

July 20, 2023

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

**Committee of Adjustment**  
Received | Reçu le

2023-07-21

City of Ottawa | Ville d'Ottawa  
**Comité de dérogation**

**RE: Application for Consent and Minor Variance  
50 Rebecca Crescent, Ottawa**

Dear Mr. Bellemare,

The owner of 50 Rebecca Crescent has retained Fotenn Planning + Design ("Fotenn") to act as the agent on their behalf to submit Consent and Minor Variance applications to the Committee of Adjustment. Previous Consent and Minor Variance applications (D08-02-23/A-0012 & D08-01-23/B-00014) were submitted to the Committee of Adjustment and adjourned sine die at the February 15, 2023 hearing date.

The intent of the applications is to sever the existing lot into two (2) separate lots and seek relief from the minimum required lot width of both the proposed severed and retained parcels, and to seek relief from the accessory structure provisions for the retained parcel. The severed lot is intended to accommodate a single-detached dwelling, while the retained lot will retain the existing dwelling.

Please find enclosed the following material in support of the application:

- / This Cover Letter explaining the nature of the application;
- / Completed Consent application form;
- / Completed Minor Variance application forms for Part 1 and Part 2 of the property;
- / Draft Reference Plan (R-Plan);
- / Concept Plan;
- / Tree Information Report;
- / Cheque in the amount of \$962.00, made payable to the City of Ottawa for the recirculation of applications D08-02-23/A-0012 & D08-01-23/B-00014; and
- / Cheque in the amount of \$1,538.00, made payable to the City of Ottawa for the new Minor Variance application for Part 1 of the property.

Sincerely,



Patricia Warren, M.Pl.  
Planner



Brian Casagrande, MCIP RPP  
Partner

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**FOTENN**

# 1.0

## Heading 1B

Fotenn Planning + Design (“Fotenn”), acting as agents on behalf of the property owners, has been retained prepare this Planning Rationale in support of the enclosed Consent and Minor Variance applications for the property municipally known as 50 Rebecca Crescent (“the subject property”) in the Rothwell Heights-Beacon Hill North neighbourhood of the City of Ottawa.

The intent of this Planning Rationale is to assess the proposed Consent and Minor Variances against the applicable policy and regulatory framework and to demonstrate how the proposed severance and minor variances are appropriate for the subject property and compatible with surrounding land uses and existing infrastructure.

### 1.1 Purpose of Application

The proposed Consent application seeks to subdivide the subject property into two (2) rectangular-shaped lots (Figure 1). The retained lot will accommodate the existing dwelling and associated accessory structures, while the severed lot will accommodate a future single-detached dwelling. One (1) Consent application and one (1) Minor Variance application have been submitted to the Committee of Adjustment previously, and the intent is to provide revised plans and recirculate these applications. As a result of the revised plans, one (1) Secondary Minor Variance application is required for the proposed severed lot.

A total of three (3) Minor Variances are being requested, which include:

- / A reduced lot width of 23.08 metres for the severed lot (Part 1 on the Draft R-Plan);
- / A reduced lot width of 25.28 metres for the retained lot (Part 2 on the Draft R-Plan); and
- / A reduced separation between accessory buildings of 0 metres for the retained lot.

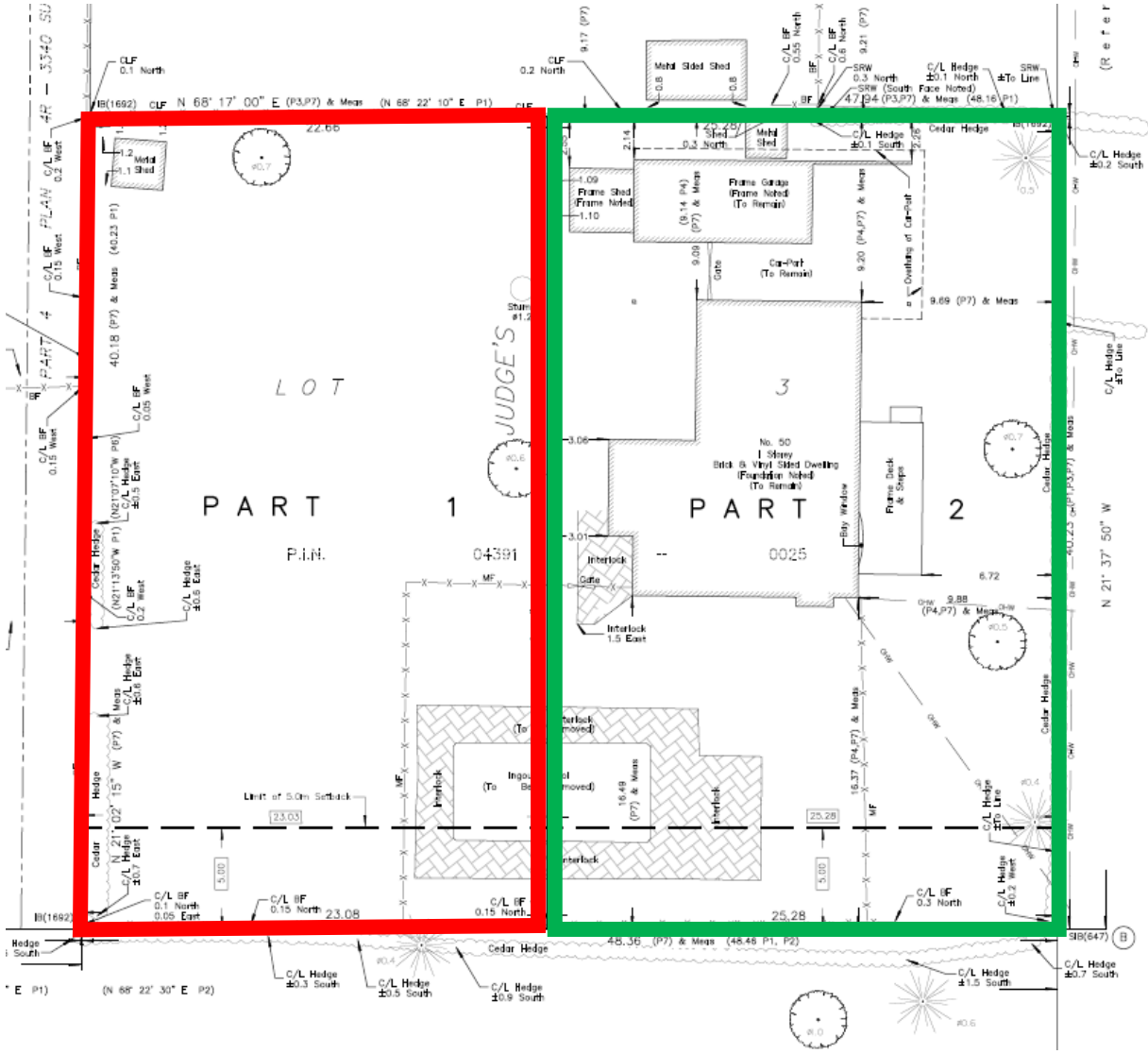


Figure 1. Proposed severed (red) and retained (green) parcels

## Site Context and Surrounding Area

The subject property, 50 Rebecca Crescent, is located in Ward 11 (Beacon Hill-Cyrville), in the City of Ottawa. The subject property is legally described as Lot 3 on Judge's Plan 652 in the City of Ottawa. The subject property has a total lot area of 1,935.9 square metres and a total lot frontage of 40.23 metres on Rebecca Crescent and 48.36 metres on Massey Lane. The existing parcel currently contains a single detached dwelling, which is accessed with a double wide driveway from Rebecca Crescent, as well as an inground pool, which is located along Massey Lane and fully screened by hedges and a fence. The parcel has fencing located along the west property line, and a portion of the north and south property lines. A light standard is located on Massey Lane within the City of Ottawa's right-of-way in front of the subject property, and a utility pole with hydro wires is located on Rebecca Crescent within the City of Ottawa's right-of-way in front of the subject property.

