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PLANNING RATIONALE

43-C Eccles Avenue, Ottawa, ON, K2G 3M5

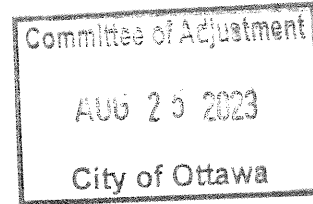
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Date: August 24, 2023

File: 070623 - 25 Pennard Way

To: Michel Bellemare, Secretary Treasurer
Committee of Adjustment
City of Ottawa, 101 Centrepointe



RE: PROPOSED SEVERANCE AND MINOR VARIANCE APPLICATIONS
FOR 25 PENNARD WAY

Dear Mr. Bellemare,

Q9 Planning + Design have been retained by Elie Ghossein, Royal SMS Construction Inc. to prepare a Planning Rationale regarding the requested consent to sever applications required to sever the subject lot into three lots; one new corner lot to contain a single detached dwelling, and a new semi-detached (each on a unique parcel) that is being situated on a through lot and will provide frontage for each half of the building onto a public street.

The following represents the Planning Rationale cover letter required as part of the submission requirements for an application to the Committee of Adjustment.



Figure 1: Location Plan (Source: Google Maps)

OVERVIEW

The subject site is an irregular-shaped lot located on the south side of Inverkip Avenue, on the north side of Pennard Way and fronts onto the intersection of Pennard Way & Inverkip Ave/Binbury Way in the Greensboro East neighbourhood within Ward 10 - Gloucester-Southgate in the City of Ottawa. The lot is located within an established residential neighbourhood that is characterized by a fairly consistent, uniform lot fabric. The surrounding lots are developed with townhouse blocks or semi-detached dwellings. The subject site is currently vacant.

The proposed development is to sever the subject lot into three lots; one new corner lot to contain a single detached dwelling, and a new semi-detached (each on a unique parcel) that is being situated on a through lot and will provide frontage for each half of the building onto a public street. A minor variance application is required to permit a reduced front and rear yard setback for the retained parcel. In order to permit this development, two consent applications are required to establish two new lots (3 total lots).

The retained parcel will consist of Part 3 which represents the lot which will contain the single detached dwelling. The severed parcels will consist of Parts 1 & 2 each which will contain one half of the semi-detached dwelling fronting on Inverkip Ave and Pennard Way respectively. Part 2 will be subject to an easement in favour of Part 4 for servicing purposes.

Proposed Consent Applications

The breakdown of the proposed Consent to Sever application is provided below and are consistent with the Draft Reference Plan provided in conjunction with this application.

| Part Number | Use | Lot Width | Lot Depth | Lot Area |
|--------------------------------|------------------------------------|-----------|--------------------|----------------------|
| Part 1 Severed | Semi-Detached Dwelling | 12.26 m | Irregular, 13.36 m | 165 m ² |
| Part 2 + Part 4 Severed | Semi-Detached Dwelling | 12.03 m | Irregular, 14.57 m | 175.2 m ² |
| Part 3 Retained | Single Detached Dwelling | 19.80 m | Irregular, 16.06 m | 329 m ² |
| Part 4 Easement | Subject to Easement Inst. 00103259 | | | 0.2 m ² |

Original Application Numbers:

B-00057 - Sever Part 1 (Semi-detached Dwelling)

B-00058 - Sever Part 2 and 4 (Semi-detached Dwelling)

A-00110 - Minor Variance Application for Part 3, Retained (Single Detached Dwelling)

Description of Easements:

Parts 1, 2, 3 & 4 - Subject to easements 0C30350, 0C32903, 0C30353 and 0C37321 for utilities. Part 4 - Subject to easement instrument 0C103259

Minor Variances Requested

The requested variance for this application is identified below:

Part 3 - Single Detached Dwelling

- (a) To permit a reduced front side yard setback of 3.0 m, whereas the by-law requires a front yard setback of 5.0 m.
- (b) To permit a reduced rear side yard setback of 3.0 m, whereas the by-law requires a rear yard setback of 5.0 m.

Documents Required and Submitted

The following lists all required and submitted documents in support of the identified Committee of Adjustment applications.

Survey

Draft Reference Plan

Site Plan

Tree Information Report

Planning Rationale (this document)

Fee

Application Forms

Parcel Abstract

SITE & CONTEXT

Site

The subject site is an irregular, somewhat triangular-shaped lot, located on the south side of Inverkip Avenue and the north side of Pennard Way in the Greensboro East neighbourhood. The property is an undeveloped corner site, located to the west of where Inverkip and Pennard Way intersect. The immediate area along Inverkip, Pennard and Binbury Way is characterized by townhouse blocks and semi-detached units, built with more modern, contemporary styles. The surrounding context is residential, with residential uses abutting the property on all sides. The subject property is within a residential neighbourhood. Nearby commercial uses are located to the east of the site along Conroy Road and at Conroy and Hunt Club Road.

The site is identified as a large undeveloped parcel within the existing lot fabric. The proposed development will fit in comfortably with the existing built form and represents suitable and appropriate infill.

Due to the lot shape, it is noted that for the purposes of zoning the interpretation of front, corner, and rear lot lines is atypical and detailed further in this report.

The following list provides the existing lot dimensions for 25 Pennard Way:

Lot frontage: Irregular, 30.97 metres

Lot depth: Irregular, 25.65 metres

Lot area: 669.20 m² (7,203.2 ft²)



Figure 2: Site Map (Source: GeoOttawa)

Context

The subject site is located within a low to medium—density residential neighbourhood (Greenboro East) in Ward 10 - Gloucester-Southgate. The area is characterized by a fairly consistent character of townhouse blocks and semi-detached dwelling types. Many homes in the area are fairly consistent in scale, with mostly 2-storey and 2.5-storey heights. Architectural styles in the area are consistent in style with more modern red and beige brick townhomes with vinyl-siding on the upper storeys and garages at grade. Pennard Way is a residential street, running from Inverkip Ave to the south and Johnson Road to the north. The streets are curvilinear and do not follow a traditional block pattern. The neighbourhood is generally south and east of Johnston Road, north of Zaidan Dr., and east of Tapiola Cres.

The property is located within an approximate 30 minute walk of a commercial mainstreet along Bank Street, and is close to parks and schools, with Roberta Bondar Public School, St. Marguerite d'Youville School and Greenboro Park located nearby. There are currently no sidewalks adjacent to the subject property on Pennard Way or Inverkip Ave, however Johnson Road has separated pedestrian sidewalks on both sides of the street.

The property is also located within walking distance of Greenboro transitway station. The station provides access to rapid transit routes 97, 98 and 99 as well as frequent, local and connection routes. Frequent transit service is also provided within walking distance of the subject property along Johnston Road and Lorry Greenberg Road.

Some cycling infrastructure is located near the site, including a paved shoulder on Johnston Road and some local mid-block connecting multi-use pathways. On-road cycling lanes are provided on Zaidan Drive.

Overall, the site is somewhat walkable, with some active transportation infrastructure such as bike lanes and sidewalks located nearby. The property is within walking distance of public transit service as well as parks, schools, and retail commercial uses. This context supports the creation of the proposed lots.

The following pages provide an overview of the context and images of the subject property and the street:

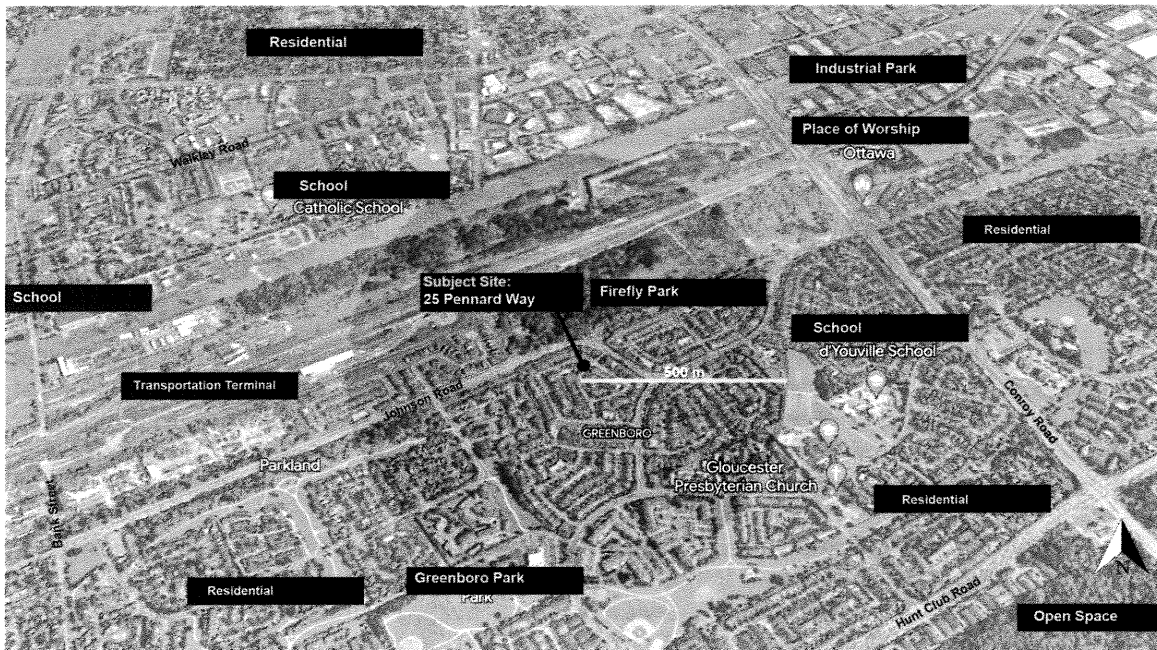


Figure 3: Context Map (Source: Google Earth)

