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Planning Rationale – Consent and Minor Variance Applications

574 Kirkwood Ave



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ENGINEERS · ARCHITECTS · PLANNERS

Planning Rationale – Consent and Minor Variance Applications

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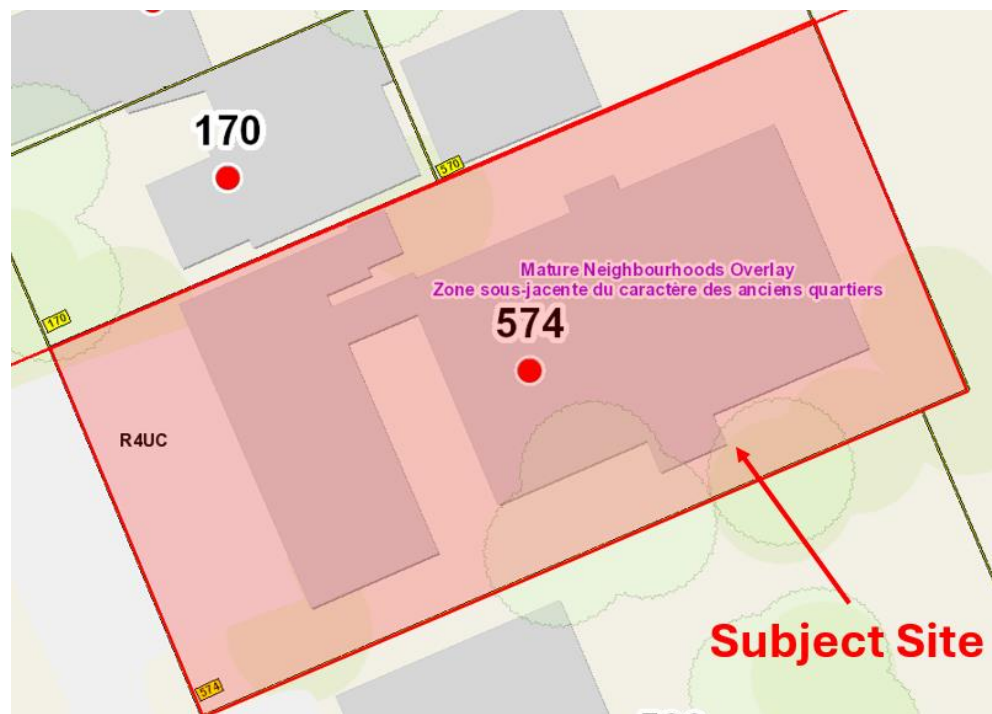
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1.2 Required Applications & Variances

To facilitate the proposed development, both Consent and Minor Variance Applications are being submitted concurrently. Reciprocal consent applications are being filed to create a new lot and ensure the existing building and new building are each located on their own distinct, legally conveyable lot. Minor Variance Applications will address the requests for reduced performance standards for the existing and proposed buildings and lots.

No changes are proposed to the existing building and the variances are to bring the existing building into compliance as a result of the size and shape of the new lot where the current building will be located. This will result in four applications; two consent applications and two minor variance applications.

For the purpose of this Planning Rationale, the new lot and proposed building will be referred to as “Lot A” and “Building A” and will be located on Part 2 of the Plan of Survey. The existing new lot and existing building will be referred to as “Lot B” and “Building B” and will be located on Part 1 of the Plan of Survey. An assessment of these consent and minor variances in relation to the criteria outlined in the Planning Act in Section 53 and Section 45 is provided in Section 4 and 5 of this Planning Rationale.



The property is located within the Residential Fourth Density, Subzone UC (R4-UC) zone. The proposed development broadly complies with the applicable provisions of the R4 zone and those specific to the UC Subzone. Outlined below is the dimensions of Lot A and Lot B.

Figure 2: R4-UC Zoning Excerpt from GeoOttawa

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1.2.1 Consent Application Lot A and Building A – Part 2

Lot A – New Lot

- *Proposed Lot Frontage:* 18.98m
- *Proposed Lot Depth:* 19.98m
- *Proposed Lot Area:* 264.32m²

1.2.2 Consent Application Lot B and Building B – Part 1

Lot B – Existing Lot

- *Existing Frontage:* 18.98m
- *Existing Lot Depth:* 39.73m
- *Existing Lot Area:* 752.26m²

Lot B – New Lot

- *Proposed Frontage:* 18.98m
- *Proposed Lot Depth:* 25.7m
- *Proposed Lot Area:* 488.5m²

1.2.3 Minor Variance Required – Lot A and Building A – Part 2

1. To permit a reduced aisle width accessing a bicycle parking space of 0.0m where the By-law requires 1.5m [Section 111 (9)].
2. To permit a reduced front yard setback of 1.5m where the front yard setback must align with the average of the abutting lots, being 7.0m based on the abutting lots [Section 144 (1) (a)].
3. To permit a reduced rear yard area of 61m² where the By-law requires the rear-yard lot area to be 66m² based on a lot area of 264m² [Section 144 (3) (a)].
4. To permit a reduced rear yard setback of 3.3m where the By-law requires 3.5m based on a lot depth of 13.83m, where the Rear Yard Setback is required to be 25% of lot depth [Section 144 (3) (a) (i)].
5. To permit a reduced minimum soft landscaping of 31.2m² where the By-law requires 35m² in the case of a lot less than 360m² in area, [Section 161 (15) (b) (i)].
6. To permit a reduced size of the soft landscaping area to 12.5m² where the By-law requires one aggregated rectangular area of at least 25 square metres is required. [Section 161 (15) (b) (iv)].
7. To permit a reduced minimum lot area for a low-rise apartment dwelling with a maximum of eight units in the R4-UC Zone of 264m² where the By-law requires 300m² [Section 162 Table 162A].

1.2.4 Minor Variance Required – Lot B and Building B – Part 1

1. To permit a reduced rear yard area of 61.6m² where the By-law requires the rear-yard lot area to be 122.12m² based on a lot area of 488.5m² [Section 144 (3) (a)].
2. To permit a reduced rear yard setback of 3.4m where the By-law requires 7.71m based on a lot depth of 25.7m, where the Rear Yard Setback is required to be 30% of lot depth [Section 144 (3) (a) (ii)].
3. To permit a reduced size of the shape of the soft landscaping area to 23.5m² where the By-law requires one aggregated rectangular area of at least 25 square metres is required. [Section 161 (15) (b) (iv)].

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2.0 Subject Site and Surrounding Context

2.1 Subject Site

The subject site is located in the Ward Kitchissippi, in the Westboro neighbourhood of the City of Ottawa. The subject site is located on Kirkwood Ave between Carling Ave/Highway 417 and Richmond Road. The subject site is rectangular shaped through lot with 18.98m of frontage on Kirkwood Ave and Westhaven Cres. The total lot area is 752.26m² and a depth of 39.73m.



Figure 3: Subject Site

The subject site is currently occupied by a 2-storey low-rise apartment building with 6 units that is closest to Kirkwood Ave and a garage that is accessed off Westhaven Cres. This storage shed on the site will be demolished to facilitate the proposed development on the new lot. The northern property line is currently heavily vegetated and provides a buffer between the subject site and other dwellings along Kirkwood Ave.

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Figure 4: Pictures of Subject Site

The current Right-Of-Way on Westhaven Cres is significant in size and provides parking in front of the garage. The street has no existing curbs, sidewalks or stormwater drainage on the street, consistent with development in the 1960s and 1970s.

2.2 Surrounding Context

The subject site is located in a neighbourhood generally characterized by a mix of low-rise, ground-oriented residential dwellings. This includes detached, semi-detached, townhouse, multi-unit dwellings and low-rise apartment dwellings. The height of these buildings are of two and three storeys. The dwellings range in form and massing based on fenestration, roof articulation and location of garages. This is a result of the development of new housing typologies over time, while other types have been retained for several years in this neighbourhood.

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Figure 5: Map of Surrounding Context

Within the immediate vicinity along Westhaven Cres and the adjacent streets, the lot fabric varies in size and shape. Generally, the lots are rectangular in shape but vary in width and depth. This includes lots that are narrow and some that are squarer in shape. This influences the built form and typology of unit found on the lots.

The image below shows lots in the “Westhaven Cres Neighbourhood Area” and the distinct character this crescent has, which is suitable to accommodate the proposed development. The City has noted this distinct area by including it within the “Evolving Neighborhood Overlay” on Schedule B2 in the Official Plan as discussed further in Section 4 and 5.

