

Committee of Adjustment

Received | Reçu le

2023-12-21

City of Ottawa | Ville d'Ottawa
Comité de dérogation

December 21, 2023

Mr. Michel Bellemare

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

**RE: Application for Consents and Minor Variances
8 Bell Park Street, Stittsville**

Dear Mr. Bellemare,

The owner of 8 Bell Park Street has retained Fotenn Planning + Design ('Fotenn') as Agent to submit Consent and Minor Variance applications to the Committee of Adjustment on their behalf. The intent of these applications is to sever the existing lot into two (2) separate lots and seek relief from the minimum required lot width.

If provisional consent is granted, the owner requests two certificates, one for the retained parcel and one for the severed parcel.

In addition to this cover letter, the following materials have been enclosed in support of this application.

- / Completed application form;
- / Parcel Abstracts;
- / Draft Reference Plan;
- / Letter from the Owner's lawyer confirming that the proposed severance does not contravene section 50 of the Planning Act;
- / Tree Information Report (TIR).

Sincerely,



Thomas Freeman, B.URPL
Planner



Brian Casagrande, MCIP RPP
Partner

Ottawa

396 Cooper Street, Suite 300
Ottawa, ON K2P 2H7
613.730.5709

Kingston

The Woolen Mill
4 Cataragui Street, Suite 315
Kingston, ON K7K 1Z7
613.542.5454

Toronto

174 Spadina Avenue, Suite 304
Toronto, ON M5T 2C2
416.789.4530

fotenn.com

FOTENN

1.0 Introduction

Fotenn Consultants Inc. ("Fotenn") has been retained to prepare this Planning Rationale in support of Consent to sever and Minor Variance applications for the property known municipally as 8 Bell Park Street (the subject property") in the Stittsville 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

A Consent application seeks to subdivide the subject property into two (2) equally sized lots, each to accommodate future dwellings. Two (2) Minor Variance applications are required, being one (1) per lot to permit a reduced lot width of 16.74 metres for both the severed and retained lot, whereas the Zoning By-law requires a minimum lot width of 20 metres.



Figure 1: Proposed Severed (red) and Retained (green) parcels

Site Context and Surrounding Area

2.1 Subject Property

The subject property, municipally known as 8 Bell Park Street, is located in Stittsville, northeast of the intersection of Stittsville Main Street and Fernbank Road. The subject property has a total area of approximately 1,400 square metres, a width of approximately 33.53 metres and a depth of approximately 41.84 metres. The site is currently occupied by a one (1) storey detached dwelling and attached garage.

