

June 30, 2023

Committee of Adjustment
City of Ottawa
101 Centrepointhe Drive, 4th Floor
Ottawa, ON
Attention: Ms. Cheryl Williams

Committee of Adjustment
Received | Reçu le
2023-06-30
City of Ottawa | Ville d'Ottawa
Comité de dérogation

On behalf of:
Chelsea Realty Investments Inc.
58 Larrimac Rd
Chelsea PQ
J9B 2C4

Dear Ms. Williams:

RE: 11/13 Acacia Avenue- Severance and Easement Consent Application

The following materials are being submitted in support of the above noted application:

- A cover letter and accompanying planning rationale for the above-noted Consents;
- City application for Consent;
- A copy of the RPlan depicting the previously conditionally approved severance, an easement granted to Bell, and the requested easement in favor of 11&13 Acacia (dominant) over 131 Putman (servient);
- Copy of the surveyor's real property report plan (showing pre-severed site in detail);
- Parcel Abstract Page confirming the names of all registered owners of the property; and
- Copy of an e-mail exchange with City Forrester.

Please note that the Consent for Severance application is a re-submission of a previously submitted and conditionally approved application (D08-01-21/ B-00046). Additionally, please note that the current application also requests consent for an easement to be given in favour of the retained lands (11 and 13 Acacia Ave, dominant) and 131 Putman Ave (servient).

Also please note:

1. As was the case originally, there is no development proposal for the lands to be severed accompanying this application. As such, no site plan or elevations are being submitted in support of this proposal, whose intent is solely to *make a lot available for future development*;

2. Most of the conditions stipulated in the conditionally approved original application have been met and acknowledged by the City, including:

Condition 1: All appeals exhausted;

Condition 2: Demolition of accessory structure;

Condition 3: Each building / property separately serviced;

Condition 4: Commissioning of drainage and grading plan;

Condition 7: Granting of an easement to Bell Canada;

Condition 8: Filing of an RPlan by a registered Ontario Land Surveyor.

Conditions 5 (Development Agreement registered on title of both retained and severed lands); Condition 5b (acknowledging presence of Bell pole); and Condition 6b i and ii (noise attestations on title) were all in varying stages of completion at the time the original Consent Decision was judged to have lapsed.

3. The original Consent application contained 6 requests for Minor Variances to accommodate non-conforming features of the property conditional on the severance being granted. Four of the six were approved. The two that were not were appealed to the Ontario Land Tribunal, and a decision to approve both was rendered on February 2, 2022 (OLT-21-001196).

On advice and direction of City staff, none of those six variance requests are included in this application. Having been approved, they were judged to have survived the lapsing of the severance that necessitated them.

This application is in two parts. Consent application 1 requests and provides the rationale for a severance. Consent application 2 requests and provides the rationale for an easement between the severed (servient) and retained (dominant) lands.

Please do not hesitate to contact me if you require additional information.

Regards

Dave Crapper

Chelsea Realty Investments Inc.

Consent 1, Severance Application: Planning Rationale

Purpose and Overview of the Application

The purpose of this application is to sever the existing parcel of land known municipally as 11 and 13 Acacia Avenue. Currently, Acacia Avenue is a through-lot with frontage onto both Acacia and Putnam with the Acacia frontage being developed with a 2-storey apartment dwelling.

The severance application will result in the creation of a new lot fronting Putnam Avenue allowing the site to be developed by a future property owner. The property at 13 Acacia will remain as is.

As the existing building was developed prior to the City of Ottawa Zoning By-law, it benefits from a number of non-complying rights. However, with the severance of the rear of the property, a number of variances will be required to bring the site into compliance with the City's Comprehensive Zoning By-law.

As such, a Minor Variance application is being submitted seeking relief from the following zoning provisions for the retained lands including:

- Minimum lot area;
- Minimum rear yard setback;
- Minimum amenity area requirement;
- Exception for the existing balconies to project into the required rear yard.