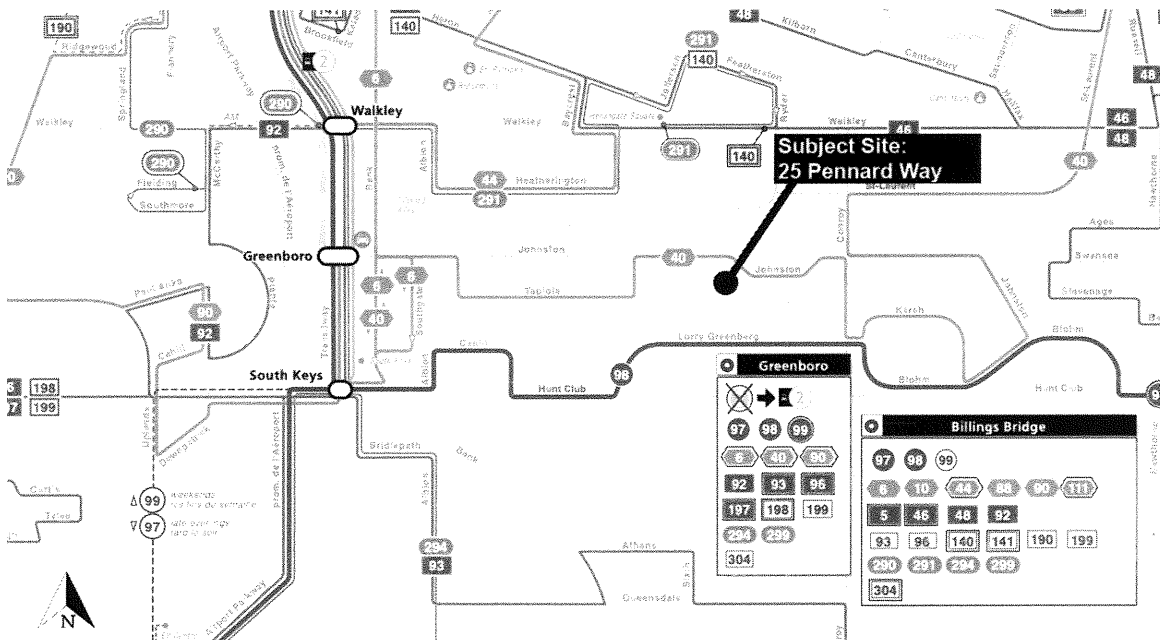


Figure 4: Public Transit Network (Source: OC Transpo)

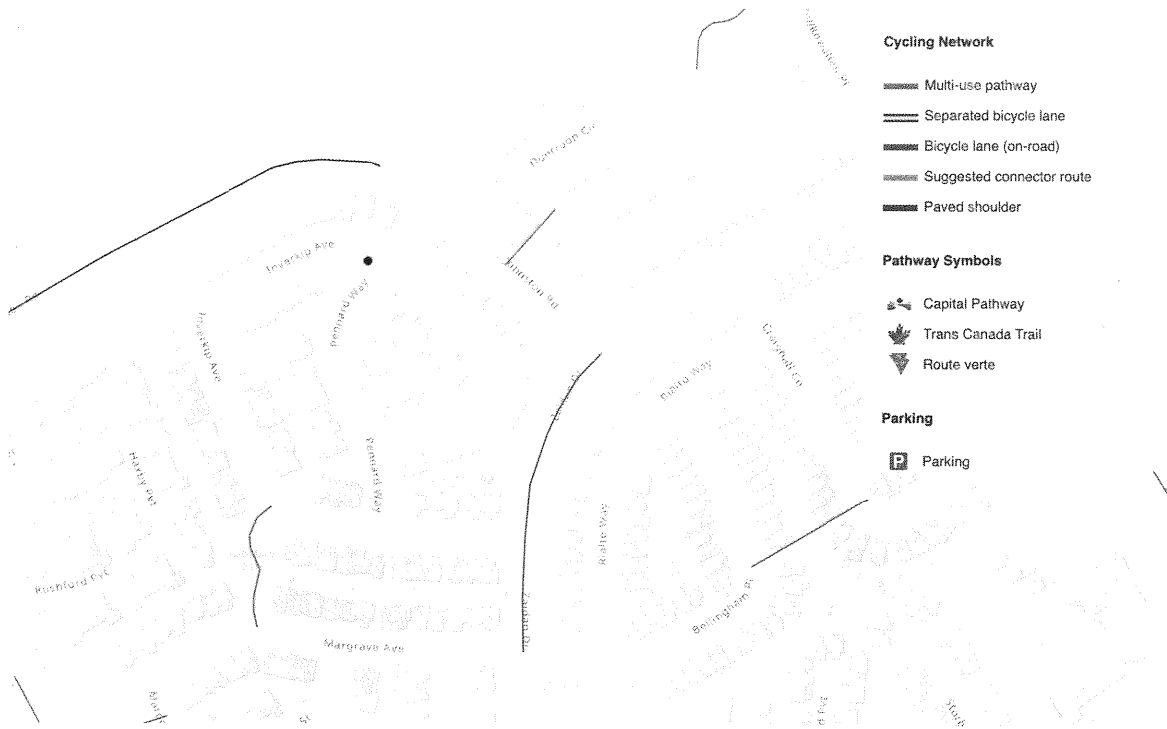


Figure 5: Cycling Network (Source: NCC Maps)

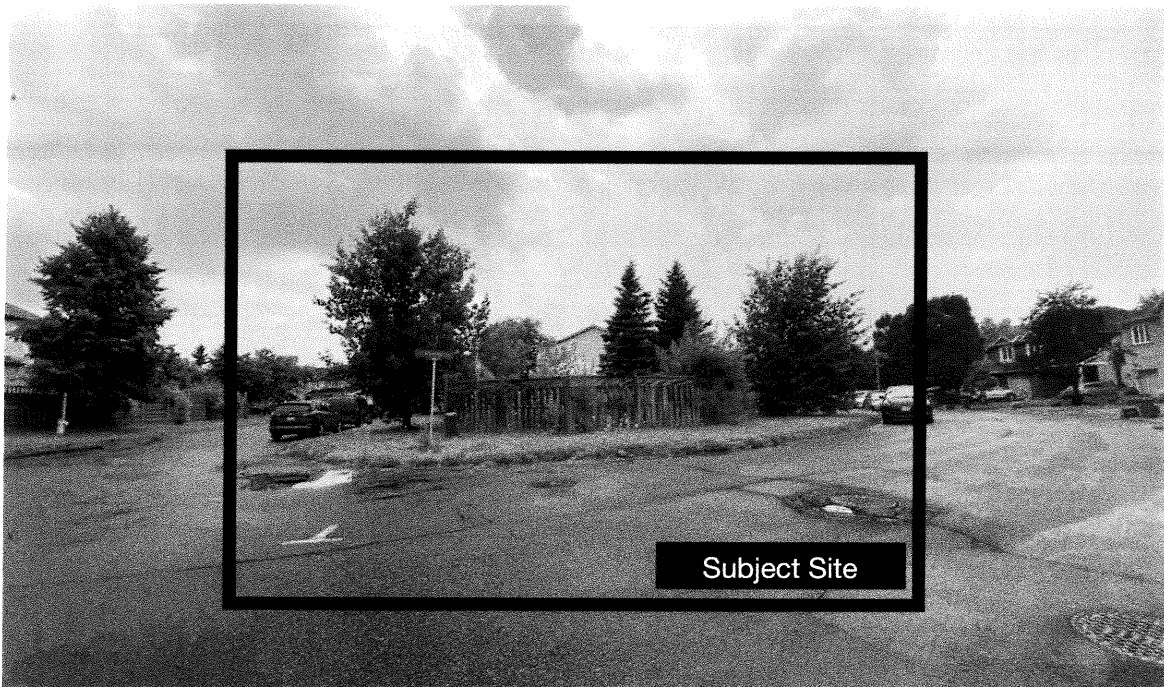


Figure 6: Subject site, looking at the corner of Inverkip Avenue (to the right) and Pennard Way (to the left)



Figure 7: View along Inverkip Avenue, looking northwest



Figure 8: View across the street from the subject site on Inverkip Avenue



Figure 9: View along Inverkip Avenue, looking northwest



Figure 10: View along Pennard Way, looking west



Figure 11: View from subject site looking east towards Johnston Road

PROPOSED DEVELOPMENT

The proposed development is to sever the subject lot into three lots; one new corner lot to contain a single detached dwelling, and a new semi-detached that is being situated on a through lot and will provide frontage for each unit onto a public street.

The portion of the semi-detached shown in Part 1 will front onto and have access via Inverkip Avenue. The portion of the semi-detached shown in Part 2 will front onto and have access via Pennard Way. The proposed single detached dwelling will be located on the retained parcel (Part 3) and will have frontage on both Pennard Way and Inverkip Avenue. The lot will be accessed via Inverkip Avenue. Part 4 is a right-of-way over Part 2 for a utility easement. A minor variance application will be required to permit a reduced front and rear yard setback for the single detached dwelling site.

The following pages contain the Site Plans and Draft Reference Plan.

