

December 18, 2023

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

**RE: Applications for Consent and Minor Variance
263 St-Laurent Boulevard, City of Ottawa**

Committee of Adjustment
Received | Reçu le
2023-12-19
City of Ottawa | Ville d'Ottawa
Comité de dérogation

Dear Mr. Bellemare,

Fotenn Planning + Design ("Fotenn") has been retained by Donald Wight of Barbican Construction Ltd. ("the Owners") to submit concurrent Consent and Minor Variance applications on their behalf for the property known municipally as 263 St-Laurent Boulevard in the City of Ottawa ("the subject property"). The subject property is legally described as Lot 105, Registered Plan 344, City of Ottawa.

The purpose of the Consent applications is to facilitate the severance of the subject property in order to create a total of four (4) lots for the purpose of developing four (4) townhouse dwellings, with easements for access to the interior townhouses. Minor Variance applications will seek to address the resulting zoning non-compliance of the proposed townhouse dwellings on the severed lots and retained lot. This application will be seeking relief from specific provisions of the Zoning By-law on the severed lots related to minimum lot area and maximum building height and on the retained lot related to maximum building height.

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

- / A cover letter/report explaining the nature of the applications;
- / The consent application form;
- / The Minor Variance application form;
- / A Surveyor's Real Property Report by Fairhall Moffatt & Woodland Limited;
- / Tree Conservation Report prepared by IFS Associates;
- / Parcel Register abstract confirming the names of all registered owners of the properties; and,
- / Site Plan.

Please contact the undersigned at stevenson-blythe@fotenn.com or bolduc@fotenn.com with any questions or requests for additional materials.

Sincerely,



Claire Stevenson Blythe, MCIP RPP
Planner



Jacob Bolduc, MCIP RPP
Associate, Planning

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

Kingston
The Woolen Mill
4 Cataraqui 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

Application Overview, Site & Surrounding Context

1.1 Application Overview

Fotenn Consultants Inc., acting as agents for the Owners, is pleased to submit this Planning Rationale report in support of the Consent and Minor Variance applications for the lands known as 263 St-Laurent Boulevard in the City of Ottawa.

The purpose of the Consent application is to sever the subject lands to facilitate the development of four (4) townhouse dwellings (See Figure 1 – Survey). The severance will result in four (4) similar rectangular lots with frontages on Mart Circle. The existing single-detached dwelling, garage and shed is to be demolished as part of the redevelopment of the lands. The new configuration will result in a total lot area of 550.76 metres squared, total building area of 227.89 metres squared, and a lot coverage of 41.4%.