It is important to note that the requirement for these variances results from the introduction of a new property line at the rear of the building only as no changes are being proposed to the building exterior or footprint.

Site Location and Context

The subject property is municipally known as 11 and 13 Acacia Avenue and is located in the community of Lindenlea in the Rideau-Rockcliffe ward in the City of Ottawa. The site is located approximately 5 lots north of Beechwood Avenue and being a through-lot, has frontage onto both Acacia Avenue to the east and Putnam Avenue to the west. Residential uses, ranging in density, abut the property to the north and south.

Subject Site: Aerial



The total site area is 496.3 m², with frontage of 12.22 m along Acacia Avenue and 13.22 m along Putnam Avenue. As this is an irregular site, the lot depth along the southern property line is 38.1 m and 43.36 m along the northern property line.

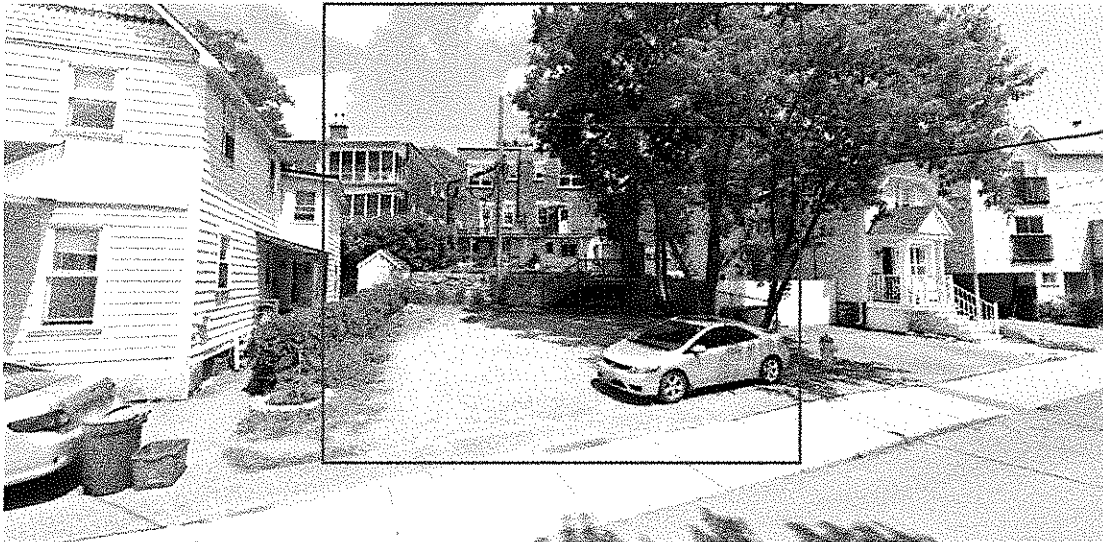
The subject property, outlined in blue above, is currently occupied by a two-storey, 6-unit residential building along the Acacia Avenue frontage. *No changes are proposed to the existing building as a result of this application.* Along Putnam Avenue, the property is undeveloped and has up until recently been used as tenant parking. As the existing building contains a total of 6 units, the provision of parking is not required as per the City of Ottawa Comprehensive Zoning By-law.

There is an existing retaining wall that runs along the rear of the property as indicated on the R-plan. It is expected that the retaining wall will be addressed in the sale of the severed property to the new owner.

Subject Property: 11 and 13 Acacia Avenue frontage



Subject Property: Putnam Avenue frontage



Surrounding Area

The subject property is located on a block bound by Beechwood Avenue to the south, Putnam Avenue to the west, Chapleau Avenue to the north and Acacia Avenue to the east. This unique configuration of the block follows the geometry of the road network resulting in narrower lots closer to Beechwood Avenue and deeper and larger lots fronting onto Chapleau Avenue. As such, the block is best characterized as having a varying lot fabric and pattern with lots ranging in size and depth.