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Figure 6: Lot Fabric of Westhaven Cres Neighbourhood Area

Generally, parking is provided for these dwellings in driveways located either in front of or beside dwellings. Garages are generally incorporated into dwellings, completely within the first level of the dwelling, flush with the façade of the building. The majority of the dwellings are immediately abutting the Right-Of-Way, with minimum front yard setbacks and parking spaces located completely in the ROW. The remaining area in front of these dwellings is either has soft or hard landscaping.

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Figure 7: Example of Current Dwelling Types along Westhaven Cres

One existing high-rise building is located at 616 Kirkwood Ave that was built in the 1970s and is “tower in the park” style of development. This building is not reflective of the existing mix and range of dwelling types that make up the character of Westboro.

Further along Kirkwood Ave are large commercial plazas at Kirkwood Ave and Richmond Road and Kirkwood Ave and Carling Ave. These plazas include several types of commercial uses including grocery stores, restaurants, automotive uses and other retail shops that make up a 15-minute neighbourhood. Both plazas are less than a 10-minute walk from the subject site.

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Figure 8: Hampton Plaza (Top) and Hampton Park (Bottom)

Hampton Park is a seven-minute walk east from the subject site and includes amenities such as softball fields, a dog park, walking trails, a playground and a wading pool.

2.3 Transportation Network

The subject site is located along Kirkwood Ave, which is designated as an Arterial Road in Schedule C4 – Urban Road Network of the City of Ottawa Official Plan. The site is also located approximately 450 metres from Carling Avenue, which is another Arterial Road travelling east-west. Arterial roads are intended to function as major corridors in the urban communities, accommodating a variety of transit modes including vehicles, pedestrians, bicycles, and public transportation. Arterial roads are designed in a manner which meets the needs of all users through the provision of sidewalks, cycling lanes, and transit stops where appropriate. Westhaven Cres is a Local Road and provides access to residential dwellings and has a close relationship with its surrounding land uses.

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Figure 9: Image of Kirkwood Ave looking North

The subject site is well-connected with respect to public transportation and active transportation. The subject site is located approximately 450 metres from Carling Avenue, which is designated as an at-grade transit route on Schedule C2 - Transit Network – Ultimate of the Official Plan. The subject site also has proximity access to two bus routes; Route 81 and Route 51, both of which end at Tunney's Pasture for further connections and provide access to other destinations in the west-end of Ottawa. The subject site is well-served by bus transit networks and is well-connected to the greater regional bus and Light Rail Transit (LRT) network.



Figure 10: Westhaven Cres looking South

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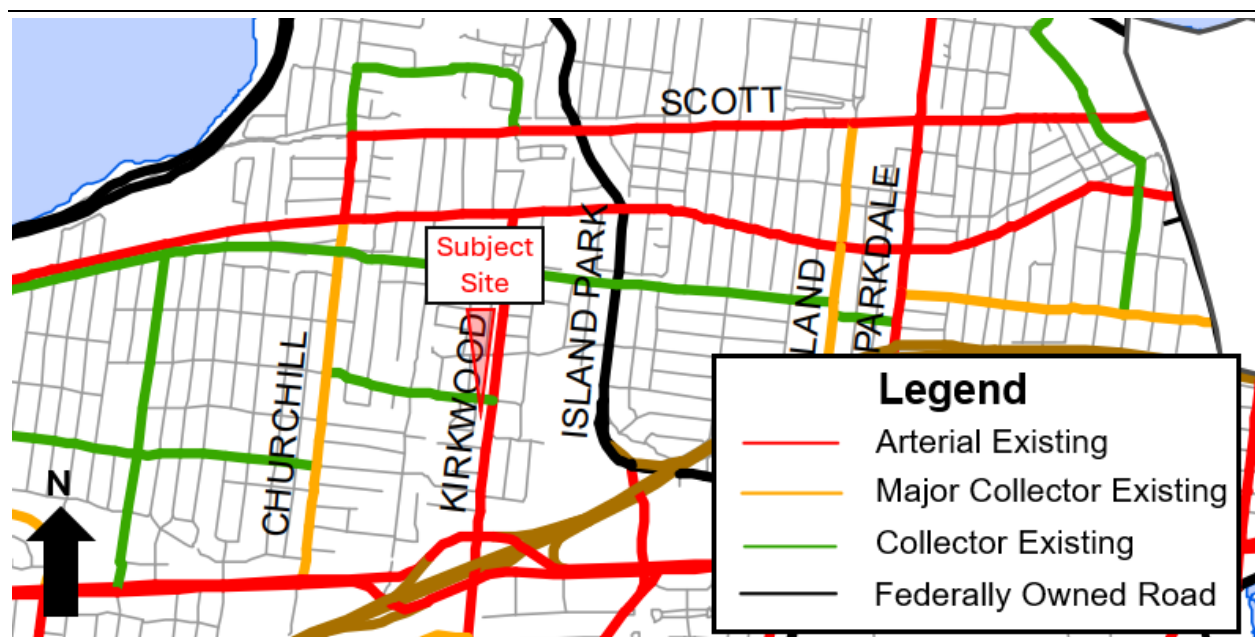


Figure 11: Excerpt of Official Plan Schedule C4

Sidewalks are located along each side of Kirkwood Ave and other paved paths are included on streets. Pedestrian pathways and cycling facilities are located near Hampton Park or other roads such as Churchill Ave. Overall, the subject site has sufficient access to regional and local travel networks for all modes of transportation.

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3.0 Proposed Development

3.1 Project Overview

The proposed development is for the creation of a new lot and associated minor variances to permit the development of a proposed low-rise, 3-storey apartment dwelling and variances to ensure compliance of the existing building. The apartment dwelling on the proposed severed lot will contain eight rental units, all of which are two-bedroom units. To facilitate the construction of the proposed development, the demolition of an existing garage is required. The image below is a Site Plan Drawing of a typical floor in the proposed building.