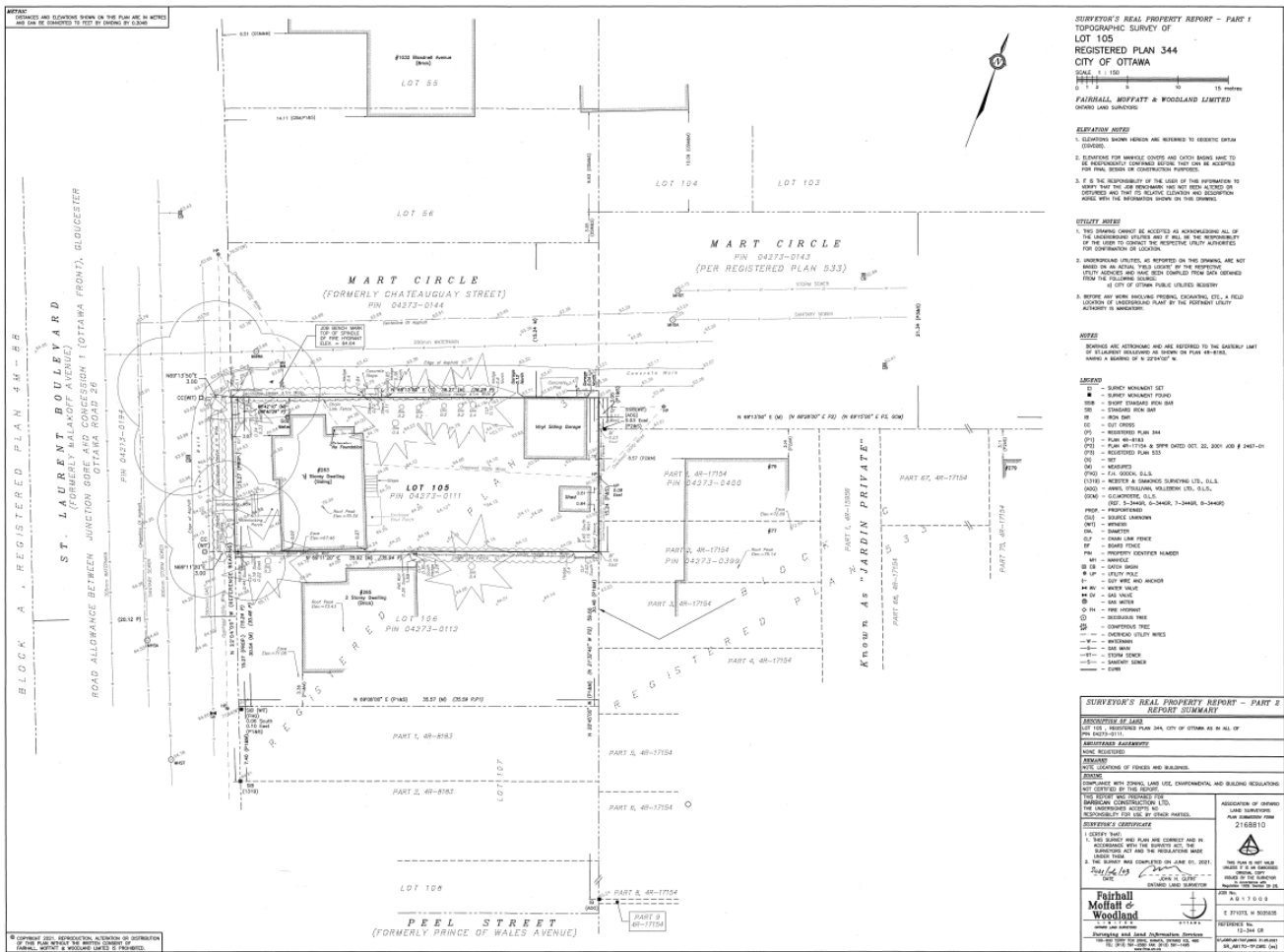


Figure 1: Plan of survey of the subject property showing the existing development on the site.

The purpose of the Minor Variance applications is to seek relief from specific R3B Zone provisions of Zoning By-law 2008-250 in order to facilitate the construction of the proposed developments on the subject property (See Figure 2 – Site Plan). The proposed buildings on the lots created through the concurrent Consent applications are non-compliant with the applicable Zoning By-law provisions, specifically:

- Minimum Lot Area (180 metres squared): Unit 1, 2 and 3 are 135.37, 116.2, and 116.2 metres squared, respectively; and
- Height (10 metres): The proposed townhouse units are 12 metres in height, as measured from averagegrade.

The specific applications for this project are as follows:

- Unit 1: Primary Combined Consent and Minor Variance Application;
- Unit 2: Secondary Combined Consent and Minor Variance Application;
- Unit 3: Secondary Combined Consent and Minor Variance Application; and
- Unit 4: Secondary Combined Consent and Minor Variance Application