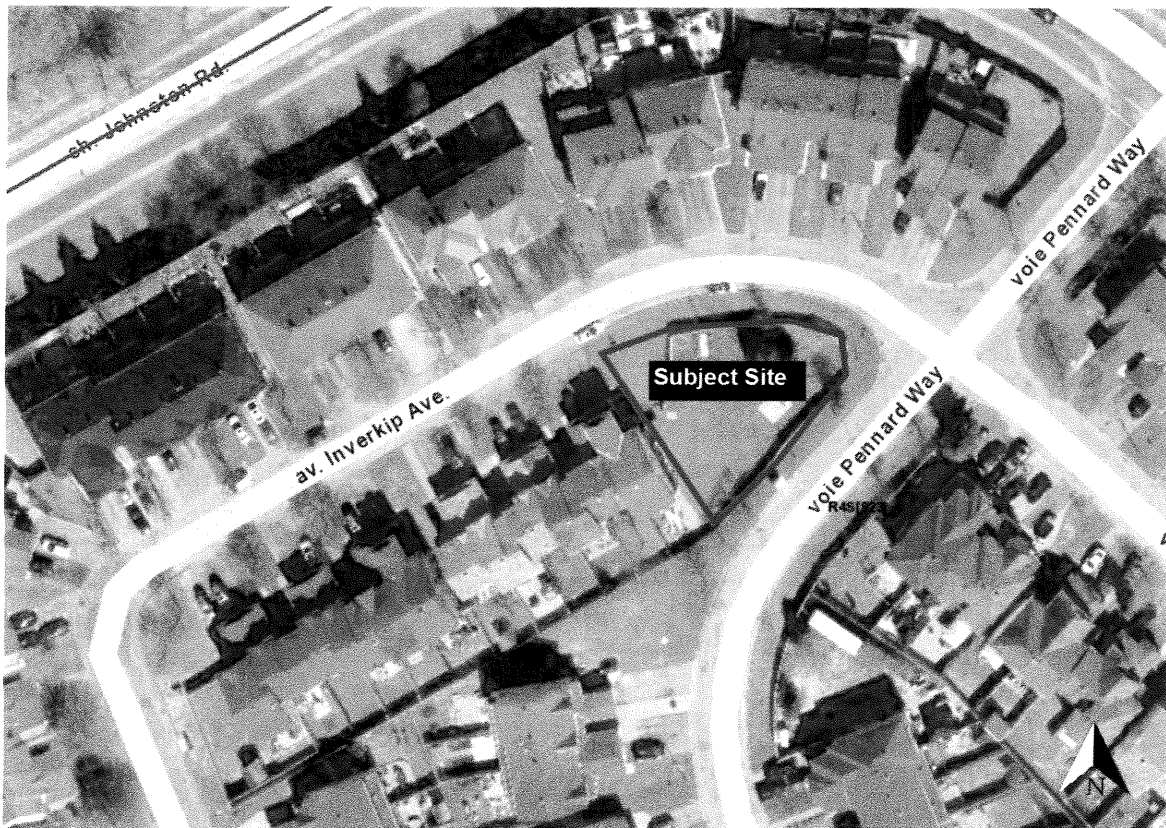


Figure 12: Aerial view (Source: GeoOttawa)

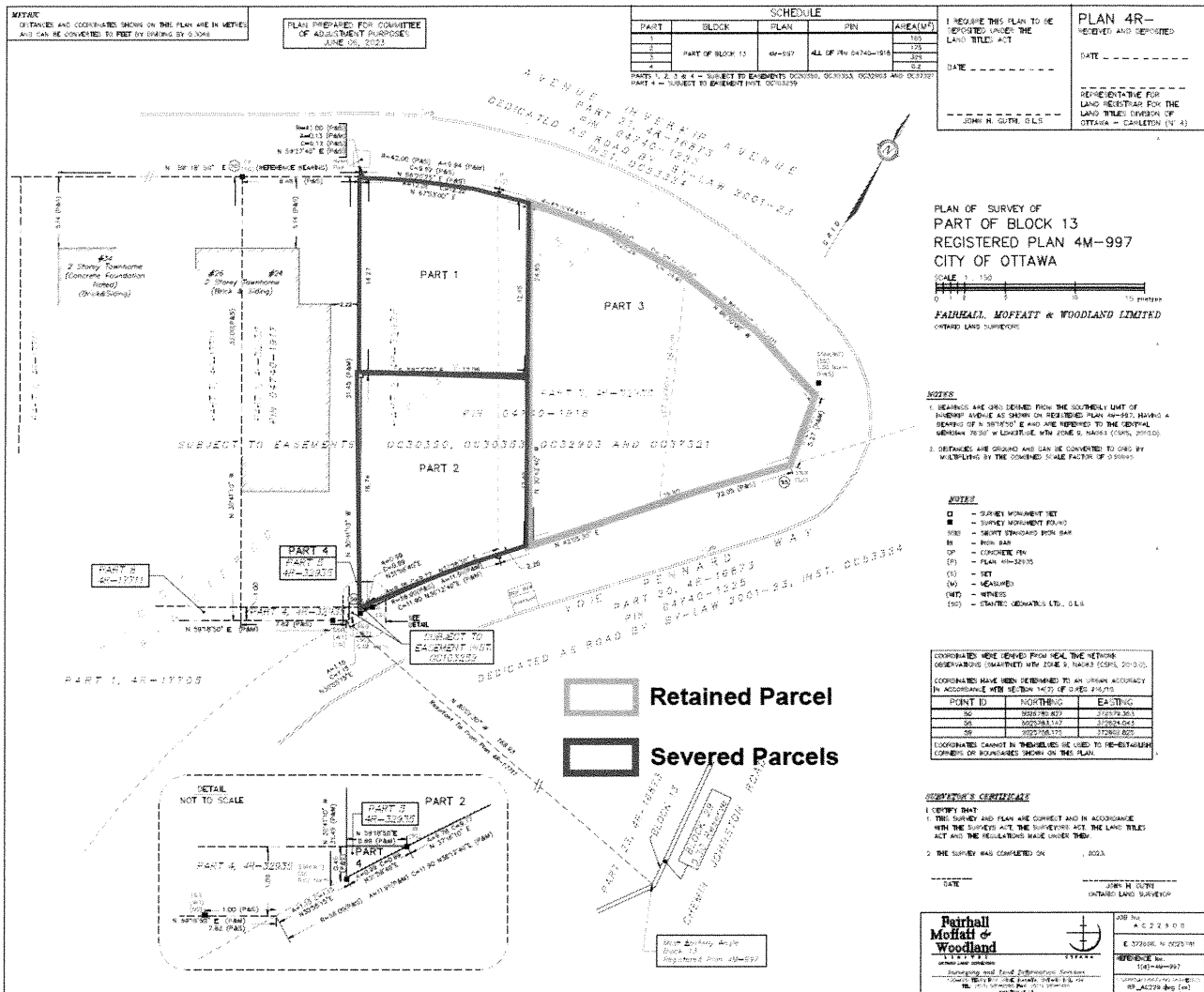


Figure 13: Coloured Draft R plan (Source: Fairhall, Moffatt & Woodland, marked up by Q9)

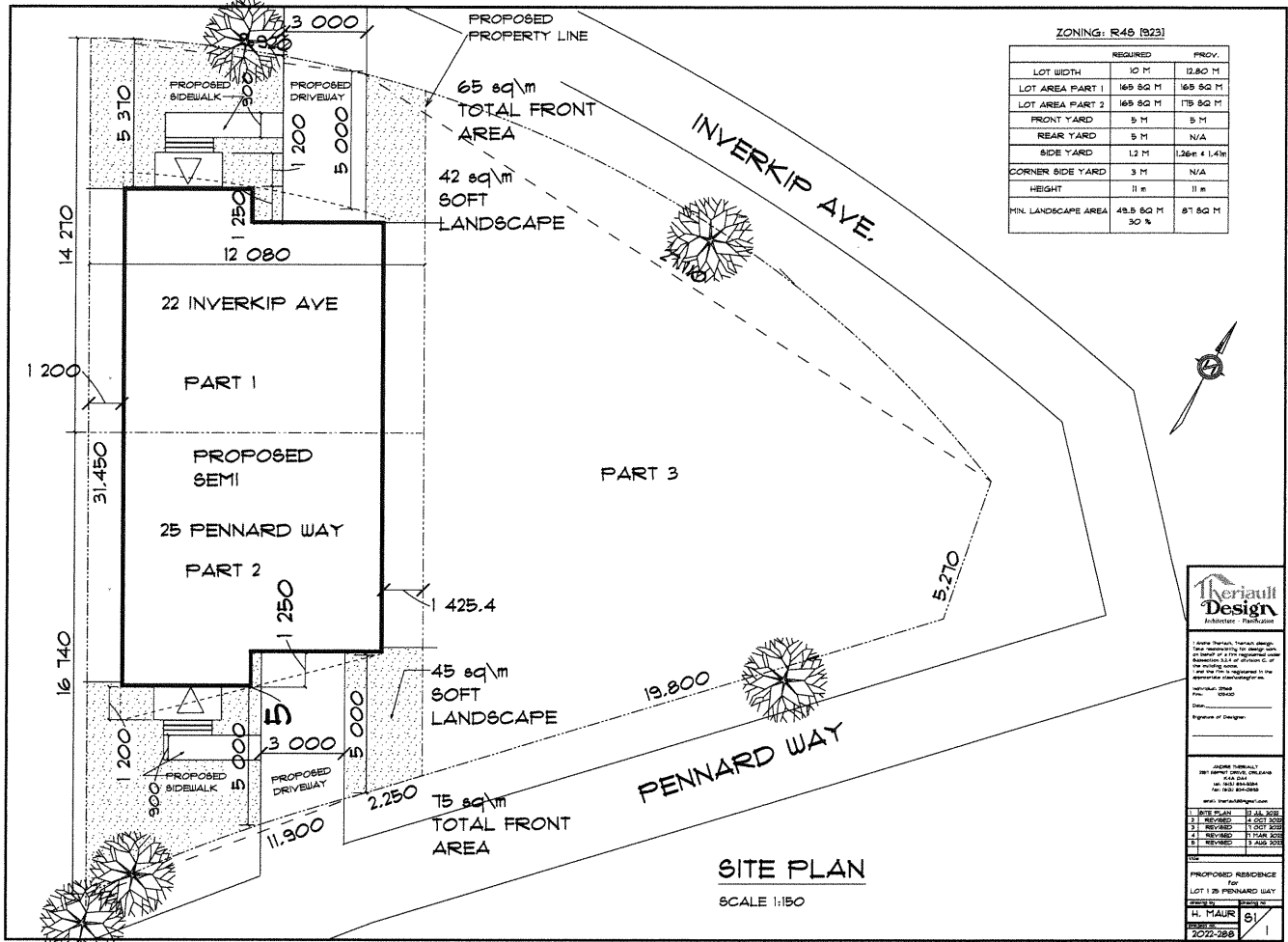


Figure 14: Site Plan Semi-Detached Parts 1 & 2 (Source: Theriault Design)

