

May 30, 2023

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Mr. Michel Bellemare
Secretary-Treasurer
Committee of Adjustment
101 Centrepointe Drive, Fourth Floor
Ottawa, ON K2G 5K7

RE: Application for Consent
316 Memorial Grove, Ottawa

Dear Mr. Bellemare,

Fotenn Planning + Design has been retained to prepare this Planning Rationale for the submission of the Consent application related to the properties municipally known as 316 Memorial Grove and 290 Mount Nebo Way in the Riverside South-Leitrim neighbourhood of Ottawa.

The property at 290 Mount Nebo Way consists of a two (2) storey single detached dwelling and an in-ground pool, the latter of which requires a lot line adjustment in order to be compliant with the City of Pool Enclosure By-law No. 2013-39 as a result of a construction error made by the pool contractor. A contractual arrangement to acquire a portion of land required to make the pool location compliant has been established with the owner of 316 Memorial Grove. In order to permit the conveyance of land from 316 Memorial Grove to 290 Mount Nebo Way, Consent Approval will be required from the Committee of Adjustment.

In addition to one (1) copy of this Planning Rationale, the following materials have been included as part of the submission:

- / Completed application forms (1 copy);
- / Draft Reference Plan / Survey (1 reduced copy);
- / Drainage/Grading Plan (1 reduced copy);
- / Parcel Abstract Page (PIN) (1 copy);
- / Completed Authorization, signed by all the registered owners when an agent is acting on behalf of the owner(s);
and
- / Cheque in the amount of \$3200.00, made payable to the City of Ottawa.

Sincerely,



Bipin Dhillon, MPA M.PL.
Planner



Brian Casagrande, MCIP RPP
Partner

Committee of Adjustment
Received | Reçu le

2023-05-30

City of Ottawa | Ville d'Ottawa
Comité de dérogation

1.0 Introduction

Fotenn Planning + Design is pleased to submit this Planning Rationale in support of the enclosed Consent application for the lands located at 316 Memorial Grove and 290 Mount Nebo Way, both in the City of Ottawa.

1.1 Purpose of Application

The owner of 316 Memorial Grove is seeking Consent approval to adjust the shared lot line with 290 Mount Nebo Way 0.8 metres south to ensure the current inground pool is compliant with the City of Ottawa Zoning By-law (2008-250) and Pool Enclosure By-law No. 2013-39. The required land for this lot line adjustment is the subject of a purchase and sale agreement between these neighbours.

Site Context and Surrounding Area

2.1 Site Context

The subject property, municipally known as 316 Memorial Grove, is located in Ward 22 (Gloucester-South Nepean) in the City of Ottawa and is legally described as Part of Lot 236 (316 Memorial Grove) on Registered Plan 4M-1601 in the City of Ottawa. The subject property currently consists of a two (2) storey dwelling, on an irregularly shaped lot with an area of 1064.11 square metres and a lot frontage of 10.2 metres. The lot is fully serviced.



Figure 1: Aerial photo of the subject property and the portion to be severed.

2.2 Surrounding Area

North: the subject property is bound by Mount Nebo Way, a local west-east street, followed by a linear row of single detached dwellings. Beyond this Earl Armstrong Road is the east-west arterial road providing connectivity to the surrounding city.

East: the subject property is bordered by single detached dwellings, followed by the Thomas Gable Municipal Drain and undeveloped lands zoned residential.

West: the subject property is bordered by the single detached dwellings, followed by Pathfinder Way, which provided a local north-south neighbourhood connection to Earl Armstrong Road and Cambie Road.

South: the subject property is bound by the single detached dwellings of Memorial Grove, followed by Memorial Grove Park and Elementary School Catholic Jonathan-Pirtre.

