

2026-03-25

March 19, 2026

Susan D. Smith Architect

941 Merivale rd.
Ottawa, Ont. K1Z 6A1
Ph (613) 722-5327
s.smith@sdsarch.ca

Committee of Adjustment
City of Ottawa
101 CentrepoinTE Drive

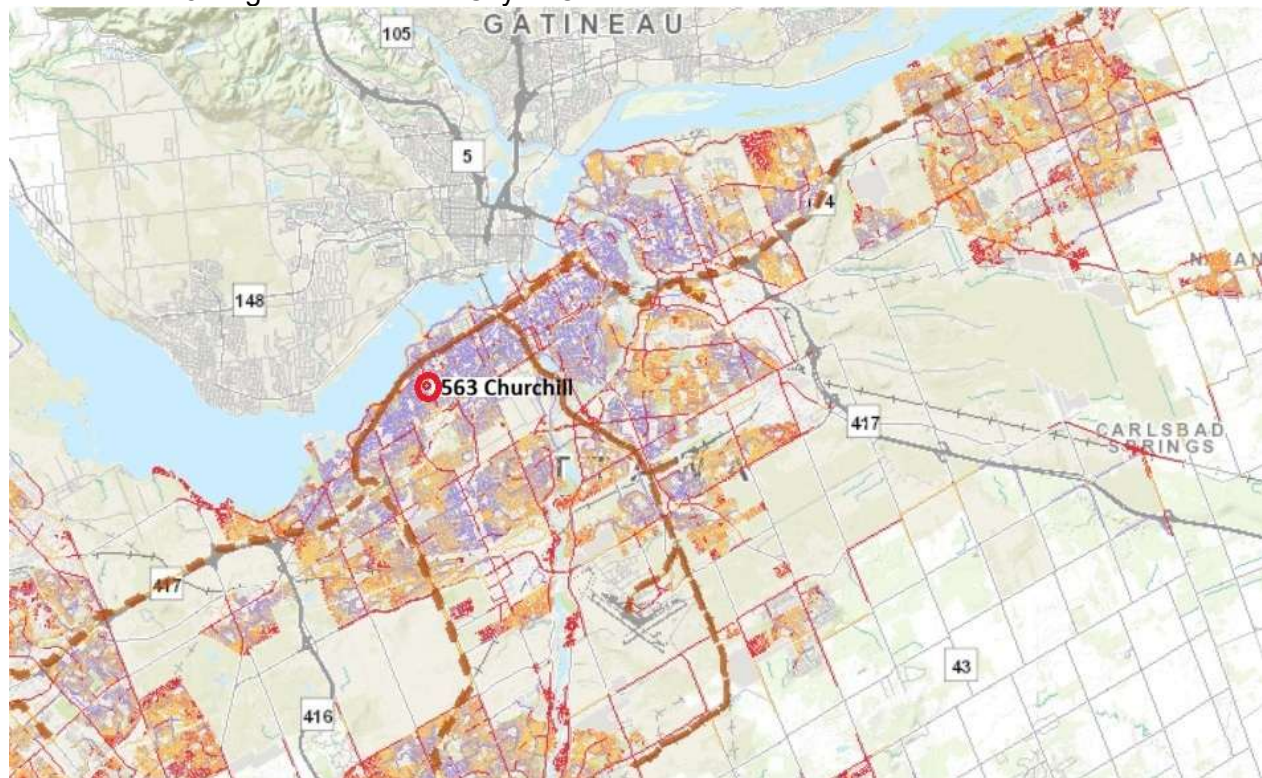
Re: Application for Minor Variances for 563 Churchill Avenue North
to Permit Construction to the Front Yard Property Line

Dear Committee Members,

We are applying for minor variances for front and rear yard setbacks, and to reduce the rear yard area at the above address. The variances are desirable in order to meet the intention of the Official Plan, and to realize the potential of the property. The exception 2684 is currently in both Bylaws 2008-250 and 2026-250 requires a front yard setback of 4.5 m, whereas the setback will likely be 0 under the new bylaw when the exceptions are reviewed. This exception will likely be removed by the end of 2027. The property Owner does not want to wait and is requesting relief from this 4.5 m front yard setback.