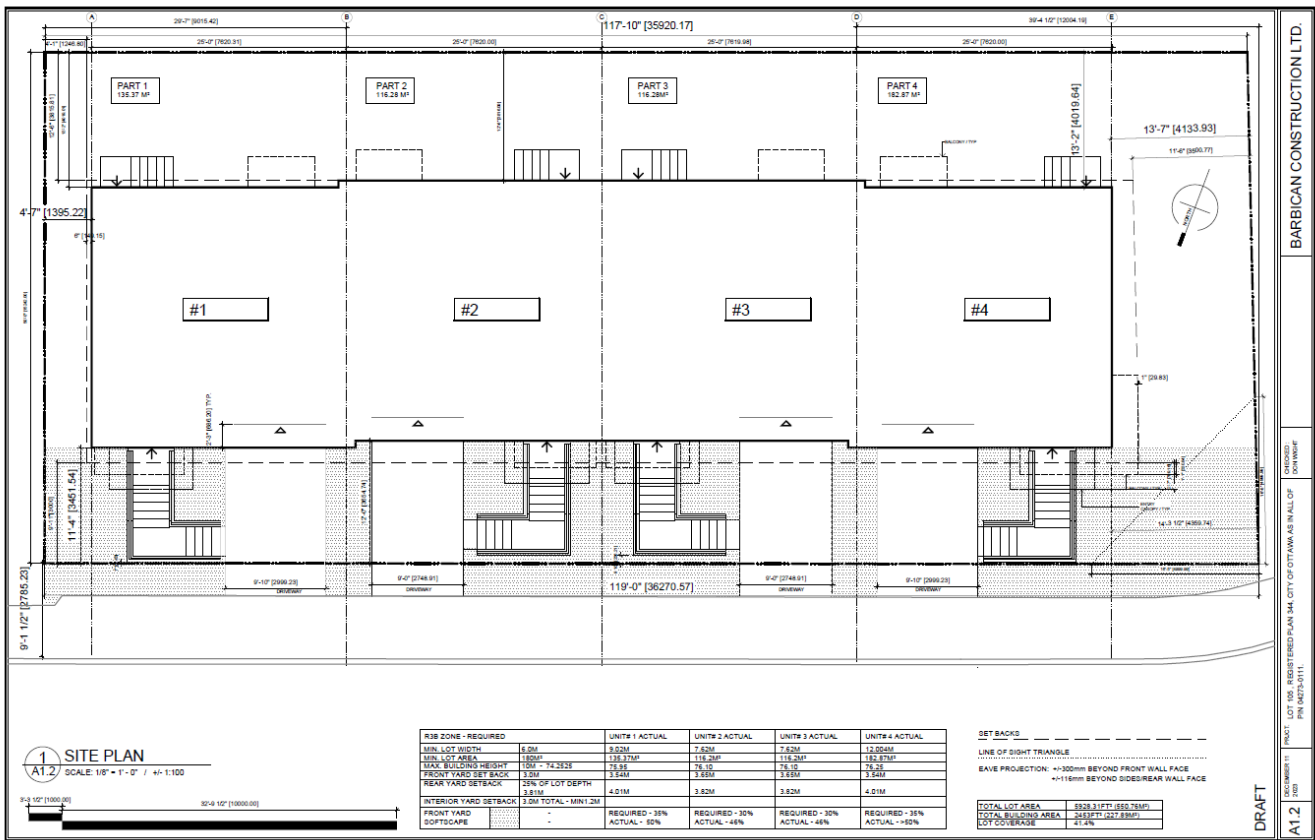


Figure 2: Site Plan showing the proposed development on the site.

1.2 Overview of Subject Property

The subject site is legally described as Lot 105 Registered Plan 334 of the City of Ottawa. The subject site is a corner lot with a total area of 550.37 square metres and a lot width of approximately 15.27 metres (See Figure3). An existing 1.5-storey single detached dwelling is located on the site, fronting St-Laurent Boulevard, with a shed and a vinyl siding garage at the rear of the site.



Figure 3: Aerial view of subject site

The frontage along St-Laurent Boulevard is largely defined by deciduous hedges, a mature white spruce and two mature maple trees, and a walkway with stairs to an interlocking porch leading to the existing dwelling (See Figure 4).

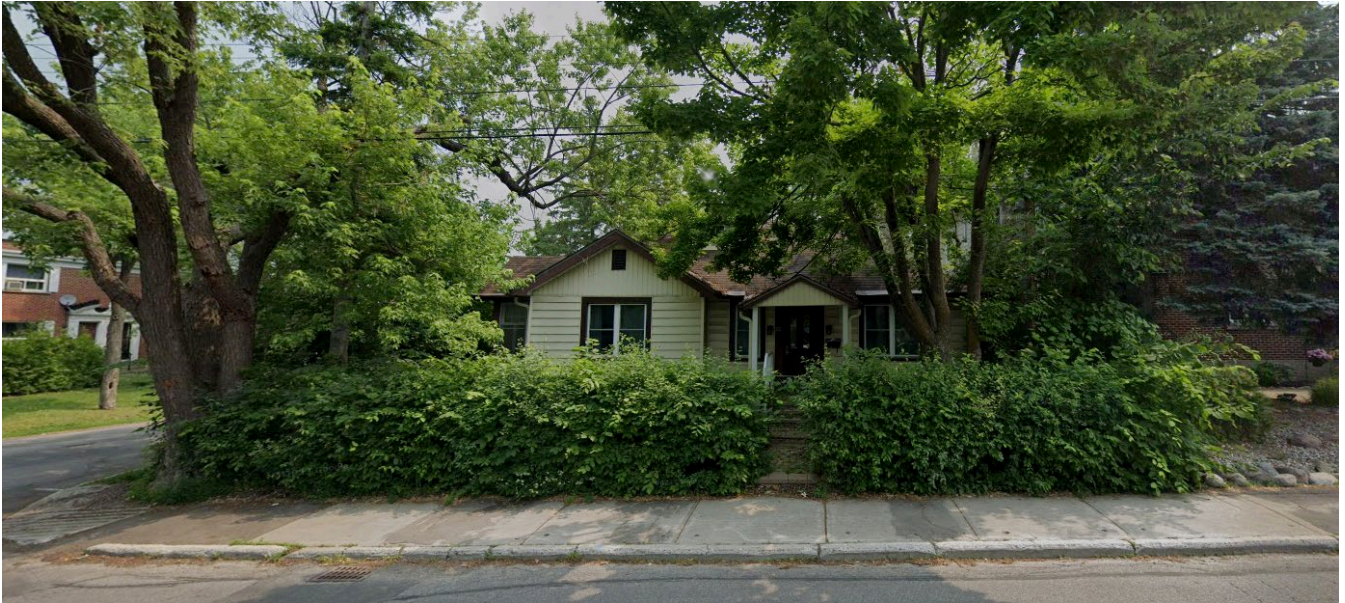


Figure 4: Frontage along St-Laurent Boulevard, showing the existing house, landscaping, mature white spruce and maple trees, and the sidewalk.