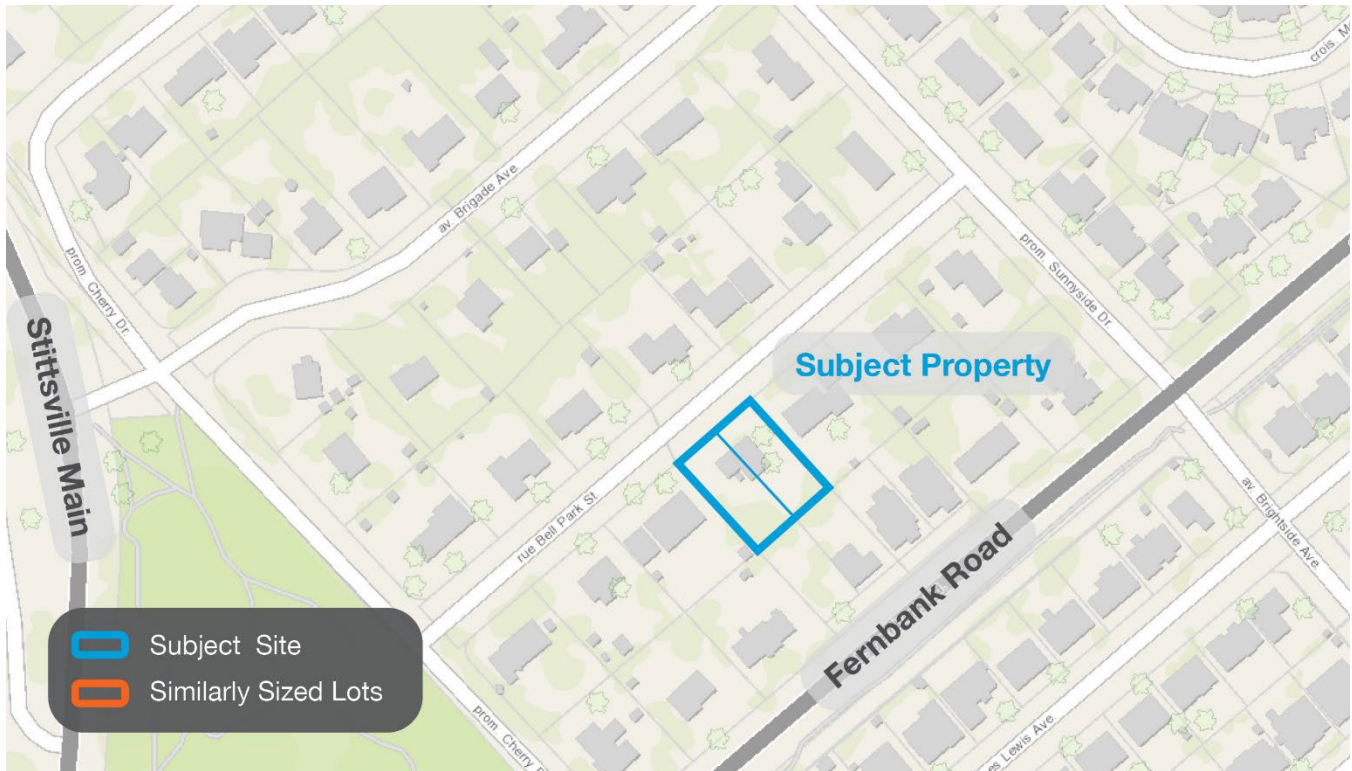


Figure 2: Subject Property and Surrounding Area

2.2 Surrounding Area

The surrounding neighbourhood is characterized by low-rise housing, predominantly detached dwellings.

North: On the north side of Bell Park Street there are detached dwellings on similarly sized lots to the existing. The exception being 13 Bell Park Street which was recently severed into two equally sized lots similar in size to the proposed lots for 8 Bell Park. Further north are more detached dwellings.

East: The subject property abuts a detached dwellings to the east. Approximately 100 metres east of the subject property is W.J. Bell Rotary Peace Park.

South: South of the subject property the lot fabric is more consistent with the proposed severed lots. There is a row of detached dwellings along Fernbank Road.

West: The subject property abuts a detached dwelling to the west.

Proposed Severance

The owner is proposing to sever the subject lands to create one (1) new parcel in addition to the retained parcel. The intent of the severance is to create two (2) separately conveyable parcels to accommodate future residential development. Figure 3 below shows the proposed lots and the as-of-right building envelope that would result under the current R1D subzone.



Figure 3: As-of-right building footprint of the retained and severed parcels

3.1 Minor Variance

The proposed severance complies with the lot area requirement of the R1D – Residential First Density, Subzone D. However, to facilitate the proposed severance, relief from the Zoning By-law is required to permit a reduced lot width of 16.74 metres for both the severed and retained lots.

The proposed lot width is consistent with existing lots in the surrounding area, the abutting lands to the south and a consent and minor variance application that was approved for 13 Bell Park Street in August 2022. Figure 4 below shows the proposed severed lots in comparison to the existing lot fabric of the surrounding area.