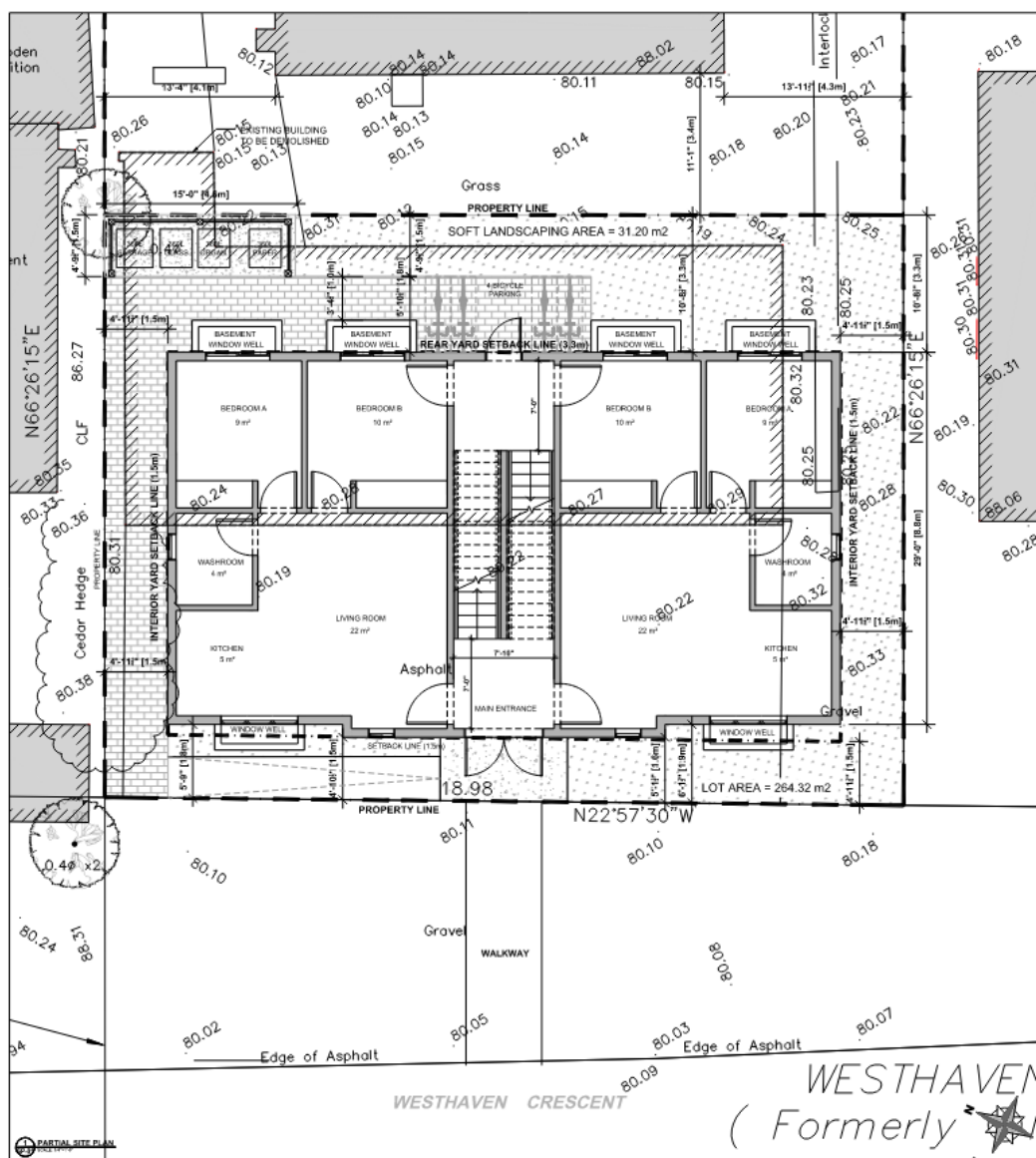


Figure 12: Image of the Proposed Development

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Figure 13: Proposed Elevation from the West

The consent application will create a new lot with 18.98m of frontage on Westhaven Cres. This means the existing lot will change from a through lot to an interior lot, as defined in the Zoning By-law. The existing building and resulting retained lot will maintain its frontage on Kirkwood Ave and will have a new rear lot-line that is created and shared with the newly proposed lot. The survey image below outlines the two new parcels of land. Reciprocal consent applications are being filed for each lot to have its own legal description and be separately conveyable. The following table outlines the new dimensions of the lot

	Lot A – New Lot with New Building A	Lot B – New Lot with Existing Building B
Proposed Lot Frontage	18.98m	18.98m
Proposed Lot Depth	13.98m	25.7m
Proposed Lot Area	264.32m ²	485.5m ²

Table 1: Dimensions of Proposed Lots

[illegible]

The proposed low-rise apartment is accessible via the primary front door entrance facing Westhaven Cres. A secondary entrance is located at the rear of the property. This access and the rear of the property are accessible via a side-yard walkway to the north. This walkway provides easy and safe access to the secondary entrance, along with the bicycle parking and accessory garbage enclosure, all located in the rear of the property. The portion of the rear yard not occupied by the walkway is softly landscaping space as is the south side of the proposed building and front area not part of the walkway from the main entrance to the rear.

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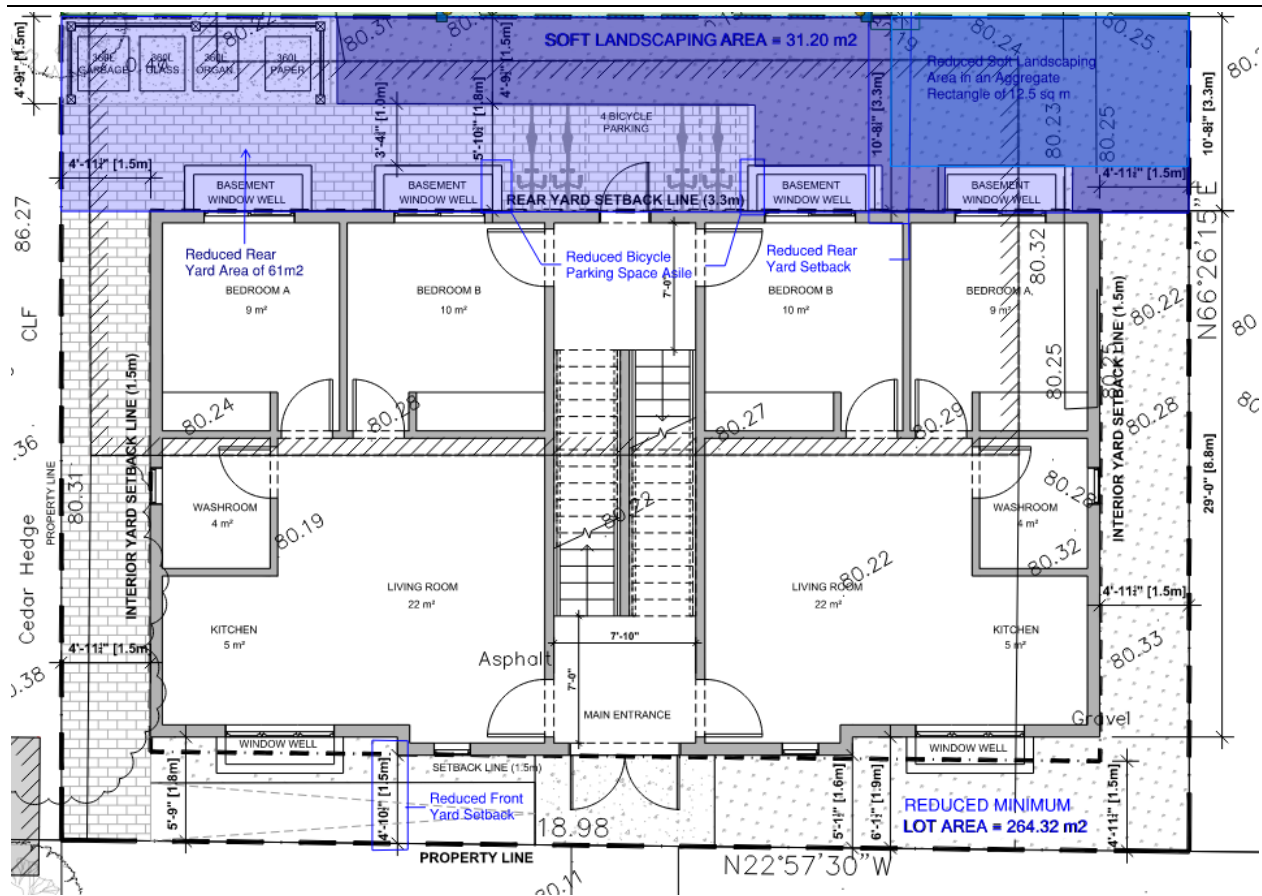


Figure 15: Site Plan of Proposed Development Outlining Minor Variances for Lot A

The applicable Zoning By-law provisions under Section 161 do not require any vehicular parking for a building on a lot of less than 450sqm and therefore none are proposed. However, bicycle parking spaces are provided on the site as an alternative mode of transportation. As outlined in Section 2.0, the subject site is within walking distance of several amenities and by providing no vehicle parking, this aligns with the City's sustainable transportation goals.

As it currently stands, the ROW is used for vehicle parking. This area is proposed to be softly landscaped as part of the proposed development. This area will provide opportunities for tree planting by the City to screen the proposed development and activate this area.

To support the application, renderings have been produced that show how the proposed low-rise apartment building will look in the context of the existing built form along Westhaven Cres and Kirkwood Ave. The image below is one of these renderings, taken from Westhaven looking North-west towards the subject site.

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Figure 16: Rendering of Proposed Development looking North from Westhaven Cres

3.2 Design Revisions

The proposed development concept is the result of several iterations of an initial concept and discussions with members of the project team and our client. Several dwelling type options were reviewed including townhouses, different forms of low-rise apartment and additional residential units.

In discussions with our client, he was interested in a low-rise apartment dwelling, similar to what is on the existing site and adjacent to the south. Also, keeping the existing building and the tenants in that building was a requirement of the proposed development. Several options of low-rise apartment buildings were considered including height (four storeys vs three storeys) number of units and size of units. Requirements of the Building Code and Zoning By-law were kept in mind when drafting the concept plan as well as the function of the building itself.

The concept below was sent to City Staff on February 25, 2025, and a meeting took place on March 6, 2025, to discuss the proposal. Staff stated they had concerns about the rear yard setback, rear yard area and soft landscaping area on this proposal among other items, such as the building height, bike parking and a garbage area.