The frontage along Mart Circle is largely defined by deciduous hedges, mature spruce trees and a mature maple, and a walkway with concrete to the dwelling, and a concrete pad driveway and vinyl siding garage (See Figure 5). A fire hydrant is located on Mart Circle at the subject property a few metres north of St-Laurent Boulevard, a light post is located adjacent to the garage and a hydro post is located adjacent to the townhouse developments to the north. Based on the topography survey, the property has a roughly one metre slope from east to west along Mart Circle.



Figure 5: Frontage along Mart Circle, showing the existing house, fire hydrant, mature maple and spruce trees and bushes. Not pictured: pathway to the dwelling, garage and driveway.

1.3 Surrounding Context

The subject property is located within the Manor Park neighbourhood in the Rideau-Rockcliffe Ward in the east end of the City of Ottawa (See Figure 6). This neighbourhood is generally bounded by Sandridge Road to the north, Hemlock Road to the south, Crispin Private to the east, and Birch Avenue to the west, however these boundaries are subject to interpretation.



Figure 6: Surrounding Context

The neighbourhood consists of a blend of uses, including residential, parks and open space, institutional, commercial and transportation uses (See Figure 6). The majority of residential uses are low-rise, including single detached and townhouse dwellings. Institutional uses include schools and churches. To the east of the subject property is a transportation zone, Rockcliffe Airport and associated buildings and land uses. Several lots in the surrounding area of the subject property are relatively small, with townhouses on lot areas as small as 112m², especially to the east along Jardin Private and Kingsbridge Private.

The description of the surrounding context is as follows (See Figure 7):



Figure 7: North, South, East, West Views

North: North from the subject property along St-Laurent Boulevard is mostly residential uses with a slow transition into commercial uses. A bus stop is located at the northern intersection of Mart Circle and St-Laurent Boulevard. Directly to the north of the subject property is a two-storey townhouse development, with an internal parking area. Further, single-detached dwellings characterize the majority of the area to the north. Further, at Sandridge Road are recreational, institutional and some commercial uses and the Ottawa River.

South: Immediately to the south of the subject property are single-detached dwellings and some institutional uses. Low-level commercial uses, green space and some more institutional uses are present along St-Laurent Boulevard as you continue southward. At Dunbarton Court, the built form changes to mid- and high-rise buildings from low-rise residential and commercial. In general, low-rise residential clusters characterize the eastern portion of St-Laurent Boulevard southward.

East: Immediately east of the subject property, off Mart Circle, is a three-storey townhouse development. Townhouses characterize the neighbourhood to the east, with some single-detached and mid-rise buildings. Rockcliffe Airport and the associated lands is further to the north.

West: Across St-Laurent Boulevard is a significant two-storey townhouse development with internal greenspaces and parking spaces. Lands to the west are subject to the recently approved Manor Park North and South Secondary Plan (See Figure 8), which features heights of six and nine storey buildings and mixed uses along St-Laurent Boulevard, directly across from the subject property.