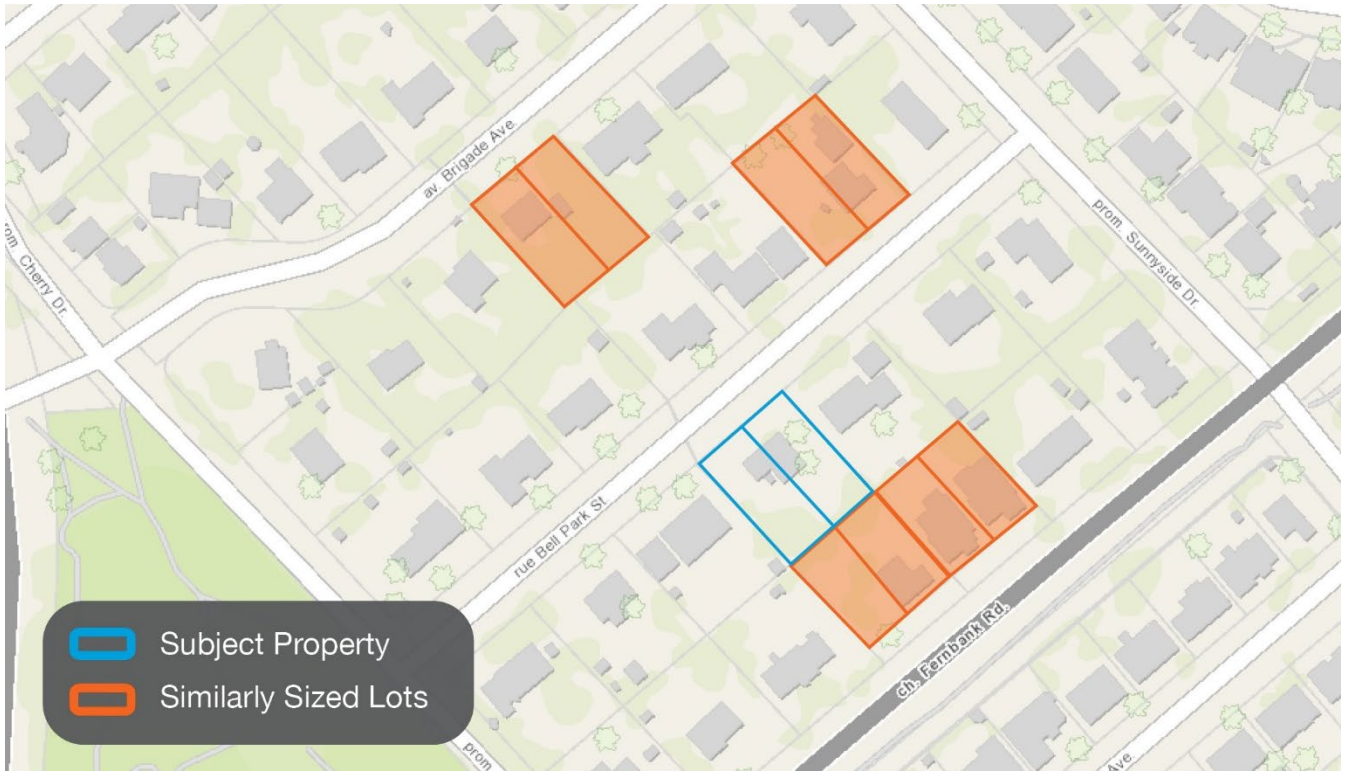


Figure 4: Lot fabric analysis map outlining all properties surrounding the site with lot widths of 20 metres or less (orange) and the subject property with the proposed severance line (blue)

4.0

Policy and Regulatory Framework

4.1 Planning Act

The Planning Act is provincial legislation that empowers municipalities to engage in land use planning activities in Ontario. Sections 53(1), 53(12), and 51(24) of the Planning Act establish the criteria for the severance of land. As the proposal includes one severed lot and no public infrastructure, a plan of subdivision is not required for the orderly development of the lands. The proposed severance meets the criteria established in Section 51(24) of the Planning Act as follows:

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

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

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;

The proposed Consent conforms with the policies of the City of Ottawa Official Plan and is permitted in the Neighbourhood designation.

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

The Consent application proposes the severance of an existing lot to create one (1) new lot (in addition to the retained lot) for the purposes of future residential development. 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 linked the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;

The abutting roads are all 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 abutting properties as well as others in the surrounding area. The lots are also designed to accommodate detached dwellings respecting required setbacks in the R1D 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;

Both the severed and retained lots do not impose any restrictions on adjacent lands and there are no easements or restrictive covenants that would restrict development on the severed and retained lots.

h) Conservation of natural resources and flood control;

The subject property is not located in a sensitive ecological area or in a floodplain. No adverse impacts are anticipated on natural resources and flood control as a result of the proposed Consent application.

i) The adequacy of utilities and municipal services;

The severed and retained lots will be independently serviced by existing Municipal services, including watermain and sanitary services.

j) The adequacy of school sites;

The subject property is within proximity to existing public school sites.

- 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 purposes.

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

The proposed Consent makes efficient use of land within the urban area, within proximity to existing infrastructure. 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 designated under subsection 41 (2) of the Planning Act.**

A Site Plan Control application is not required for the creation of lots or the development or the dwelling type permitted by the zoning.

The proposed Consent has proper regard to the criteria found in Section 51(24) of the Planning Act.

4.2 Provincial Policy Statement (2020)

The Provincial Policy Statement (PPS), issued under the authority of Section 3 of the Planning Act, provides direction on matters of provincial interest related to land use planning and development. The Planning Act requires that decisions affecting planning matters be consistent with policy statements issued under the Act.

The PPS promotes the development of strong communities, which relies on the establishment of efficient land use and development patterns and the accommodation of an appropriate range and mix of uses.