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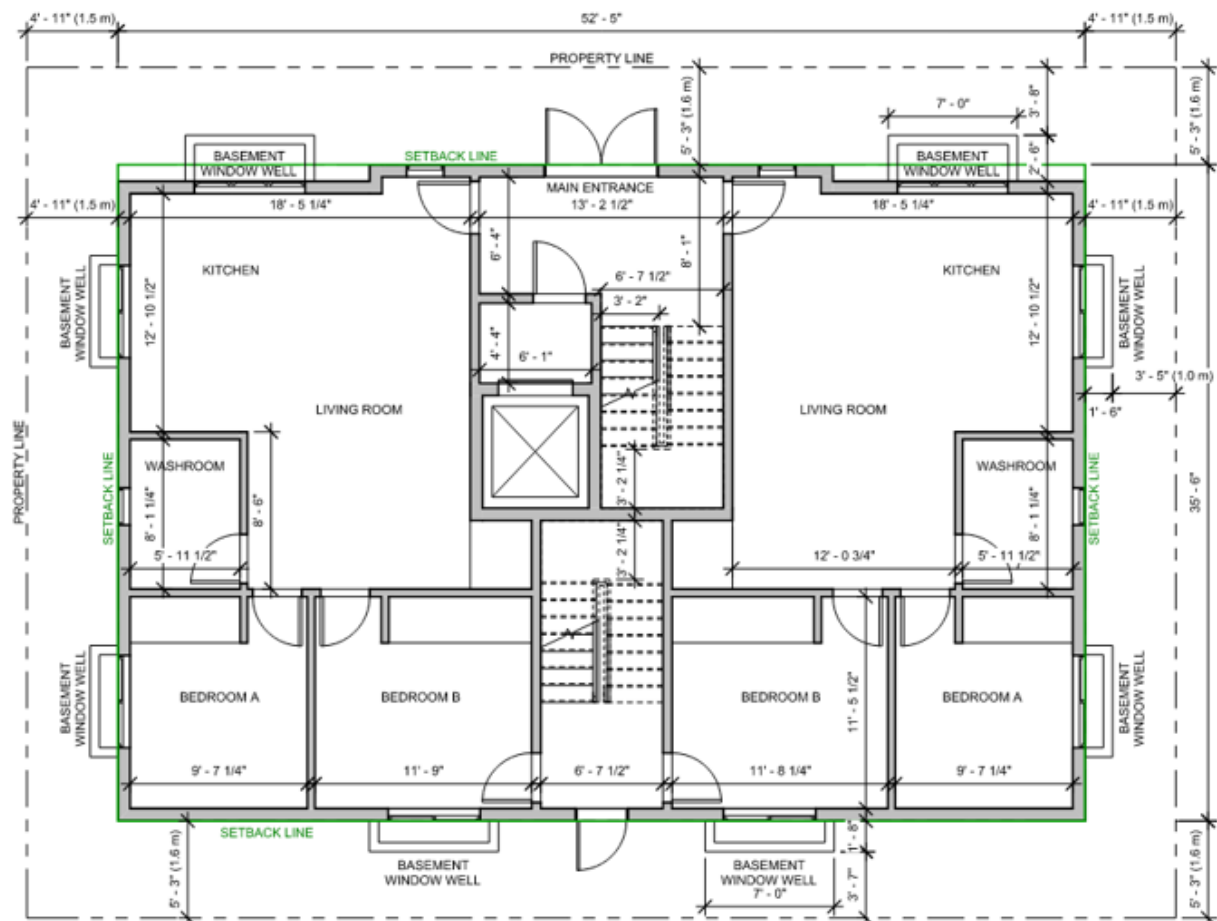


Figure 17: Previous Concept Plan Submitted to City Staff

The revised proposal as part of this submission has reduced the variance to all three of these provisions in the By-law and has provided path of travel for the circulation of garbage and bike parking. This resulted in slightly smaller units, however, units that still provide 2 bedrooms with a functional layout. Also, the height of the building was reduced from four storeys to three storeys, which reduced the unit count from ten units to eight units

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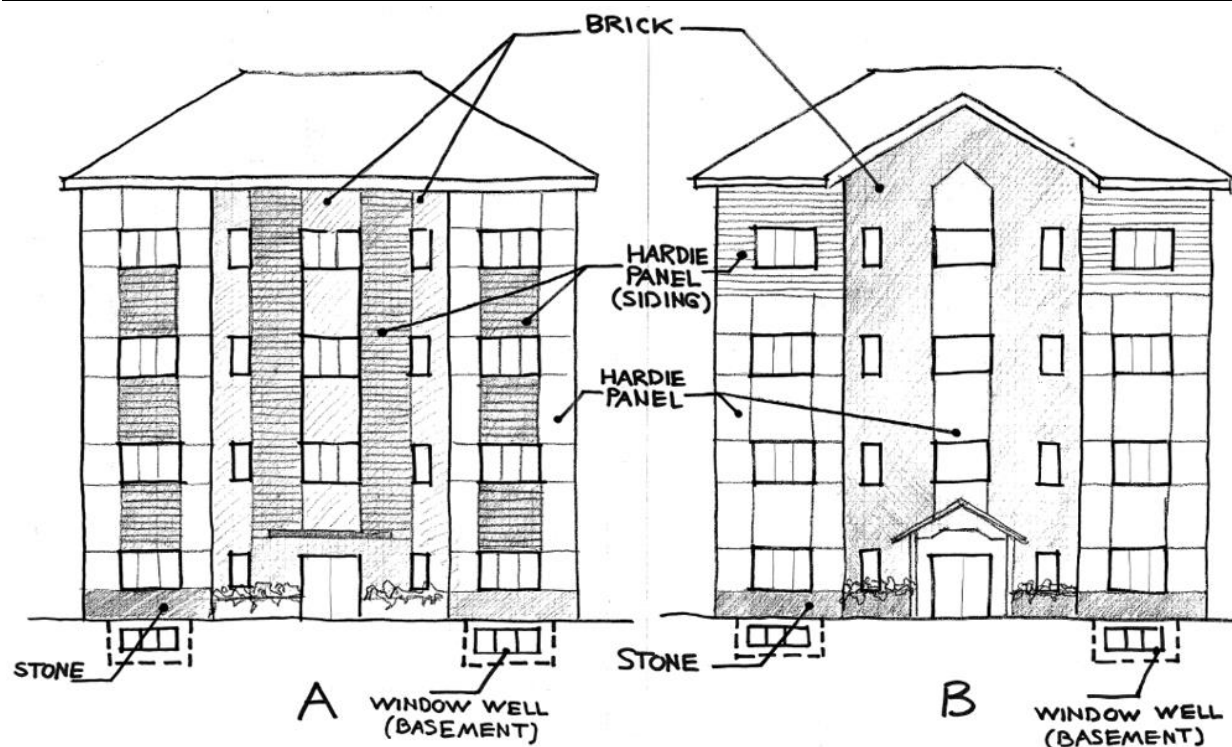


Figure 18: Previous Elevation Options

The current concept reduced the number of variances including ones for the garbage area, projections and walkways. As well the current requested variances as outlined in Section 2.0 are closer aligned with provisions of the Zoning By-law.

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4.0 Consent Application

4.1 Planning Act Criteria – Section 53

In evaluating an application for consent, the Planning Act provides the criteria that the application must be evaluated against. Section 53 of the Act deals with having regard for when a consent shall be used.

An owner, chargee or purchaser of land, or such owner's, chargee's or purchaser's agent duly authorized in writing, may apply for a consent as defined in subsection 50 (1) and the council or the Minister, as the case may be, may, subject to this section, give a consent if satisfied that a plan of subdivision of the land is not necessary for the proper and orderly development of the municipality. 2021, c. 25, Sched. 24, s. 4 (1).

As outlined above, consent applications shall only be permitted when a plan of subdivision is not necessary for the proper and orderly development of land in the municipality. As the proposed consent application is for the creation of one new lot and does not necessitate the construction of new public infrastructure, including roads and services, a plan of subdivision is not required for the proper and orderly development of the lands.

Section 53 (12) of the Act states:

A council or the Minister in determining whether a provisional consent is to be given shall have regard to the matters under subsection 51 (24) and has the same powers as the approval authority has under subsection 51 (25) with respect to the approval of a plan of subdivision and subsections 51 (26) and (27) and section 51.1 apply with necessary modifications to the granting of a provisional consent. 1994, c. 23, s. 32.

The rationale for the proposed consent application will review the following criteria outlined in Section 51(24) of the Act.

(a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;

The proposed consent application has regard for the following matters of provincial interest:

- (f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;*
- (h) the orderly development of safe and healthy communities;*
- (j) the adequate provision of a full range of housing, including affordable housing;*
- (p) the appropriate location of growth and development;*
- (q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;*

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The application is for the subject site, which is located within the urban boundary of the City of Ottawa. This is where existing infrastructure is located and promotes efficient use of existing services. The proposal is to create a new lot for new housing units, which seeks to provide a full range of housing in a location that is appropriate for growth and provides the orderly development of communities. The location of the new lot promotes active transportation and is oriented towards pedestrians, not automobiles.