Schedule A: Designation Plan and Maximum Building Heights

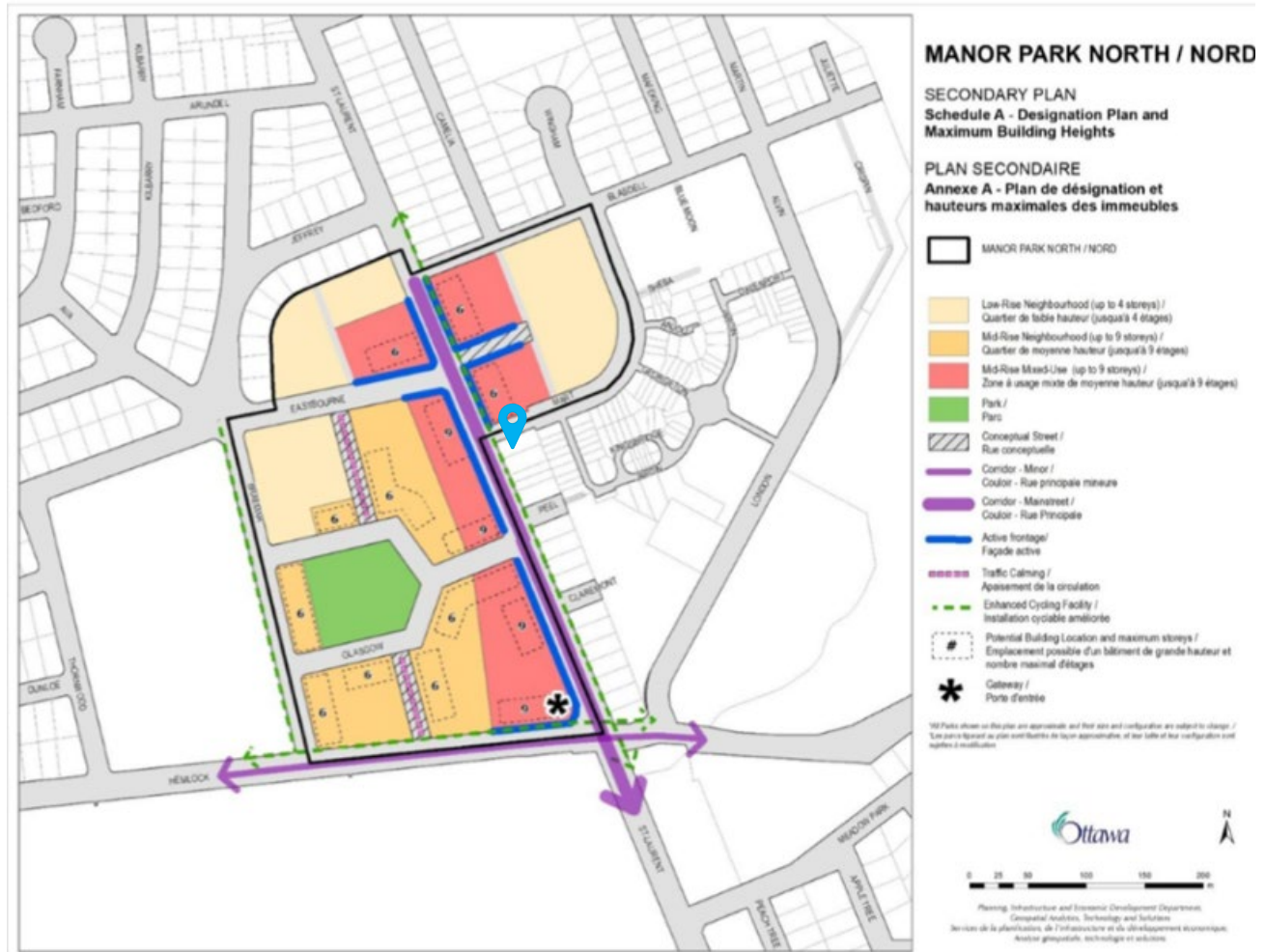


Figure 8: Manor Park North Secondary Plan

1.4 Road Network

The existing dwelling has frontage along St-Laurent Boulevard, a collector road as identified on Schedule C4 – Urban Road Network of the Official Plan (See Figure 9). Collector Roads connect communities and distribute traffic between the arterial system and the local road system. These roads tend to be shorter and carry lower volumes of traffic than do arterials. Collector roads are the principal streets in urban and village neighbourhoods and are used by local residents, delivery and commercial vehicles, transit and school buses, cyclists and pedestrians. St-Laurent is a two (2) lane roadway with an approximate existing right-of-way (ROW) of 22 metres. A public sidewalk is located along St-Laurent Boulevard.

Mart Circle, onto which the proposed dwellings will front and to which the proposed dwellings are oriented, is a local road and has a public sidewalk which commences just north of the subject property.