As currently configured, the subject property differs from the existing lot fabric and pattern as the only through property. Further, the undeveloped portion of the lot fronting Putnam creates a “missing tooth” in the existing street fabric. By allowing the property to be severed, the lot can be regularized and made to be more in-keeping with the rest of the block.

The segment of Acacia Avenue closest to Beechwood Avenue ranges in residential types and densities and includes both singles, semi-detached and multi-unit residential buildings. However, the built-form and materiality is relatively uniform and largely maintains a two-storey profile. Overall, this stretch of Acacia Avenue is a long-established and uniform-looking street with limited new infill development and the range of residential uses and densities works well on the street.

On the other hand, Putnam Avenue has undergone significant redevelopment. Many of the existing dwellings within this Block have been demolished and largely replaced with semi-detached dwellings. As a result, Putnam Avenue has a much tighter urban fabric than Acacia largely due to the redevelopment that has occurred. Properties fronting Chapleau Avenue, completing the block to the north, are occupied by low-rise apartment dwellings.

Overall, this is an eclectic city block that is characterized by a range of residential densities ranging from singles, semis, to low-rise apartments and varying lot fabric and pattern.

Proposed Severance

Comparison Tables of Lot Area and Depth

An analysis was completed of the 5 adjacent properties along Acacia and Putnam Avenue to better understand the lot pattern and fabric. The information is summarized in two separate tables below. Existing lots that are *smaller* than the Acacia retained parcel have been called out in red. It is noteworthy that out of the 10 lots analyzed, only 3 meet the minimum lot area requirement in the existing zoning for the least dense use of a single detached dwelling.

Acacia Properties (see accompanying map for property locations)

Property Address	Lot Area	Lot Depth (using E-maps)
5 Acacia	113.49 m ²	17.8 m
7 Acacia	123.33 m ²	17.8 m
9 Acacia	246.06 m ²	19.9 m
15 Acacia	216.38 m ²	27.2 m
17 Acacia	246.45 m ²	27.8 m
19 Acacia	239.73 m ²	30.8 m
21 Acacia	385.6 m ²	35.7 m

Putnam Properties (see accompanying map for property locations)

Property Address	Lot Area	Lot Depth (using E-maps)
139 Putnam	97.9 m ²	13.6 m
137 Putnam	111.14 m ²	13.4 m
135 Putnam	194.19 m ²	15.9 m
127 Putnam	217.01 m ²	18.3 m
125 Putnam	226.67 m ²	23.4 m
123 Putnam	163.08 m ²	26 m
121 Putnam	175.66 m ²	29 m

Proposed Severance: 11 and 13 Acacia

Part	Lot Area	Lot Depth (as per survey)
1 (Acacia)	253.1	20.79 m (northern boundary) and 20.71 m (southern boundary)
2 (Putnam)	243.2	Irregular- 22.57 m (northern boundary) and 17.39 m (along southern boundary)

The proposed severance will result in the lot being normalized relative to the properties to the south and north and within the context of the block. Additionally, it will create nearly two equal land parcels thereby creating the best opportunity for the Putnam parcel to be developed. With respect to the Acacia parcel, the proposal is in line with the existing property to the south which is very similar in area and lot width and also accommodates a low-rise apartment dwelling. Additionally, as the existing building is not being altered, the Acacia frontage is not impacted by the severance. Finally, both parcels will be generally in line with or larger than the adjacent properties.

Comparison Table Key Map



Policy and Regulatory Framework Review

City of Ottawa Official Plan

The site is designated *General Urban Area (GUA)* in the City of Ottawa Official Plan. The GUA permits the development of many types and densities of housing. Intensification is supported within *GUA* where it will complement the existing pattern and scale of development and planned function of the area.

In assessing the application for new infill and development, the City will:

- Evaluate proposals on the basis of compatibility of new development as it relates to existing community character in so much as it enhances and builds upon desirable established patterns of build form and open space [policy 3.6.1.5.a].
- Consider its contribution to the maintenance and achievement of a balance of housing types and tenures to provide for a variety of demographic profiles within the *GUA* [3.6.1.5.b].