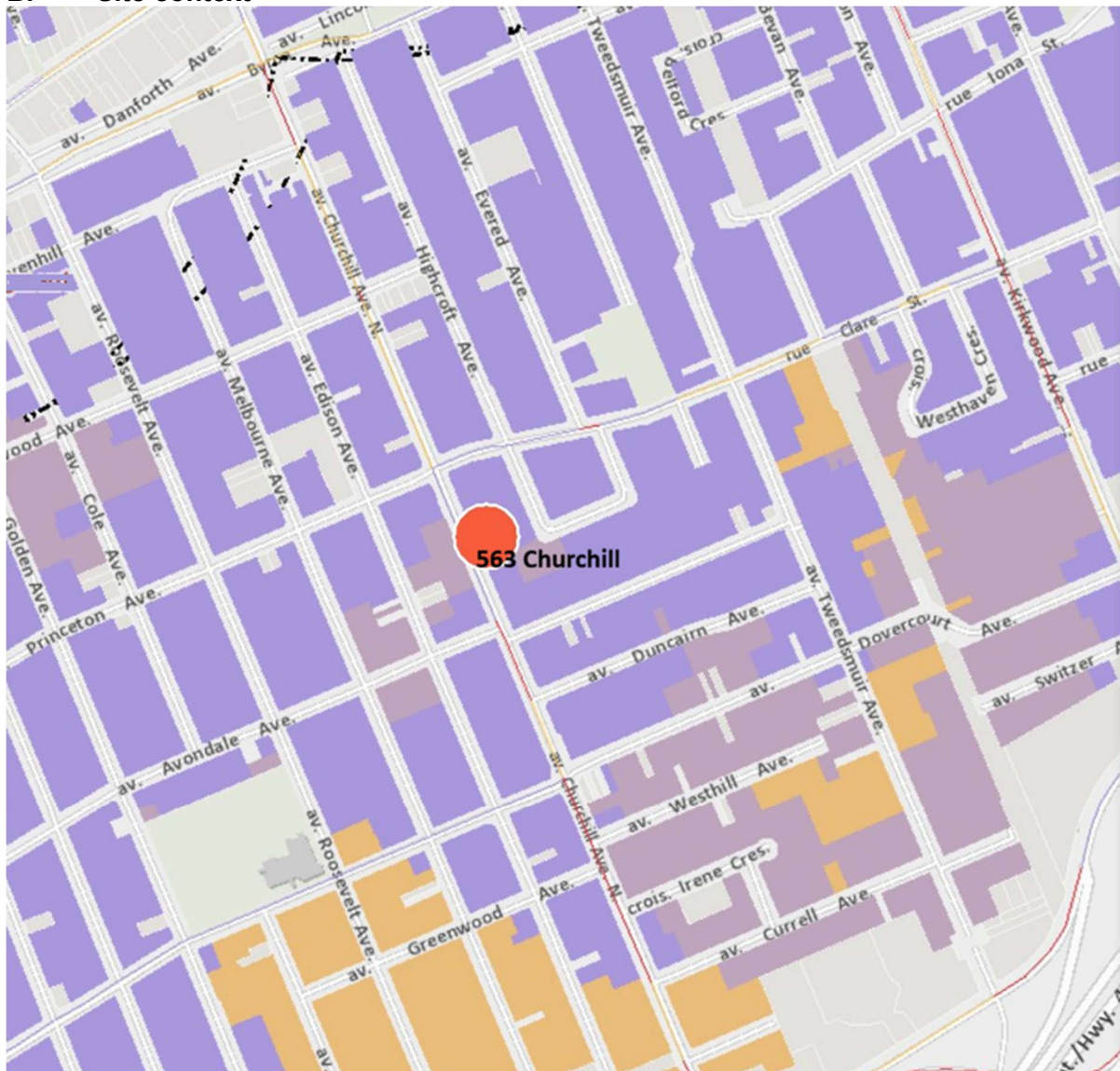
A. Location

The property is situated in Ward 15- Kitchissippi. It is located in the Hampton Park neighbourhood in the community of Westboro. The survey description shows the property as Part of Block 5 Registered Plan 42 City of Ottawa.