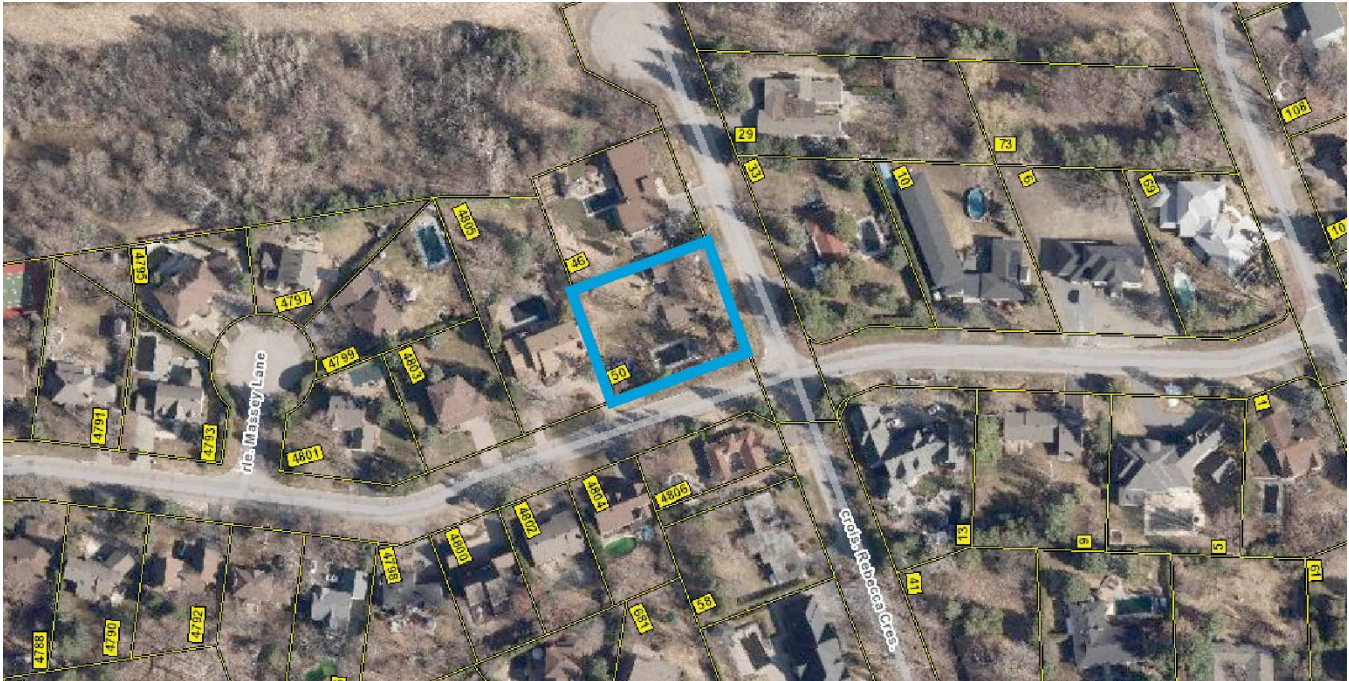


Figure 2: Aerial image of subject property, outlined in blue



Figure 3. View of the subject property from the intersection of Massey Lane and Rebecca Crescent



Figure 4. View of the subject property from Rebecca Crescent, looking at the existing driveway and access to the site



Figure 5. View of the subject property from Massey Lane



Figure 6. Looking west on Massey Lane at the existing street condition, subject property is located on the north side of the street



Figure 7. Looking north on Rebecca Crescent at the existing street condition, subject property is located on the west side of the street

## 2.1 Surrounding Area

The subject property is located in Rothwell Heights-Beacon Hill North, an Ottawa neighbourhood bound by the National Capital Commission's Sir George Étienne Cartier Parkway and the Ottawa River to the north, the Greenbelt to the east, Montreal Road to the south and Blair Road to the west. The subject property is located within the northwest quadrant of the neighbourhood, closest to Blair Road and the Sir George Étienne Cartier Parkway, and is characterized by low rise residential dwellings. The surrounding area can be characterized as the following:

- / **North:** The area north of the subject property is National Capital Commission (NCC) lands, which includes the Sir George-Étienne-Cartier Parkway and greenspace on both sides of the road, as well as the Ottawa River Pathway which is located along the Ottawa River. Rebecca Crescent terminates towards the north of the subject property, where a pathway provides a direct connection to the NCC lands for pedestrians and cyclists.
- / **East:** The area east of the subject property is characterized by a residential neighbourhood, consisting primarily of single detached dwellings. Approximately 2 kilometres east of the subject property are several schools, as well as Eastvale Park and Beacon Hill North Recreation Centre, both of which are municipally owned facilities.
- / **South:** The area south of the subject property is characterized by a residential neighbourhood that is heavily treed, consisting primarily of single detached dwellings. The area immediately south of the subject property also has several municipal parks and greenspace, including Combermere Park, Kindle Court Park and Niven's Woods Park. These parks provide opportunities for both active and passive recreational activities. The residential area to the south is bound by Montreal Road, which is located approximately 2.4 kilometres from the subject property, and consists of a range of commercial and institutional uses fronting onto the road, as well as the National Research Council (NRC) lands and facilities.
- / **West:** The area immediately west of the subject property is the edge of the residential neighbourhood in which the subject property is located, consisting primarily of single detached dwellings. West of Blair Road is a wooded area, as well as the National Research Council (NRC) lands and associated buildings. West of the NRC is the Wateridge Village neighbourhood, which is currently under development and will contain residential uses.



Figure 8. Aerial image of the surrounding area



# 3.0 Overview of Applications

The proposed Consent application proposes to sever the existing property into two (2) separate lots (Figure 9). A previous Consent application was submitted for the subject property which proposed to sever the properties into two irregular properties, however, through the revised plans, the proposed lots will be rectangular in shape which is more consistent with existing lots in the surrounding neighbourhood. As part of the preparation of the revised plans, the variances that were originally requested have been updated, and new variances have been requested, as outlined in the subsequent sections of this report.