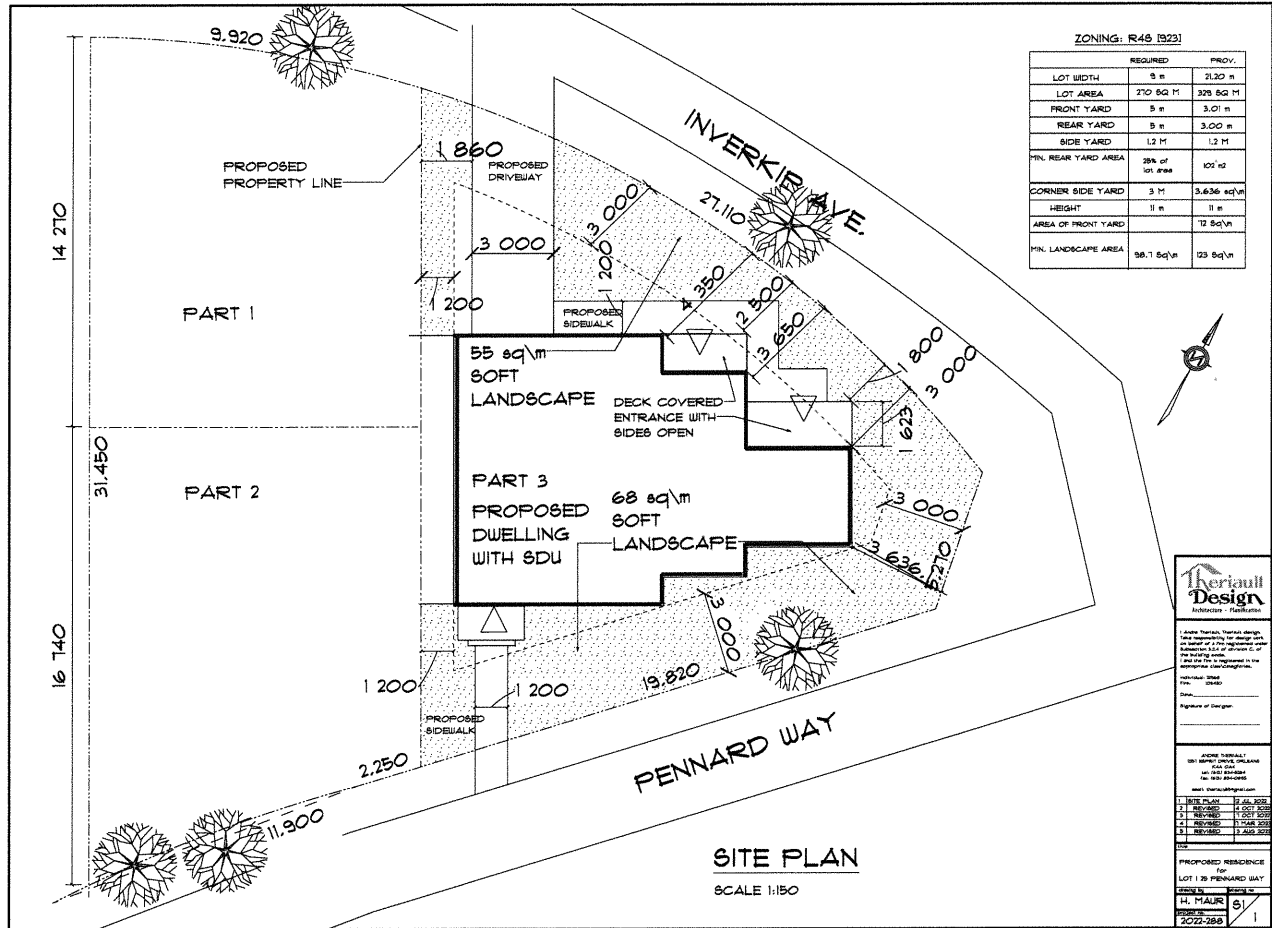


Figure 15: Site Plan Single Detached Dwelling (Source: Therriault Design)

POLICY REVIEW

In order to obtain approval of the proposed minor variance and severance to create three new lots with a single and semi-detached dwelling, a review of the relevant and applicable policies and provisions is required. These are reviewed and discussed below. Relevant policies will be indicated in *italics*.

Provincial Policy Statement, 2020

The Provincial Policy Statement, 2020 (PPS) came into effect on May 1, 2020 and provides broad policy direction on land use planning and development matters of provincial interest. It ensures that land use planning policy and decisions meet provincial goals and objectives. The PPS is intended to enhance quality of life for all Ontarians, protect resources of provincial interest, protect public health and safety, and preserve the quality of the natural and built environment while providing for appropriate development. All Provincial and municipal plans and policies must align with and implement the direction of the PPS. All decisions affecting planning matters “shall be consistent with” the PPS.

Section 1.0 is intended to wisely manage change and plan for efficient and effective land use and development patterns. It provides for policies that sustain healthy, liveable, and safe communities.

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 (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), 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;*
- e) *promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;*
- f) *improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society;*
- 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; and*
- i) *preparing for the regional and local impacts of a changing climate.*

Comment: The proposed severance of the existing property to permit a semi-detached dwelling (each on unique lots) and a single detached dwelling, will provide for three new dwelling units in an existing community on a currently under-utilized lot. The proposal will result in new housing in an existing neighbourhood that will make efficient use of services, transit, infrastructure and resources. The new lots will turn an oversized, under-utilized end-block into new homes in the community.

Section 2.0 of the PPS provides policies aimed at ensuring Ontario's long-term prosperity, environmental health, and social wellbeing through the wise use and management of resources. The policies provide direction on conserving biodiversity, protecting the Great Lakes, and protecting natural heritage, water, agricultural, mineral, and cultural heritage and archaeological resources.

Section 3.0 of the PPS contains policies to ensure Ontario's long-term prosperity, environmental health, and social wellbeing through the reduction of health risks from human-made or natural hazards.

Based on our review, it is our professional planning opinion that the proposed development conforms with the Provincial Policy Statement (PPS), 2020.

City of Ottawa Official Plan

Designation: *Neighbourhood within the Outer Urban Transect*

The City of Ottawa Official Plan was passed by City Council on November 24th, 2021 and is currently being reviewed by the Ministry of Municipal Affairs and Housing (MMAH). The new Official Plan contains renewed goals, objectives, and policies that will guide growth and future change to the year 2046.

Section 2 provides the overarching strategic directions for the new Official Plan in order to help Ottawa become the most liveable mid-sized City in North America over the next century. It is centred around the Five Big Moves, which call for increased growth through intensification, more sustainable transportation, more context-based urban and community design, environmental, climate, and health resiliency, and planning policies based on economic development.

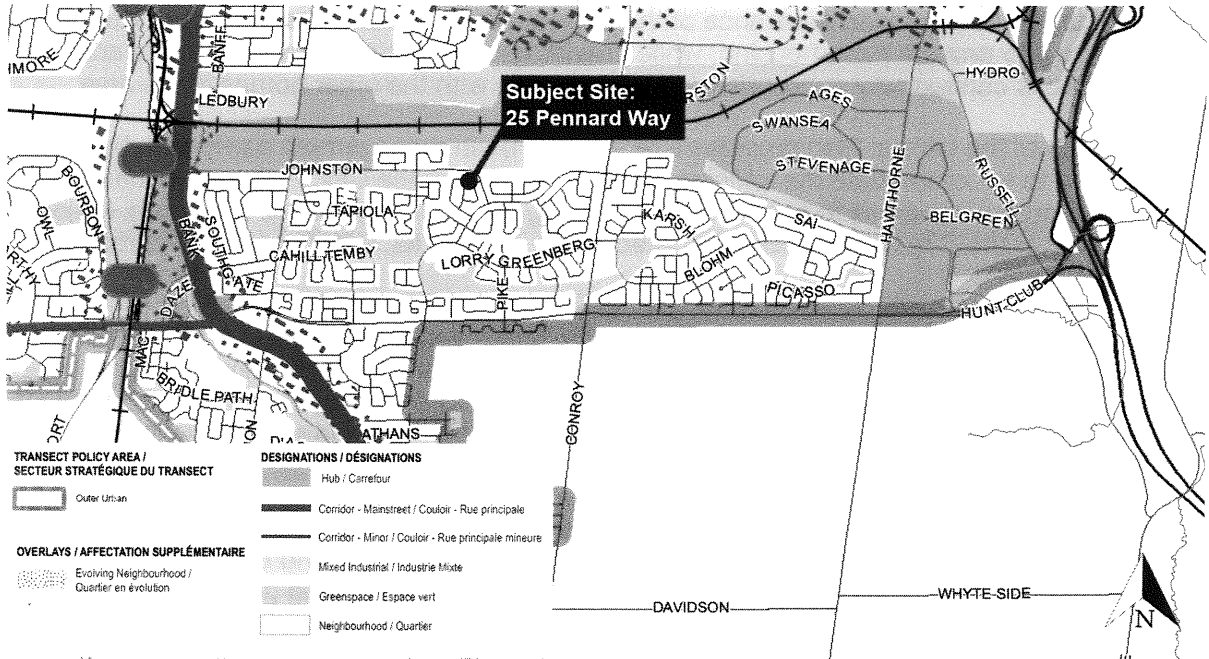


Figure 16: City of Ottawa Official Plan, Schedule B (Source: City of Ottawa)

