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+ design

PLANNING RATIONALE

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Date: May 26, 2023

File: 043025 - 155 Clare Street

To: Michel Bellemare, Secretary Treasurer
Committee of Adjustment
City of Ottawa, 101 Centrepoin

Committee of Adjustment
Received | Reçu le

2025-06-12

City of Ottawa | Ville d'Ottawa
Comité de dérogation

RE: PROPOSED MINOR VARIANCE APPLICATION FOR 155 CLARE STREET

Dear Mr. Bellemare,

Q9 Planning + Design have been retained by Mark and Lesley Horne to prepare a Planning Rationale regarding the minor variance application in order to permit an existing second storey balcony on the existing dwelling at 155 Clare Street.

The following represents the Planning Rationale cover letter required as part of the submission requirements for an application to the Committee of Adjustment.

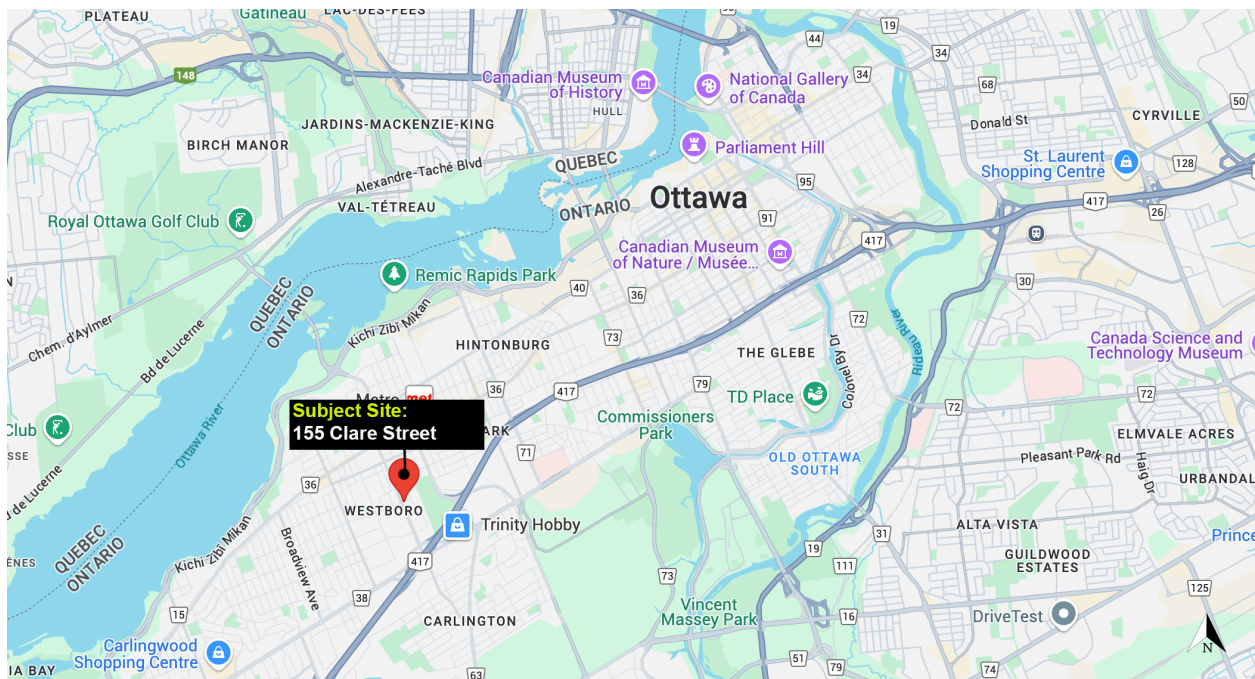


Figure 1: Location Plan (Source: Google Maps)

OVERVIEW

The subject site is a square/rectangular interior lot located along the east side of Kirkwood Avenue and Clare Street in Westboro, within Ward 15 - Kitchissippi in the City of Ottawa. The neighbourhood is characterized by a mix of uses and many different residential dwelling types, with ground-oriented forms such as detached dwellings and semi-detached dwellings located within the neighbourhood interior and higher density residential, mixed use, and arterial commercial uses located along major arterial roads. Within the immediate area, Clare Street is characterized by detached and semi-detached dwellings on rectangular shaped lots.

The existing development is a 2.5 storey residential dwelling that was approved and constructed with a third floor balcony. At the time of construction, the third storey balcony was permitted and was approved via construction drawings.

Shortly after permits were issued, By-law 2024-563 came into effect which added Section 65 (6) to the City's Zoning By-laws, which does not permit rear yard projections for shallow lots (lots less than 23.5 m deep)

During construction, a second floor balcony was also added as the owner was unaware of this By-law change. Unfortunately, while the third floor balcony was permitted at the time of approval, the second floor balcony was added on and currently does not comply with the Zoning By-law. As a result, we are seeking a minor variance to permit a secondary floor balcony.

Minor Variances Requested

The requested variances for these applications are identified below:

Existing Building (155 Clare Street)

- (a) To permit a rear yard projection of 1.88m, whereas the maximum permitted rear yard projection of 0 m is permitted above the first floor for lots with a depth of 23.5 m or less.

Documents Required and Submitted

The following lists all required and submitted documents in support of the identified Committee of Adjustment applications.

- [Site Plan
- [Elevation
- [Survey
- [Planning Rationale (this document)
- [Fee
- [Application Form

SITE & CONTEXT

Site

The subject site is a square/rectangular interior lot located along the north side of Clare Street, east of the intersection of Kirkwood Avenue and Clare Street in Westboro. The property is currently developed with a two-storey brick dwelling. The site is larger than the lots along Clare to the east of the subject site, but is similar in size to the lot directly to the west also fronting on Kirkwood Avenue. The site has 18.44 metres of frontage along Clare Street and is approximately 336.46 square metres in area. The abutting property to the north is a large residential property fronting on Kirkwood Avenue. The following list provides the lot dimensions for 155 Clare Street:

- [Lot frontage: 18.44 m
- [Lot depth: 17.8 m
- [Lot area: ~336.46 square metres



Figure 2: Site Map (Source: GeoOttawa)

Context

The subject property is located in an established residential neighbourhood consisting of a variety of ground-oriented residential dwelling types. The immediate context is characterized by single-detached and semi-detached dwelling types, with a variety of architectural styles and features, indicating gradual and continuous redevelopment of the area over time. The property forms part of the short side of a block that is bounded by Iona Street to the north, Clare Street to the south, Kirkwood Avenue to the west, and Hilson Avenue to the east. There are seven (7) lots located along the southern end of the block including the subject property.