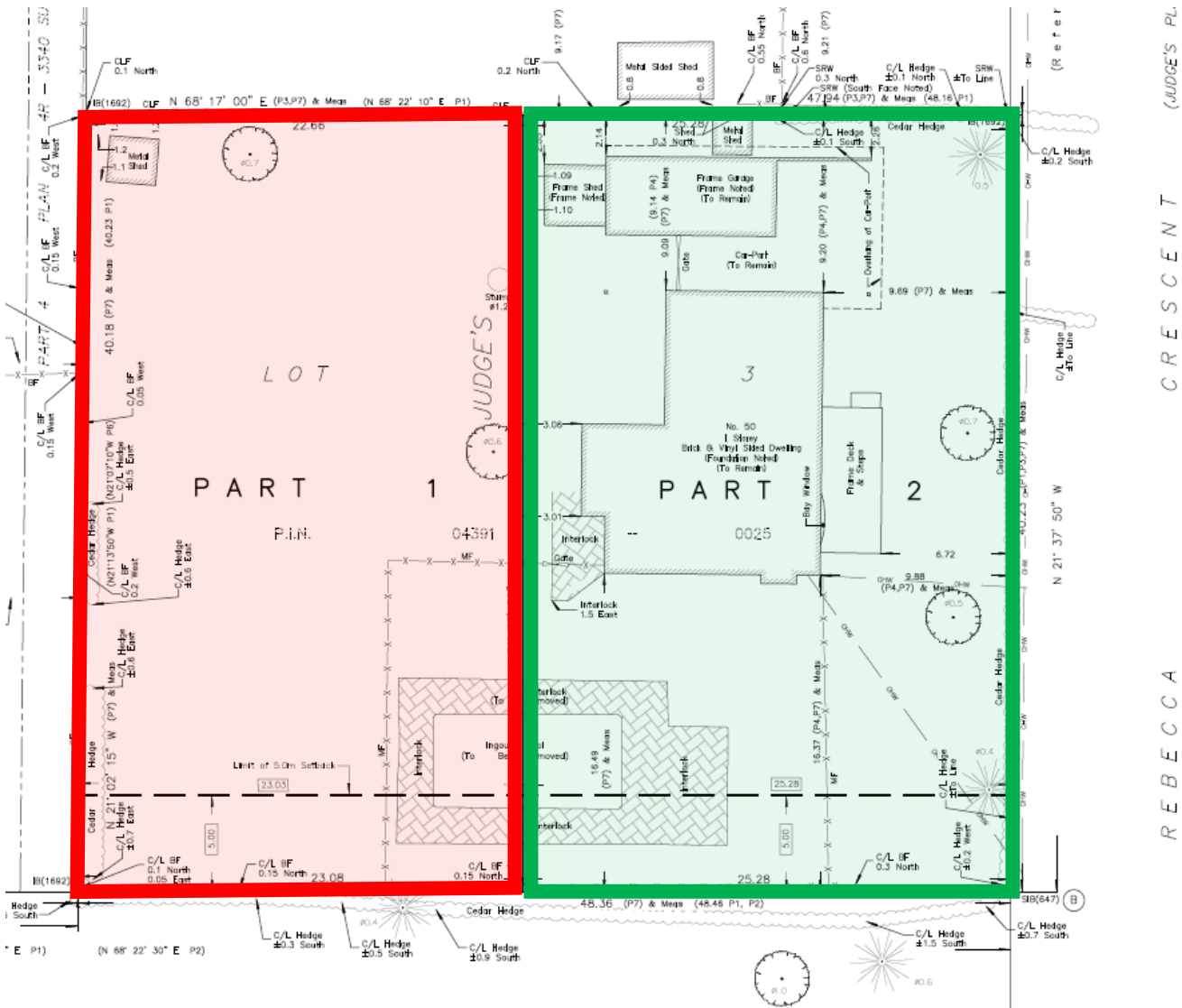


Figure 9. Revised Draft R-Plan showing the proposed severed parcel (red) and retained parcel (green)

The following table summarizes the parcel frontages on Massey Lane, as well as the total lot area of each parcel and the compliance with the Zoning By-law.

Property	Parts on R-Plan	Status	Total Lot Area	Total Lot Width (Massey Lane)	Compliance
50 Rebecca Street	Part 1	Severed	919.2 m <sup>2</sup>	23.03 m	No
50 Rebecca Street	Part 2	Retained	1,016.7 m <sup>2</sup>	25.28 m	No

As outlined in the table above, the proposed parcels do not comply with the total lot width that is required for the R1AA zone in the Zoning By-law. As such, relief is sought from the 30-metre lot width required as part of the proposed Minor Variance applications. As outlined in Figure 10, the proposed lot width is not uncharacteristic in the existing neighbourhood, as many of the existing lots have lot widths of 25 metres or less.

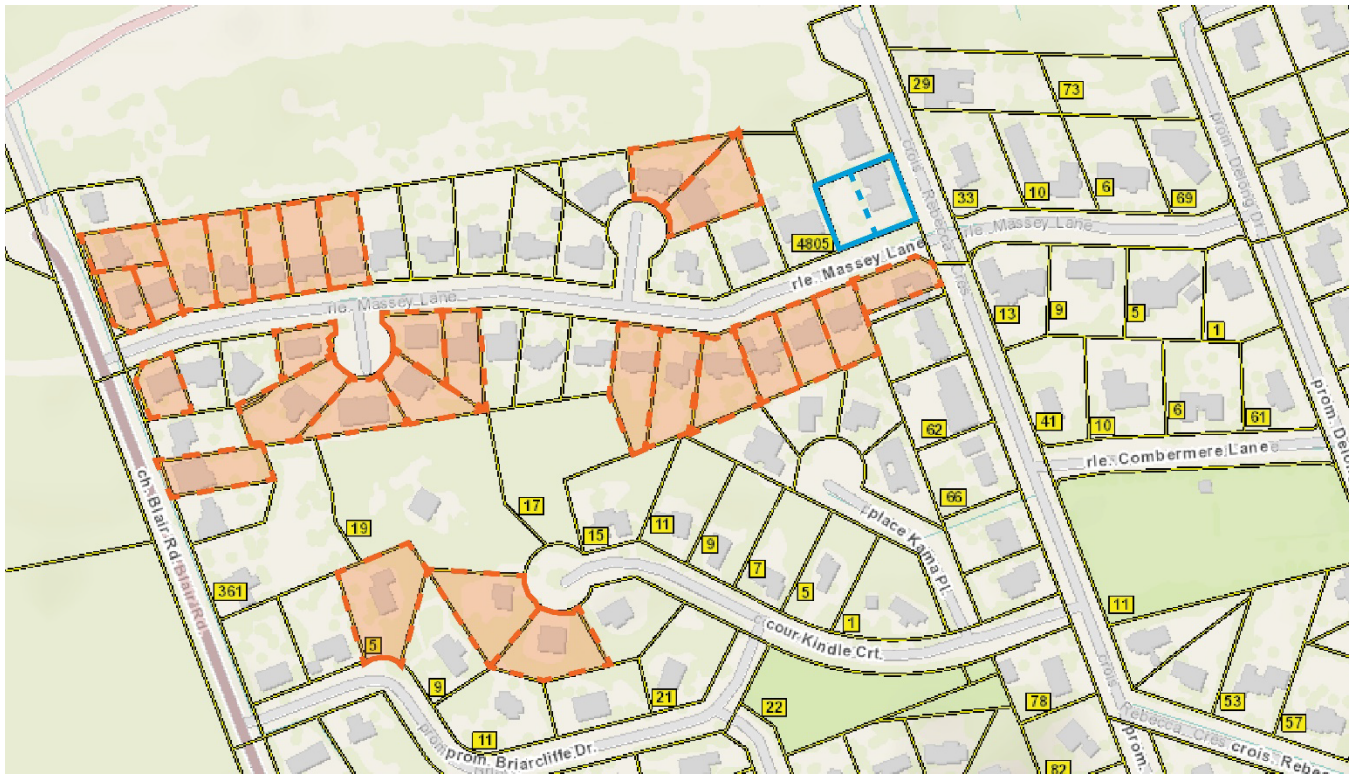


Figure 10. Lot fabric analysis map outlining all properties surrounding the site with lot widths of 25 metres or less (orange) and the subject property with the proposed severance line (blue)

In addition to the lot frontage relief, the revised variances for the retained lot address the existing 0 metre setback between the accessory structure and the detached garage (Figure 11).