The existing building along Acacia is to be retained and the existing low-rise apartment use to remain. The existing two-storey, red-brick building represents discreet intensification in a built form that is in keeping and compatible with the street and neighbourhood, while the approval of the severance will permit the development of an underutilized, fully serviced lot within the City's urban area. Further, any potential future development proposal for the severed lands will be further evaluated on the basis of urban design and compatibility and assessed against the context of Putnam Avenue. As such, the requested variance and severance applications are fully in keeping with the *GUA* designation and policies.

Beechwood Community Design Plan

The site is subject to the Beechwood Community Design Plan and identified as being located within the Linden Lea neighborhood. The site is designated Residential on the Land Use Map with both Putnam and Acacia Avenue identified as Distinctive Streets.

There is further policy direction for this particular property. As the current residential land use is being retained and the existing building retained, the site is in keeping with the Beechwood Community Design Plan.

City of Ottawa Comprehensive Zoning By-law

The subject property is zoned **Residential Fourth Density UC subzone [R4UC]** in the City of Ottawa Comprehensive Zoning By-law. The parcel was rezoned as part of the City's R4 review.

The site is also subject to the City's Mature Neighbourhood Overlay. *However, as no development proposal is being put forward for the severed parcel, the additional zoning provisions and requirements for a 21-lot analysis are not applicable in this instance.* Once the land is severed and sold, the new property owner would undertake any additional analysis required to support whatever proposal they wish to pursue.

As noted above, the **R4-UC** zoning was adopted prior to the original Consent application, as part of the R4 residential zoning review and permits a range of uses. However, the zone provisions are based on dwelling type and as such, higher density uses are not permitted as-of-right on the proposed lots. Based on the provisions of the **R4-UC zone**, single and duplex uses would be permitted as-of-right on the severed lot. For denser land uses, a return to the Committee would be required to grant relief from the By-law.

Severed Lands (Part 2)		
	Required	Proposed
Lot Width	7.5 m (for single/duplex)	13 m
Lot Area	225 m ² (for single/duplex)	243.2 m ²

With respect to the retained lands and existing building at 11 and 13 Acacia, the **R4-UC** zoning permits the *existing* low-rise apartment use.

The original submission indicated that the existing building pre-dates the first City By-law. As such, the site benefits from legal non-complying rights and as a result only those provisions that were impacted by the introduction of the original severance needed to be varied. It is noteworthy that when compared to the By-law requirements, the existing site does not meet most of the application zoning provisions, including zoning updates resulting from the R4 review and Mature Neighbourhood Overlay.

However, none of the adjacent buildings on Acacia meet these requirements either.

Nonetheless, the built form is very much in keeping with the existing properties along Acacia and like its neighbours, meets the City's objectives of low-rise intensification within the R4 zone.

As illustrated earlier in this rationale, the property is located on a uniquely configured block with a varying lot pattern and fabric. As a result, many of the existing and recently redeveloped parcels fail to meet the provisions of the new R4 zone (with respect to minimum lot area, setbacks and amenity area requirements). This underscores that the By-law, regardless of how recently implemented, cannot anticipate or recognize every configuration but that development is still desirable and overall can meet the City's objectives.

Required Parking

As the site is located within Area X on Schedule 1A and does not contain 12 or more units, no parking (including visitor parking) is required.

The *Planning Act* sets out the conditions for approval of subdivision of land. The requested severance meets the subdivision requirements as follows:

- The proposal meets the provincial interests as set out in the Provincial Policy statement for the provision of a range of housing in an efficient manner.
- The subdivision of the site is not premature. This is the last remaining lot to be developed within the larger block which consists of approximately 31 other properties, all of which have been developed.
- As set out above, the plan conforms to the official plan and as illustrated in the lot analysis, the site is generally in keeping with the existing subdivided properties.
- The property is zoned R4-UC and the newly created lot will meet the provisions of the By-law for as-of-right development on the basis of lot area and lot width for a single detached or duplex use.
- Both lots will have frontage onto a municipal right-of-way and have access to adequate utilities and municipal services. The Acacia building is currently serviced by municipal utilities. No servicing constraints were identified by infrastructure staff at the pre-consultation meeting for the Putnam fronting parcel.
- Lot dimensions and shape are proposed in a way that will allow the existing building to continue to function while the newly created lot to redevelop. The analysis of existing lots demonstrates that there is range of dimensions and shapes within the existing block and the proposal does not deviate or introduce dimensions/shapes that are out of keeping with the neighbourhood. In fact, the severance will bring the lot more in keeping with the existing block than the current configuration of the lot as the only existing “through lot” in the entire block.
- There are no restrictions on the site nor any natural resources/flood controls.
- The site is located within the urban boundary and the severance and future redevelopment of this property meets both provincial and municipal interest of efficient use of land.

In summary, the key aspects of the proposal are:

- The application results in no new development, it only seeks to create a lot for future development by a new property owner;
- Based on existing requirements, the lot being proposed is large enough to accommodate a single or duplex use as-of-right;
- Both the new lot and the remaining one are as large or larger than most of the neighboring lots;

- While the remaining lot will not meet all the requirements of the existing bylaws, most of its neighbouring property's do not, either;
- Creating the new lot is consistent with the planned function for the area as set out in the Official Plan and meets the City's goal of compatible intensification within the urban area;
- Maintaining that portion of the property as a parking lot perpetuates an unsightly hole in the evolving Putnam Avenue streetscape and does not represent the highest and best use of serviced lands within the urban area.

Given the above, and considering the previous decision, we respectfully request the approval of the severance application.

Consent 2: Easement Application

Chelsea Realty Investments Inc. owns a 3 story, 6 unit apartment building at 11 and 13 Acacia Ave in Ottawa (image 1). In June 2021, the Committee of Adjustment gave conditional approval to Chelsea Realty's consent application (D08-01-21/8-00046) to sever the property into 2 parcels, namely 11 & 13 Acacia ("retained lands") and 131 Putman Ave ("severed lands"). That consent has lapsed and is being requested again.

Then as now, the severed portion was used as a parking lot for the tenants of 11 and 13 Acacia. Currently, 4 of the 6 tenants in the building use the lot for parking.

Purpose of the Easement

The severed land is to be sold for development purposes. Consequently, those who currently reside in the building will benefit from a convenient and direct route to alternate parking. In addition, tenants of the building routinely walk along the proposed path of the easement as a short-cut to the shops and services they frequent along Beechwood Avenue, and particularly the coffee shop on the corner of Beechwood and Putman.

To enable convenient access for those and other similar purposes, this application seeks to grant an easement in favour of 11 and 13 Acacia Ave, running in an east / west direction along the length of the southern property line of 131 Putman (Image 3). Starting at the south-west corner of 11 & 13 Acacia, the easement would be 1.2 meters wide, the same width as the required set-back for any future building constructed on that property consistent with its current R4UD zoning. The 1.2 m setback in that zone also applies to other buildings, and to the requirements necessary for the provision of a walkway to allow for garbage disposal. In short, it's a commonly used and widely accepted standard of reference.

Location of the Easement

The attached R Plan shows the location of the proposed easement as Parts 6 and 7. For further reference, Part 1 is the lot that the building sits on. Parts 4, 5 and 8 comprise a utility easement granted in favour of Bell Canada as a condition of the Severance Consent previously granted by the Committee of Adjustment (D08-01-21/8-00046).

Protected Trees

There are no issues with protected trees along the right of way. Please see attached note from Hayley Murray, Planning Forrester with the City, attesting to this.