Most of the lots in the immediate area along Kirkwood Ave/Clare Street of detached and semi-detached homes situated inline on somewhat varied, rectangular lots. Various hipped, gabled, and flat roof types are present along the street, with most homes having front facing main entrances and being one-to-three storeys in height.

Clare Street itself is a west-east street that runs from Churchill Avenue in the west to Hilson Avenue in the east. Though there are no sidewalks along the north side of Clare Street, in front of the subject site, there is a sidewalk along the south side of Clare Street that connects to Kirkwood Avenue. There are some bus routes located within close proximity to the site, with frequent service via OC Transpo Routes 51 and 85 running along Clare Street and Carling Avenue and local service via Routes 50 and 81 along Churchill Avenue and Kirkwood Avenue. No bike lanes are provided along Clare Street, though there are separated bike lanes along Churchill Avenue.



Figure 3: Context Map (Source: Google Maps)

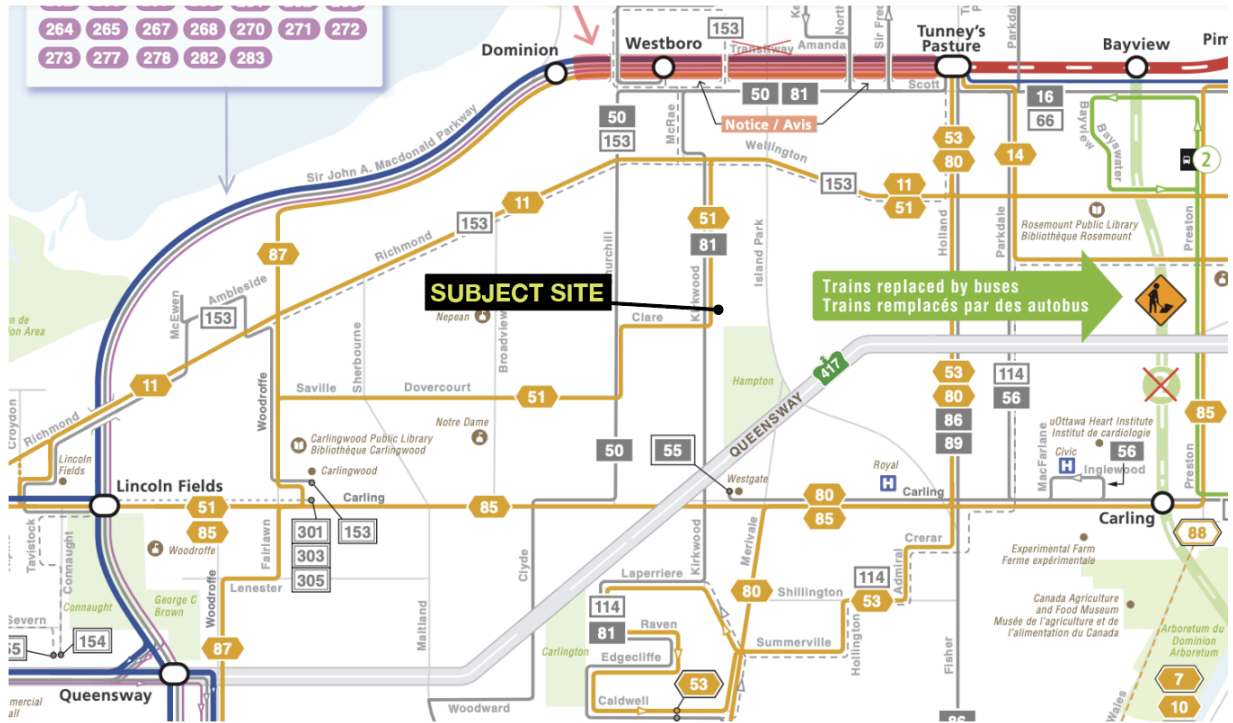


Figure 4: Public Transit Network (Source: OC Transpo)



Figure 5: Cycling Map (Source: National Capital Commission)

PROPOSED DEVELOPMENT

The proposed development is a 2.5 storey residential dwelling that was approved and constructed with a third floor balcony. At the time of construction, the third storey balcony was permitted and was approved via construction drawings.

Shortly after permits were issued, By-law 2024-563 came into effect which added Section 65 (6) to the City's Zoning By-laws, which does not permit rear yard projections for shallow lots.

During construction, a second floor balcony was also added as the owner was unaware of this By-law change. Unfortunately, while the third floor balcony was permitted at the time of approval, the second floor balcony was added on and currently does not comply with the Zoning By-law. As a result, we are seeking a minor variance to permit a secondary floor balcony.

The proposed variance is to permit a rear yard projection of 1.88m, whereas the maximum permitted rear yard projection of 0 m is permitted above the first floor for lots with a depth of 23.5 m or less. Section 65 (6) of the By-law came into effect in 2024. At the time of approval, the subject site with a third storey balcony was approved. Therefore the projection currently exists for the third storey balcony. The variance will permit a second storey balcony in addition to the third storey balcony. The effect of the variance will provide additional outdoor amenity space for building occupants.