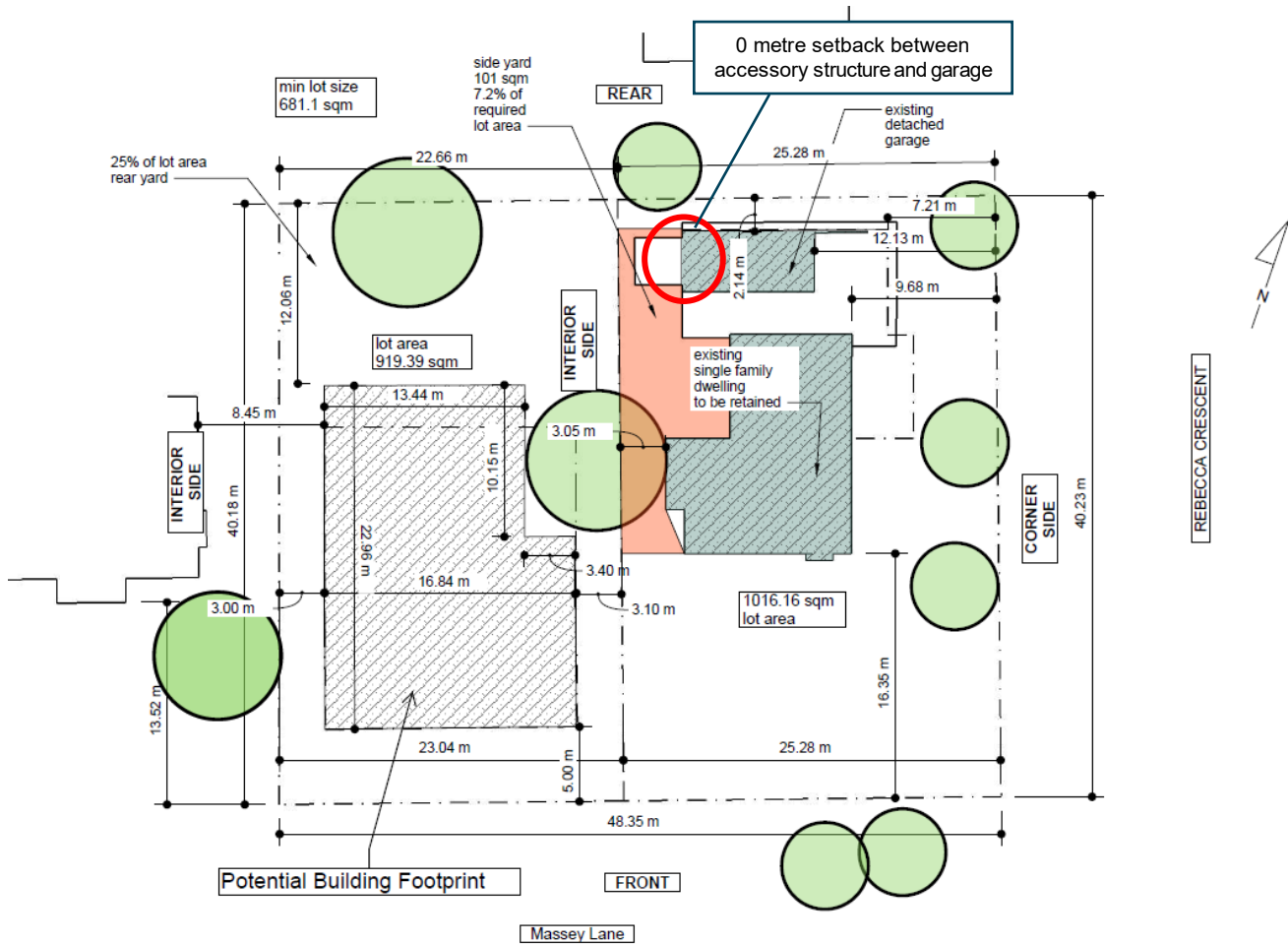
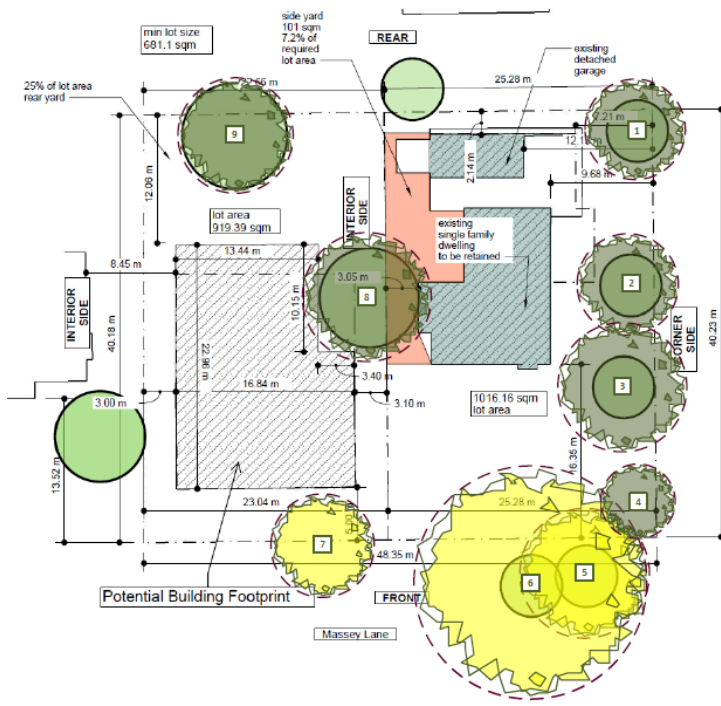


Figure 11. Concept plan of the severed properties with the existing setback between the accessory structure and garage outlined in red

A Tree Information Report (TIR) was previously submitted as part of the original application for the subject property. As part of the revised severance line, the TIR has been updated, providing an inventory of all protected trees on the property and their locations on the concept plan for the subject property (Figure 12).



REBECCA CRESCENT

Tree #	Species	Diameter at Breast Height (cm)	Ownership	Condition	Arbiter Recommendations
1	White spruce (Picea glauca)	45 cm	Private - 50 Rebecca	Fair/good; small twig dieback, especially at top of tree, thin crown	No action required
2	Norway maple (Acer platanoides)	45 cm	Private - 50 Rebecca	Fair/poor; lean towards road, seam on upper side of trunk, excessive pruning for hydro clearance	Recommend removal based on health, tree has lean towards hydro lines and incident is concerned about safety
3	Sugar maple (Acer saccharum)	58 cm	Private - 50 Rebecca	Good/fair	No action required
4	White spruce (Picea glauca)	35 cm	Private - 50 Rebecca	Good/fair; some pruning for hydro clearance, thin crown	No action required
5	Colorado spruce (Picea pungens)	58 cm	City	Good	No action required
6	Silver maple (Acer saccharinum)	104 cm	City	Fair/good; 3 codominant stems, cavity at base	No action required; driveway and servicing for new home should be outside of critical root zone
7	Norway spruce (Picea abies)	45 cm	City	Good	No action required; driveway and servicing for new home should be outside of critical root zone
8	Sugar maple (Acer saccharum)	57 cm	Private - 50 Rebecca	Fair; 2 codominant stems with included bark	Tree is in fair health and may not be a suitable candidate for retention if there is significant stresses due to construction. If tree is retained, a structural support system is recommended to reduce risk of failure of the codominant stems
9	Sugar maple (Acer saccharum)	52 cm	Private - 50 Rebecca	Good	No action required; good potential for retention as tree is healthy and located in the rear corner, far from proposed home

Critical Root Zone  
 Private Tree  
 Tree either fully or partly on city property

Note that the tree layer has been added to the original site plan supplied by the client in pdf format. This layer refers to the trees only, and the original site plan has not been altered in the process. Refer to the original plan for details as quality is lost when importing the plan into the mapping software used to create the tree layer.



Tree Information Report - 50 Rebecca  
 Tree layer prepared by Dendron Forestry Services  
 Version 2.0, July 10, 2023  
 For more information, please contact info@dendronforestry.ca

Figure 12. Tree layer from the Tree Information Report, prepared by Dendron Forestry Services

## 4.0 Policy and Regulatory Framework

### 4.1 Provincial Policy Statement

The Provincial Policy Statement, 2020 (PPS) provides direction on matters of provincial interest related to land use planning and development. The Planning Act requires that decisions affecting planning matters “shall be consistent with” policy statements issued under the Act, which includes the PPS.