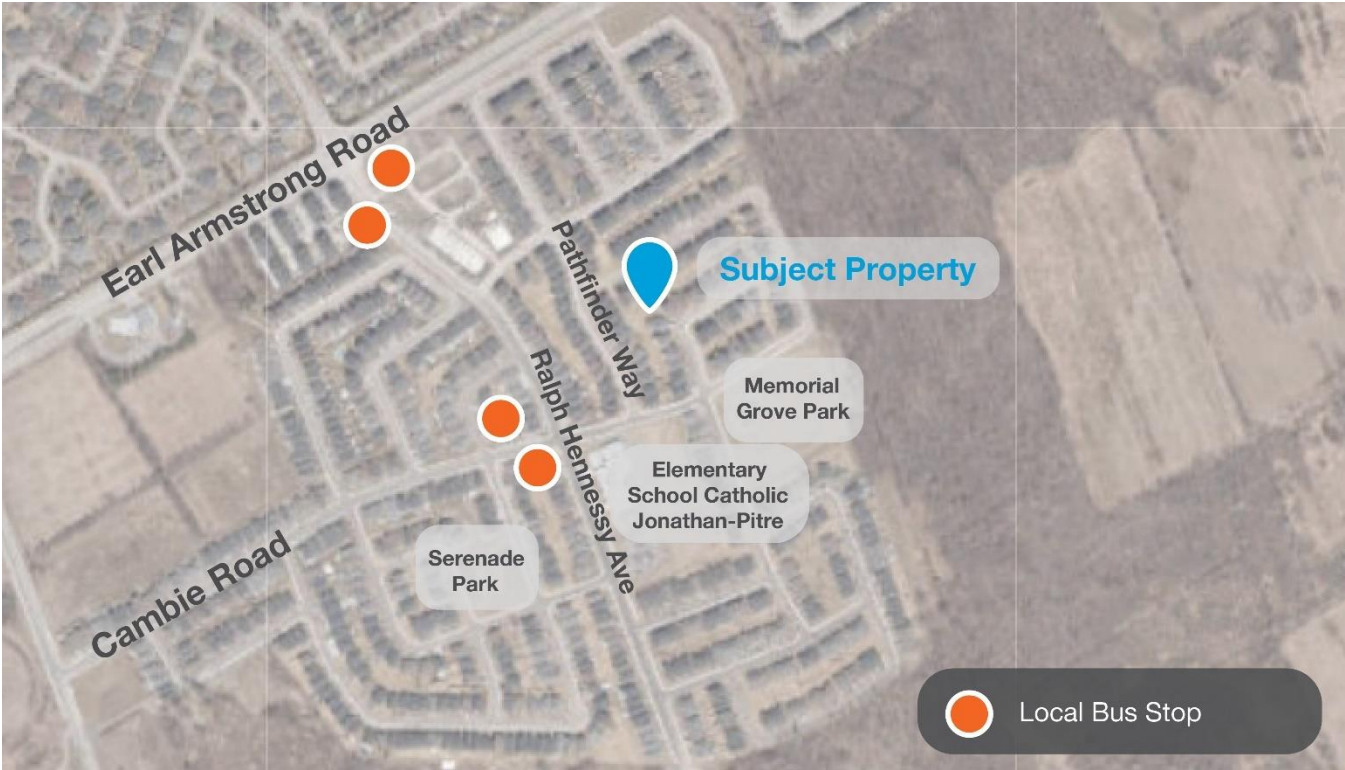


Figure 2: Aerial photo of the surrounding context.

3.0 Overview of Application

The owner of 316 Memorial Grove is proposing a lot line adjustment to extend the shared lot line with 290 Mount Nebo Way lot line further south to ensure the existing inground pool is compliant with the City of Ottawa Pool By-law, due to a misplacement by the pool contractor. The land required for the lot line adjustment has been purchased through an agreement between the neighbours. The dimensions and areas of the existing and proposed lot are as follows:

Table 1: Project Statistics – 290 Mount Nebo Way

Status	Parts on M-Plan	Dimensions	Area
Existing Lot – 290 Mount Nebo Way	Lot 260	Lot Width: 10.80 metres Lot Depth: 33.00 metres	356.4 square metres
Purchased Lot – Part of Lot 236	Part 1	Part width: 10.80 metres Part depth: 0.80 metres	8.6 metres
Proposed Lot	Lot 260 + Part 1	Lot Width: 10.80 metres Lot Depth: 33.80 metres	365 metres

Table 1: Project Statistics – 316 Memorial Grove

Status	Parts on M-Plan	Dimensions	Area
Existing Lot – 316 Memorial Grove	Lot 236	Irregular Dimensions	1064.1 square metres
Conveyed Lot – Part of Lot 236	Part 1	Part width: 10.80 metres Part depth: 0.80 metres	8.6 square metres
Proposed Lot	Lot 236 + Part 1		1055.5 square metres

An application for a Consent to adjust the existing lot line has been submitted along with this Planning Rationale.



Figure 3: Colour overlay on the draft M-plan showing the existing lot of 290 Mount Nebo Way in blue and the part of lot from 316 Memorial Grove to be severed in red.