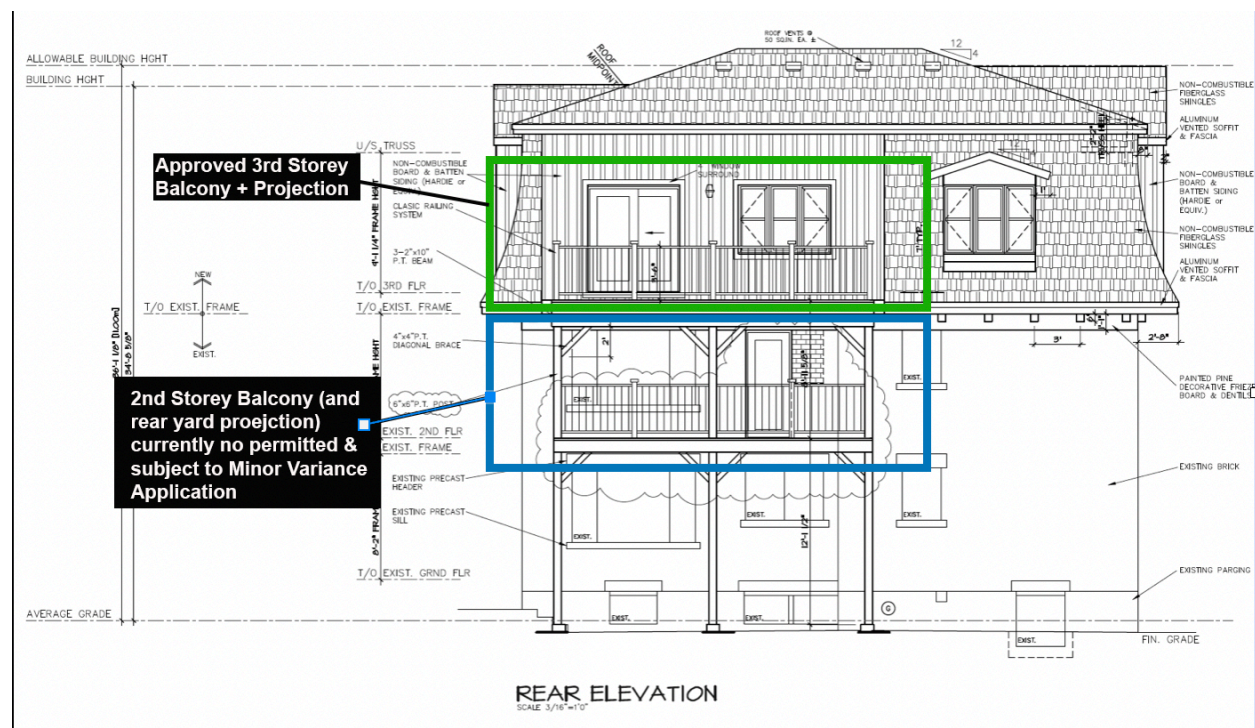


Figure 6: Rear Elevation, prepared by David Bekkers, Feb 2025, with markup by Q9



The following pages contain the Site Plan and Elevations.

Figure 7: Photo of rear of subject site, taken from driveway at 545 Kirkwood Avenue.



Figure 8: Photo of rear of subject site, taken from driveway at 545 Kirkwood Avenue.

