



March 2026

Committee of Adjustment
101 CentrepoinTE Drive
Ottawa, Ontario
K2G 5K7

Committee of Adjustment
Received | Reçu le
2026-03-19
City of Ottawa | Ville d'Ottawa
Comité de dérogation

Dear Committee Members,

RE: Application for Minor Variance
133 Forward Avenue
LT 3, PL 35 , E FORWARD AV ; OTTAWA/NEPEAN
City of Ottawa
Owner: 133 FWD LTD.

HP Urban Inc and The Stirling Group have been retained by the Property Owner to assist with a Minor Variance application for the property located at 133 Forward Avenue, described as LT 3, PL 35 , E FORWARD AV ; OTTAWA/NEPEAN. The property is rectangular in shape and resides within the Kitchissippi Ward, Ward 15. The property owner is proposing to build a low-rise rental apartment building with 18 units in the building.

The subject property is located within the Inner Urban Transect and is identified as Neighbourhood with an Evolving Neighbourhood Overlay on Schedule B2 of the Official Plan. The subject property is zoned Residential Fourth Density, subzone UD (R4UD) in the City of Ottawa Zoning By-Law.

To proceed with the development as proposed, a minor variance application is required to vary the below provision.

- Table 162A, Minimum Front Yard Setback from 4.5m to 2.5m

Attached with this letter are copies of the following documents:

- Committee of Adjustment Application requesting a minor variance for front yard setback
- Site Plan and Elevations
- Topographic Survey
- Tree Conservation Report / Landscape Plan

SITE LOCATION

The subject property is a large rectangular lot located on Forward Avenue between Burnside Avenue and Lyndale Avenue. The lot is approximately 504 m² and currently contains a two-story residential dwelling.

Figure 1 shows an aerial view of the subject property outlined in Orange. As shown in the aerial image, the surrounding land uses are predominantly residential. Tunney’s Pasture is visible to the West of the subject property.