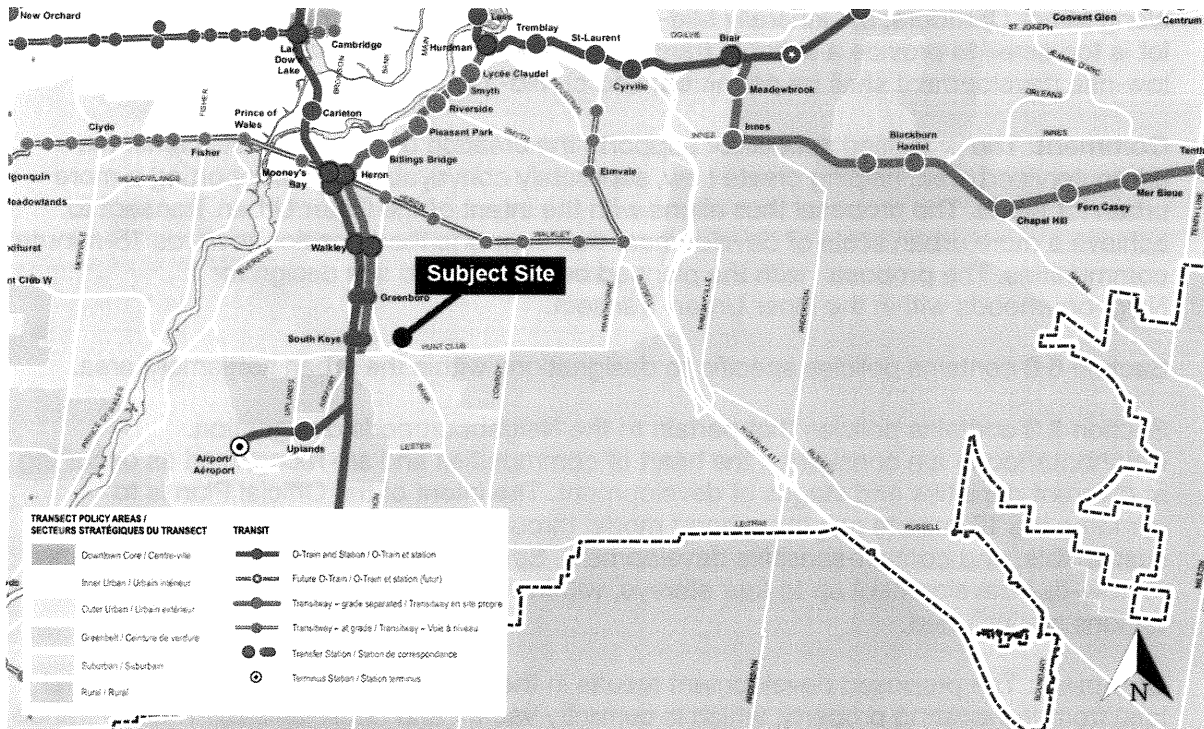


Figure 17: City of Ottawa Official Plan, Schedule A (Source: City of Ottawa)

Comment: The proposed severance of the subject property into three lots supports the City's goal to provide more housing, while providing density that is low-rise in size and scale and is contextually appropriate and compatible with the other homes in the area.

Section 3 of the Official Plan provides a renewed growth management framework that is intended to accommodate the anticipated future growth of the City. It allocates sufficient land in appropriate areas to accommodate varying types and intensities of growth. Majority of growth in the City will be accommodated in the urban area, with the balance directed to rural areas.

Comment: The subject site is located within the urban settlement area in a stable residential neighbourhood. The proposed severance will result in three new lots (2 net new lots) being created from the existing property, which is currently vacant. By severing the lot, each unit can be separately conveyed. The proposal provides three new dwelling units on a lot that has been under-utilized.

Section 5 provides more detailed policies for each of the six transect policy areas within the City. The transect policy areas recognize the existing land use and built form context of the city and provides tailored policy direction based on these existing geographies. The subject site is part of the Outer Urban Transect Policy Area. Within the Outer Urban Transect, the site is designated as Neighbourhoods.

Section 5.3.1.2 states that 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; b) Generally Mid- or High-rise along Mainstreets, except where the lot is too small to provide a suitable transition to abutting low-rise areas, in which case only low-rise development shall be permitted; and c) Mid- or High-rise in Hubs.

Comment: The proposed severance supports the creation of additional lots within the urban serviced area, helping create new, separately conveyable units supporting a more urban lot fabric. The proposal thus aligns with the intent of the Outer Urban Transect to achieve a more urban scale of development that supports the transition towards 15-minute communities. The proposal with the planned built forms and site design for Neighbourhoods within the Inner Urban Transect.

Section 6.0 contains policies specific to designations within the urban settlement area.

Section 6.3 contains policies that pertain to the Neighbourhoods designation. Neighbourhoods are considered the heart of communities and are recognized as occurring at different densities and stages of development. The intent of the Official Plan is to reinforce the 15-minute neighbourhood model through support for gradual, integrated, sustainable, and context-sensitive development. Specifically, neighbourhoods are planned for low-rise development up to four storeys, within which a variety of housing types and options are included.

Comment: The proposed development results in the creation of two new lots (three total lots) from the existing property, which is currently vacant and under-utilized. The severance will allow for the separate conveyance of the units. The minor variance will permit a reduced front and rear yard setback for the retained parcel. The new lots and new

buildings will support a more urban lot fabric, with built form that is of a similar size and scale and therefore contextually compatible with the surrounding low-rise uses.

Based on our review, it is our professional planning opinion that the proposed development conforms with the New City of Ottawa Official Plan.

City of Ottawa Zoning By-law

The City of Ottawa zones this site as R4S[923]- Residential Fourth Density Zone, Subzone S, Urban Exception 923 in the City of Ottawa Zoning By-law 2008-250. Urban Exception 923 provides amended performance standards (see below). The intent of the R4 Zone is to permit a variety of ground-oriented dwelling types ranging from detached dwellings to apartments. The table below provides an overview of the required provisions for this zone and the existing dwelling's compliance. As a result of the very irregular lot frontages and depth, minor variance applications will be required for a reduced front and rear yard setbacks that are deficient resulting from the curving front and rear property lines.

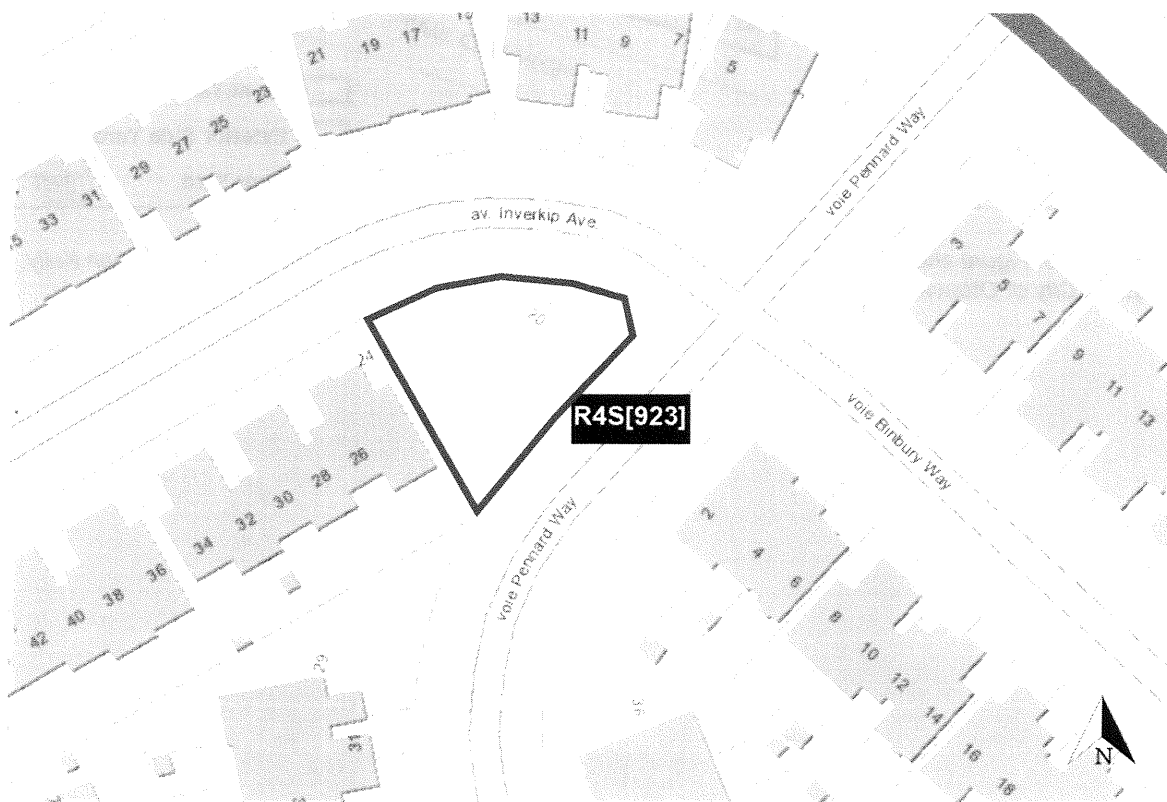


Figure 18: Zoning Schedule (Source: GeoOttawa)