Location between 417 and Richmond Road. It is 1,370 m to the Westboro LRT station, less than a 15-minute walk.

B. Site context



The location has the highest rating of 9 with respect to ease of service and amenity access.



View looking north

The street underwent major construction in 2014 to install a bike lane and sidewalks.



View looking East - 563 Churchill is the middle building

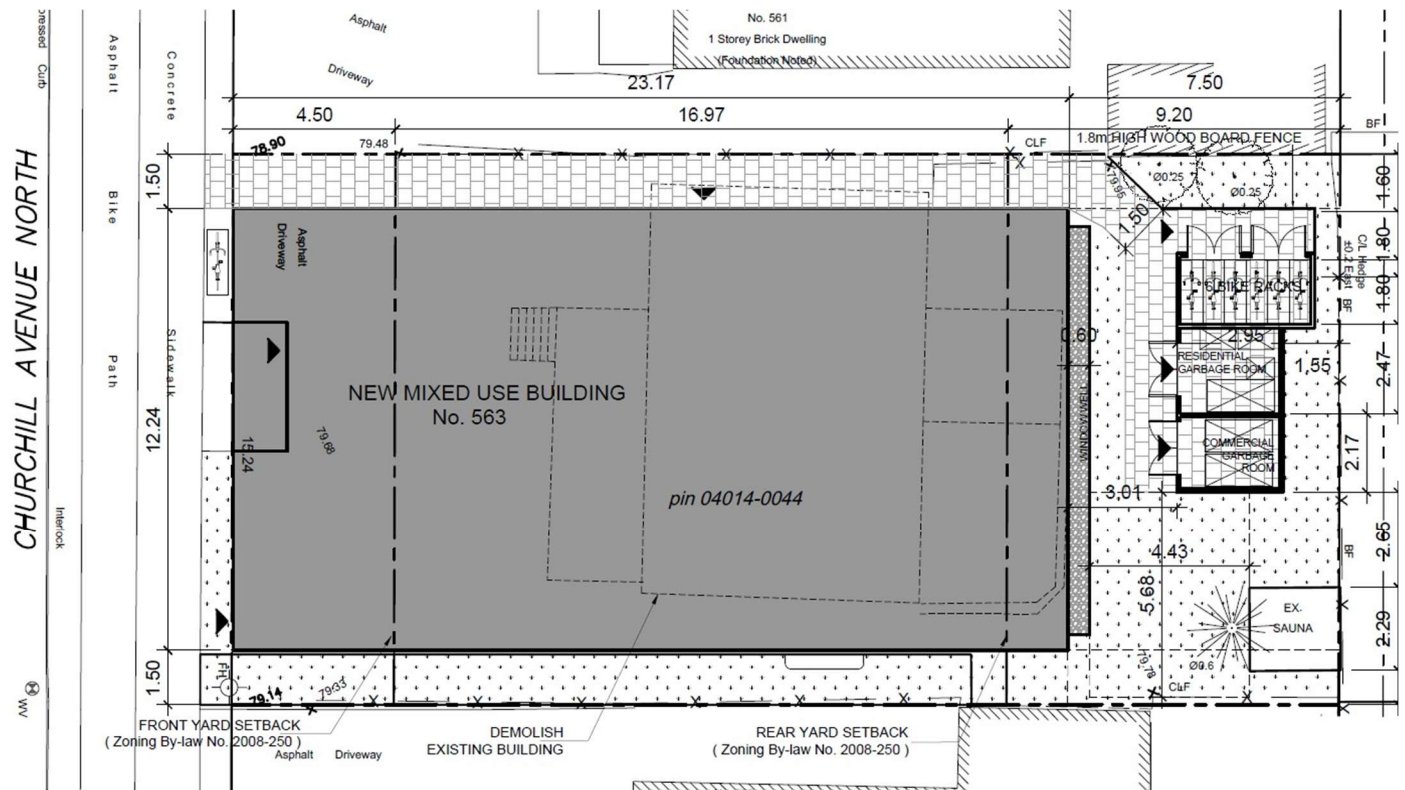


View across the street. It is likely that a number of properties will be redeveloped along Churchill when the new Bylaw comes into effect, given that the new bylaw will likely allow 0 minimum setback to the front lot line.











The Official Plan Evolving Neighbourhood Overlay policies apply to this Major Collector Road

C. Proposed Site Plan - for a 12 unit apartment building with a commercial unit at the ground floor



The drawing above shows the proposed Site Plan.

LEGEND:

-  ENTRANCE
-  PROPERTY LINE
-  SETBACK LINE
-  REMOVE EXISTING WALL
-  NEW BUILDING
-  LANDSCAPE AREA
-  INTERLOCKING WALKWAY
-  RIVER ROCK

C. Proposed Minor Variances

This application for Minor Variances is being made after discussions with the City Planner who had no concerns at the time of our meeting.

The zoning under Bylaw 2008-250 is R4UD[2684]-c, in the new zoning Bylaw it will change to a Minor Corridor Zone, CM1[2684].

