

Variance and Consent Rational

Chris Jalkotzy

Modulink, Planning & Design

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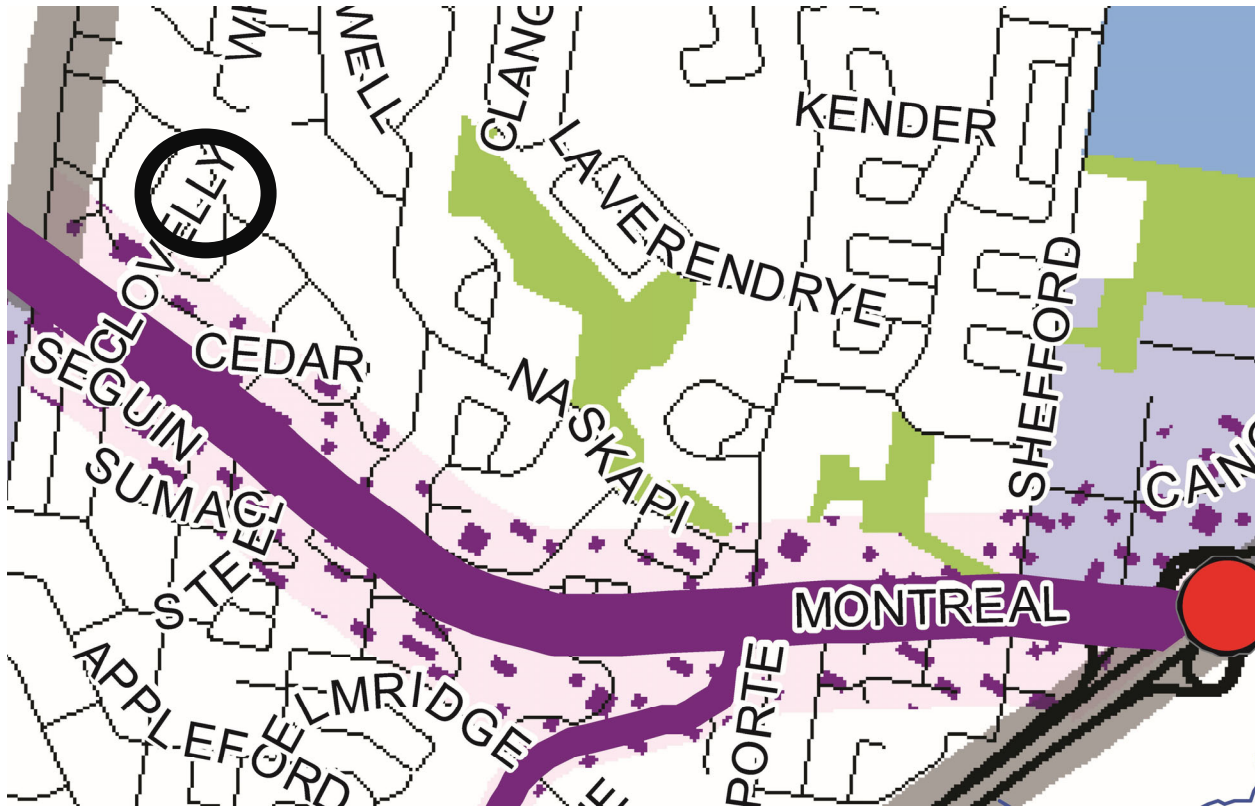
City of Ottawa | Ville d'Ottawa
Comité de dérogation

1.0 INTRODUCTION and PROJECT OVERVIEW:

This report has been prepared in support of the application is a request for variances and consent to sever to one lot permit two single family detached dwellings.

2.0 SITE OVERVIEW & COMMUNITY CONTEXT:

The zoning for the property is R1AA in the City of Ottawa. It is located in Schedule B3 - Outer Urban Transect in Ottawa's Official Plan





On Schedule C4 - Urban Road Network, both Amberly Crescent and Davidson Drive are classified as a local roads

Surrounding Land Uses:

The neighbourhood is characterized by large single-family homes.

Transit Services:

The site is within 200m of Montreal Road an important future transit corridor.