The PPS supports the goal of enhancing the quality of life for residents of Ontario, including the protection of public health and safety, the quality of the natural and built environment, and resources of provincial interest. The PPS also recognizes that the “long-term prosperity and social well-being of Ontario depends upon planning for strong, sustainable and resilient communities for people of all ages...”. The policies of the PPS support building strong healthy communities, wise use and management of resources, and protecting public health and safety. The following PPS policies are applicable to the proposed development and subject property, among others:

- / 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, employment, institutional, 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;
  - f) Improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participations in society;
  - g) Ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs;
- / Policy 1.1.3.1 – Settlement areas shall be the focus of growth and development.
- / 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;
- / Policy 1.4.3 – Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:
  - 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 special needs requirements and needs arising from demographic changes and employment opportunities; and
    - 2. All types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3;
  - c) Directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;

- d) Promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit om areas where it exists or is to be developed;

The proposed Consent and Minor Variance applications will create one (1) new parcel of land that is consistent with the PPS, promoting efficient development and land use patterns in a settlement area where infrastructure already exists. The proposed Consent and Minor Variance applications will facilitate residential intensification in accordance with the PPS, by creating a new lot that can be developed it the future with residential uses.

## 4.2 City of Ottawa Official Plan (2022)

The City of Ottawa Official Plan was approved November 4, 2022. The Plan provides a framework for the way that the City will develop until 2046, when it is expected that the City’s population will surpass 1.4 million people. The Official Plan directs how the City will accommodate this growth over time and sets out the policies to guide the development and growth of the City.

### 4.2.1 Outer Urban Transect

The subject property is located within the Outer Urban Transect, as identified on Schedule A – Transect Policy Areas, of the City of Ottawa Official Plan (Figure 13). The Outer Urban Transect comprises neighbourhoods inside the Greenbelt built in the last third of the twentieth century that represent the classic suburban model, characterized by the separation of land uses, stand-alone buildings, generous setbacks and low-rise building forms.

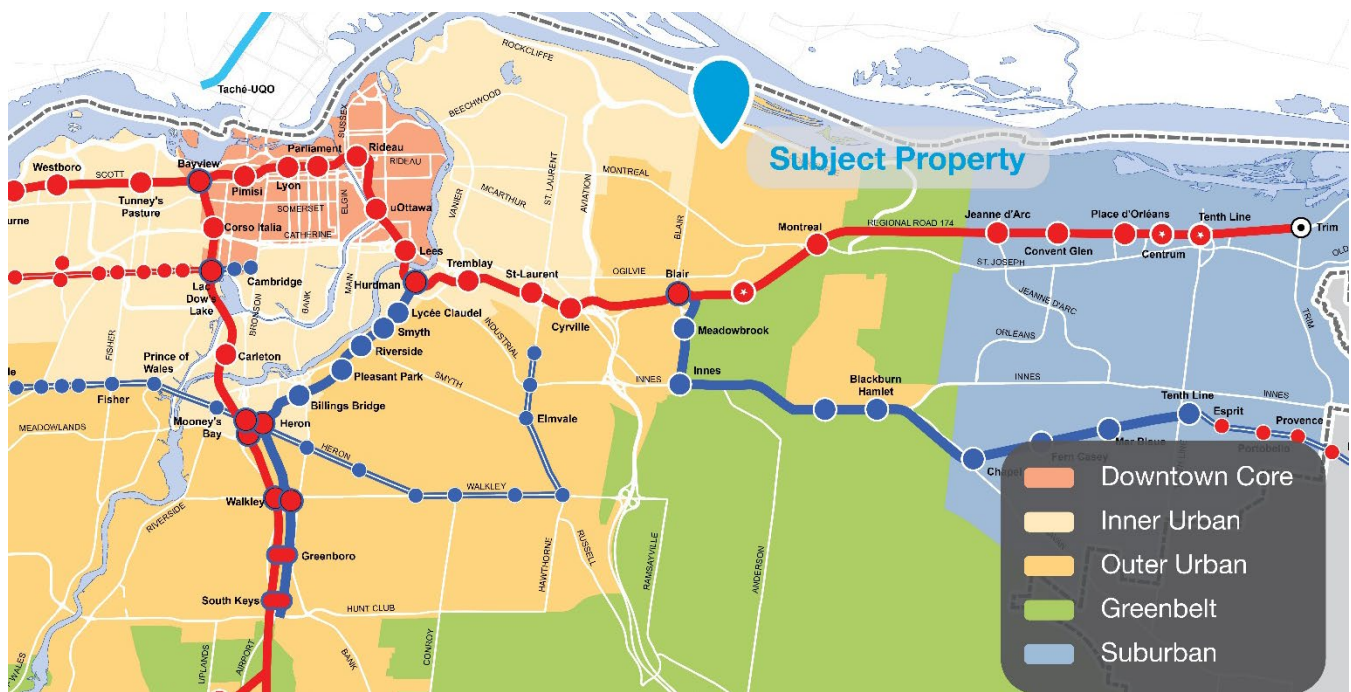


Figure 13. Excerpt of Schedule A - Transect Policy Areas, of the City of Ottawa Official Plan

The following policies are applicable to the subject property and the proposed Consent and Minor Variance applications:

- / Policy 2 of Section 5.3.1 – The Outer Urban Transect is generally characterized by low- to mid-density development. Development shall be:
  - a) Low-rise within Neighbourhoods and along Minor Corridors;

- / Policy 4 of Section 5.3.1 – In the Outer Urban Transect, the Zoning By-law shall provide for a range of dwelling unit sizes in:
  - b) Predominantly ground-oriented forms in Neighbourhoods located away from frequent street transit and Corridors, with Low-rise multi-unit dwellings permitted near rapid transit and frequent street transit routes;
- / Policy 1 of Section 5.3.4 – 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:
  - a) Allows and supports a wide variety of housing types with a focus on lower density missing-middle housing which generally reflects the existing built form context of the neighbourhood, which may include new housing types that are currently not contemplated in this [Official] Plan;
  - b) The application, as appropriate, of Zoning By-law development standards to be applied as one lot for zoning purposes to support missing middle housing;
  - c) Generally provides for up to 3 storeys height permission, and where appropriate 4 storeys height permission to allow for ground oriented higher-density Low-rise residential development;
  - d) Provides an emphasis on regulating the maximum built form envelope that frames the public right of way; and
  - e) In appropriate locations, to support the production of missing middle housing, prohibit lower-density typologies.

#### **4.2.2 Neighbourhood Designation**

The subject property is designated as “Neighbourhood” on Schedule B3 – Outer Urban Transect, of the City of Ottawa Official Plan (Figure 14). Neighbourhoods are contiguous urban areas that constitute the heart of communities. It is the intent of the Official Plan that Neighbourhoods, along with Hubs and Corridors, permit a mix of building forms and densities. The City recognizes that Neighbourhoods are not all at the same stage of development, maturity, and evolution, and as such, the Official Plan will reinforce those that have all elements of and presently function as 15-minute neighbourhoods; guide those that have a few missing elements into gaining them; and to seed the conditions for future 15-minute neighbourhoods into those that currently are not.