MIXED USE BUILDING 3 STOREY, 12 RESIDENTIAL UNIT and COMMERCIAL UNIT			
City of Ottawa Zoning By-law No.	REQUIRED		PROPOSED
	2008-250: R4-UD [2684]-c	2026-50: CM1[2684]-c	
MINIMUM LOT WIDTH	15m	No	15.24m
MINIMUM LOT AREA	450m ²	No	467.41m ²
MAXIMUM BUILDING HEIGHT	14.5m	15m	10m
MINIMUM FRONT YARD SETBACK	4.5m	0m (AS PER ZONE CM1) 4.5m (AS PER EXCEPTION [2684])	0m (REQ. M.V.)
MINIMUM CORNER SIDE YARD SETBACK	3m	3m	N/A
MINIMUM REAR YARD SETBACK	9.20m (30% LOT DEPTH)	7.5m	7.5m (REQ. M.V.)
MINIMUM REAR YARD AREA	116.85m ² (25% OF LOT AREA)	N/A	114.63 m ² (24.5% OF LOT AREA) (REQ. M.V.)
MINIMUM INTERIOR SIDE YARD SETBACK	1.5m	1.5m	1.5m
LANDSCAPE AREA	30%	N/A	33%
SOFT LANDSCAPE AT FRONT YARD	NO	NO	NO
SOFT LANDSCAPE AT REAR YARD AGGREGATED RECTANGULAR AREA	50% OF REAR YARD (REAR YARD AREA: 114.23m ²)	N/A	50% OF REAR YARD (PROVIDED: 59.5m ²)
	25m ²	N/A	25m ²
AMENITY SPACE	N/A	6 m ² /unit @12=72 m ²	REAR YARD: 46 m ² BALCONY: 36 m ²
FENESTRATION ON FRONT WALL	25%	25%	45%
RECESSED FRONT WALL	20%	N/A	35%
Bicycle Parking	12 UNIT @0.5=6	LONG-TERM: 12 UNIT @1=12	LONG-TERM: 12
Vehicle Parking	0	0	0

Note that the proposed building is not as high as permitted. This is in order to be consistent with the existing, but evolving, neighbourhood. The project obeys all the requirements of Zoning Bylaw No. 2008-250 other than the front and rear yard setbacks and rear yard area.