Consultations with Neighbours

Neighbours immediately adjacent the north and south property lines of the severed lot have been informed of this Consent application. The neighbour to the south (135 Putman Ave) has given his verbal consent to the application. They also gave their verbal consent to the original severance application. The neighbours to the immediate north (127 Putman and 15 Acacia) were both consulted on the original severance application. Both of them submitted written objections to it. Neither of them were granted standing at the hearing. Both have been consulted on the easement application. It's unclear where they stand. All other neighbours required to be informed as per the by-laws have been.

Tenants in 11 & 13 Acacia already walk through the parking lot as a short cut to shops on Beechwood. This easement application simply dedicates a path to facilitate that practice. Consequently, it's difficult to conjure grounds as to why reasonable neighbours would oppose it.

Consultations with Councillor King and Community Groups

The office of the local municipal councillor has been informed of this request, and has been given a copy of this application.

Given the modest and uncomplicated nature of this easement Consent application, no community, conservation or environmental groups have been consulted.

In sum, we respectfully request the granting of this easement.

Dave Crapper
Chelsea Realty Investments Inc.

Attachments:

- Images 1-4
- City of Ottawa Consent Application form
- P.I.N.
- Original Survey
- Subsequent RPlan survey
- Area Certificate accompanying RPlan
- Correspondence from Hayley Murray, Planning Forester

Image 1: 11 & 13 Acacia Ave: Looking west, from the east side of Acacia Ave



Image 2: Back of 11&13 Acacia (west facing)



Image 3: Aerial View, south of property looking north. The requested easement will run immediately adjacent to the fence in the foreground separating the subject properties from those immediately to the south (7&9 Acacia; 135 Putman Ave) Property line between severed & retained lands is at the end of paver stones / beginning of grass behind building.

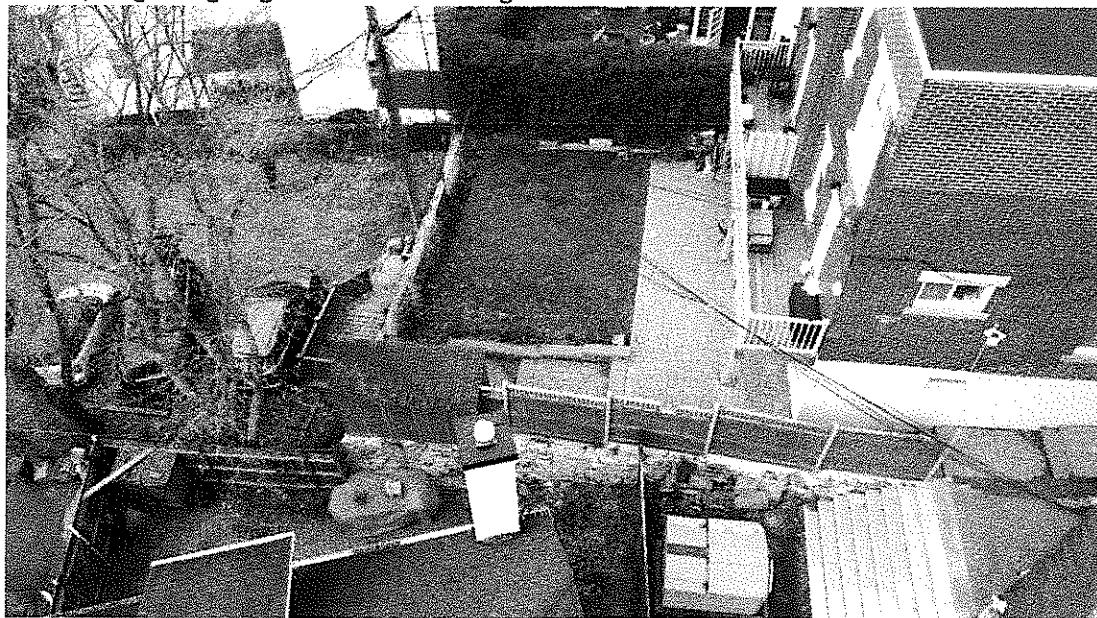


Image 4: View of easement route, looking west to Putman from 11 Acacia. Note that shed in previous picture has been removed.