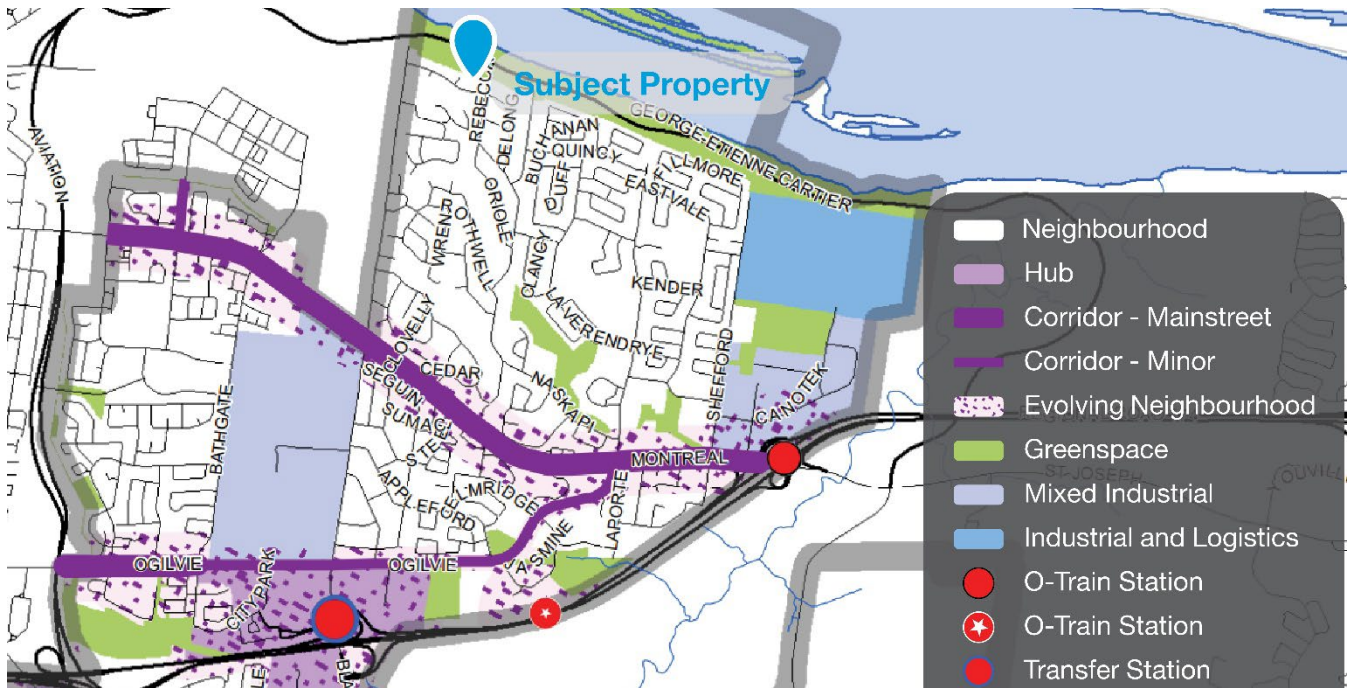


Figure 14. Excerpt of Schedule B3 - Outer Urban Transect, of the City of Ottawa Official Plan

Neighbourhoods are planned for ongoing gradual, integrated, sustainable and context-sensitive development. The following policies are applicable to the subject property and the proposed Consent and Minor Variance applications:

- / Policy 2 of Section 6.3.1 – Permitted building heights in Neighbourhoods shall be Low-rise, except where existing zoning or secondary plans allow for greater building heights; or in areas already characterized by taller buildings.
- / Policy 4 of Section 6.3.1 – 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;
  - b) Housing options with the predominant new building form being missing middle housing, which meet the intent of Subsection 6.3.2, Policy 1);
  - c) In appropriate locations including near rapid-transit stations, zoning may prohibit lower-density housing forms;
- / Policy 5 of Section 6.3.1 – The Zoning By-law will distribute permitted densities in the Neighbourhood by:
  - b) Allowing lower densities and predominantly ground-oriented dwelling forms further away from rapid-transit stations, Corridors and major neighbourhood amenities;
- / Policy 4 of Section 6.3.2 – The Zoning By-law may establish separate standards as appropriate for development on interior lots, corner lots, through lots and whole-block lots, in order to produce coherent and predictable built form and site development outcomes that contribute to well-designed blocks and streetlines.
- / Policy 5 of Section 6.3.2 – Further to Subsection 6.3.1, Policy 4 a), amenity areas that are provided outdoors for Low-rise residential development may be limited to balconies, terraces and/or rooftops in order to achieve the growth management density targets.



The proposed Consent and Minor Variance applications will facilitate the creation of one (1) new lot for residential purposes. The proposed applications will provide an opportunity for ground-oriented residential intensification in the Outer Urban Area, an area that has been identified to accommodate residential growth in the City of Ottawa. Overall, the proposed Consent and Minor Variance applications are consistent with the policy direction of the Official Plan.

### 4.3 City of Ottawa Comprehensive Zoning By-law (2008-250)

The subject property is zoned Residential First Density, Subzone AA (R1AA) in the City of Ottawa's Comprehensive Zoning By-law. The purpose of the R1 zone is to:

- / Restrict the building form to detached dwellings in areas designated as General Urban Area in the Official Plan;
- / Allow a number of other residential uses to provide additional housing choices within detached dwelling residential areas;
- / Permit ancillary uses to the principal residential use to allow residents to work at home;
- / 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
- / 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.

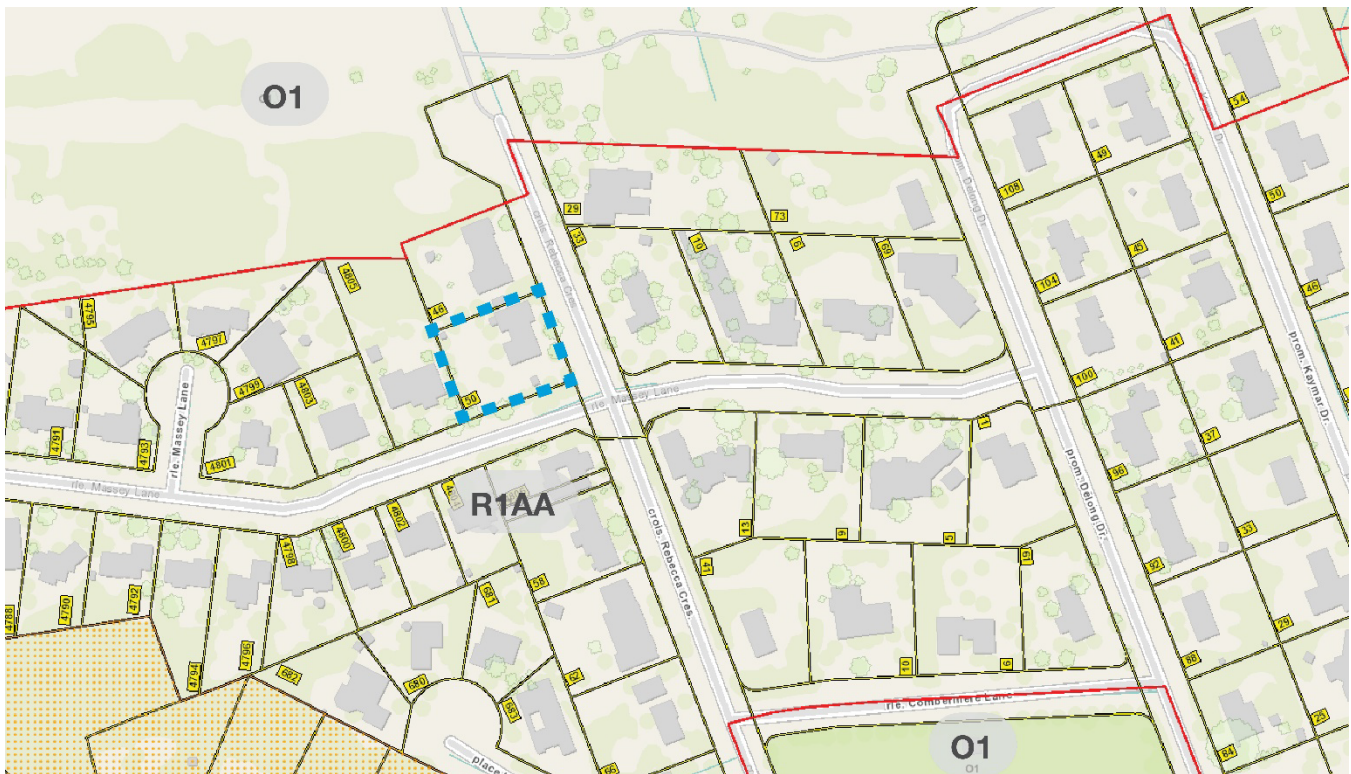


Figure 15. Zoning Map

The permitted uses within the R1 zone include:

- |                      |                       |
|----------------------|-----------------------|
| / Bed and breakfast; | / Diplomatic mission; |
| / Detached dwelling; | / Group home;         |

- / Home-based business;
- / Home-based daycare;
- / Park;
- / Retirement home, converted;
- / Secondary dwelling unit;
- / Urban agriculture.