(b) whether the proposed subdivision is premature or in the public interest;

The Subject Site is located within the City of Ottawa's urban boundary and is in a fully developed neighbourhood where public infrastructure is already built. The proposed consents are not premature and are in the public's interest.

(c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;

The subject site is located within the Inner Urban Transect Policy Area and is designated as "Minor Corridor" within the "Evolving Neighbourhood Overlay" on Schedule A and Schedule B2 respectively in the City of Ottawa's Official Plan (OP). Once the lot is severed, the new lot will be designated as "Neighbourhood" as it will no longer have frontage on the Minor Corridor, Kirkwood Ave, as outlined by policy 6.2.1.1 in the OP.

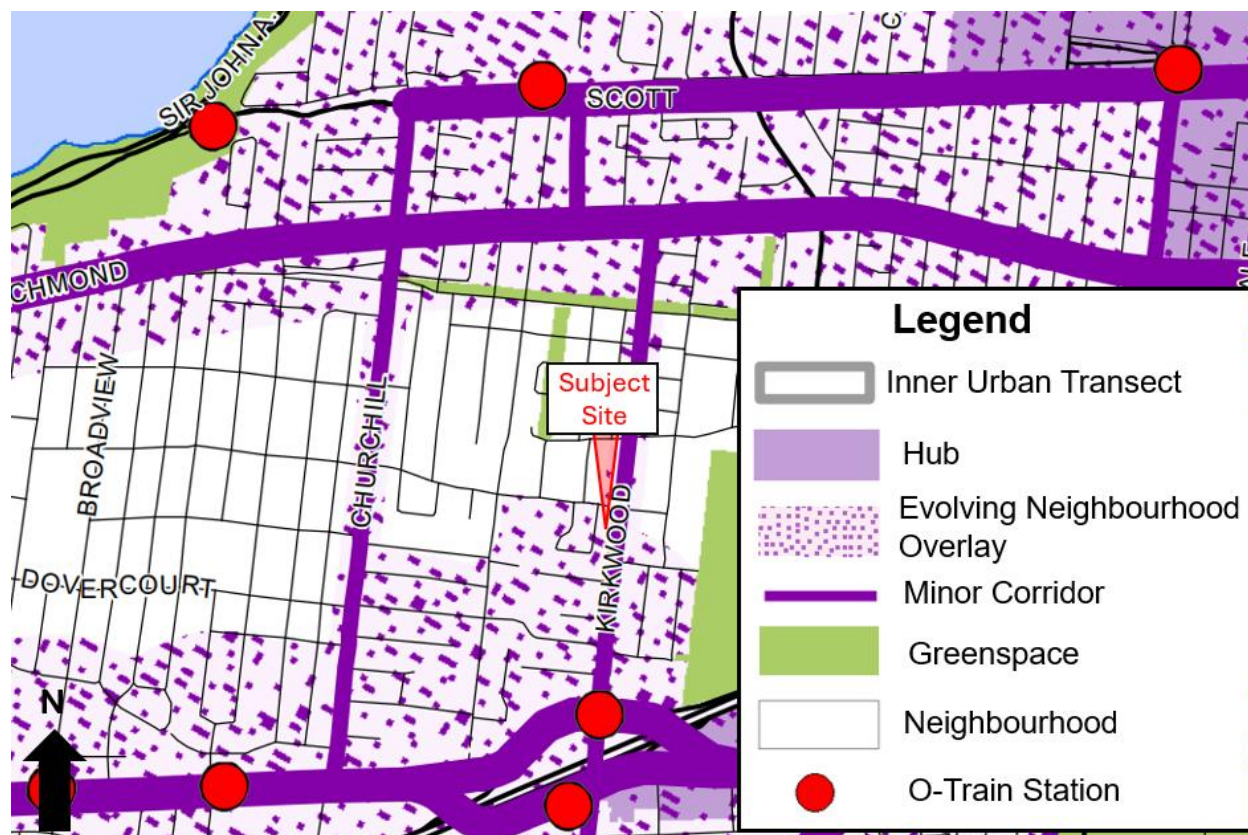


Figure 19: Excerpt of Official Plan Schedule B2

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Section 3.2 of the Official Plan encourages infill and intensification within the urban area. Policy 3 of Section 3.2 of the Official Plan states that: *“The vast majority of Residential intensification shall focus within 15-minute neighbourhoods, which are comprised of Hubs, Corridors and lands within the Neighbourhood designations that are adjacent to them”*.

Section 5.2 of the Official Plan outlines that lots within the Inner Urban Transect shall enhance or establish an urban pattern of build form and site design in supporting increases to residential densities that are supported by the mixed-use nature found along Hub’s and Corridors. Section 5.2.4 provides direction to areas that are designated as Neighbourhood in the Inner Urban Transect. Policy 1) a says areas designated Neighbourhood will *“Allow and support a wide variety of housing types with a focus on missing-middle housing”*.

Section 6.3 of the Official Plan describes those policies for areas of the City designated as “Neighbourhood”. These areas shall allow for a range of residential, low-rise, built forms of building heights less than 4 storeys, *“with the predominant new building form being missing middle housing”* as outlined by policy 6.3.1.4 b).

The proposed consent application will support intensification within a 15-minute neighbourhood with the creation of a new lot that focuses on an urban pattern of built form with a lot area and shape that is reflective of existing lots in the surrounding urban area. The new lot is near to Hubs and Corridors, where a mix of uses are found as outlined in Section 2. The new lot will support the development of missing middle housing in area designated as “Neighbourhood” and compliments the lot pattern, scale, and desirable characteristics of development in this area.

(d) the suitability of the land for the purposes for which it is to be subdivided;

The proposed reciprocal consents will facilitate development of an eight-unit low-rise apartment dwellings on the subject site. Low-rise apartment dwellings are compatible in the existing lot fabric and land use pattern that are present in the neighbourhood. The consent application will make use of an underutilized parcel of land and permit intensification that is suitable in the local context.

(d.1) if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;

No affordable housing units are being proposed as part of the consent application.

(e) the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;

The consent application does not propose any new highways.

(f) the dimensions and shapes of the proposed lots;

The proposed consent will result in a new lot that maintains a rectangular shape, reflective of the vast majority of the lots in the area. The lot area falls within the range of lot areas found along

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Westhaven Cres, reflective of the current mix of lot areas and dwelling types found here. The newly created lot maintains the width of the current lot, similar to those lots to the South.

The lot depth of the new proposed lot is on the smaller side compared to the majority of lots in the immediate vicinity. However, it still maintains compatible with existing land use patterns and the lot fabric of the neighbourhood based in the significant depth of the current lot, which is as deep as two lots, as seen to the North and North-west. Other individual lots are deeper than the existing lot yet provide significantly reduced lot width. The new lot is overall of suitable size and shape to support a low-rise apartment dwelling while contributing to the variety in the lot fabric and dwelling types in the area.

(g) the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;

There are no restrictions or proposed restrictions on the subject lands, beyond the provisions that are included in the City's Zoning By-law.

(h) conservation of natural resources and flood control;

The subject site is not located in a floodplain or area of natural interest.

(i) the adequacy of utilities and municipal services;

The subject site is located within the urban boundary and the proposed new lot will connect to existing utilities and municipal services. The new lot will not have any major impacts on the adequacy of the City's municipal services or utilities.

(j) the adequacy of school sites;

Several school sites are located in promixty to the subject site including Hilson Avenue Public School, Churchill Alternative School and St Elizabeth School.

(k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;

It is anticipated that cash-in-lieu of parkland will be a condition of consent.

(l) the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and

The proposed consent application will optimize the available supply and use of energy by promoting infill and intensification within the urban area.

(m) the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act or subsection 114 (2) of the City of Toronto Act, 2006. 1994, c. 23, s. 30; 2001, c. 32, s. 31 (2); 2006, c. 23, s. 22 (3, 4); 2016, c. 25, Sched. 4, s. 8 (2).

The proposed consent application is not subject to Site Plan Control.

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Based on the above review of Section 51(24) of the Planning Act, it is our planning opinion that the proposed application meets the criteria set out in the Act for consent applications.