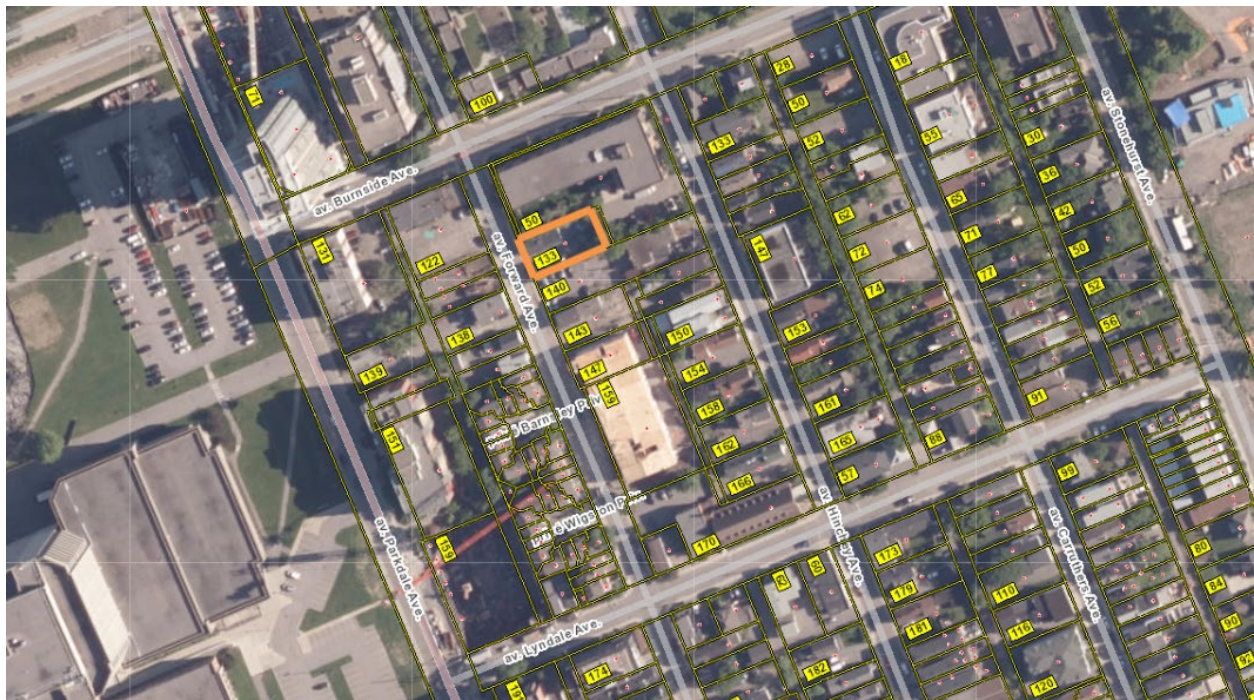


Figure 1 – Aerial view of the subject property, 133 Forward Avenue

PROVINCIAL POLICY STATEMENT, 2024

The Provincial Planning Statement was issued under section 3 of the Planning Act and came into effect October 20, 2024. It replaces the Provincial Policy Statement that came into effect on May 1, 2020. The PPS sets the policy foundation for regulating the development and use of land province-wide, helping achieve the provincial goal of meeting the needs of a fast-growing province while enhancing the quality of life for all Ontarians.

Section 2.2 notes that “Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected needs of current and future residents of the regional market by:

- c) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation; and
 - *The proposed development efficiently uses land, existing resources and infrastructure. It is well positioned within the City for residents to use active transportation modes; the property is located within walking distance of a Major Corridor Scott Street as well as a Minor Corridor in Parkdale Avenue and Holland Avenue.*
- d) requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations.
 - *As noted, the proposed development would see the introduction of 18 rental units on a lot where a single residential dwelling is located. The subject property is in close proximity to transit and both minor / major Corridors.*

Section 3.1 speaks to General Policies for Infrastructure and Public Service Facilities and Policy 2. a) notes “the use of existing infrastructure and public service facilities should be optimized”

- *The proposed development would utilize existing services along Forward Avenue that have the capacity to serve this development.*

Section 4.1 discussed Natural Heritage and Policy 1. Says “Natural features and areas shall be protected for the long term.

- *The subject property does not have any Natural Features on site.*

As demonstrated above, the proposed development and subsequent minor variance application aligns with the Provincial Policy Statement (2024).

CITY OF OTTAWA OFFICIAL PLAN, 2022

The Official Plan sets forth broad policies that will help govern growth and change in Ottawa, as well as specific policies dependent upon land use designations. Schedule B2 – Inner Urban Transect – of the Official Plan identifies the land designation for the subject property as Neighbourhood with an Evolving Neighbourhood Overlay.

The City of Ottawa’s Growth Management Framework is set out in Section 3 of the Official Plan. It focuses on the goal of providing sufficient development opportunities to increase sustainable transportation mode shares and use of existing and planned infrastructure, while reducing greenhouse gas emissions.

The intent of the City’s Growth Management Framework is:

- To provide an appropriate range and mix of housing that considered the geographic distribution of new dwelling types and/or sizes to 2046;
- To prioritize the location of residential growth to areas with existing municipal infrastructure, including piped services, rapid transit, neighbourhood facilities and a diversity of commercial services;
- To reduce greenhouse gas emissions in the development and building sectors and in the transportation network; and,
- To establish a growth management framework that maintains a greater amount of population and employment inside the Greenbelt than outside the Greenbelt.

The proposed minor variance application at 133 Forward Avenue, which would allow for intensification on the subject site, meets the following Growth Management Framework policies among others:

- **Policy 3 in Section 3.2** states that the vast majority of residential intensification shall focus within 15-minute neighbourhoods, which are comprised of Hubs, Corridors, and adjacent Neighbourhoods.
 - *The subject property is designated Neighbourhood and is within walking distance to both Minor and Major Corridors.*
- **Policy 4 in Section 3.2** states that intensification is permitted in all designations where development is permitted taking into account whether the site has municipal water and sewer services.
 - *The subject property has municipal water and sewer services along Forward Avenue*
- **Policy 8 in Section 3.2** states that intensification should occur in a variety of dwelling unit floor space sizes to provide housing choices.
 - *The proposed development seeks to develop the subject site with eighteen rental units varying in size*

Section 4.2.1 of the new Plan’s housing policy provides that the City will support mid density low rise multi unit housing by allowing housing forms that are denser, of smaller scale, of 3 or more units in appropriate locations.