3.0 DEVELOPMENT PROPOSAL AND VARIANCES:

The property is a single family detached dwelling built around 1960s. The existing dwelling would be retained, Part 2 of the draft Rplan and a second single family detached dwelling could be built on Part 1 of the RPlan. R1AA zoning supports single family detached dwellings and permits the severance of corner lots where they have main entrances off two different streets. The zoning bylaw permits R1AA corner lots to be severed with the approval of the Committee of Adjustment> The following conditions must be met:

*“Note 3: On a corner lot in Schedule 342, except in Area A of Schedule 344, where both water and wastewater municipal services are present, a minimum lot area of no less than **49 per cent** of the required minimum lot area of the subzone may be applied if:*

- (i) permission to sever the lot into two lots is granted by the Committee of Adjustment;*
- (ii) only one detached dwelling is built on each of the two severed lots; and*
- (iii) each of the detached dwellings have their front wall and driveway facing frontage on different streets whether or not that frontage is the front lot line.*

Where a corner lot is severed into two lots, See Part V, Section 144: Alternative Yard Setbacks affecting Low-rise Residential Development in the R1 to R4 Zones within the Greenbelt. (By-law 2020-288)”

The proposed lot areas are 744.8 sqm (Part 2), 682.7 sqm (Part 1)

Section 144 Alternative Yard Setbacks ... Low-Rise Development in R1 to R2 Zones

- (1) *Front yard setbacks, as per surrounding uses (d) Despite the foregoing, the minimum front and/or corner side yard setback need not exceed the minimum required in the Residential subzone in which the lot is located, and in no case may be less than 1.5 m.*
- (3) *Where a lot's rear lot line abuts either an R1, R2, R3 or R4 zone, or abuts a lane that abuts an R1, R2, R3, or R4 zone on either side, except in the case of a Planned Unit Development: Table 144B (iii) greater than 25 metres but not more than 32 metres, 28 per cent of the lot depth*
- (4) *(b) in the case of a corner lot in the R1 Zone within Schedule 342 but excluding Area A of Schedule 344, despite the minimum required lot area in the R1A, AA, B, BB, C, CC, E, G, GG zones in Table 156A, where both water and wastewater municipal services are present, a minimum lot area of no less than 49 per cent of the required minimum lot area of the subzone may be applied if:*
- (i) permission to sever the lot into two lots is granted by the Committee of Adjustment;*
 - (ii) only one detached dwelling is built on each of the two severed lots; and*
 - (iii) each of the detached dwellings have their front wall and driveway facing frontage on different streets whether or not that frontage is the front lot line, and*
 - (c) where a corner lot is severed into two lots in accordance with (b), the following provisions also apply:*
 - (i) where the side lot line abutting a street becomes the front lot line,*
 - (ii) the minimum front yard setback is the same as the corner side yard setback of the subzone,*
 - (iii) the minimum front yard setback for the interior lot is the same as the corner side yard setback of the subzone,*
 - (iv) the minimum rear yard setback for the corner lot is the same as the required interior side yard setback of the subzone,*
 - (v) the corner lot must provide an at-grade amenity area equivalent to at least 5% of the minimum lot area required in the subzone, in addition to all required setbacks, that must be abutting the minimum required rear yard required under (iv).*

Section 139 Low-Rise Residential Development in All Neighbourhoods within the Greenbelt

Front Facing Garages and Carports

3. Any garage or carport facing the front lot line or side lot line abutting a street is subject to the following:

(a) the entrance to the garage or carport must be set back at least 0.6m further from the applicable lot line than either

(i) the principal entrance; or

(ii) The front edge of a landing or porch, giving access to the principal entrance, or the portion of a projecting landing or porch that does not fall within a required yard