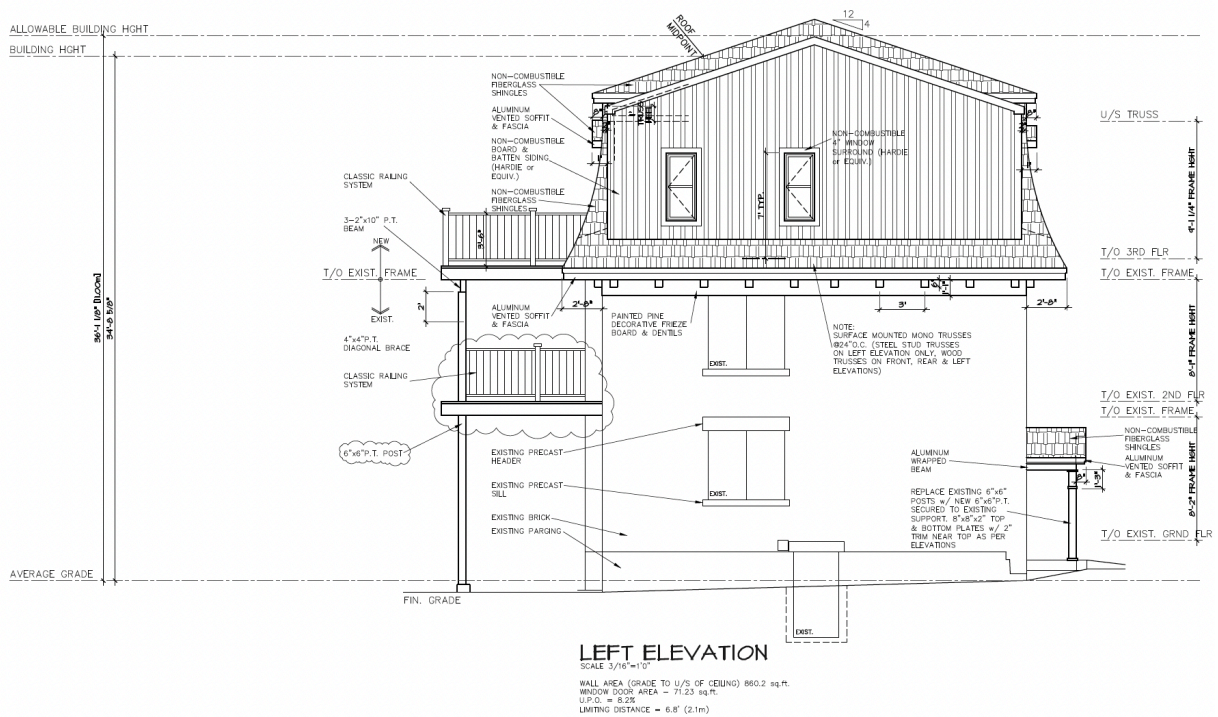


Figure 9: Left Elevation, prepared by David Bekkers, Feb 2025

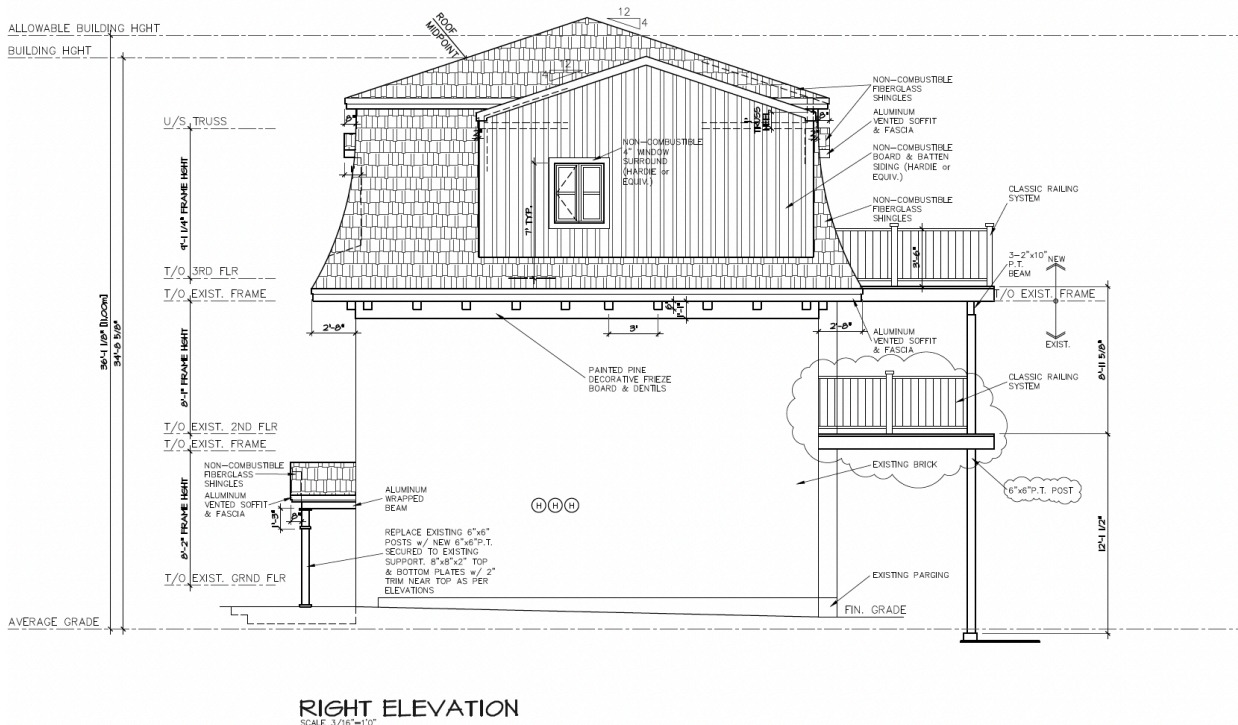


Figure 10: Right Elevation, prepared by David Bekkers, Feb 2025

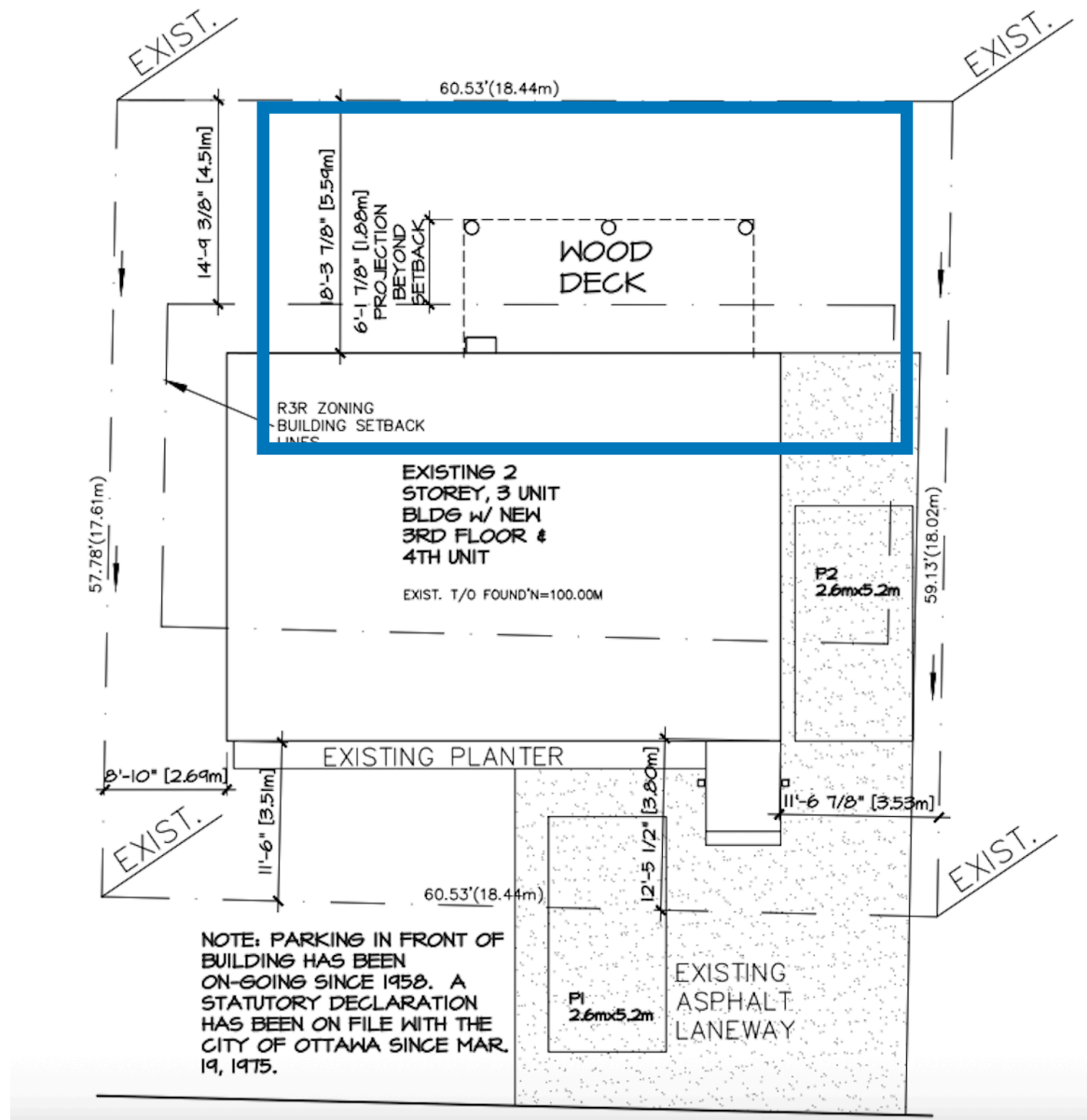


Figure 11: Site Plan, prepared by David Bekkers, February 2025



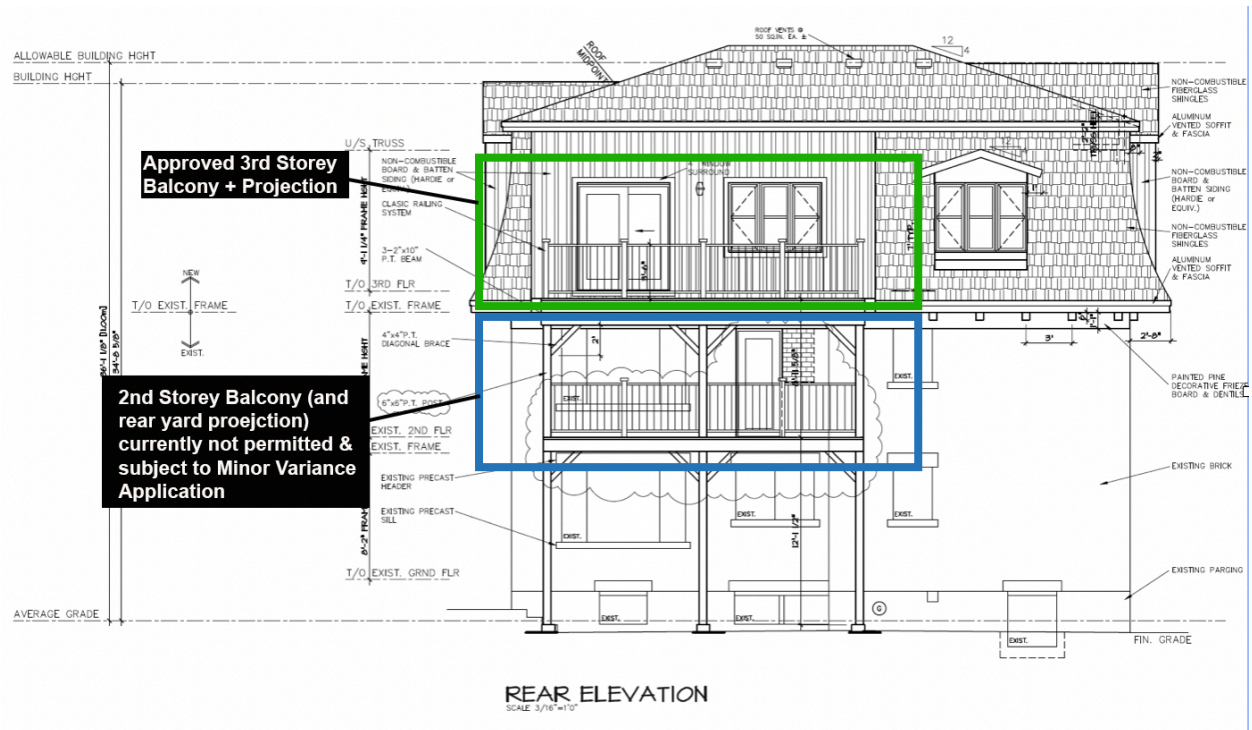


Figure 13: Rear elevation showing existing and proposed balcony

Policy Review

In order to obtain approval of the proposed minor variances required to construct a new single-detached dwelling on the property, a review of the relevant and applicable policies and provisions is required. These are reviewed and discussed below. Relevant policies will be indicated in *italics*.

Provincial Policy Statement, 2024

In order to obtain approval of the proposed permission application required to construct a new detached dwelling on the subject property, a review of the relevant and applicable policies and provisions is required. These are reviewed and discussed below. Relevant policies will be indicated in *italics*.

The Provincial Planning Statement, 2024 (PPS) came into effect on October 20, 2024, and merges the previous “A Place to Grow: Growth Plan for the Greater Golden Horseshoe” and the “PPS (2020)”. It provides broad policy direction on land use planning and development, emphasizing intensification to reach a target of 1.5 million homes by 2031.

These policies must be integrated with other provincial and municipal plans, including local Official Plans and Secondary Plans, and all planning decisions must be consistent with the PPS. Relevant policies from the PPS are outlined below, with the specific policies provided in *italics*. Section 2.0 provides policies to ensure that planning authorities prepare for long-term growth by using provincial forecasts, maintaining adequate land for residential and other uses, and incorporating any additional growth from zoning orders into future plans. It emphasizes the creation of complete, accessible, and equitable communities through a diverse mix of land uses.

Section 2.1 - Planning for People and Homes

2.1.6 Planning authorities should support the achievement of complete communities by:

