table 803 – Neighbourhood Unserved (NU) Zone Provisions		
Zoning Mechanism		Provisions
(a) Minimum lot area (m²)		Same as existing on [the date of passage of this By-law]
(b) Minimum lot width (m)		Same as existing on [the date of passage of this By-law]
(c) Minimum front yard setback (m)		6
(d) Minimum interior side yard setback (m)		1.2
(e) Minimum exterior side yard setback (m)		4.5
(f) Minimum rear yard setback (m)		12
(g) Maximum building height (m)		11
(h) Maximum lot coverage (%)	(i) Where connected to municipal water services	25
	(ii) All other cases	15

Figure 16. Neighbourhood Unserved (NU) Zone Provisions from City of Ottawa New Zoning Bylaw - Draft 2