Consent Application

It is our professional planning opinion that the application meets the criteria as described in Sections 53(1), 53(12) and 51 of the Planning Act as the proposal does not include an internal road network, major servicing or other elements that may suggest the need for a plan of subdivision. The following criteria are generally those which would apply to applications for consent:

a) The effect of development of the proposed subdivision on the matters of provincial interest

The proposed Consent application is consistent with, and has regard to, the prescribed matters of provincial interest outlined in Section 2 of the *Planning Act* and the policies of the Provincial Policy Statement 2020 (PPS). In particular, the PPS focuses on growth within settlement areas and recognizes that land use must be carefully managed to accommodate appropriate development to meet the full range of current and future needs, achieving efficient development patterns. The proposed application conforms to these objectives and intentions through the following policies:

- / 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;
 - 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;
 - 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;
 - i) Preparing for the regional and local impacts of a changing climate.
- / Policy 1.1.3.2 – Land use patterns within settlement areas shall be based on densities and a mix of land uses which:
 - a) Efficiently use land and resources;
 - b) Are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;
 - c) Minimize negative impacts on air quality and climate change, and promote energy efficiency;
 - d) Prepare for the impacts of a changing climate.
- / Policy 1.1.3.4 – Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.
- / Policy 1.6.6.7 – Planning for stormwater management shall:
 - d) Mitigate risks to human health, safety, and the environment;
 - e) Maximize the extent and function of vegetative and pervious surfaces.

The proposed Consent application is consistent with the PPS, as the lot line adjustment will ensure a greater standard of healthy and safety for residents of the subject property, abutting neighbour property, and the surrounding neighbourhood by meeting the pool enclosure by-law and ensuring the grading is adequate for stormwater management purposes.

b) Whether the proposed subdivision is premature or in the public interest

Pool Enclosure By-law No. 2013-39 provision 20(d), states no enclosure shall be located less than 1 metre from the nearest inside wetted surface of a pool wall. The primary concern of the by-law is to make the swimming pool inaccessible to young children and animals without adult supervision, as stated in the Pool Enclosure Guide.

Furthermore, through discussion with City Staff, it was determined that the existing non-compliant swimming pool was placed within an existing location which can potentially disrupt original drainage patterns for the property at 290 Mount Nebo Way and neighbouring properties.

The proposed lot line adjustment is in the interest of the public from a health and safety perspective as it ensures the existing pool will be compliant with Pool Enclosure By-law, extending the rear setback from 0.87 metres to 1.67 metres.

A site and drainage/grading plan has been included with the submission which indicates the newly proposed lot will not have any drainage impacts on the subject and neighbouring properties, to the satisfaction of the City's engineering department.

c) Whether the plan conforms to the Official Plan and adjacent plans of subdivision, if any

City of Ottawa Official Plan (2022)