- a. accommodating an appropriate range and mix of land uses, housing options, transportation options with multimodal access, employment, public service facilities and other institutional uses (including schools and associated child care facilities, long-term care facilities, places of worship and cemeteries), recreation, parks and open space, and other uses to meet long-term needs;*
- b. improving accessibility for people of all ages and abilities by addressing land use barriers which restrict their full participation in society; and*
- c. improving social equity and overall quality of life for people of all ages, abilities, and incomes, including equity-deserving groups.*

Section 2.2 - Housing

Policy 2.2.1. 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 area by:

- a. establishing and implementing minimum targets for the provision of housing that is affordable to low and moderate-income households, and coordinating land use planning and planning for housing with Service Managers to address the full range of housing options including affordable housing needs;*
- b. permitting and facilitating:*

1. *all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including additional needs housing and needs arising from demographic changes and employment opportunities; and*
2. *all types of residential intensification, including the development and redevelopment of underutilized commercial and institutional sites (e.g., shopping malls and plazas) for residential use, development and introduction of new housing options within previously developed areas, and redevelopment, which results in a net increase in residential units in accordance with policy 2.3.1.3;*
- c. *promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation; and*
- d. *requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations.*

Comment | The development is an established detached dwelling on an existing lot within the urban boundary, with balcony amenity space. It contributes to the overall housing supply in the area and accommodates the needs of the current homeowners.

Section 2.3 - Settlement Areas and Settlement Area Boundary

Section 2.3 directs growth in Ontario's settlement area, particularly near strategic growth areas and major transit stations. It states that planning authorities shall establish minimum intensification and redevelopment targets to create complete communities within designated growth areas to ensure orderly development and sufficient infrastructure provision.

2.3.1.1. 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.