The relevant policy interests to the subject application are as follows:

1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns

1.1.1 Healthy, liveable, and safe communities are sustained by:

- / promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
- / accommodating an appropriate affordable and market-based range and mix of residential types and other uses to meet long-term needs;
- / 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; and
- / ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs.

1.1.3.1 Settlement areas shall be the focus of growth and development;

- 1.1.3.2 Land use patterns within settlement areas shall be based on densities and a mix of land uses which:
- / efficiently use land and resources; and
 - / 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.

Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment, where this can be accommodated.

1.4 Housing

- 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:
- / permitting and facilitating:
 - 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,
 - all types of residential intensification, including additional residential units;
 - / 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.

1.6 Infrastructure and Public Service Facilities

- 1.6.6.1 Planning for sewage and water services shall:
- a. accommodate forecasted growth in a manner that promotes the efficient use and optimization of existing:
 1. municipal sewage services and municipal water services; and
 2. private communal sewage services and private communal water services, where municipal sewage services and municipal water services are not available or feasible;
 - d. integrate servicing and land use considerations at all stages of the planning process.
- 1.6.6.2 Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. Within settlement areas with existing municipal sewage services and municipal water services, intensification and redevelopment shall be promoted wherever feasible to optimize the use of the services.
- 1.6.6.7 Planning for stormwater management shall:
- a. be integrated with planning for sewage and water services and ensure that systems are optimized, feasible and financially viable over the long term;
 - b. minimize, or, where possible, prevent increases in contaminant loads;
 - c. minimize erosion and changes in water balance, and prepare for the impacts of a changing climate through the effective management of stormwater, including the use of green infrastructure;
 - d. mitigate risks to human health, safety, property and the environment;
 - e. maximize the extent and function of vegetative and pervious surfaces; and
 - f. promote stormwater management best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development.

The severance of the lands to create one (1) new parcel on full municipal services promotes the efficient use of land in accordance with housing and growth management policy direction of the PPS. The variances will allow for the creation

of lots capable of accommodating new low-rise detached dwellings, contributing to the overall mix of dwelling typologies in the neighbourhood and the City overall. Overall, the proposed severance is consistent with the policy direction of the 2020 PPS.

4.3 City of Ottawa Official Plan (2022, as amended)

The Official Plan for the City of Ottawa was approved November 4, 2022. The Plan provides a framework for development in the City 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.

The subject property is designated Neighbourhood within the Suburban Transect, as shown of Schedule B5 – Suburban (West) Transect of the Official Plan, Figure 5 below.