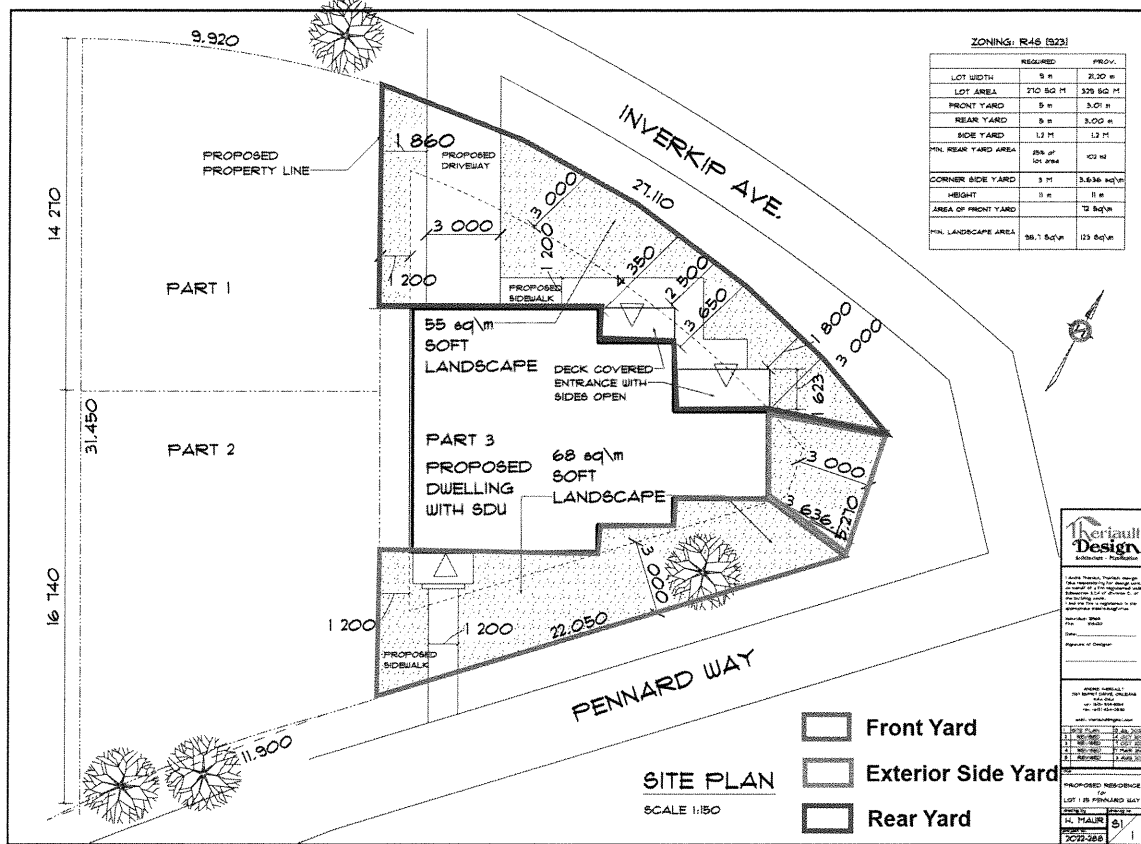


Figure 19: Figure showing delineation of front, exterior and side yards as discussed with Siobhan Kelly at the City of Ottawa on July 27th, 2023

| Performance Standard R4S[923] | Retained Parcel (Parts 3) (Single Detached Dwelling) | | Severed Parcels (Parts 1 & 2) (Semi Detached) | | Section / By-law |
|--|---|--------------------------|--|--|---------------------------------|
| | Required | Provided | Required | Provided | |
| Minimum Lot Width | 9 m | Irregular, 19.80 m | 5.6 m | 12.08 m | S160, Table 160A |
| Minimum Lot Area (Through lot) | 270 m ² | 329 m ² | 165 m ² for each side | Part 1 = 165 m ² Part 2 = 175 m ² | S160, Table 160A |
| Max Building Height | 11 m | 11 m | 11 m | 11 m | S160, Table 160A |
| Minimum Front / Yard Setback | 5 m | 3.00 m | 5 m | 5 m | S256, Urban Exception 923 |
| Minimum Corner Yard Setback | 3.6 m | 3.6 m | 3.6 m | N/A | S256, Urban Exception 923 |
| Minimum Rear Yard Setback** | 5 m | 3.00 m | 5 m | N/A | S135 |
| Minimum Rear Yard Area | 25% of lot area = 82.25 m ² | 102 m ² | 25% of lot area | N/A | S144(3)(a) |
| Minimum Interior Yard Setback | 1.2 m | 1.2 m | 1.2 | 1.26 m & 1.425 m | S256, Urban Exception 923 |
| Minimum Aggregate Front Yard Soft Landscaped Area | 40% (72 m ²) = 28.8 m ² | 68 m ² | Part 1 40% (65 m ²) = 26 m ² Part 2 40% 75 m ²) = 30 m ² | Part 1 42 m ² Part 2 45 m ² | S139, Table 139 |
| Minimum Landscaped Area | 30% (329 m ²) = 98.70 m ² | 123 m ² (37%) | Part 1 30% (165 m ²) = 49.5 m ² Part 2 30% (175 m ²) = 52.5 m ² | Part 1 87 m ² (53%) Part 2 87 m ² (50%) | S256, Urban Exception 923 |
| Maximum Driveway Width | Individual: 3 m Shared: 6 m | 3.0 m | Individual: 3 m Shared: 3 m | 3.0 m | S139, Table 139(3) |

| Performance Standard | Retained Parcel (Parts 3) (Single Detached Dwelling) | | Severed Parcels (Parts 1 & 2) (Semi Detached) | | Section / By-law |
|--|--|---|--|-----------------------------------|---------------------|
| | Required | Provided | Required | Provided | |
| R4S[923] | | | | | |
| Maximum Walkway Width | 1.2 m | 1.2 m | 1.2 m | 1.2 m | S139(4)(c)(ii) |
| Garage Setback | At least 0.6 m further from the front lot line | N/A | At least 0.6 m further from the front lot line | 1.25 m | S139(3) |
| Maximum Projection (front porch, balcony) | 2 m and no closer than 1 m to lot line | 1.623 m and no closer than 1m to the lot line | 2 m and no closer than 1 m to lot line | N/A | S65(6)(c) |
| Rooftop, landscaped areas | Located 1.5 m from any exterior wall, if on uppermost storey | N/A, 2nd storey | Located 1.5 m from any exterior wall, if on uppermost storey | 1.52 m | S55, Table 55 (8) |
| Rooftop, Access | N/A | Access via the interior | Must be setback a distance equal to its height from exterior front and rear walls = 2.46 m | 2.46 m | S55, Table 55 (8) |
| Rooftop, Access | N/A | Access via the interior | Not exceed a total area of 10.5 m ² | 7.77 m ² | S55, Table 55 (8) |
| Minimum Parking Spaces (Area C) | 1 per dwelling unit | 1 parking space | 1 per dwelling unit | 1 parking space per dwelling unit | S101(3)(a) |

** Section 135 states that In the case of a residentially-zoned through lot, or corner through lot, the minimum required front yard setback applies to both the front and rear lot lines, in accordance with the provisions of the Residential zone or zones in which such lot is located and the minimum required rear yard setback does not apply.

Urban Exception 923

| I Exception Number | II Applicable Zones | Exception Provisions | | |
|---|---------------------------|--|-------------------------------|--|
| | | III Additional Land Uses Permitted | IV Land Uses Prohibited | V Provisions |
| 923 (By-law 2020-291) (By-law 2012-334) | R4S[923] | - library | | <ul style="list-style-type: none"> - minimum required landscaped area of 30% of lot area - minimum required front yard setback of 6 m - minimum required corner side yard setback of 3.6 m - minimum required rear yard setback of 7.6 m - minimum required setback from IG, IH, IL and IP zones of 15 m, all of which must be |
| | | | | <p>landscaped area</p> <ul style="list-style-type: none"> - accessory buildings may be located within the area located between 5 m and 8.5 m from an IG, IH, IL and IP zone - no private way or public street may be located closer than 5 m from an IG, IH, IL and IP zone - minimum 1 m wide landscaped area required abutting Johnston Road and Zaidan Drive - in the case of individual dwelling units of townhouse dwellings and individual dwelling units of a planned unit development that have separate driveways leading directly from a private road or lane to the required parking space, a separate driveway of not less than 5.7 m in length must be provided - despite the above, minimum front yard setback of 5 m, except for a stacked dwellings and apartment dwellings, low-rise - minimum side yard setback of 1.2 m, except for stacked dwellings and apartment dwellings, low-rise - minimum side yard setback of 0.9 m for an attached garage of a detached dwelling - minimum rear yard setback of 6 m for a detached dwelling, semi-detached dwelling and a townhouse dwelling - minimum lot width for a townhouse dwelling is 5.4 m |

PLANNING ACT REVIEW

Review of Section 51(24)

The following is a review of Section 51(24) of the Planning Act to assess the suitability of the proposed severances to sever the single lot at 25 Pennard Way into three lots in order to build a single detached dwelling and a semi detached dwelling. In the Planning Act, a series of conditions are presented that state in the case of any subdivision of land, including consent to sever, regard shall be had to:

1. *The effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;*

The proposed consent allows for the creation of three lots. One will contain a new single detached dwelling and the other two will each contain one half of a semi-detached dwelling. The lot is currently vacant. The severance is consistent with the all applicable provincial policies including the Provincial Policy Statement.