- *The proposed Low-rise Apartment, containing 18 units, conforms to the new plans housing direction.*

As defined in the Official Plan... *“Neighbourhoods are contiguous urban areas that constitute the heart of communities. It is the intent of this Plan that they, along with hubs and corridors, permit a mix of building forms and densities.”*

Section 6.3.1 of the Plan speaks to the function of Neighbourhoods and Policy 4) notes that “the Zoning By-law and approvals under the Planning Act shall allow a range of residential and nonresidential built forms within the Neighbourhood designation”, including: b) “Housing options with the predominant new building form being missing middle housing, which meet the intent of Subsection 6.3.2, Policy 1);”

Section 6.3.2 1) further notes that “The Zoning By-law and approvals under the Planning Act will allow innovative buildings forms, including in the missing middle housing category, in order to strengthen, guide towards or seed conditions for 15- minute neighbourhoods. Innovative building forms include, but are not limited to:... development of a single lot or a consolidation of lots to produce missing middle housing;”

- *As noted on the cover page, if approved, the minor variance would allow for the creation of missing middle housing units on a single lot where one detached dwelling had previously existed all while meeting most of the provisions of the R4UD zoning.*

As demonstrated above, the proposed development and subsequent minor variance application complies with and are supported by the policies found within the City of Ottawa Official Plan (2022).

CITY OF OTTAWA ZONING BY-LAW, 2020-290

The Zoning By-Law sets forth specific policies that will help govern growth and change in Ottawa dependent upon specific land designations. As noted on Page 1, the subject site is zoned Residential Fourth Density, subzone UD (R4UD).

The R4UD zoning notes apartment dwelling, low rise as a permitted use.

The below table outlines how the proposed development meets the R4UD zoning provisions as provided by Table 162A in the City of Ottawa Zoning By-Law, 2020-290.

R4UD - Low-rise Apartment, 9 or more units	Required	Provided
Minimum Lot Width	15m	15.34m
Minimum Lot Area	450m ²	504.46m ²
Building Height	14.5m	13.93m
Minimum Front Yard	4.5m	2.5m
Minimum Rear Yard	7.5m	7.5m
Minimum Interior Side Yard	1.5m	1.5m
Landscape – Front Yard	20% of the front yard area	23% of the front yard area
Landscape – Rear Yard	50% of the rear yard area	51% of the rear yard area
Landscape Area – across the site	30%	43%

It is noted that at the time of the application filing, the New City of Ottawa Zoning By-Law (**By-law 2026-50**) has been enacted as of March 11th, 2026. It is understood that both by-laws are in effect with the most stringent provisions taking precedence at this time.

N4B	Required	Provided
Maximum Number of Dwelling Units	N/A	18
Maximum Building Height	14.5m	13.93m
Minimum Lot Area	N/A	504.46m ²
Minimum Lot Width	7.5m	15.34m
Minimum Front Yard Setback	Average of existing; 1.58m + 3.43 / 2 = 2.5m	2.5m
Minimum Total Interior Side Yard Setback	1.8m	3.m
Maximum Building Width	N/A	10.82m

Minimum Rear Yard Setback	25% of the lot depth (7.4725m)	7.5 (25.1% of lot depth)
Landscape – Front Yard	20% of the front yard area	23% of the front yard area
Landscape – Rear Yard	50 square meters = 79.8m ²	51 square meters = 80m ²

As shown above, the proposed development complies with the R4UD zoning provisions but requires a variance to the Minimum Front Yard setback.

To evaluate the requested variances, in context of the four tests of a minor variance as described in Section 45 of the Planning Act, a review of the site plan is required. The evaluation should show how the new buildings differ from the existing in context of the surrounding environment and streetscape and should demonstrate that the new construction will not have any adverse impacts.

COMMUNITY CONTEXT



View of the subject property from Forward Avenue

Directly North of the subject property, at 50 Burnside Avenue, a five storey apartment building with an attached garage exists. The subject property at 133 Forward Avenue abuts this garage.



Apartment building at 50 Burnside Avenue

To the South of the subject property, at 140 Forward Avenue, a through lot exists that has frontage along Hinchey Avenue. This portion of the lot along Forward Avenue is used as a parking lot that serves the building fronting on to Hinchey.



Parking lot South of the Subject Property

DISCUSSION

As noted, a minor variance is required for the following provisions: minimum front yard setback.

Under the proposed development, the front yard setback is proposed as 2.5m. While designing the proposed building, the design team used “Alternative Yard Setbacks affecting Low-rise Residential Development in the R1 to R4 Zones within the Greenbelt (**Section 144**)” as their guide.

Section 144 subsection (1) states that -The minimum front yard setbacks and minimum corner side yard setbacks are as follows: (a) in the case of an interior lot or through lot, the yard setback must align with the average of the abutting lots’ corresponding yard setback abutting the street(s)

And...(c) Where an abutting lot is vacant, the provisions of (1) (a) or (b) apply based on the actual yard setbacks of the closest residential building on the next adjacent lot, which must be no more than 30 m from the subject lot’s closest side lot line.