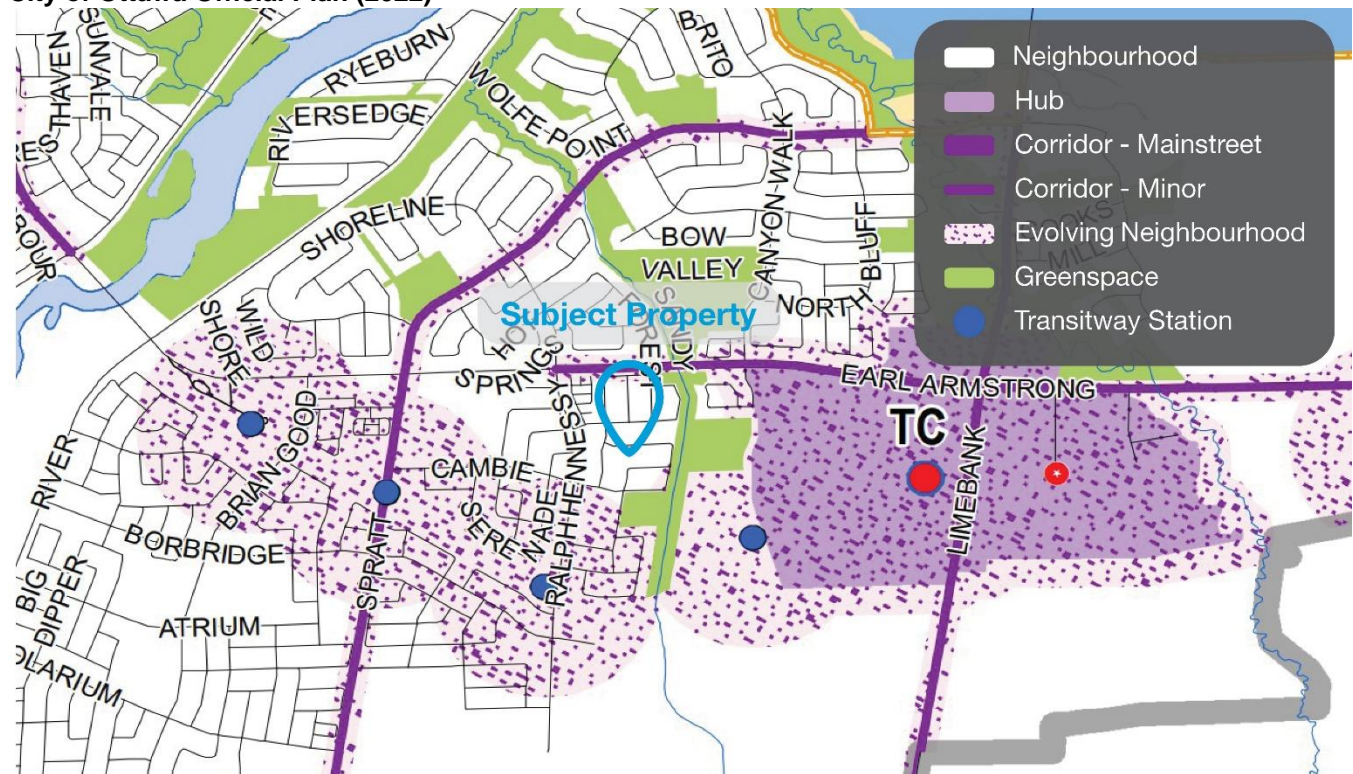


Figure 4: Subject property on Schedule B6 – Suburban (Southwest) Transect of the City of Ottawa Official Plan.

The subject property is designated as 'Neighbourhood' in the Suburban (Southwest) Transect of the City of Ottawa Official Plan (2022). Neighbourhoods are planned for ongoing gradual, integrated, sustainable and context-sensitive development; where the Evolving Overlay applies, development should result in the gradual well-planned transformation of the neighbourhood. The Suburban Transect comprises neighbourhoods within the urban

boundary located outside the Greenbelt and is characterized by the separation of land uses, stand-alone buildings, generous setbacks, and low-rise building forms.

Per Policy 6 of Section 2.2.3, the Official Plan states that resilience to floods and the ability to manage increased stormwater runoff will be strengthened by:

- / Implementing stormwater management practices and designing infrastructure that is resilient to future climate conditions, including extreme weather events; and
- / Using Low Impact Development stormwater management features where feasible to manage smaller, frequent rainfall events.

The consent application conforms to the ‘Neighbourhood’ designation and ‘Suburban Transect’ policies of the Official Plan, as the minimal nature of the lot line adjustment will not impact the planned function of properties. The proposed lot line adjustment has been determined to not impact drainage patterns in line with Policy 6 of Section 2.2.3 as seen in the grading plan.

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

The intent of the proposal is to adjust the lot line between the 290 Mount Nebo Way and 316 Memorial Grove, which will not alter the land use and functional use of the respective properties (Figure 6). Both resulting lots will comply with the zoning provisions of the R4Z zone.