4.2 Provincial Planning Statement, 2024

In addition to the criteria set out in Section 51 and 53 of the Planning Act, Section 3(5) of the Act states the following:

“A decision of the council of a municipality, a local board, a planning board, a minister of the Crown and a ministry, board, commission or agency of the government, including the Tribunal, in respect of the exercise of any authority that affects a planning matter,
a) shall be consistent with the policy statements issued under subsection (1) that are in effect on the date of the decision;”

A decision by the Committee of Adjustment with respect to a planning matter must be consistent with the Provincial Planning Statement (PPS 2024). The PPS 2024 provides policy direction on matters of provincial interest that are related to land use planning and development. The following policies are applicable to the proposed development:

2.3.1 General Policies for Settlement Areas

- 1. Settlement areas shall be the focus of growth and development. Within settlement areas, growth should be focused in, where applicable, strategic growth areas, including major transit station areas.*
- 2. Land use patterns within settlement areas should be based on densities and a mix of land uses which:*
 - a) efficiently use land and resources;*
 - b) optimize existing and planned infrastructure and public service facilities;*
 - c) support active transportation;*
 - d) are transit-supportive, as appropriate; and*
- 3. Planning authorities shall support general intensification and redevelopment to support the achievement of complete communities, including by planning for a range and mix of housing options and prioritizing planning and investment in the necessary infrastructure and public service facilities.*

The proposed consent is for a lot located within the Urban Boundary of the City of Ottawa and therefore is considered part of the “Settlement Area” as defined by the PPS 2024. This will provide sufficient access to the necessary infrastructure and public service facilities, overall reducing pressure to expand the urban boundary through intensification.

The proposed development promotes efficient use of existing land by more effectively using the existing lot and providing additional housing units within the urban area. The proposed low-rise apartment dwelling will seamlessly fit within the neighbourhood and the existing character of this area. The subject site is located close to existing transit and amenities options, which will support

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active transportation. The proposal is one of gentle intensification by providing new housing options in an area that has existing infrastructure and public service facilities.

Based on the above review of the PPS 2024, it is our planning opinion that the proposed application is consistent with the applicable and overall represents land use planning that follows provincial direction.

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5.0 Minor Variance Applications

5.1 Planning Act Criteria – Section 45

In Ontario, a minor variance is considered as a small variation from the requirements of the applicable zoning by-law. In essence, a minor variance approval is a certificate of permission, as it allows the property owner to obtain a building permit although their property does not comply precisely with performance standards and provisions of the zoning by-law.

Under Section 45(1) of the Planning Act there are four tests a minor variance must meet:

1. Does the application conform to the general intent and purpose of the Official Plan?
2. Does the application conform to the general intent and purpose of the Zoning Bylaw?
3. Is the variance desirable for the appropriate development or use of property?
4. Is the variance minor in nature?

The following sections will address the four tests of a minor variance and how the proposal meets them. As outlined in Section 1.2.3, the following is a list of the requested variances for each lot:

Minor Variance Required – Lot A and Building A – Part 2

1. To permit a reduced aisle width accessing a bicycle parking space of 0.0m where the By-law requires 1.5m [Section 111 (9)].
2. To permit a reduced front yard setback of 1.5m where the front yard setback must align with the average of the abutting lots, being 7.0m based on the abutting lots [Section 144 (1) (a)].
3. To permit a reduced rear yard area of 61m² where the By-law requires the rear-yard lot area to be 66m² based on a lot area of 264m² [Section 144 (3) (a)].
4. To permit a reduced rear yard setback of 3.3m where the By-law requires 3.5m based on a lot depth of 13.83m, where the Rear Yard Setback is required to be 25% of lot depth [Section 144 (3) (a) (i)].
5. To permit a reduced minimum soft landscaping of 31.2m² where the By-law requires 35m² in the case of a lot less than 360m² in area, [Section 161 (15) (b) (i)].
6. To permit a reduced size of the soft landscaping area to 12.5m² where the By-law requires one aggregated rectangular area of at least 25 square metres is required. [Section 161 (15) (b) (iv)].
7. To permit a reduced minimum lot area for a low-rise apartment dwelling with a maximum of eight units in the R4-UC Zone of 264m² where the By-law requires 300m² [Section 162 Table 162A].

Minor Variance Required – Lot B and Building B – Part 1

1. To permit a reduced rear yard area of 61.6m² where the By-law requires the rear-yard lot area to be 122.12m² based on a lot area of 488.5m² [Section 144 (3) (a)].
2. To permit a reduced rear yard setback of 3.4m where the By-law requires 7.71m based on a lot depth of 25.7m, where the Rear Yard Setback is required to be 30% of lot depth [Section 144 (3) (a) (ii)].

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3. To permit a reduced size of the shape of the soft landscaping area to 23.5m² where the By-law requires one aggregated rectangular area of at least 25 square metres is required. [Section 161 (15) (b) (iv)].

5.1.2 Do the applications conform to the general intent and purpose of the Official Plan?

The subject site is located within the Inner Urban Transect Policy Area and is designated as “Neighbourhood” on Schedule B2 in the City of Ottawa’s Official Plan, with the Evolving Neighbourhood Overlay. The current lot has frontage on Kirkwood Ave, a Minor Corridor, however through the severance application it will no longer have frontage on Kirkwood Ave, as outlined by policy 6.2.1.1 in the OP and therefore be designated as “Neighbourhood”. The proposed variances are to permit the development of a new low-rise apartment dwelling and address deficiencies that will be created for the existing building on the subject lands.

Growth Management Framework

Section 3.2 of the Official Plan encourages infill and intensification within the urban area. The OP allocates that 47 per cent of city-wide dwelling growth to the built-up portion of the urban area, with intensification *“being directed to Hubs and Corridors...as well as the portions of Neighbourhoods within a short walk to those Hubs and Corridors”*.

Policy 3 of Section 3.2 of the Official Plan states that *“The vast majority of Residential intensification shall focus within 15-minute neighbourhoods, which are comprised of Hubs, Corridors and lands within the Neighbourhood designations that are adjacent to them”*. Policy 8 of Section 3.2 states that *“Intensification should occur in a variety of dwelling unit floorspace sizes to provide housing choices.”*

Inner Urban Transect Area

Section 5.2.4 of the Official Plan provides policy and direction for areas designated as “Neighbourhood” within the Inner Urban Transect Area. In line with the Growth Management framework in Section 3, Neighbourhoods located in the Inner Urban area and within a short walking distance of Hubs and Corridors shall accommodate residential growth to meet the City’s growth targets and policies. This shall be done by *“allowing and supporting a wide variety of housing types with a focus on missing-middle housing”*, permitting building heights between 2-4 storeys where appropriate.

Neighbourhood

Section 6.3 of the Official Plan describes those policies for areas of the City designated as “Neighbourhood”. These areas shall allow for a range of residential, low-rise, built forms of building heights less than 4 storeys, *“with the predominant new building form being missing middle housing”* as outlined by policy 6.3.1.4 b).

Evolving Neighbourhood Overlay

Section 5.6.1 of the Official Plan describes how the Evolving Neighborhood Overlay will help to

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guide development in areas designated as “Neighbourhood” near “Hubs” and “Corridors”, with regards to their evolving built form, functional use, and character as they undergo intensification. The Evolving Neighborhood Overlay generally applies to the properties that have a lot line along a Minor Corridor or lands 150 meters from the boundary of a Hub or Mainstreet designation.

The Overlay is intended to provide opportunities to reach the City’s growth management framework for intensification through the Zoning by-law by providing:

- Guidance for a gradual change in character;
- Allowance for new building forms and typologies, like the missing middle;
- Provide direction to built form and site design that support more urban built form patterns and applicable transportation mode share goals; and,
- Provide direction to govern the evaluation of development.

In line with the Overlay, policy 5.6.1.3 a) of the Official Plan states that *“The City will be supportive of applications for low-rise intensification that seek to move beyond the development standards of the underlying zone where the proposal demonstrates that the development achieves objectives of the applicable transect with regards to density, built form and site design in keeping with the intent of Sections 3 and 5 of this Plan”*.

The requested Minor Variances for Lot A and Lot B and the proposed development conform to the policies of the City of Ottawa’s Official Plan and the applicable land use designations. The proposal of a low-rise apartment building on the subject site meets the general intent and purpose of the policies of the Growth Management Framework by proposing variances that support intensification in areas targeted by the City, in Neighbourhoods that are close to Hubs and Corridors. The low-rise apartment dwelling will support the variety of dwelling units and housing choices in this area, supporting the concept of a 15-minute neighbourhood.