2. *Whether the proposed subdivision is premature or in the public interest;*

The proposed consent to sever is not premature and is in the public interest. It facilitates the creation of separate lots for each new dwelling type and provides housing within an existing community, utilizing existing services, resources and infrastructure. The proposed new lots are consistent with lot fabric within the local community.

3. *Whether the plan conforms to the official plan and adjacent plans of subdivision, if any;*

The proposed consent conforms to the City of Ottawa Official Plan as it supports the residential use of the property and creates smaller lots that are more characteristic of the urban lot fabric. The severance results in three uniform lots that align with the existing lot fabric in the area, which is comprised of more narrower lots.

4. *The suitability of the land for the purposes for which it is to be subdivided;*

The proposed severance results in three lots being created from the existing parcel. The semi-detached lots are uniformly-shaped and similar in size to surrounding parcels along Inverkip Avenue & Pennard Way. Furthermore, the remnant parcel will be used for a single detached dwelling and is appropriately-sized and suitable to accommodate the use.

5. *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;*

No new roads are proposed as part of this land severance. The proposed development will not impact transportation infrastructure.

6. *The dimensions and shapes of the proposed lots;*

The three created lots will all provide buildings with frontage on a street that will be similar in width and area to other lots along Pennard Way and Inverkip Avenue. The severance line will be based on the function the semi-detached buildings, each with street frontage. The retained lot will contain a single detached dwelling. The new lots will be sufficiently sized to accommodate the existing development.

7. *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;*

There are no restrictions or proposed restrictions that apply to the existing or proposed lot and its uses, beyond the Zoning By-law.

8. *Conservation of natural resources and flood control;*

The proposed consent will require a grading and drainage plan to indicate how runoff will be controlled as a required condition for any severance application. The property is not within a flood plain.

9. *The adequacy of utilities and municipal services;*

The site has adequate access to utilities and municipal services to serve the severed and retained parcels and the resulting development.

10. *The adequacy of school sites;*

The proposed consent will result in three new dwelling units, which will have a marginal impact on surrounding school. The proposal is considered to be a minor development proposal.

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

No part of the proposed lands are to be conveyed or dedicated for public purposes.

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

The proposed severance allows for the separate conveyance of each half of the semi-detached dwelling as well as the single detached dwelling. The consent results in a more efficient lot structure that aligns better with an urban lot fabric.

13. *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 designated under subsection 41 (2) of this Act or subsection 114 (2) of the City of Toronto Act, 2006. 1994, c. 23, s. 30; 2001, c. 32, s. 31 (2); 2006, c. 23, s. 22 (3, 4).*

The proposed development does not require Site Plan Approval and is considered to be a minor development proposal.

Review of Section 45(1) Minor Variances

The Planning Act requires that minor variances are only to be permitted so long as they meet the four tests as set in Section 45(1). These tests are: whether the variance is minor; whether the variance meets the intent and purpose of the Official Plan; whether the variance meets the intent and purpose of the Zoning By-law; and lastly whether variance is suitable and desirable for the use of the land.

Are the variances minor?

The requested variance is to permit a reduced front and rear yard setback of 3 m for the front yard setback and 3 m for the rear yard setback, where the requirement is 5 m for each setback.

The requested variances for reduced minimum front and rear yard setback are considered minor, as the proposed lots are still sufficiently-sized to accommodate the proposed development. The homes are appropriately scaled to the lot, with all other performance standards and landscaped areas met, and the development being under the maximum permitted lot coverage. Furthermore, the consistency of lot widths and the building setback line along Pennard and Inverkip will be maintained. The proposed lots will result in significant landscaping on the property and a consistent built form along Pennard Way and Inverkip Avenue.

In addition to the above, the irregular lot lines that curve at the intersection of Inverkip Ave and Pennard Way, necessitate a unique approach. As described in the Zoning By-law, a building setback is measured from the closest part of the building to the closest part of the lot line. In the case of both the front and the rear lot line, the setback is less than the required 5.0 m, however there are large areas of both the front and rear yard where the setback is actually greater than 3.0 m (See the figure below). The minor variances in these scenarios represent the pinch points as a result of the irregular lot shape.

As a result of the the lot's irregular frontage, depth and overall shape, in order to place a square building on a triangular lot shape, there will exist pinch points where the building is located a distance of 3 m to the front and rear lot lines.

Consequently, the variance will not impact the amount of landscaping and trees that are able to be provided. The width of the front and rear yards provides ample opportunity for soft landscaped areas adjacent to the street, contributing to the overall streetscape design. The five city-owned street trees will remain on City property and will be protected. The retained lot still meets and exceeds the required minimum aggregate front yard soft landscaped area and sufficient area will continue to be provided for future landscaping and trees. The variances are considered to be minor in nature.

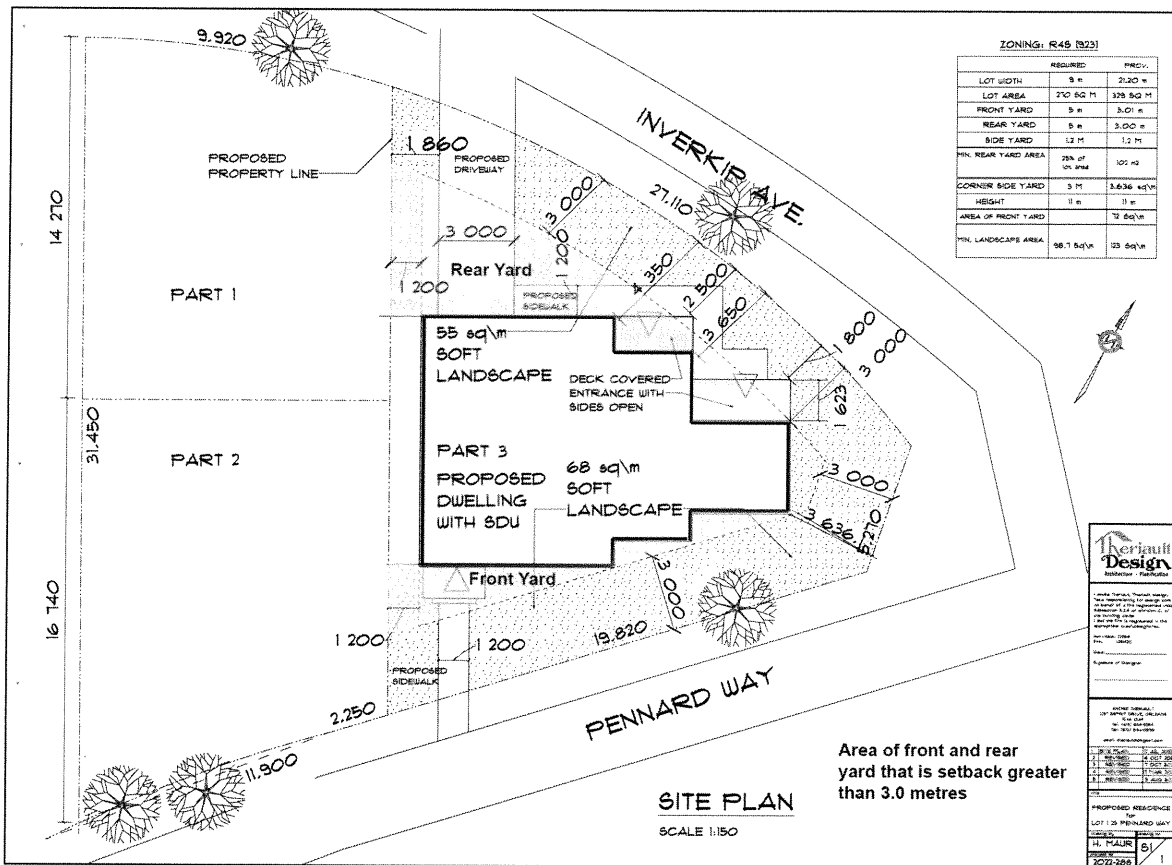


Figure 20: Image showing areas of the front and rear yards that are greater than 3.0 m

Do the variances meet the intent and purpose of the Official Plan?

The intent and purpose of the current Official Plan is to accommodate growth within the urban boundary and provide for an urban building form, site design, and mix of uses within a low-rise form. It is also to support the gradual transition towards 15-minute communities. The proposed development with the requested variance meets this intent as it supports the creation of two new lots from an existing lot within the urban boundary. The proposed development with the requested variances fulfills this intent by facilitating infill development on a lot that is currently vacant. The proposal results in a gentle intensification of the site while retaining the characteristic low-rise built form of the neighbourhood. The dwellings are compatible in massing, height, and scale with the abutting dwellings and do not result in any adverse impacts on neighbouring properties.