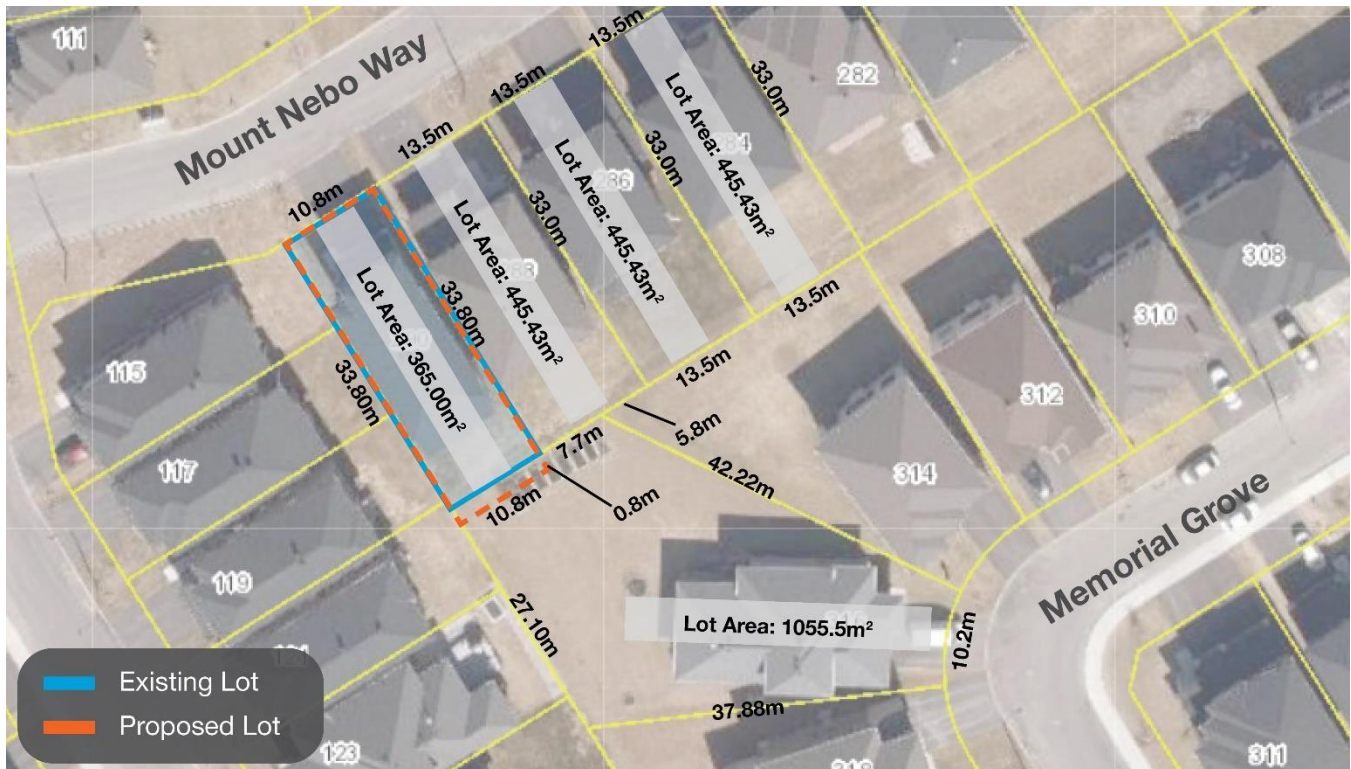


Figure 5: Lot fabric analysis of the neighbouring properties, GeoOttawa.

The lot fabric analysis above indicated the two impacted parcels will have slightly altered dimensions but still match the character and intent of the R4Z zone. The post-severance lot size of 316 Memorial Grove is above the minimum lot size of 240 square metres.

The proposed lots are suitable for the immediate area and the purpose for which the land is being subdivided. The lot line adjustment only impacts the lot lines of the subject property and the neighbouring property to the south, the owners of which have agreed to the sale upon the land to be transferred.

- 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 subject property fronts on to Mount Nebo Way leading to Pathfinder Way and then Ralph Hennessy Avenue, all local roads, the last of which provides a connection to Earl Armstrong Road, a major east-west Arterial Road in the City of Ottawa.

The proposed lot is located within a local road network that provides access to the greater road network and highway system within the City of Ottawa.

- f) The dimensions and shapes of the proposed lots

The City of Ottawa Zoning By-law (2008-250) permits detached dwellings as a permitted use within the R4Z zone. The proposed Consent application will adjust the lot line between the two properties, but will not alter the use and function of the existing detached dwellings as seen in Figures 6 and 7.



Figure 6: The existing 290 Mount Nebo Way lot in blue and the proposed lot in orange.



Figure 7: 316 Memorial Way and the retained lot following the severance.

As seen in Figure 6, 290 Mount Nebo Way will retain the existing lot width while keeping a similar rectangular shape profile as the neighbouring properties, with a slightly extended lot length. As seen in Figure 7, the lot at 316 Memorial Grove has a slight reduction in size, with a new rear lot line that abuts only 290 Mount Nebo Way, along with new interior lot lines at the rear of the property. Other neighbouring lots sizes and dimensions are not impacted.

The proposed lot are generally consistent in terms of length and size with the surrounding properties in the neighbourhood.

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

The subject property is zoned Residential Fourth Density, Subzone Z (R4Z) in the City of Ottawa's Zoning By-law (2008-250). The purpose of the zone is to restrict building forms to low rise development forms ranging from detached dwellings up to four-storey apartments, while allowing for a number of other residential uses that provide additional housing choices.