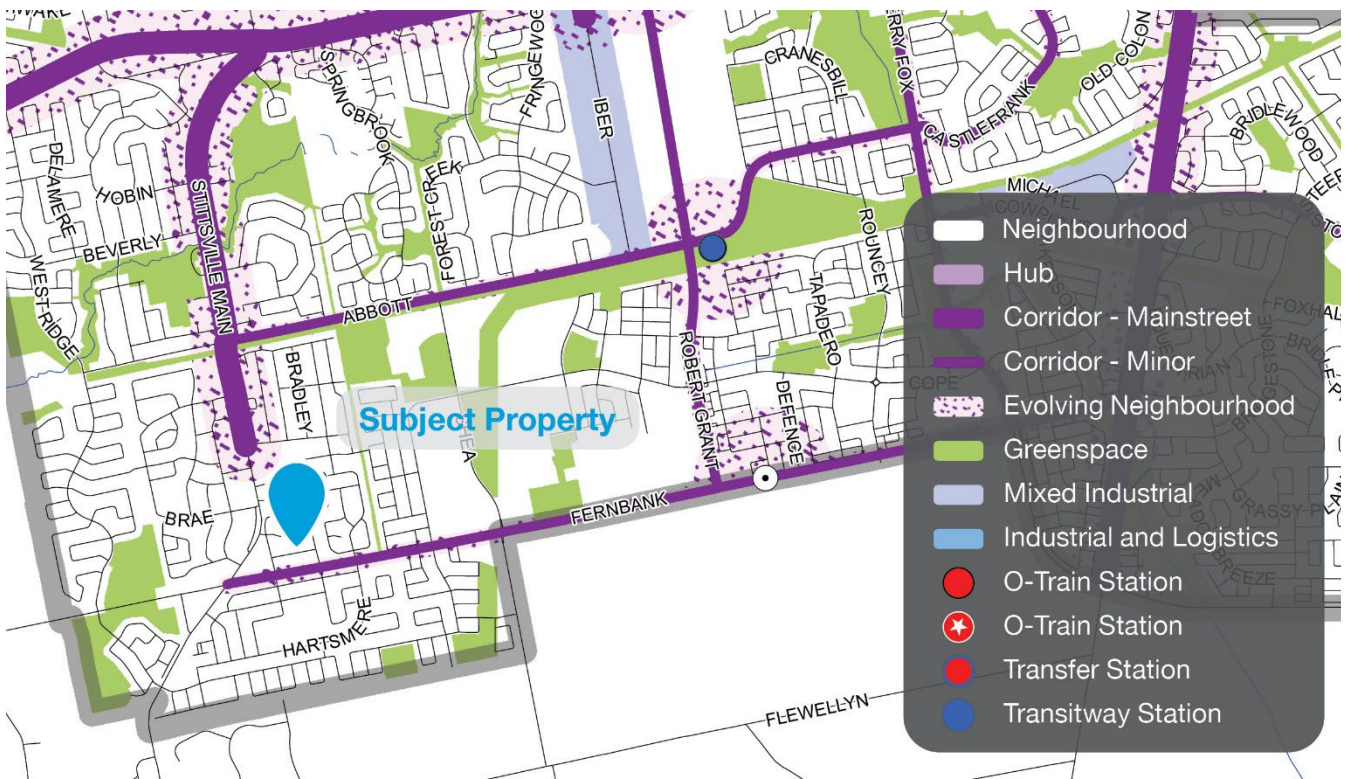


Figure 5: Schedule B5 - Suburban (West) Transect of the Official Plan

Section 5.4 of the Official Plan outlines policies for lands within the Suburban Transect.

The Suburban Transect comprises neighbourhoods within the urban boundary located outside the Greenbelt. Neighbourhoods generally reflect the conventional suburban model described in Table 6 in Subsection 5.3 and are characterized by the separation of land uses, stand-alone buildings, generous setbacks and low-rise building forms. The planned objective of this transect is to recognize a suburban pattern of built form and site design while supporting an evolution towards 15-minute neighbourhoods.

Section 5.4.1 Policy 2 b) states that development on lands designated neighbourhood within the suburban transect shall be low-rise.

Section 5.4.5 Policy 1 states that Neighbourhoods located in the Suburban Transect and within a 15-minute neighbourhood shall accommodate residential growth to meet the Growth Management Strategy as outlined in Subsection 3.2, Table 3. The Zoning By-law shall implement the density thresholds in a manner which adheres to the built form requirements as described in Subsection 5.6.1 – Built Form Overlays, as applicable and that:

- a) Allows and supports a wide variety of housing types with a focus on missing-middle housing, which may include new housing types that are currently not contemplated in this Plan;
- b) Generally provides for up to 3 storey height permission, and where appropriate 4 storey height permissions to allow for higher-density Low-rise residential development; and
- c) Provides an emphasis on regulating the maximum built form envelope, based on the context, that frames the public right of way.

Section 6.3 of the Official Plan outlines policies for lands designated as Neighbourhood. Neighborhoods are contiguous urban areas that constitute the heart of communities. They are planned for ongoing gradual, integrated, sustainable, and internally compatible development. Neighbourhood policies will allow for the development of a full range and choice of housing, with complementary small-scale non-residential land uses to support the creation of 15- minute neighbourhoods.

Section 6.3.1 Policy 2 states that Permitted building heights in Neighborhoods shall be Low-rise.

Policy 6.3.1.4 states that 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 3b;
- b) Housing options with the predominant new building form being missing middle housing, which meet the intent of Policy 6.3.2.1.

Section 6.3.1 Policy 5 states that the Zoning By-law will distribute permitted densities in the Neighbourhood by:

- a) Allowing higher densities and permitted heights, including predominantly apartment and shared accommodation form, in areas closer to, but not limited to, rapid-transit stations, Corridors and major neighbourhood amenities; Allowing lower densities and predominantly ground-oriented dwelling forms further away from rapid-transit stations, Corridors and major neighbourhood amenities; and
- b) Provide for a gradation and transition in permitted densities and mix of housing types between the areas described in a) and b).

Section 6.3.2 Policy 1 states that The Zoning By-law and approvals under the Planning Act will allow innovative buildings forms, including in the missing middle housing category, in order to strengthen, guide towards or seed conditions for 15-minute neighbourhoods.

The proposed Consent and Minor Variance applications conform to the Suburban transect and Neighbourhood policies which support low-rise, ground-oriented infill development.