When we noticed that the exception listed for both the Bylaws require a setback of 4.5 m, whereas normally the setback would be 0 under the Bylaw 2026-50, we made inquiries, since no exceptions are listed in the new Bylaw. We received the response below, in italics, from the New Zoning Bylaw Team.

“Staff plan to review all exceptions, schedules and other zone code suffixes to align them with the intent of the Official Plan and the new Zoning By-law.

[Document 8](#) of the report to [Joint Committee on December 17](#) proposes a work plan and timelines for bringing omnibus zoning by-law amendments to Council to implement these changes to exceptions and schedules.

Document 8 includes the following principles:

- inside of secondary plan and area-specific policy areas, remove provisions that do not implement secondary plan or area-specific policies, and modify exceptions, schedules and other suffixes to implement permissions and restrictions in policies that apply in these areas,”*

Exception 2684 does not implement secondary plan or area-specific policies since there is

no secondary plan or area specific policy for this area, therefore under this principle the exception should be removed,

“outside of secondary plan and area-specific policy areas, maintain provisions that are more permissive than the zone or subzone provisions,”

The Bylaw without exception 2684 is more permissive therefore under this clause the exception should be removed.

“outside of secondary plan areas, remove provisions that are more restrictive than the zone or subzone provisions, except in N1 – N6 - Neighbourhood Zones,”

This provision is more restrictive; therefore, this implies that this exception will be removed.

“carry forward the intent of all exceptions, schedules and other zone code suffixes approved by Council after November 4, 2022, the date of approval of the new Official Plan.”

The exception was approved by Council on February 24, 2021 as Bylaw 2021-75, (it reduced the required setback from 6 meters). therefore, under this clause, the exception should be removed.

The above Work Plan was *“approved by Council on January 28, the Zoning team will proceed with reviewing exceptions based on the above principles. During the review, we will ensure the permissive provisions are maintained, the restrictive provisions are deleted, and the intent of the site-specific policies is maintained.”*

See attached Document 8 from the council meeting.

The New Zoning Bylaw was enacted at Council meeting on March 11, 2026.

“Following enactment, a 20-day appeal period begins within 10 days and is expected to conclude by the end of April 2026. At an Ontario Land Tribunal (OLT) hearing, the OLT will declare the unappealed portions of the new Zoning By-law are in effect. The timing of this hearing is not finalized at this time, but we are hoping an OLT decision will be issued by September 2026, at which time the unappealed portions of the By-law will be in effect. Until any unappealed sections of the By-law are brought into force, the most restrictive provisions of both the current Zoning By-law 2008-250 and the new Zoning By-law 2026-50 will apply.”

The subject property meets the requirements that are listed in Document 8, such that this exception 2684 should not apply, but it will not be removed until late 2027. The property owner does not want to wait that long, therefore is requesting these Variances:

- a) To reduce the front yard setback from 4.5m to 0m.
- b) To permit the rear yard setback from 9.20 sq.m. (30% of the lot depth) to 7.5 m.
- c) To reduce the rear yard area from 116.85 sq.m. (25%) to 114.63 sq.m. (24.5%)

Strict adherence to the current front yard setback requirement would significantly limit the reasonable development of the property and the ability to construct a functional building that prepares this site's context for similar development that will meet the intent of the Official Plan.

We feel that the requested variance maintains the general intent and purpose of the Official Plan and meets the four Statutory Tests which are required by Subsection 45(l) of the Planning Act:

1. The variances are minor: The encroachments are limited to the front yard and rear yards (note that the rear yard provisions will comply with the new Zoning Bylaw when it is approved by the OLT), and does not affect other zoning provisions. The variance for the rear yard area under 2008-250 is only .5%. The building is not as high as permitted and the upper floor is setback, therefore will not have as large an impact as it could on the existing

neighbourhood character if it was designed under 2026-250.