- a) Required Lot Area; 681.1 sqm: Proposed Lot Area 744.8sqm (Part 2); 682.7sqm (Part 1)
- b) Required Lot Width; 30.0m: Proposed Lot Width 24.42m (Part 2); 30.34m (Part 1)
- c) Required Front Yard: 5.0m: Proposed Front Yards are 12.14m (Part 2) and 3.34m (see note) or 5.08m (Part 1). (Note: while the west property line is the shortest lot line facing a street, the north property line should be considered the front yard).
- d) Required Corner Side Yard: 5.0m: Proposed Corner Side Yard Interior Yard is 5.08m (see note) or 3.34m (Part 1). (Note: while the west property line is the shortest lot line facing a street, the north property line should be considered the front yard).
- e) Required Interior Yard: 3.0m: Proposed Interior Yards 3.00m and 4.61m (Part 2); 3.0m, (Part 1);
- f) Required Rear Yard Interior Lot: 28% of 30.48m, 8.53m (Part 2): Proposed Rear Yard 8.50m
- g) Required Rear Yard same as Interior Side Yard; 3.0m: Provided 3.0m
- h) Required Amenity Space adjacent to Rear Yard; 5% of lot area 681.1 sqm (49% of 1390sqm) or 34.1 sqm: provided 44.6 sqm (6.5%) or 0.0 sqm). (Note: while the west property line is the shortest lot line facing a street, the north property line should be considered the front yard).
- i) Required garage setback from entrance or porch at the front yard setback line of 0.6m; provided negative 1.83m

	requirement		Proposed Part 1	comply	Proposed Part 2	comply
a	Lot Area	681.1 sqm	682.7 sqm	y	744.8 sqm	y
b	Lot Width	30.0m	30.34m	y	24.42m	n
c	Front Yard	5.0m	3.35m	n	12.14m	y
d	Corner Side Yard	5.0m			5.08m	y
e	Interior Yard	3.0m	3.0m	y	3.0m, 4.61m	y
f	Rear Yard Interior Lot	8.53m			8.50m	n
g	Rear Yard same as Interior Side Yard	3.0m	3.0m	y		
h	Amenity Space adjacent to Rear Yard (note 1)	5% lot area	6.5% of lot area	y		
i	garage setback from entrance or porch	0.6m	-1.83m	n		

Tree Note: Green boxes are high value, Yellow Boxes are medium value, Red Boxes are low value, boxes with blue circle are less than 30cm dia

Variance Part 1

- 1) The proposed variances should be considered minor as they are related to support the retention of more tree canopy.
- 2) The proposed variances for the location of the garage allows retention of numerous city ROW trees. There are 28 trees in the ROW of which 7 are in poor condition. The proposed driveway location means only 1 healthy ROW tree will need to be removed and due to the swale at this location the other trees close to the driveway could be protected during construction of the drive using permeable surface materials.

- 3) The proposed area of the variance is 16.5 sqm. This is made up in partly by the increase amenity area of 10.2 sqm

The location of the amenity area and dimensions provide a transition to the front yard setback of the detached dwelling to the south that is to be retained. The relocation of the private amenity space to the southwest corner of the building allows for the retention of distinctive trees 56 and 58 as well as non distinctive tree 59 that fall within the as of right building setbacks due the proposal to place part of the building on piles (requiring no excavation) as well as the proposed amenity area. The proposed building footprint and placement of part of the building on piles allows for the retention of 5 distinctive healthy trees. The trees to be removed are 3 poor condition distinctive trees, 1 medium condition distinctive tree and 4 good condition distinctive trees. In addition, 9 medium condition trees, 1 good condition and 2 poor condition non distinctive trees would be removed.

If these variances are granted tied to the building footprint and character of foundation, then it is more likely that a final development proposal will come forward as it provides benefits to the municipality and the developer. A property owner still would have the right to bring a fully zoning bylaw compliant development proposal based on the as of right footprint.

Variance Part 2

- 1) The rear yard variance is minor as it is a function of the current location of the proposed building that is currently being renovated to be retained. The variance would reduce the required rear yard from 8.53m to 8.5m
- 2) The variance in the lot width should be considered minor as the proposed lot area exceeds the required lot area of 681.1 sqm with a lot area of 744.8 sqm.

The proposed severance is consistent with the existing pattern of homes in the neighbourhood.



3) New Official Plan

Section 2 identifies intensification targets and opportunities. It meets with all the following stated objectives of the proposed Official Plan passed by City of Ottawa Council

a) 2.2.1 Intensification and Diversifying Housing Options

What we want to achieve

1) Direct residential growth within the built-up urban area to support an evolution towards 15-minute Neighbourhoods

b) OP defines: Intensification: The development of a property, site or area at a higher density than currently exists through:

b) 3.2 Support Intensification

3.2. 4) Intensification is permitted in all designations where development is permitted taking into account whether the site has municipal water and sewer services. This Plan supports intensification and the approval of applications for intensification shall be in conformity with transect and overlay policies as applicable.

c) section 5.3.1 1) of the Official Plan supports this proposal, this to "Recognize a suburban pattern of built form and site design.... Over the medium- to long-term, this area will evolve toward an urban (15-minute) model as outlined in Table 8. This Plan allows for this evolution to happen gradually."