2.3.1.2 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*
- e. *are freight-supportive.*

2.3.2.1 States that planning authorities shall consider the following for new settlement areas and boundary expansions:

- a. *the need to designate and plan for additional land to accommodate an appropriate range and mix of land uses;*
- b. *if there is sufficient capacity in existing or planned infrastructure and public service facilities;*
- c. *whether the applicable lands comprise specialty crop areas;*
- d. *the evaluation of alternative locations which avoid prime agricultural areas and, where avoidance is not possible, consider reasonable alternatives on lower priority agricultural lands in prime agricultural areas;*

- e. *whether the new or expanded settlement area complies with the minimum distance separation formulae;*
- f. *whether impacts on the agricultural system are avoided, or where avoidance is not possible, minimized and mitigated to the extent feasible as determined through an agricultural impact assessment or equivalent analysis, based on provincial guidance; and*
- g. *the new or expanded settlement area provides for the phased progression of urban development.*

Comment | The proposed residential amenity expansion results in a more efficient use of available land, resources, and infrastructure by utilizing an existing, serviced parcel within the urban settlement area. Its location near OC Transpo routes supports transit-supportive commercial development while recognizing the existing neighbourhood conditions and commercial needs of the area.

Section 4.0 of the PPS provides policies aimed at protecting Ontario's natural heritage, water, agricultural, mineral, cultural heritage, and archeological resources in order to preserve the province's long-term prosperity, environmental health, and social wellbeing.

Section 5.0 of the PPS contains policies to protect the health and safety of Ontarians, reducing risk from natural and human-made hazards by directing development away from hazard areas.

Based on our review, it is our professional planning opinion that the proposed development is consistent with the policies of the Provincial Policy Statement (PPS), 2024.

City of Ottawa Official Plan

Designation: *Neighbourhood, within the Inner Urban Transect*

The new City of Ottawa Official Plan was passed by City Council on November 24th, 2021 and was approved by the Ministry of Municipal Affairs and Housing (MMAH) on November 4th, 2022. The Official Plan builds on the Five Big Policy Moves identified in the City's Strategic Plan and provides renewed goals, objectives, and policies intended to guide future growth and land use decision-making into the year 2046.

Section 2 contains the overarching strategic directions of the new Official Plan, centred around the Five Big Moves. These five broad strategic directions call for increased growth through intensification, sustainable transportation, context-based urban and community design, environmental, climate, and health resiliency embedded into planning policy, and planning policies based on economic development. Six cross-cutting issues have also been identified as essential to the achievement of liveable cities, which are related to intensification, economic development, energy and climate change, healthy and inclusive communities, gender equity, and culture.

Comment: The existing building with second storey balcony addition contributes to the existing dwelling and the provision of amenity areas in a tighter urban context. It achieves a context-based and compatible design that is appropriately scaled to the neighbourhood and fits within the existing streetscape. The proposed additional balcony provides added

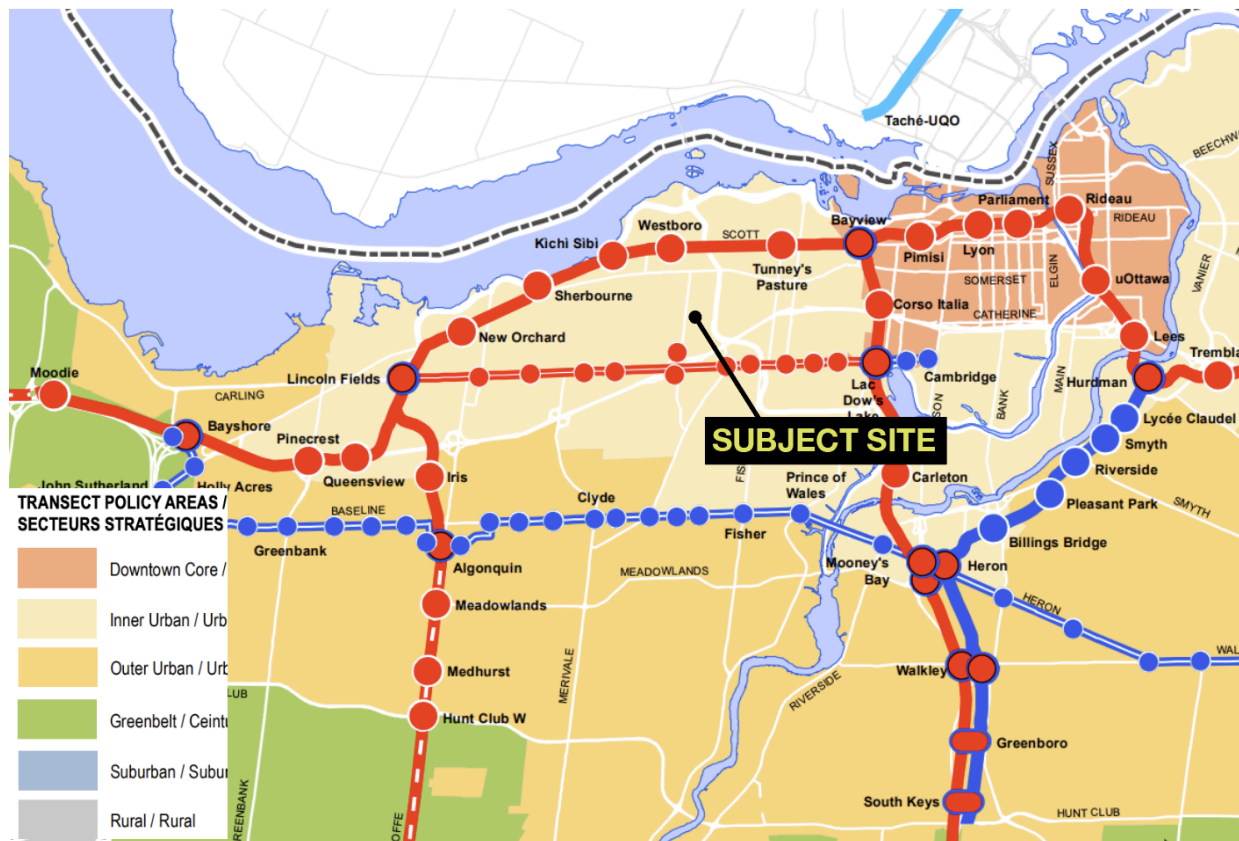


Figure 14: New City of Ottawa Official Plan, Schedule A. (Source: City of Ottawa).

outdoor amenity space for building occupants. The proposal is appropriate based on the surrounding neighbourhood context and its location within a Neighbourhood in the Inner Urban Transect, contributing to the achievement of the Five Big Policy Moves.