The low-rise apartment dwelling will increase density, focusing on missing middle housing and provides a compatible built form to the Westboro neighbourhood, aligning with the Inner Urban Transect Area and Neighbourhood policies. The built form is appropriate and consistent with those found along Westhaven Cres and adjacent areas, in terms of height, street-oriented building massing, and appropriate transitions to neighbouring properties.

The purpose of the Evolving Overlay policies are met, which are supportive of intensification in Neighbourhoods adjacent to corridors and provide for transitions to existing neighborhood areas. The proposed development conforms to the policies by providing low-rise missing middle intensification in an existing neighborhood that is reflective of the gradual change of these areas that the City envisions. The subject site is a suitable location to move beyond the development standards of the underlying R4-UC zone and has demonstrated that the proposal achieves objectives of the applicable land use policies of the Official Plan.

It is our planning opinion the proposed variances conform to the general intent and purpose of the Official Plan.

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5.1.3 Do the applications conform to the general intent and purpose of the Zoning By-law?

The subject site is zoned as R4-UC in the City of Ottawa Comprehensive Zoning By-law 2008-250. The purpose of the R4 zone is as follows:

- 1. Allow a wide mix of residential building forms ranging from detached to low rise apartment dwellings, in some cases limited to four units, and in no case more than four storeys, in areas designated as General Urban Area in the Official Plan;*
- 2. Allow a number of other residential uses to provide additional housing choices within the fourth density residential areas;*
- 3. Permit ancillary uses to the principal residential use to allow residents to work at home;*
- 4. 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: and*
- 5. permit different development standards, identified in the Z subzone, primarily for areas designated as Developing Communities, which promote efficient land use and compact form while showcasing newer design approaches.*

The proposed variances are to permit the development of a new low-rise apartment dwelling and address deficiencies that will be created for the existing building on the subject lands. A low-rise apartment dwelling is a permitted use in the R4-UC Zone and complies with the minimum height set-out by this zone. The proposal helps to provide additional housing choices within the area zoned as R4-UC, in a ground-oriented form that is compatible with the existing land use patterns and residential character as outlined in Section 2 of this report.

The subject site is also found within the Mature Neighbourhood Overlay. This Overlay in the Zoning By-law is applied to established neighbourhoods in the urban core and inner urban areas of Ottawa. The purpose is to recognize and reflect the existing character of neighbourhoods in new developments. A key consideration of the policies is the local streetscape character and how new developments will complement and reinforce the current character of adjacent properties along a street.

As per Section 140 of the By-Law, the Mature Neighbourhoods Overlay generally regulates development or additions within the front or corner side yard through the completion of a Streetscape Character Analysis. The proposed development is not subject to Streetscape Character Analysis pursuant to Policy 4 a) as it does not include the introduction of a driveway, attached garage, carport, or involves a rear addition within the rear and interior side yards.

The proposed variances conform to the general intent and purpose of the Zoning By-law, including the purpose of the R4 Zone and the Mature Neighbourhoods Overlay. The following table outline the development standards that apply to Lot A and Building A:

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Zoning Table: Lot A and Building A – Part 2			
Provision	Required	Provided – Lot A	Compliance
Lot Width (min)	10m	18.98m	Yes
Lot Area (min)	300m ²	264.32m ²	No
Building Height (max)	11m	10.2m	Yes
Front Yard Setback (min)	7.0m	1.5m	No
Rear Yard Setback (min)	3.5	3.3m	No
Interior Side Yard Setback (min)	1.5m	1.5m	Yes
Soft Landscaping Area – Rear Yard on a lot less than 360m ² (min)	35m ²	31.2m ²	No
Soft Landscaping Area – Front Yard (min)	FYS of < 1.5m; No minimum, but all lands not used for projections, driveways and walkways	All Lands are soft landscaped	Yes
Size of Soft Landscaping in Rear Yard	One aggregated rectangular area of at least 25 square metres and whose longer dimension is not more than twice its shorter dimension	12.5m ²	No
Rear Yard Area	66.08m ² based on a lot area of 264.32m ²	61.0m ²	No
Bicycle Parking	0.5 space per dwelling unit (8 units)	4 spaces	Yes
Bicycle Parking Dimensions	0.6m x 1.8m	0.6m x 1.8m	Yes
Bicycle Parking Aisle	1.5m	0.0m	No
Vehicle Parking	No parking required	0 spaces	Yes
Walkway Width	Not more than 1.8m	1.0m	Yes
Front Elevation Articulation	20% of the front facade must be recessed an additional 0.6 m from the front setback line, or provide one balcony/porch for every unit that faces the public street	Yes	Yes
Front Façade Window Coverage	The front facade must comprise at least 25 per cent windows.	Yes	Yes

Table 2: Zoning Table: Lot A and Building A – Part 2

The Residential Fourth Density zone is intended to enable a wide range of low-rise, multi-unit infill housing, while respecting compatibility and context sensitive design of existing neighbourhoods. The development standards of the R4 zone help to facilitate building form and typology that constitutes the "missing middle" range of higher density but still low-rise dwellings.

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The subject site is located within an established community with a tight-knit urban fabric and built form character. The reduction in the lot area and front yard setback is reflective of several of the lots along Westhaven Cres and therefore appropriate in the context of the neighbourhood. Several buildings are built right at the property line and the wide ROW provides the appearance of a farther front yard setback than what is proposed.

The reduction in rear-yard setback, rear yard area and soft landscaping area in the rear yard is deemed appropriate given the intent of the proposed re-development plan is to generate modest intensification. The massing and orientation of the building, 3 storeys, does not overwhelm the site or create negative impacts in terms of shadowing or privacy, while meeting the intent of the Zoning By-law.

The reduction in the size of the soft landscaping area in the rear yard is only slightly below what is required by the Zoning By-law. Furthermore, a large, new soft landscaping area will be provided in the ROW where trees can provide shade and privacy more efficiently than in the rear yard.

The bicycle parking aisle reduction is based on the site layout and design. In locating the spaces directly adjacent to the building's rear yard exit, the basement window wells are slightly in the way of the front 0.8m of the parking space. The remaining 1.0m has easy and safe access to the spaces.

The proposal adheres to the zoning provisions established in all other aspects of the proposed form and function of the building including use, height, front & side setbacks, parking and landscaping. The overarching community character will be retained and respected while also creating a modest yet important level of residential intensification in this neighbourhood. It is our opinion the variances for Lot A and Building A meet the general intent and purpose of the Zoning By-law.

Zoning Table: Lot B and Building B – Part 1

Provision	Required	Provided - Lot B	Compliance
Lot Width (min)	10m	18.98m	Yes
Lot Area (min)	300m ²	488.5m ²	Yes
Building Height (max)	11m	8m	Yes, Existing Condition
Front Yard Setback (min)	9.5m	4.0m	No, Existing Condition
Rear Yard Setback (min)	7.71m	3.4m	No, New Condition
Interior Side Yard Setback (min)	1.5m	3.5m	Yes, Existing Condition
Soft Landscaping Area – Rear Yard 50% of the rear yard (min)	31m ²	62m ²	Yes
Soft Landscaping Area – Front Yard (min)	Lot B FYS of >3m: 40%	100%	Yes, Existing Condition

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Size of Soft Landscaping	One aggregated rectangular area of at least 25 square metres and whose longer dimension is not more than twice its shorter dimension	23.5m ²	No, New Condition
Rear Yard Area	122.12m ²	61.6m ²	No, New Condition
Bicycle Parking	0.5 space per dwelling unit (6 units)	0 spaces	No, Existing Condition
Vehicle Parking	No parking required	0 spaces	Yes, Existing Condition
Front Elevation Articulation	20% of the front facade must be recessed an additional 0.6 m from the front setback line, or provide one balcony/porch for every unit that faces the public street	0%	No, Existing Condition
Front Façade Window Coverage	The front facade must comprise at least 25 per cent windows.	Less than 25%	No, Existing Condition

Table 3: Zoning Table: Lot B and Building B – Part 1

As a result of the consent application, the requirements for the rear yard setback, rear yard area and size of the soft landscaping area do not comply with the Zoning By-law. It is our opinion these need to be captured as they are created by the proposed severance.

There are several other development standards in the Zoning By-law that Lot B and Building B do not comply with. However, all of these deal with existing conditions related to when the construction of the building took place. As the building is over 67 years old, it has conceivably gone through several zoning by-laws and practice changes in the way zoning is implemented across Ontario. It is our opinion these do not need to be captured as the consent application is not changing the condition of this and no new construction is proposed to Building B.