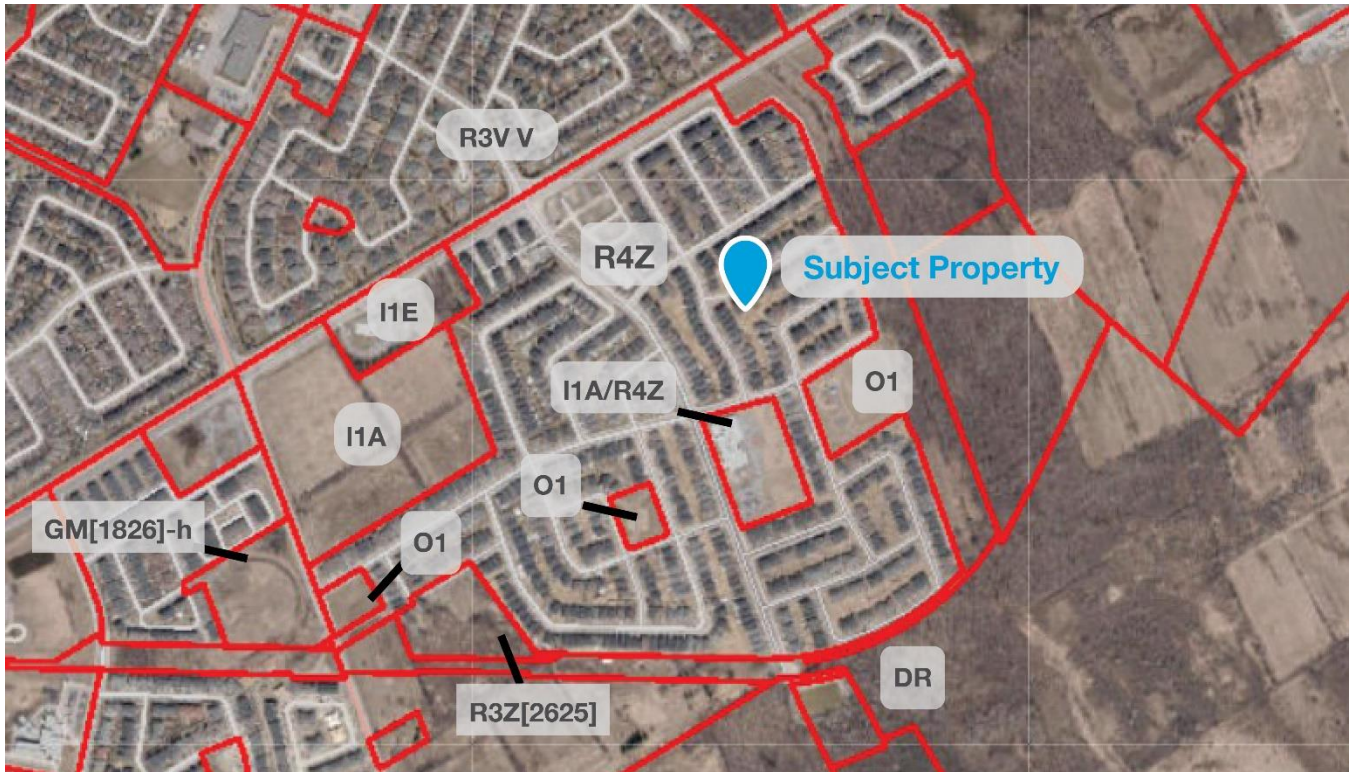


Figure 8: Zoning Map of the subject property and surrounding context.

The proposed lots comply with the zoning provision R4Z, as outlined below.

Zoning Provisions	Required	Proposed	Compliance
Minimum Lot Area Table 162A	240 square metres	290 Mount Nebo Way: 365 square metres 316 Memorial Grove: 1,046.9 square metres	YES
Minimum Rear Yard Setback Table 162A	6 metres	290 Mount Nebo Way: 6.80 metres 316 Memorial Grove: 10.2 metres	YES

The consent application does not impose any restriction on the land or nearby buildings and is consistent with the zoning provisions of the R4Z zone.

h) Conservation of natural resources and flood control

The subject property is not located in a floodplain overlay, with minimal natural features as it is a suburban lot.

A site and drainage/grading plan has been submitted as part of the application, which demonstrates that the existing pool does impact the integrity of stormwater management and has been deemed satisfactory by the City’s Civil Engineering Department.

- i) **The area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes.**

No portion of the property is proposed for public dedication.

5.0 Conclusion

It is our professional opinion that the proposed Consent application constitutes good planning and is in the best interest of the public. The proposed Consent application meets the criteria for lot division under the *Planning Act*.

Sincerely,



Bipin Dhillon, MPA M.PL.
Planner



Brian Casagrande, MCIP RPP
Partner