Section 3 of the Official Plan provides a renewed growth management framework that directs various types and intensities of growth to appropriate areas, ensuring that adequate land is provided to accommodate new growth. Most of the future growth in population and jobs is expected to occur within the urban settlement area, with the balance being accommodated in rural areas. Six transect policy areas underpin this growth management framework, with each transect policy area planning for new growth accommodation in accordance with the existing development context. Tailored direction is provided to gradually transition lands within these transects towards 15-minute communities.

Comment: The subject site is located in the urban settlement area within an established residential neighbourhood in the Inner Urban Area. It is currently developed with a 2.5-storey detached dwelling. It helps retain a contextual form and dwelling type on the site while supporting growth on an existing lot. The proposed additional balcony provides added outdoor amenity space for building occupants. This aligns with the planned direction for growth management in urban areas.

Section 4 of the Official Plan provide policies applicable to development throughout the City, including those for more sustainable modes of transportation and the design and

creation of healthy, 15-minute neighbourhoods. It also promotes housing choice to accommodate a variety of needs.

Section 4.6 provides policies aimed at regulating the design of built form and the public realm in a manner that supports 15-minute neighbourhoods. It emphasizes design excellence throughout the City, especially in Design Priority Areas. The subject site is not located within a Design Priority Area.

Comment: The current dwelling has a third storey balcony that was permitted at the time of construction. While the second storey balcony is not permitted, a third storey balcony has been constructed and is permitted. The proposed second storey balcony will not provide an additional adverse impacts from shadowing or overlook. Overall, the proposed additional balcony will provide additional outdoor amenity area for building occupants and will provide an attractive, aesthetically pleasing, and more functional dwelling to the area which aligns with the urban design policies of the Official Plan.

Section 5 provides detailed policies for each of the six transect policy areas within the City. Each of the transect policy areas recognize the existing development patterns and provide tailored approaches to transition towards healthier, more sustainable 15-minute communities. The subject site is located within the **Inner Urban Transect** and is designated **Neighbourhood**.

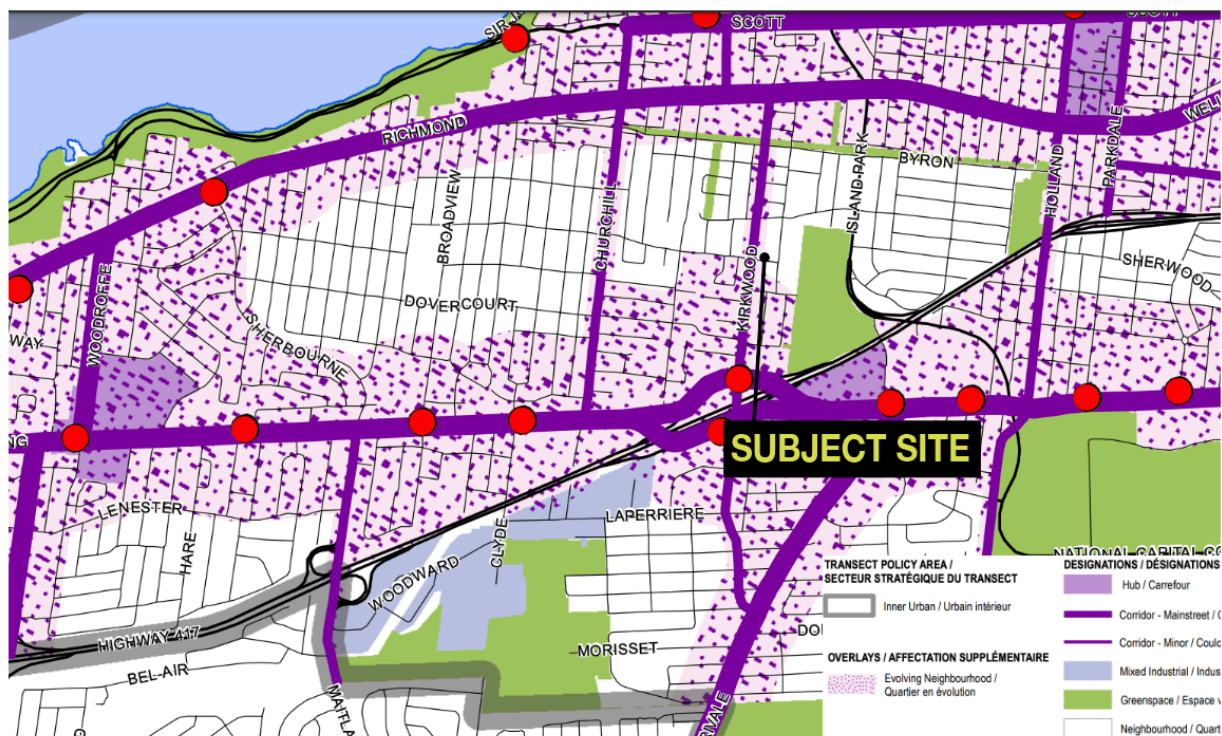


Figure 15: City of Ottawa Official Plan, Schedule B2. (Source: City of Ottawa).

Section 5.2 provides policies for the Inner Urban Transect, which represents pre-war neighbourhoods surrounding the Downtown Core and the adjacent post-war neighbourhoods. The intent of Section 5.2 is to enhance the existing urban built form

pattern, site design, and mix of uses. It is generally planned for mid-to-high density development, subject to transit proximity and secondary plans or area-specific policies. Within Neighbourhoods, between two and four storeys is permitted.

Comment: The proposed 2.5-storey detached dwelling with a second storey balcony represents a contextually-appropriate building height that aligns with the height direction for Neighbourhoods in the Inner Urban Transect. The development contributes to enhancing the existing built form in the neighbourhood, improving the residential use of the property while being compatible in scale with abutting properties.

Section 6.0 contains policies specific to designations within the urban settlement area.

Section 6.3 contains policies that pertain to Neighbourhoods. These are contiguous urban areas that form the heart of communities and consist of a mix of densities and built forms. Neighbourhoods are noted as being at different types and stages of development, maturity, and evolution. A variety of dwelling types and densities are permitted in Neighbourhoods, with the intent of creating and reinforcing 15-minute communities through gradual, context-sensitive development. Permitted building heights are generally 2-4 storeys, which transition in height and density from the neighbourhood interior towards Corridors and Hubs.

Comment: The proposed balcony aligns with the permitted uses in the Neighbourhoods designation and the dwelling provides a compatible scale and height that falls within the planned height context for the designation. The development results in an appropriate built form type, density, and scale in a well-designed dwelling that aligns with the neighbourhood context and contributes to an enhanced streetscape.