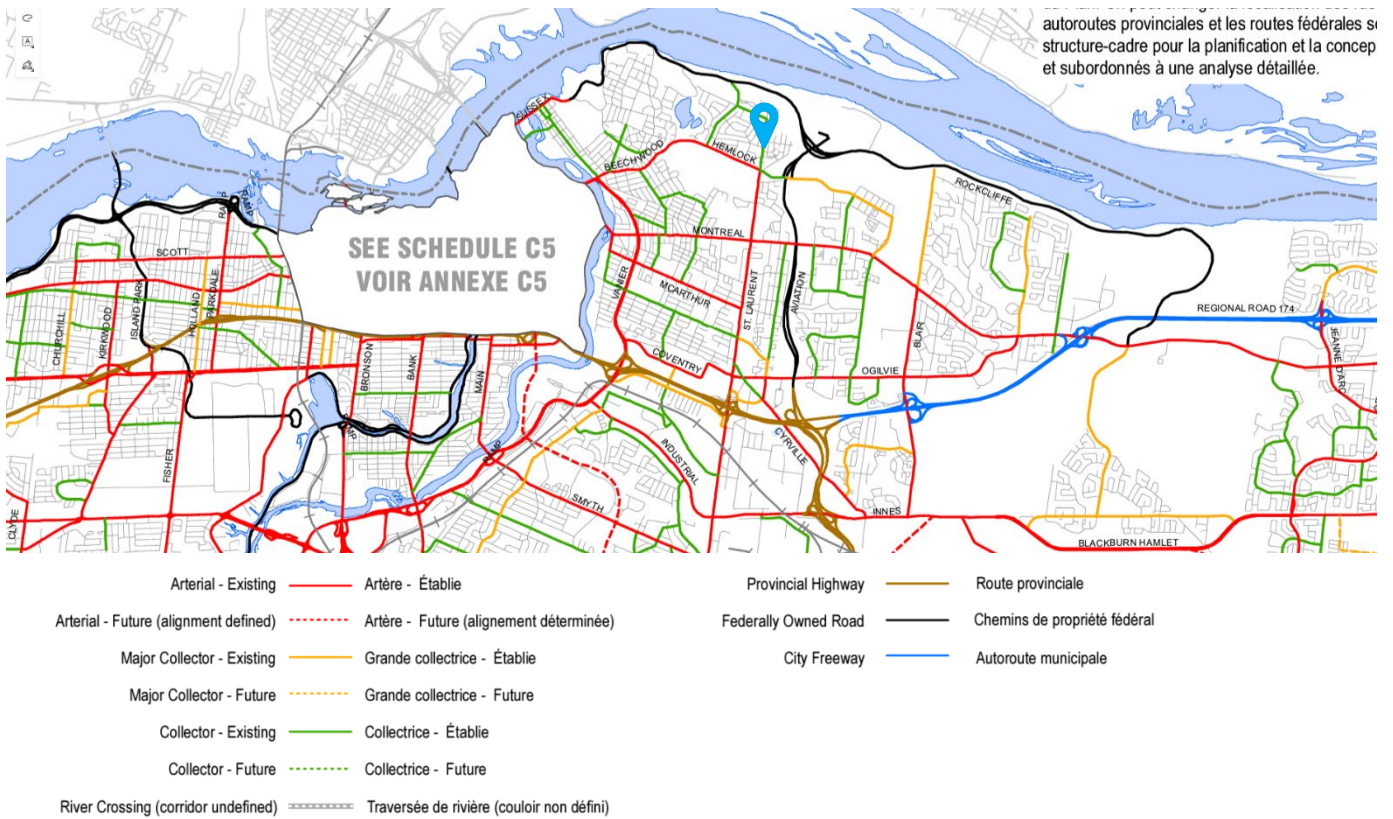


Figure 9: Schedule C5 Ottawa Official Plan

1.5 Transit Network

St-Laurent is a Transit Priority Corridor as identified on Schedule C2 – Transit Network. Within 300 metres north and south of the subject property (between Sandridge Road and Hemlock Road), there are seven (7) OC Transpo bus stops on St-Laurent Boulevard, with some routes providing access to the St-Laurent LRT station located approximately 3.7 kilometres south of the subject site.