In capturing these variances, it is our opinion the variances for Lot B and Building B meet the general intent and purpose of the Zoning By-law.

5.1.4 Are the variances desirable for the appropriate development or use of property?

Lot A and Building A – Part 2

The first variance deals with the reduced aisle width for accessing a bicycle parking space and is a required variance for technical reasons. The required bicycling parking space size is 0.6m by

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1.8m and requires a 1.5m aisle to access the entire space. As a result of the location of the window well, 0.8m of the length of the space is not accessible. There is 1.0m of clear access in the aisle compared to the required 1.8m. The 1.0m will still provide sufficient access and will not limit the use of these spaces.

The spaces are located adjacent to the window wells to preserve the soft landscaping space and be located adjacent to the secondary entrance to the building, providing safe and convenient access. Locating them in the rear of the property also provides safe and secure parking for bicycles.

The second variance is to reduce the front yard setback from 7.0m to 1.5m. As per Section 144 of the Zoning By-law, the front yard setback is calculated based on the abutting lots front yard setback. This is to ensure the buildings along the street are setback at generally the same distance. The front yard setbacks for dwellings along Westhaven Cres vary significantly with several dwellings being located at the front lot line and others being located farther back, exceeding the minimum setback. This scenario makes it difficult to apply Section 144 of the By-law as the setbacks vary along the street.

The standard front yard setback in the R4-UC zone is 4.5m and the City's new Zoning By-law has a front yard setback for this property of 3m. A reduced front yard setback in this area is the direction the City is heading and it is only because of the current variety of the front yard setbacks a reduction from 7.0m to 1.5m is required.

Furthermore, the significant width of the ROW of 20m, compared to the paved street width of 9m, gives the appearance that the buildings are setback farther than in reality. The reduced front yard setback is desirable to further frame the street and reflect the adjacent development in the area.

Variances 3-6 deal with the rear yard and soft landscaping of the subject site. As per Section 144, the rear yard setback and area are calculated based on the lot width and depth. The new proposed lot meets the lot width requirements, and the Zoning By-law does not have a lot depth requirement. A modest reduction in the rear yard area from 66m² to 61m² and rear yard setback from 3.5m to 3.3m is proposed. These reductions will still maintain sufficient setbacks and room for maintenance, garbage and landscape areas. The variances optimize both the space in the interior of the building and the exterior in the rear yard while maintaining privacy and circulation space and overall are desirable for the lands.

Similar to the rear yard, the development proposes a slight reduction in the soft landscaping area in the rear yard from 35m² to 31.2m². As outlined in Section 3, this area was increased significantly after conversations with City Staff to address matters related to stormwater management, privacy and landscaping itself. The reduction in soft landscaping area does not significantly alter the aesthetics or environmental quality of the new lot, and the proposed landscaping still provides a functional and visually pleasing space that is appropriate for the development.

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Variance 6 is to permit a reduced size of the soft landscaping area to 12.5m² where the By-law requires one aggregated rectangular area of at least 25m². The Zoning By-law states that this area must be a size where the longer dimension is not more than twice its shorter dimension, for the purposes of tree planting. As a result of the smaller lot depth, the area can not be provided where the longer dimension is not more than twice its shorter dimension. However, over 25m² of soft landscaping is being provided and significant area in the ROW will be introduced as well for tree planting.

The last variance is for a reduced lot area for a low-rise apartment dwelling with a maximum of eight units in the R4-UC Zone of 264m² where the By-law requires 300m². The proposed variance is a modest reduction in lot area, similar lot areas and several permitted uses on Westhaven Cres.

The new lot area will further intensify the neighbourhood to a level that is desirable and appropriate while maintaining sufficient setbacks and soft landscaping space. The proposed lot area fits within the character along Westhaven Cres while respecting adjacent lots and creating a modest yet important level of residential intensification in this community. In the new Zoning By-law, the subject site is proposed to be zoned where no minimum lot area will be required, further demonstrating the variety of lot size the City expects in this area.

It is our opinion that the proposed variances are desirable and appropriate for the development and use of the property.

Lot B and Building B – Part 1

The three variances for Lot B deal with the requirements for the rear yard setback, rear yard area and size of the soft landscaping area. These do not comply with the Zoning By-law because of the creation of the new lot. The variances are technical in nature as no changes are proposed to the building or other existing conditions to the lot and are in non-compliance with the Zoning By-law in how the development standards are calculated based on the new lot size.

Sufficient rear yard setback and rear yard area are provided in line with the proposed development on Lot A and the surrounding dwellings on Westhaven Cres. It is our opinion the variances are desirable and appropriate for the development and use of the property as they will bring into compliance the deficiencies created as a result of the consent application.

5.1.5 Are the variances minor in nature?

Lot A and Building A – Part 2

The variance requesting a reduced aisle width accessing a bicycle parking space of 0.0m where the By-law requires 1.5m is minor in nature as only 0.8m of the total aisle length is blocked by the window well. The other 1.0m required length of the bicycle parking space provides the necessary 1.5m as outlined in the By-law. The 1.0m will still provide sufficient access and will not limit the functionality of the spaces.

The second variance to reduce the front yard setback from 7.0m to 1.5m is minor in nature. The reduction is one that is reflected in adjacent properties to the subject site and enables compatible

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intensification within an established low-rise residential neighbourhood. The reduction will better align the development with the adjacent lots and will not impact the streetscape based on the large ROW on Westhaven Cres. The functionality of the subject site will be maintained including areas for pathways, soft landscaping and maintenance.

Variances 3-6 request a reduction in the development standards related to the rear yard and soft landscaping areas can be seen as minor in nature. They propose a modest reduction in the development standards, while maintaining sufficient setbacks and soft landscaping area. The variances ensure the functionality of the subject site will not be compromised and preserve sufficient space for garbage, bicycling, parking and landscaping features.

The requested relief will enable compatible intensification of a new low-rise apartment dwelling within an established low-rise residential neighbourhood, conforming the growth direction for the urban areas within the City of Ottawa. This type of incremental, contextually sensitive, residential intensification capitalizes on existing infrastructure and can be seen as minor in nature, not creating any adverse impacts.

The variance for a reduced lot area of 36m² from 300m² to 264m² is minor in nature. The lot sizes in the surrounding area vary and accommodates a variety of dwelling types on different lot sizes. The new proposed lot size for Lot A is therefore consistent with the character of the area and fits within the context of the variety of lot sizes. The lot width complies with the R4-UC zone and the reduce lot size will not impact on the streetscape or on the functionality of the site.

The proposed lot area and building setbacks on the newly created lot can accommodate the proposed low-rise apartment dwelling at a form and scale that is appropriate in this location. It is our opinion that the proposed variances are minor in nature and do not proposed relief from the Zoning By-law that is out of scale for this area.

Lot B and Building B – Part 1

As previously stated, the three variances requested for Lot B are to address the deficiencies created as a result of the proposed consent application. These variances are minor in nature and do not propose significant changes to the existing condition of the lot itself. The consent application will create a new lot that still maintains the general functionality of the site and the requested relief is minor to ensure this. Sufficient setback and soft landscaping area are provided, similar to the new proposed lot, and those in the surrounding area.

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6.0 Conclusion

This Planning Rationale report outlines JLR's support for Consent and Minor Variance Applications at 574 Kirkwood Ave. The applications to the Committee of Adjustment are to sever the existing lot and permit the development of low-rise apartment dwelling on the severed lot.

It is our professional planning opinion that a plan of subdivision is not required for the proposed development and a consent application to create a new lot complies with the criteria outlined in Section 51 and 53 of the *Planning Act*. The proposed consent is an example of appropriate intensification of the subject site for a new eight-unit low rise apartment dwelling in proximity to transit and a mix of uses.

The requested variances maintain the general intent and purpose of the City of Ottawa Official Plan, 2022 and Comprehensive Zoning By-law 2008-250 by providing intensification in an area designated for intensification, supports the establishment of a 15-minute neighbourhood and meets the purpose of the R4-UC zone.

The proposed minor variances are desirable for development and use of property and are reflective of changes that are minor in nature. The changes to the development standards will permit residential intensification, one that is reflective of the current character of the area and therefore desirable in an area for missing middle housing. The changes are minor in nature and will permit development, while maintaining sufficient setbacks for proper development in the R4-UC zone.

Overall, it is our professional planning opinion the proposed development and applications represent good land use planning.

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Planning Rationale – Consent and Minor Variance Applications

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