4.3.1 Implementation

Section 11.5 of the Official Plan provides direction to the Committee of Adjustment process.

Section 11.5 Policy 4 states that in support of Subsection 5.2.4, Policy 1 b) and c) and Subsection 5.3.4, Policy 1 b) and c), the Committee of Adjustment shall consider for applications for Consent with lot patterns and dimensions that result in intensification in support of ground oriented medium density residential that is consistent with the planned context.

The proposed Consent and Minor Variance permit low-rise, ground-oriented intensification on lots that are consistent with the existing lot fabric and planned context of the surrounding neighbourhood.

Overall, the proposed Consent and Minor Variance conform with the Policies of the City of Ottawa Official Plan.

4.4 City of Ottawa Zoning By-law (2008-250)

The subject property is zoned Residential First Density, Subzone D – R1D in the City of Ottawa Comprehensive Zoning By-law 2008-250. A map of the zoning of the site and the surrounding area is shown in Figure 6 below.



Figure 6: Zoning Map of the Subject Property and surrounding area as taken from GeoOttawa

The purpose of the R1 zone is to:

- / restrict the building form to detached dwellings in areas zoned R1;
- / 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; and
- / 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

R1D Zone Provisions

Zoning Mechanism	Requirement	Severed	Retained	Compliance
Minimum Lot Width (m) s.156, Table 156A	20 m	16.74 m	16.74 m	No
Minim Lot Area (m²) s.156, Table 156A	600 m ²	701 m ²	701 m ²	Yes

The proposed lots exceed the area requirements of the Zoning By-law. Minor Variances are sought for the minimum required lot width for both the severed and retained lots which are slightly below the requirement.

5.0

Minor Variance Applications: The Four Tests

It is our professional opinion that the proposed variances constitute good planning and meet the four (4) tests outlined in the Planning Act as discussed below:

5.1 Do the applications maintain the general intent and purpose of the Official Plan?

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

The proposed minor variance facilitates the development of low-rise infill intensification and 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 lot.

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 Stittsville Main Street.

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 Stittsville neighbourhood is within the built-up urban area and is an appropriate location for low-rise, ground-oriented intensification.

The proposed minor variance applications maintain the general intent and purpose of the Official Plan.

5.2 Do the applications maintain the general intent and purpose of the Zoning By-law?

The subject property is zoned residential First Density, Subzone D (R1D) in the City of Ottawa Comprehensive Zoning By-law. The intent of the R1D zone is to restrict building forms to detached dwellings while allowing several other residential uses to provide for additional housing choices within detached dwelling residential areas.

A zoning compliance table has been provided in section 4.4 of this report which summarizes the provisions of the R1D subzone as they relate to the creation of new lots. Two (2) Minor Variance applications are required, being one (1) per lot to permit a reduced lot width of 16.74 metres for both the severed and retained lot, whereas the Zoning By-law requires a minimum lot width of 20 metres. The intent of the Minor Variance applications is to ensure that the provisions of the R1D zone are met. The general intent and purpose of the minimum lot width requirement is to establish consistency of lot fabric and ensure viability of the resultant built form within each zone. In the case of the subject property, the surrounding lot fabric is diverse with abutting lots of the same width and area. These similar lot sizes have comfortably accommodated viable detached built forms.

The minor variances requested meet the general intent and purpose of the Zoning By-law.

5.3 Are the applications minor in nature?

The proposed reduction in lot widths represent a minor deviation from the prescribed requirement and are consistent with recently approved severance applications within the immediate area and streetscape. As such, the resultant development on the proposed lots will be seen as consistent with what exists in the same residential block and on the abutting lands to the south and cannot be seen to generate negative impacts on adjacent lands or those in the area.

The proposed variances are considered to be minor in nature.

5.4 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 proposed lot widths are consistent with previous severance applications within the area and permit the development of low-rise, ground-oriented intensification which is supported within the applicable policy framework.

Therefore, from a planning and public interest point of view, the variances are desirable for the appropriate development or use of the land.

6.0 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:

- / They are consistent with the Provincial Policy Statement (2020);
- / They conform to the policies and objectives of the Neighbourhood designation and overall policies of the Official Plan (2022);
- / They meet the intent of the RD1 zone and the City of Ottawa Comprehensive Zoning By-law (2008-250) overall; and
- / They meet the four (4) tests as set out in the Planning Act.

Sincerely



Thomas Freeman, B.URPL
Planner



Brian Casagrande, MCIP RPP
Partner