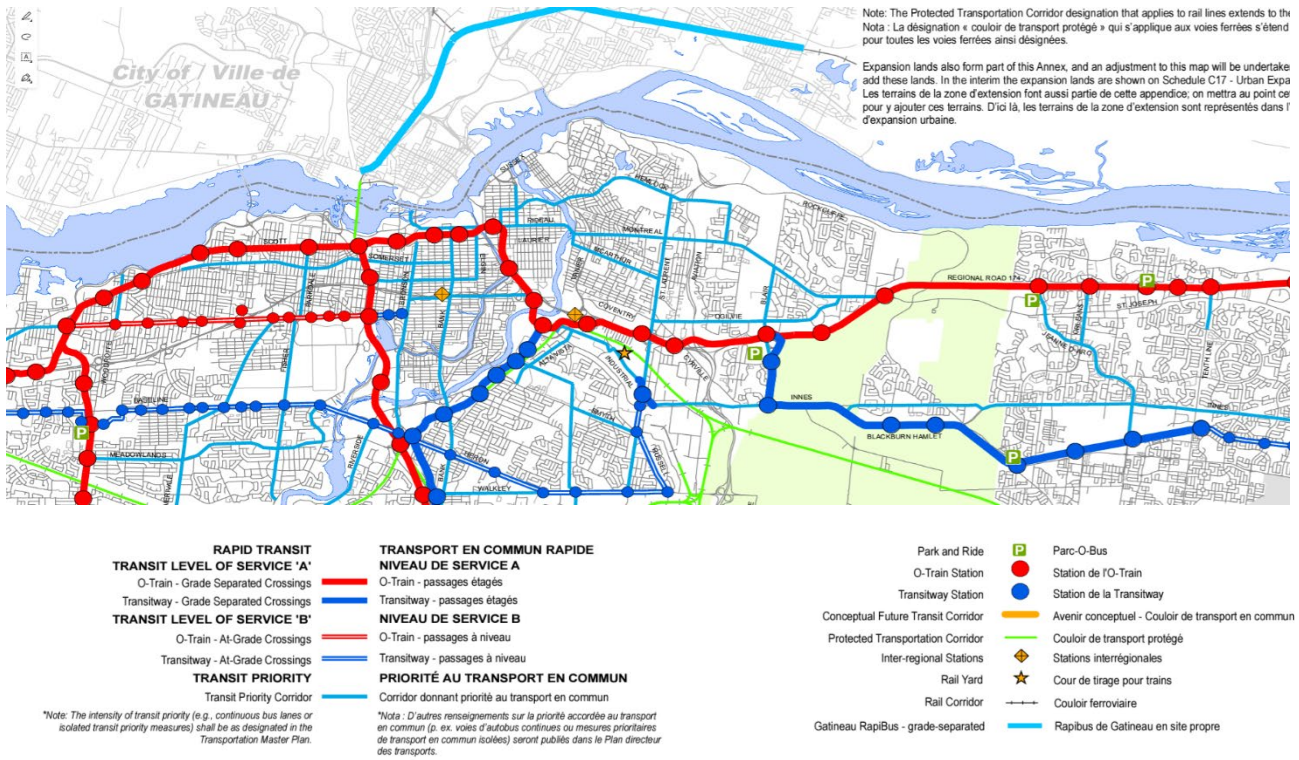


Figure 10: Schedule C2 - Transit Network

2.0 Proposed Development

The Owners of 263 St-Laurent Boulevard are proposing to sever the subject property into four (4) separate lots for the residential development of townhouses (See Figure 11). As the property is presently a corner lot, the Units 1, 2 and 3 will become an interior lot with frontage onto Mart Circle, while Unit 4 (the retained property) will maintain a corner lot condition with frontage onto Mart Circle. The townhouse development is proposed to front onto Mart Circle, with the west side of the building facing St-Laurent Boulevard, continuing the façade along Mart Circle by wrapping the townhouse built form around the corner and on to St-Laurent Boulevard. Proposed access easements on Parts 2 and 7 provide rear yard access to the interior townhouses. The four (4) townhouses are separated into Unit 1, Unit 2, Unit 3, and Unit 4. This report refers to the proposed development as Units 1, 2, 3 and 4, for consistency and clarity between the Site Plan and Draft Reference Plan.

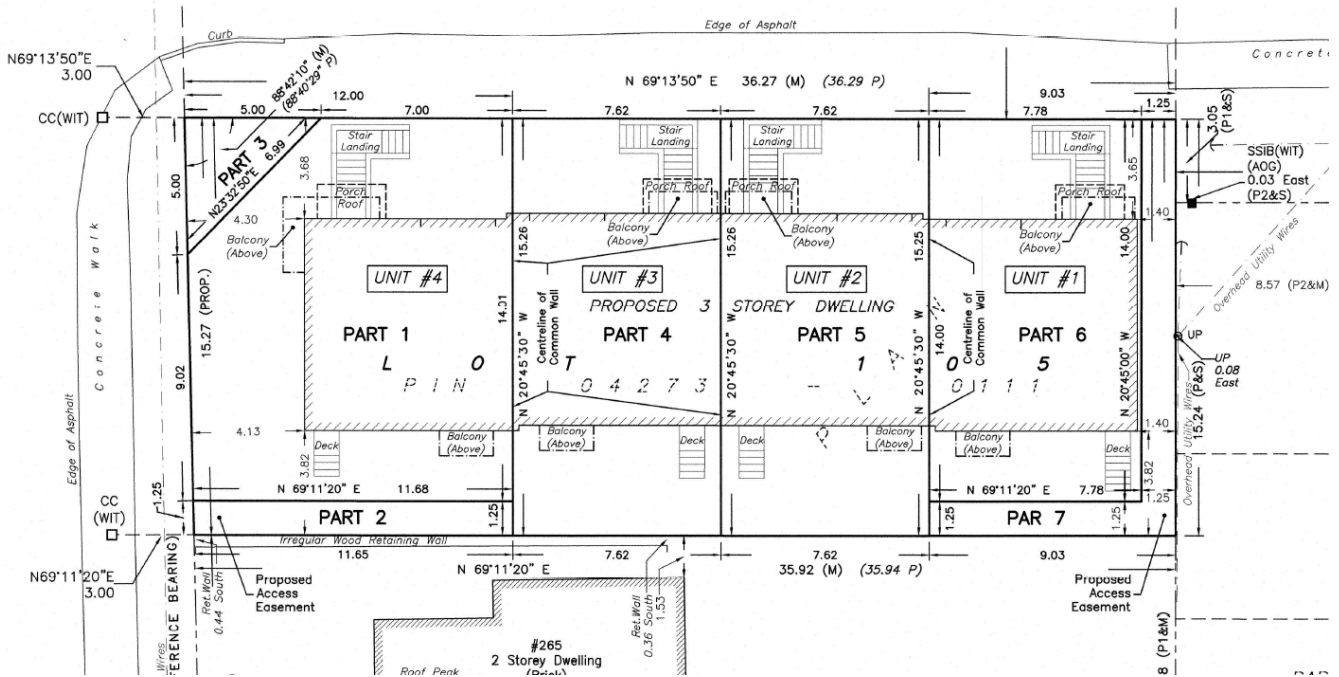


Figure 11: Draft Reference Plan

	Unit #1	Unit #2	Unit #3	Unit #4
Parts on Draft Reference Plan	6,7	5	4	1,2,3
Easements for Access	Yes – Over Part 7, in favour of Part 5 (Unit #2)	None (benefits from easement on Part 7)	None (benefits from easement on Part 2)	Yes – Over Part 2, in favour of Part 4 (Unit #3)
Other	Part 3 – Corner Sight Triangle	None	None	None