Based on our review, it is our professional planning opinion that the proposed development conforms with the City of Ottawa Official Plan.

City of Ottawa Zoning By-law

The City of Ottawa zones this site as R3R - Residential Third Density, Subzone R. The intent of the R3 Zone is to provide for a mix of ground-oriented residential dwelling types ranging from detached dwellings to townhouses. The property is part of the Mature Neighbourhoods Overlay, but is not located within the Heritage Overlay or the Floodplain Overlay. As the property is located within the Greenbelt, it is subject to the alternative provisions of Section 139 and 144. The table below provides an overview of the required provisions for this zone and the proposed development's compliance.



Figure 16: Zoning Map (Source: GeoOttawa)

EXISTING ZONING BY-LAW R3R	Requirement	Provided	Section
Covered or uncovered balcony, porch, deck, platform and verandah, with a maximum of two enclosed sides, excluding those covered by canopies and awnings	In the R1, R2, R3 and R4 zones within Area A of Schedule 342: Where a lot has a depth of 23.5 or less, the maximum rear yard projection is 0m above the first floor	Lot depth is 17.8 m, therefore no deck is permitted above the first floor	Section 65 (6) By-law 2024-563

PLANNING ACT REVIEW

Review of Section 45(1) Minor Variances

The Planning Act requires that minor variances are only to be permitted so long as they meet the four tests as set in Section 45(1). These tests are: whether the variance is minor; whether the variance meets the intent and purpose of the Official Plan; whether the variance meets the intent and purpose of the Zoning By-law; and lastly whether variance is suitable and desirable for the use of the land.

Are the variances minor?

The test for a variance to be considered minor is based on whether the variance constitutes a minor change or whether it is too large or too important to be considered minor. The proposed variance is to permit a rear yard projection of 1.88m, whereas the maximum permitted rear yard projection of 0 m is permitted above the first floor for lots with a depth of 23.5 m or less. The variance will permit a second storey balcony in addition to the third storey balcony. The effect of the variance will provide additional outdoor amenity space for building occupants.

The 2.5-storey height and the overall scale and massing of the home is compatible with the abutting homes and fits into the streetscape context of semi-detached and detached dwellings with varied architectural styles. While the second storey balcony is not permitted, a third storey balcony has been provided and is permitted. No additional shadowing, overlook, or other adverse impacts onto neighbours will result from the home above what currently exists. The proposed second storey balcony will not provide an additional adverse impacts from shadowing or overlook. Overall, the proposed additional balcony will provide additional outdoor amenity area for building occupants and will provide an attractive, aesthetically pleasing, and more functional dwelling to the area. **The proposed variance is considered minor.**

Do the variances meet the intent and purpose of the Official Plan?

The intent and purpose of the Official Plan as it applies to this property is to accommodate a wide range of ground-oriented, low-rise residential dwelling types within Neighbourhoods in order to promote the creation of 15-minute communities. The proposal achieves this intent by providing a contextual, detached dwelling with a compatible 2.5-storey height that is similar in overall massing and scale to other homes in the area. It also results in an attractively designed home that contributes positively to the streetscape, offering full vehicle enclosure and an overall more functional design for the current homeowners.

Given the direction in the new Official Plan to provide outdoor amenity space and good urban design without creating any undue or adverse, the proposed projection allows for an additional balcony that is similar to the other approved projections that won't further impact surrounding land uses. **The intent and purpose of the Official Plan is met.**

Do the variances meet the intent and purpose of the Zoning By-law?

The intent and purpose of the applicable provisions related to rear yard projections is to ensure that balconies on shallow lots do not provide negative impacts related to shadowing or privacy impacts on adjacent properties. Prior to 2024, the By-law provision

related no rear yard projections did not exist and therefore the third storey balcony was approved and constructed.

With regards to the intent, an existing projection (balcony) is already approved and constructed on the third storey. The addition of an second storey balcony will not further impact shadow or overlook issues as it relates to the neighbour's reasonable usability of their property.

As noted in the below image, the balconies permitted by the projection will abut the portion of the neighbouring property (side yard) that contains a garage. The garage will provide some screening and separation between the balconies and the outdoor space on the abutting property.



Figure 17: Image showing balconies as it relates to abutting properties

Since the subject site is not deep enough to provide rear yard amenity space, the proposed balcony provide valuable outdoor amenity space for building occupants. **The proposed variance meets the intent and purpose of the By-law.**

Are the variances suitable for the use of the land?

The development with the requested variance constitutes a suitable and desirable use of land to support the residents.

The requested variance does not negatively impact the rear yard design, surrounding land uses and provides good design that support the existing character of the area. While the second storey balcony is not permitted, a third storey balcony has been provided and is permitted. The proposed second storey balcony will not provide an additional adverse

impacts from shadowing or overlook. Overall, the proposed additional balcony will provide additional outdoor amenity area for building occupants and will provide an attractive, aesthetically pleasing, and more functional dwelling to the area. **The proposed development is desirable for the suitable use and development of the land.**

CONCLUSION

As noted, the proposed development with the requested variance results in the permission of the existing second storey balcony that was added during construction after the third storey balcony was permit-approved and permitted. The second storey balcony provides an improved living space for the homeowners while still being compatible in height, scale, and massing with the surrounding properties. It will provide added outdoor amenity space for building occupants which aligns with urban design objectives in the City's policy documents.

The proposed development requires a variance to permit the a second storey rear yard projection to allow for a balcony.

As demonstrated in this cover letter, the proposed variance is minor in nature, with the proposed balcony not providing any additional impact with respect to shadow or overlook than what is currently permitted. The proposal also meets the intent of the Official Plan by contributing to the total amount of provided outdoor amenity space for building occupants and meets the intent of the Zoning By-law. Lastly, the proposed development is demonstrated to be a suitable and desirable use of land.

Collectively considered, the development with the requested variances meets the four tests required under Section 45(1) of the *Planning Act*.

It is the opinion of Q9 Planning + Design that the proposed minor variance constitutes good land use planning and meets the required tests and criteria set out in the Planning Act.

Yours truly,



Christine McCuaig, RPP MCIP M.PI
Principal Senior Planner + Project Manager



CC: Mark and Lesley Horne

APPENDIX A: SURVEY