The proposal recognizes the current "built form and site design". Trees are all retained, streetscape pattern is maintained. There is no reference to lot sizes or lot character

d) section 5.3.4 1) Neighbourhoods located in the Outer Urban area shall accommodate residential growth to meet the Growth Management Strategy as outlined in Section 3. The Zoning By-law shall implement development standards that transition away from a suburban model and move towards urban built forms as described in Table 6 as applicable and that:

Table 6 refers to the following under Urban:

-Range of lot sizes that will include smaller lots, and higher lot coverage and floor area ratios

1) Under the current zoning bylaw and official plan the variances and consent requested are minor for the following reasons:

- They are minor and desirable.
 - They reflect the current character of the neighbourhood
- The general intent and purpose of the Zoning By-law is maintained
 - the intent of the bylaw is to permit the single-family detached dwellings.
 - The intent of the bylaw that the new infill properties respect the existing character of the neighbourhood.
- The general intent and purpose of the Official Plan is maintained.
 - The official plan supports this kind of gentle intensification of land uses compatible with the current urban fabric.
- The Ontario Planning Act supports intensification in residential urban areas

2) The Consent to Sever with a plan of subdivision complies with the Planning Act in that it represents orderly development

- Adequate services, sewer, hydro, water and transportation are available
- No new public infrastructure is created
- No changes in land use are being made

4.0 POLICY AND REGULATORY FRAMEWORK:

Provincial Policy Statement (2020)

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

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

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

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

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

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

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

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

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

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

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

and

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

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

City of Ottawa Official Plan

The Ottawa Official Plan has been reviewed. The site is designated General Urban Area on Schedule B of the City of Ottawa Official Plan. Lands within this designation are meant to provide a full range and choice of housing options in combination with conveniently located employment, retail, service, entertainment and institutional uses. The project site does not fall within any of Schedule C7-A - Design Priority Areas – Urban. It is classified as “Neighbourhood” under Schedule B2 Inner Urban Transect

OP Section 6. Urban Designations:

The site is designated a Neighbourhood under 6.3 of the OP

“6.3.1 Define neighbourhoods and set the stage for their function and change over the life of this Plan.

2) Permitted building heights in Neighbourhoods shall be Low-rise...”

And

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

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

The proposed severance and variances to these requirements by proposing intensification with a detached residential dwelling.

Urban Design Guidelines for Low-rise Residential Buildings

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

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

Purpose of the Zone

The property is currently R1AA

Purpose of the Zone

Purpose of the Zone The purpose of the R1- Residential First Density Zone is to:

- (1) restrict the building form to detached dwellings 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 detached dwelling 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 detached dwelling, 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.

5.0 CONCLUSION:

A) On Severance:

1. Conformity with the Official Plan

The proposed severance conforms to the municipality’s Official Plan policies.

2. Compliance with the Zoning By-law

With the variance approved as minor the proposed severance will comply with the City of Ottawa Zoning Bylaw.

3. Suitability of the Land for the Proposed Use

The land is suitable for the intended use, considering:

It has:

- a) Adequate access.
- b) Availability of services (water, sewage, utilities).
- c) There are no environmental constraints and tree canopy is being retained where possible
- d) The proposed use is compatible with surrounding land uses.

B) Variances should be considered minor

1. Conformity with the General Intent and Purpose of the Official Plan

The proposal adds density in the character of the existing neighbourhood

2. Conformity with the General Intent and Purpose of the Zoning By-law

Detached dwellings are one of the permitted uses in the zoning bylaw

3. Minor in Nature

The proposed variances maintain the character of the neighbourhood without adverse impact

4. Desirable for the Appropriate Development or Use of the Land, Building, or Structure

The variances facilitate development that is appropriate and beneficial for the site and surrounding area.