As a result, the design team understood the front yard setback is the average of the setback of the lots to the north (50 Burnside) and south (143 Forward) of 133 Forward Avenue given that the portion of 140 Hinchey Avenue is vacant fronting Forward Avenue.

While working through the associated Site Plan Control submission, Planning staff noted “the proposed setback represents a zoning deficiency from the required minimum front yard setback of 4.5 metres as per the parent R4UD provisions outlined in Table 162A and as required by Section 144 (1)(a)(d).” In communication with City Planning Staff, the discussion evolved to the following;

Discussion provided by City Planning Staff:

1. “Front Yards and Corner Side Yard Setbacks 144. (1) The minimum front yard setbacks and minimum corner side yard setbacks are as follows: (a) in the case of an interior lot or through lot, the yard setback must align with the average of the abutting lots’ corresponding yard setback abutting the street(s),
 - In this regard, the applicant can use #50 Burnside Ave as the provision does not explicitly say the building/lot needs to be in an R1 to R4 zone where the abutting lots’ corresponding setback applies. Setback appears to be roughly 1.45m.” *The setback was later confirmed by survey to be 1.58m.*
2. “#140 Hinchey is not a vacant lot and although the building orientation is situated closer to the Hinchey side, the text of S.144(1)(a) states “the yard setback must align with the average of the abutting lots’ corresponding yard setback abutting the street(s)”. It does

not state what yard setback specifically, just “the abutting lots’ corresponding yard setback”. In this regard, it is setback roughly 32m away from the Forward lot line.

3. Once you average out the two numbers, it will be roughly 15-16m, to which it does not need to exceed the underlying zone’s front yard setback requirement, which would be 4.5m.”

Our opinion is that the setback taken from 140 Hinchey is inappropriate given that it is not a front yard being measured but rather the rear yard and the portion of that lot with frontage on Forward Avenue is vacant. None the less, and out of an abundance of caution, it was determined that a variance request should be submitted for the Front Yard setback provision.

The rationale for the proposed 2.5M setback is that it is the average of the two abutting properties (that are not vacant) front yard setbacks. 50 Burnside Avenue has a front yard setback of 1.58m. 143 Forward Avenue has a front yard setback of 3.43m. Given this, the proposed front yard setback of 2.5m will have no negative impact on either 50 Burnside Avenue – particularly given it is a parking garage – nor the vacant lot directly South at 140 Hinchey Avenue given that it is a parking lot. Further, 143 Forward Avenue has a 3.43m front yard setback and the proposed development and associated front yard setback at 133 Forward Avenue is in keeping with the existing streetscape.

As outlined in the Zoning Review, 20% of the front yard area is required to be soft landscaped and under this proposal, 23% of the front yard area is soft landscaped. It is evident that the variance to the front yard setback is not affecting the ability of the proposed development to provide soft landscaping.

As shown in the topographic survey submitted with this application, the existing front yard setback for the dwelling at 133 Forward Avenue is virtually 0. The existing dwelling and covered front porch extend right to the front lot line. This is raised to note that the proposed development is going to improve this existing condition.

FOUR TESTS

Based on the rationale provided, the proposed variance meets the four tests of a minor variance as described in Section 45 of the Planning Act.

1. The variance is minor.

The requested variance is minor in nature. The proposed front yard setback is in keeping with the existing abutting neighbours and still allows for adequate soft landscaping. The proposed front yard setback is an improvement of the existing condition which is virtually a 0m front yard setback. The variance has no impact on adjacent properties.

2. The variance is desirable for the appropriate development or use of the property.

The requested variance is appropriate so that a Low-rise rental Apartment building with eighteen rental units can be constructed on a lot where a single detached dwelling exists today.

3. The general intent and purpose of the Zoning By-law is maintained.

A Low-rise Apartment is a permitted use in the R4UD zone. As shown in the Community Context section above, several of the surrounding properties are developed in a similar manner to what is proposed; multi unit, Low-rise developments.

4. The general intent and purpose of the Official Plan is maintained.

The site is designated Neighbourhood and as such the construction of a low-rise Apartment is consistent with the strategic direction of the Official Plan.



CONCLUSION

The lot fabric, scale of the proposed construction and the ability to meet the intent of the R4UD zone demonstrates that the proposed minor variance is desirable and will have little to no effect on adjacent properties. The approval of the minor variances will allow the proposed construction to take place in a manner consistent with the Official Plan and community expectations.

As a result, it is our opinion that the requested minor variance represents good planning and urban development.

Sincerely,

Peter Hume
HP Urban Inc.

Alison Clarke
The Stirling Group