The table below demonstrates the proposed retained and severed parcels' compliance with the existing provisions of the Zoning By-law. No changes are proposed to the retained lands and the existing detached dwelling. No development is currently proposed on the severed lands, however, any future development will be required to comply with the applicable provisions of the Zoning By-law.

Table 1. R1AA Zoning Compliance Table – Severed and Retained Parcels

Zoning Provision	Required	Provided	Compliance
<b>Minimum Lot Width</b>	30 metres	Severed: 23.03 m Retained: 25.28 m	No No
<b>Minimum Lot Area</b> See Note 3	1,390 m <sup>2</sup> Minimum lot area of no less than 49% may be applied (681.1 m <sup>2</sup> )	Severed: 919.2 m <sup>2</sup> Retained: 1016.7 m <sup>2</sup>	Yes Yes
<b>Maximum Building Height</b>	8.5 m	Severed: N/A Retained: 1 storey	N/A Yes
<b>Minimum Front Yard Setback</b> See Section 144 – need not exceed the minimum required in the R1AA subzone	5 m	Severed: N/A Retained: 16.37 m	N/A Yes
<b>Minimum Corner Side Yard Setback</b> See Section 144 – need not exceed the minimum required in the R1AA subzone	5 m	Severed: N/A Retained: 9.88 m	N/A Yes
<b>Minimum Rear Yard Setback</b> See Note 6 See Section 144 (3)(ii)	Severed: 12.06 m and 484 m <sup>2</sup> Retained: 3 m	Severed: N/A Retained: 9.09 m	N/A Yes
<b>Minimum Interior Side Yard Setback</b> See Note 4	3 m	Severed: N/A Retained: 3.01 m	N/A Yes
<b>Corner Lot At-Grade Amenity Area</b> See Section 144 (4)(c)(v)	5% of the minimum lot area required in the subzone (69.5 m <sup>2</sup> )	Severed: N/A Retained: 101	N/A To Confirm
<b>Front Yard and Corner Side Yard Landscaping</b>	40% of aggregated landscaping	Severed: N/A Retained:	N/A To Confirm
<b>Maximum Width of Driveway</b> Area A on Schedule 343	Double-Wide Driveway: 6 m	Severed: N/A Retained: 6.94 m	N/A Yes*

<b>Minimum Landscaped Strip between Interior Lot Line and Driveway</b>	0.15 m	Severed: N/A Retained: 2.14 m	N/A Yes
<b>Location of Garage or Carport</b>	0.6 m further from the applicable lot line than the principle entrance or the front edge of a landing or porch	Severed: N/A Retained: Equal to the front landing	N/A Yes
	The garage or carport may not be more than 0.6 m closer to the front lot line or side lot line abutting a street than is the principal entrance to the dwelling	Severed: N/A Retained: Carport overhang is 2.97 m closer to the corner side lot line than the principal entrance	N/A Yes*
<b>Accessory Structures</b> Section 55	Required (Detached Garage with Carport, Frame Shed)	Provided (Retained Lands Only)	Compliance
<b>Minimum Front Yard Setback</b>	5 m	Garage: >5 m Frame Shed: >5 m	Yes Yes
<b>Minimum Corner Side Yard Setback</b>	5 m	Garage: >5 m Frame Shed: >5 m	Yes Yes
<b>Minimum Interior Side Yard or Rear Yard Setback</b>	0.6 m	Garage: 2.14 m (rear yard) Frame Shed: 1.09 m (side yard)	Yes Yes
<b>Minimum Distance from Any other Building Located on the Same Lot</b>	1.2 m	0 m (Frame Shed and Garage and abutting)	No
<b>Maximum Permitted Height</b>	3.6 m, with the height of the exterior walls not to exceed 3.2 m	Garage: 3.04 m Frame Shed: 2 m	Yes
<b>Maximum Size</b>	Cannot exceed 50% lot coverage and a maximum cumulative floor area of 55 m <sup>2</sup>	Garage: 34.8 m <sup>2</sup> Frame Shed: 9.8 m <sup>2</sup> Total: 44.6 m <sup>2</sup>	Yes
<b>Maximum Number of Accessory Buildings on a Lot</b>	2	2 (metal shed will be removed)	Yes
<b>Permitted Projections into Required Yards</b> Section 65			
<b>Uncovered porch, deck, platform</b>	In the corner side yard – 50% of the required corner side yard, but no closer than 1 m to a property line	Retained: 2.97 m projection	Yes*

	= 2.5 m projection		
<b>Carport that exists on or before October 8, 2008</b>	<p>Carport complies if:</p> <ul style="list-style-type: none"> <li>/ It is attached to the house to which it is accessory</li> <li>/ It is entirely open on at least two sides</li> <li>/ It is built over the driveway</li> <li>/ It is not in a required front yard, a required side yard abutting a street, or the area of the rear yard abutting a street</li> </ul>	<p>Existing Carport is:</p> <ul style="list-style-type: none"> <li>Attached to house</li> <li>Is open on both sides</li> <li>Is built over the driveway</li> <li>Is not in a required front yard or side yard abutting a street</li> </ul>	Yes

\* Existing condition and subject to legal non-complying rights. The legal non-complying conditions are not proposed to change, and the setbacks for each condition are not altered due to the proposed severance.

While the design of any future residential development on the proposed severed parcel has not been finalized, the proposed severed parcel generally complies with the provisions of the Zoning By-law. Any future development will be subject to a detailed zoning compliance review at the time of Site Plan Control or Building Permit.

**The proposed Consent and Minor Variance applications generally comply with the provisions of the Zoning By-law, except for the proposed lot widths and the existing setback between an accessory structure and other buildings on the property. Although the proposed lot width for both the severed and retained parcels does not comply with the requirements of the R1AA zone, the required lot area is achieved, and as such the lots are considered to be adequate in size for future development within the R1AA zone. An existing accessory structure is located within the proposed interior side yard of the retained parcel and appears to immediately abut the existing detached garage, despite the Zoning By-law requiring a 1.2 metre setback between buildings. As a result, relief has been requested to permit a 0-metre setback between the existing accessory structure and the detached garage. The accessory structure appears to function as an extension of the garage without interior access from the inside of the garage. Through the proposed Consent application, the location of the accessory structure abutting the garage is not impacted, and the accessory structure is able to maintain adequate setbacks from the interior lot line, as outlined in the table above. Due to the existing function of the accessory structure with the detached garage, the reduced setback is considered to be appropriate for the site.**

## Consent Application

It is our professional opinion that the application meet the criteria for lot division as described in Section 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 of a subdivision, the following criteria are generally those which apply to applications for consent:

**a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;**

The proposed Consent application is consistent with the policies of the Provincial Policy Statement (2020) by providing for development opportunity within a settlement area that will efficiently use the land and existing infrastructure.

**b) whether the proposed subdivision is premature or in the public interest;**

The proposed Consent application allows for residential intensification within the urban area where municipal services are available. The application is therefore not premature and is in the public interest.