Do the variances meet the intent and purpose of the Zoning By-law

The intent of the provision to provide minimum front and rear yard setbacks is to provide for an adequate amount of soft landscaping, to ensure that the buildings are consistent with the setback other buildings along the street wall and to ensure there is adequate space to park a vehicle in a driveway. Due to the very generous lot frontage (19.8 m), there is a significant amount of landscaped and amenity area on the lot. The lot coverage

regulation requires 30% minimum landscaped area, and the proposal is exceeding that requirement (37% landscaped area). The garage is accessed via the rear frontage and there is adequate space for parking in the driveway and in the garage. The area where the garage is proposed has a much larger setback than 3 m. Because the property lines are curved, the pinch point results in only a small area of the front and rear yards where the built form is setback 3.0 m from the property line. As a result (see Figure 20 above), a significant portion of the front and rear yards, actually have a building setback greater than 3.0 m. The new buildings are consistent with the constructed street wall along both Inverkip and Pennard Way. Both the semis and the single detached will have setbacks similar to size to those in the existing neighbourhood. The map below shows the existing context (in light grey) and the proposed new buildings (in dark grey). The development is proposing setbacks that are consistent with what is currently constructed on neighbouring properties.

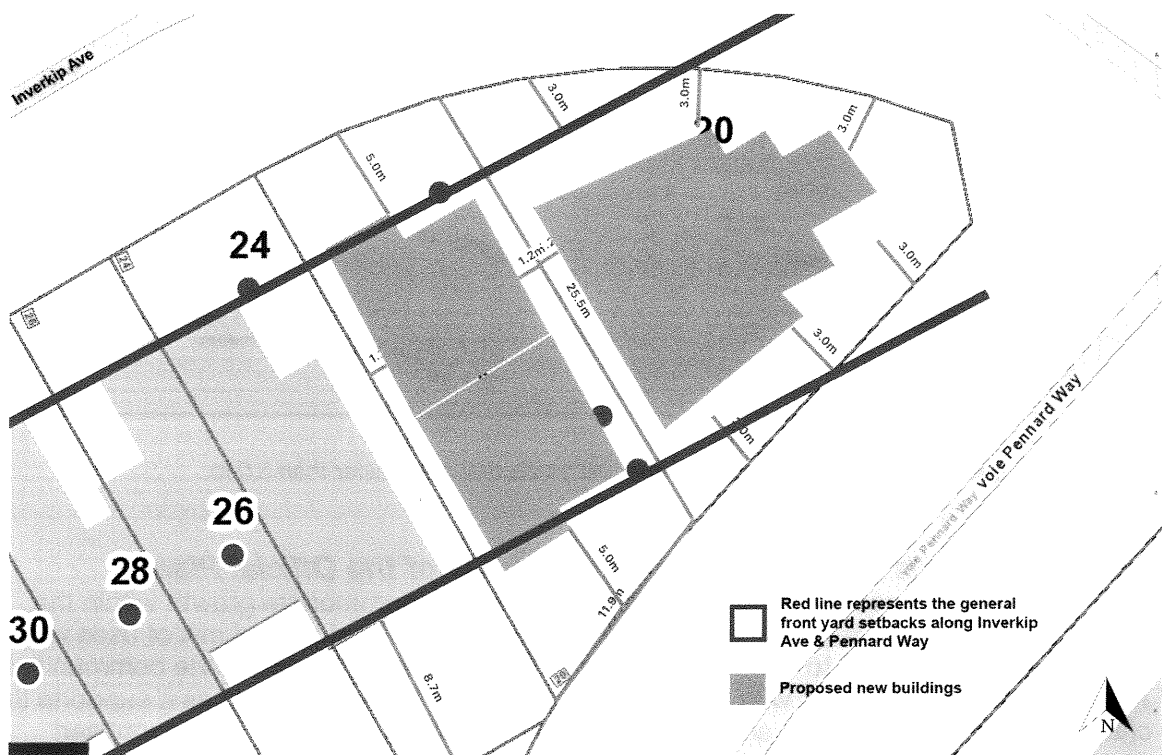


Figure 21: Image showing building setbacks along Pennard Way (rear yard) and Inverkip Avenue (front yard) (Graphic is a conceptual representation and not to scale)

Are the variances suitable for the use of the land?

The proposed development with the requested variances are a suitable and desirable use of land. The proposal creates two additional lots from an existing lot in the urban area, allowing for new housing within the urban boundary which is sited and scaled in a contextually appropriate way, within an existing neighbourhood. The proposal is consistent with the intent and purpose of relevant provincial and municipal policies, including the PPS, the Official Plan, and the Zoning By-law.

SUPPORTING STUDIES

Tree Information Report

A Tree Information Report was prepared by Dendron, dated March 2023. The assessment concluded that seven distinctive trees were found on the subject property and on the adjacent City property. In total, five (5) of the trees will be preserved on-site, nine (2) of the trees will be removed as they are both in fair health and will conflict with proposed driveway locations.

As an application for an infill tree removal will be made for each tree and compensation will be provided. Trees 1, 3, 4, 6 and 7 will be protected as required throughout construction.

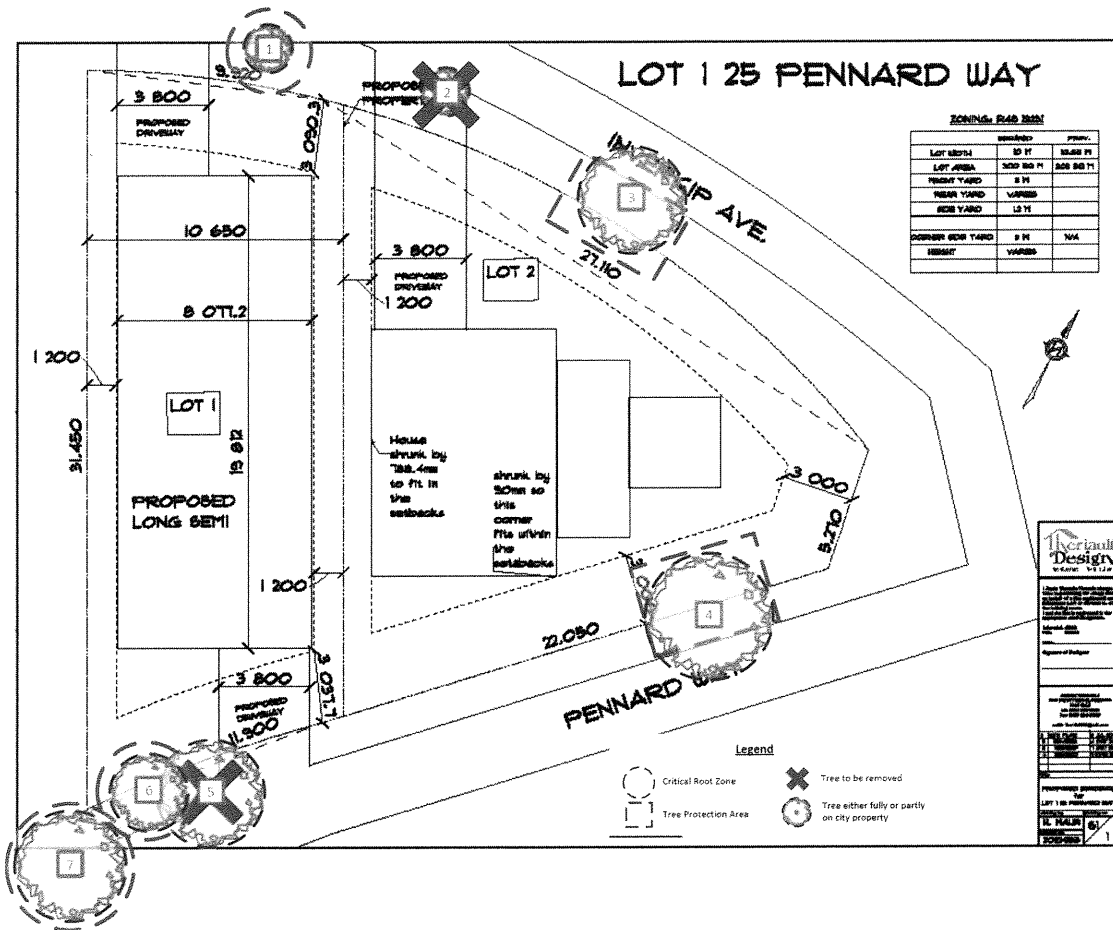


Figure 22: Excerpt from Tree Information Report showing tree locations

CONCLUSION

As noted, the proposed severance to create three lots from the existing vacant property would allow for new residential infill within an existing neighbourhood. The severance would result in an appropriate, street fronting lot condition for semi-detached dwellings and allow for a single detached dwelling on the corner. It also results in a more urban lot fabric by creating three, contextually-sized and uniform lots within the urban area. The proposed minor variance to permit reduced front and rear yard setbacks meets the Four Tests, as it represents an existing condition and is minor in nature, meets the intent of the Official Plan and Zoning, and facilitates a suitable and desirable use of land. Collectively considered, the proposal meets the criteria for subdivision of land as set out in Section 51(24) of the Planning Act and aligns with the Four Tests required under Section 45(1) of the Planning Act.

It is the opinion of Q9 Planning + Design that the proposed severances and minor variances constitutes good land use planning and meets the required tests and criteria set out in the Planning Act.

Yours truly,

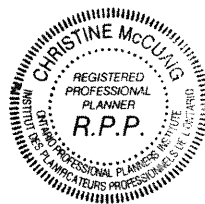


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CC: Elie Ghossein, Royal SMS Construction Inc.