2. The proposed development is desirable for the appropriate development of the property: Allowing construction to the front property line will enable a design that enhances the development of the streetscape. It will act as a transition to future developments, which will create a more vibrant, walkable urban environment. It will encourage future mixed-use developments that will incorporate active ground-floor, small scale commercial uses. The project supports intensification objectives, and improves the usability of the site. The overall scale of the building is carefully designed to act as a transition to neighbouring properties and future projects which will also meet the goals of the Official Plan. The proposed height of 11 m is less than the currently permitted maximum height of 14.5 m.

3. The proposed variances maintain the general intent and purpose of the zoning by-laws: The intent of the R4 UD[2648]-c zone is to allow a mix of residential building forms, to allow a number of other residential uses, and to regulate development in a manner that is compatible with existing land use patterns so that the mixed dwelling, residential character of a neighbourhood is maintained or enhanced. The property has a Residential Neighbourhood Commercial Suffix. Having a small commercial use (100 sq.m) at the front of the building creates a more active streetscape, and allows *“a variety of small, locally-oriented convenience and service uses that complement adjacent residential land uses, and are of a size and scale consistent with the needs of nearby residential areas...predominantly accessible to pedestrians, cyclists and transit users from the surrounding residential neighbourhood”* – from Section 141. The residential units behind and above the commercial use maintain the residential character of the neighbourhood,

The intent of the CM1[2684] zone is to *“• Accommodate a broad range of uses, that will contribute to the creation of compact, 15-minute neighbourhoods in areas designated Minor Corridor in the Official Plan. • Promote and encourage development that is accessible by multiple modes of transportation. Establish zoning requirements enabling contextually appropriate development for the Downtown Core and Inner Urban Transects.”*

The proposal respects the future character of the area and aligns with both of the by-laws’ objectives of an active streetscape.

4. The variance requested maintains the general intent and purpose of the Official Plan. The property is designated neighborhood in the Inner Urban Transect and falls within the evolving neighbourhood overlay, where the intent is to establish “higher lot coverage and floor area ratios”. The proposal is consistent with the City of Ottawa Official Plan policies supporting intensification within the urban boundary, efficient use of land and infrastructure, and the development of compact, walkable neighbourhoods. Churchill Avenue is identified as a corridor where gradual, context sensitive intensification is anticipated. Building closer to the front property line supports a more urban, pedestrian oriented streetscape along Churchill Avenue, reinforces the public realm, and contributes to a street edge that meets the OP’s objective for the street.

More specifically, the proposal advances key Official Plan objectives, including:

- Efficient land use and intensification: The development makes better use of an underutilized urban lot in an area well served by existing transit, services, and amenities; thereby reducing pressure for outward expansion.
- 15-minute neighbourhoods: The site’s proximity to shops, services, schools, and transit supports the Official Plan’s goal of creating communities where daily needs can be met within a short walk or bike ride.
- Design and public realm: A reduced front setback frames the street, enhances pedestrian experience, and contributes to a safer and more defined streetscape, consistent with urban design policies that prioritize human-scale development.

- Climate and sustainability objectives: Compact development patterns reduce reliance on automobiles and support lower greenhouse gas emissions by encouraging active transportation and transit use.



Proposed building in 2026



Future streetscape massing in 2046

We believe this proposal represents good planning, will be in keeping with the character of the neighbourhood, will contribute positively to the continued evolution of the area and Churchill Avenue; and conforms to the policy direction of the Official Plan.

Thank you for your consideration of this application. We would be pleased to provide any additional information the Committee may require and to attend the hearing to answer questions.

We look forward to meeting with the Committee, if you wish additional information, please do not hesitate to contact us.

Yours truly,

A handwritten signature in black ink, appearing to read "Susan Smith". The signature is written in a cursive, flowing style.

Susan Smith, BArch, OAA