**c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;**

As outlined in the preceding section of this report, the proposed Consent application conforms with the policies of the City of Ottawa Official Plan and is consistent with the policy direction of the Outer Urban Transect and Neighbourhood designation.

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

The proposed Consent application results in one (1) new lot being created for residential purposes. The proposed parcels will comply with the required lot area, and Minor Variance applications have been submitted to address the proposed lot widths which are consistent with a significant number of surrounding lots.

**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 proposed Consent application will result in one (1) new lot that fronts onto Massey Lane and a retained corner lot that has frontage on Massey Lane and Rebecca Crescent. Both roads are publicly maintained and connect to the larger urban road network of the City of Ottawa.

**f) the dimensions and shapes of the proposed lots;**

The proposed lot sizes and shapes are consistent with the lot fabric for other properties in the surrounding area. The lots are designed with adequate space to retain the existing single-detached dwelling and allow for a new single-detached dwelling to be developed on the severed parcel while respecting the required setbacks of the R1AA subzone.

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

The subject property is subject to a concurrent Minor Variance applications that request relief from the required lot width for both the severed and retained parcels, and relief from the required setback between an accessory structure and any other building on the lot for the retained parcel. There are no other known restrictions of significance to the proposed lots.

**h) conservation of natural resources and flood control;**

The subject property does not comprise part of a broader natural heritage system. A Tree Information Report has been submitted as part of the Consent application, outlining the trees on the site and adjacent City property that are protected under the City's Tree Protection By-law. One tree is recommended for removal as a result of its health, however no other trees are recommended to be removed.

**i) the adequacy of utilities and municipal services;**

The subject property is currently serviced by municipal services and will continue to be serviced by municipal services. The proposed severed parcel will also make use of the existing municipal services that are available.

**j) the adequacy of school sites;**

The proposal for one (1) new lot is modest and is not anticipated to generate enough students to impact the local school system. Several schools are located within approximately 2 kilometres of the subject property, generally located east of the subject property.

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

No lands are proposed to be dedicated for public use.

**l) the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and**

The proposed lots are not anticipated to have an impact on energy delivery.

**m) the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area.**

A Site Plan Control application is not required for the creation of lots or the development of single-detached dwellings.

## 6.0

# Minor Variance Applications: The Four Tests

It is our professional planning opinion that the applications meet the “Four Tests” of a Minor Variance, as described in Section 45 of the *Planning Act*.

### 6.1 Does the proposal maintain the general intent and purpose of the Official Plan?

The proposed Minor Variance application conforms to the general intent and purpose of the Official Plan.

The subject property is designated Neighbourhood within the Outer Urban Transect in the City of Ottawa Official Plan. The minor variance application is consistent with the policies related to the transect and designation, as well as the growth management framework and urban design direction.

The proposed development contributes to the vision of a gradual evolution of existing neighbourhoods towards a denser urban fabric by creating one new lot for residential purposes on an existing large corner lot. The existing single detached dwelling will be retained, while the proposed severed parcel is intended to be developed in the future with a single detached dwelling, although no development plans are currently finalized.

Within the Neighbourhood designation, a range of residential and non-residential uses are permitted. The proposed Consent application and resulting new lots are consistent with the designation policies, as residential intensification will be introduced in an existing neighbourhood that is within proximity to a mix of uses along Montreal Road.

The Growth Management Framework in the City's Official Plan provides direction for intensification to be located within the built-up portion of the urban area. The subject property's location within the Rothwell Heights-Beacon Hill North neighbourhood is within the built-up urban area and is an appropriate location for intensification and growth.

The Urban Design policies of the City's Official Plan provide direction for low-rise buildings, stating that they should be designed to respond to context and transect area policies, and shall include areas for soft landscaping, main entrances at-grade, front porches or balconies, and that buildings shall integrate architecturally to complement the surrounding context. Development plans have not been prepared at this time for the future single detached dwelling that is contemplated for the severed parcel, however the City's Zoning By-law and Tree By-laws contain requirements that will protect existing trees, and dictate appropriate designs and setbacks of the building to ensure the general intent and purpose of these policies are maintained.

**The proposed Minor Variance application maintains the general intent and purpose of the Official Plan.**

### 6.2 Does the proposal maintain the general intent and purpose of the Zoning By-law?

The subject property is zoned Residential First Density, Subzone AA (R1AA) in the City of Ottawa's Comprehensive Zoning By-law. The intent of the R1AA zone is to restrict the building form to detached dwellings while allowing a number of other residential uses to provide additional housing choices within detached dwelling residential areas.

A zoning compliance table has been provided in Section 4.3 of this report which summarizes the provisions of the R1AA zone, along with the accessory structure provisions and permitted projection provisions of the Zoning By-law. Two Minor Variance applications are required – one for the retained parcel and one for the severed parcel, which seek relief from the required lot width for both parcels and the required separation distance between accessory structures and other buildings on the same site for the retained parcel. The intent of the Minor Variance applications is to ensure that the provisions of the R1AA zone are met, as the severed parcel is intended to be developed with a single detached dwelling and the retained parcel will retain the existing single detached dwelling. The proposed Consent application and resulting new parcels meet all other provisions of the applicable subzone and sections of the Zoning By-law, and is therefore consistent with the intent and direction of the R1AA zone.

**The minor variances requested meets the general intent and purpose of the Zoning By-law, as the proposed lots satisfy the required lot area and therefore provide adequate space to accommodate residential uses permitted under the R1AA zone.**

### 6.3 Is the proposal minor in nature?

This Planning Act test is generally understood to involve the consideration of negative impacts from the proposed variances. The variances which are seeking a reduction in the required lot width for both parcels from 30 m to 23 m and 25.28 m will result in 2 lots which are consistent with a significant number of the surrounding area lots, including more than half of the lots within the same block along Massey Lane. As a result, if the narrower lot widths can even be detected, they would certainly not generate negative impacts on the surrounding community which is characterized by similar lot widths. The only other variance relates to the separation distance between 2 existing accessory structures on the retained lands which cannot easily be observed from any surrounding vantage point. Further a physical connection between these structures would allow for this variance to be eliminated entirely.

**The proposed variances are considered to minor in nature, as no undue impacts on the neighbouring properties or the broader community are anticipated.**

### 6.4 Is the proposal desirable for the appropriate development and use of the land?

The requested variances are allowing for the introduction of one new lot within an existing fully serviced neighbourhood on an existing lot that is more than twice the permitted minimum lot area. The resultant lots will also be consistent with a significant number of lots in the community while allowing for the retention of an existing dwelling and the provision of a future dwelling on the severed lot which can comfortably be accommodated in accordance with all remaining zoning provisions. The resultant lots can be considered intensification of the gentlest manner which is significantly consistent with the intensification policies of the City of Ottawa Official Plan and those of the Provincial Policy Statement.

**As outlined above, the proposed variances are desirable and appropriate for the development of the property.**



## 7.0 Conclusion

It is our professional opinion that a full Plan of Subdivision is not required for the orderly development of the lands, and a Consent is appropriate for the subject property.

The proposal to create two (2) total lots from an existing parcel satisfies the Planning Act criteria for a Consent and conforms with the policies of the Provincial Policy Statement and the City of Ottawa Official Plan.

Further, it is our professional planning opinion that the proposed Minor Variances constitute good planning as:

- / The proposal is consistent with the Provincial Policy Statement (2020);
- / The proposal conforms to the policies and objectives of the Neighbourhood designation and the policy direction of the Official Plan (2022) as a whole;
- / The proposal meets the intent of the R1AA zone and the City of Ottawa Comprehensive Zoning By-law (2008-250); and
- / The proposed minor variances meet the four (4) tests as set out in the Planning Act.

Sincerely,



Patricia Warren, M.Pl.  
Planner



Brian Casagrande, MCIP RPP  
Partner