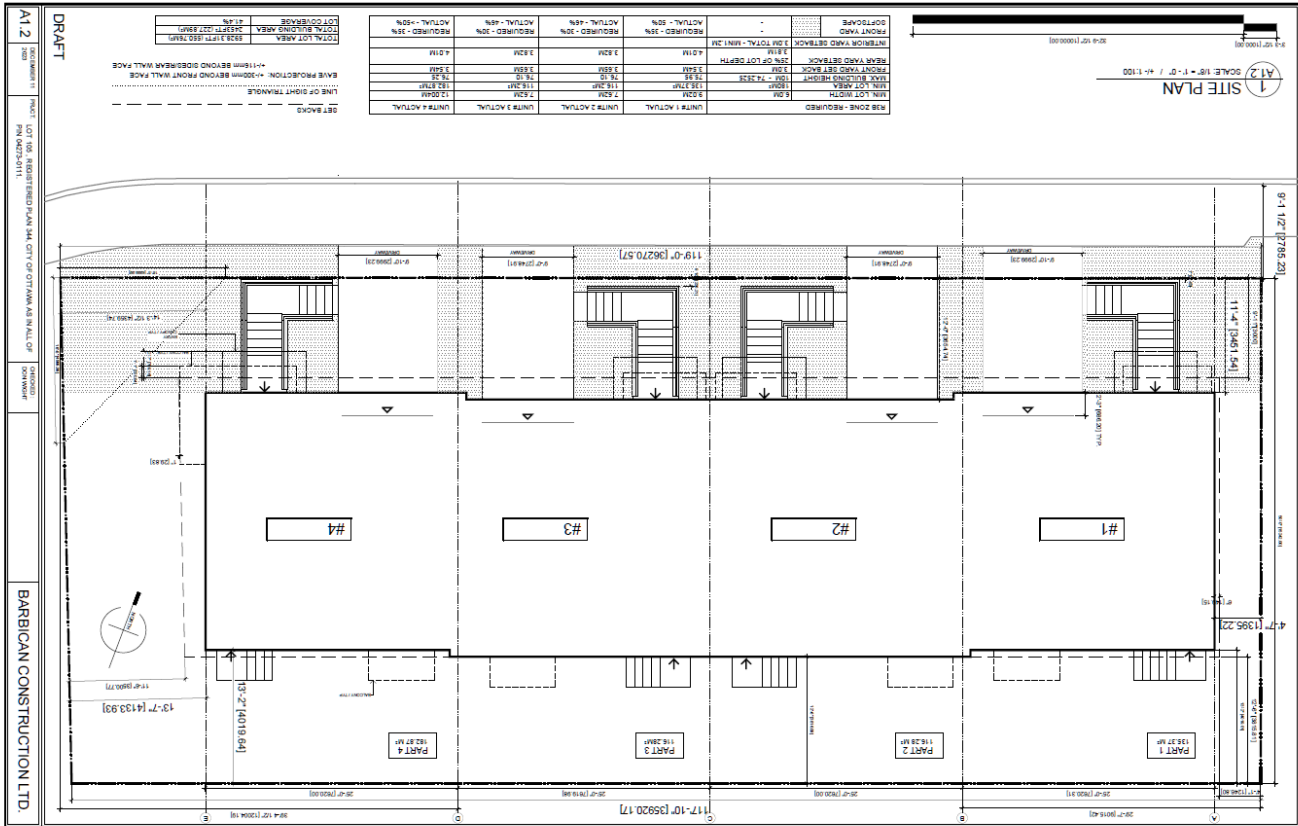


Figure 12: Site Plan (upside down to match Draft Reference Plan in Figure 11)

The townhouses are proposed to be three storeys with a building height of 12 metres (Figure 12). The grading challenges associated with the site (slope to the rear) have resulted in Unit 4 rising above the other units despite the height being the same. The slope of the driveway is regular and acceptable (between 2 and 3.5 percent) and the proposal makes a best effort to keep the buildings low, minimizing the steps required to reach the front door.

Each townhouse will feature a driveway and garage, and a walkway from the driveway to the stairs to the front door. The front yard surrounding the parking space and pathway to the front door will feature soft landscaping in accordance with the Zoning By-law. Facing Mart Circle/ North, each unit will feature four (4) windows, three (3) of which being significant, and a walk-out balcony in the front and back to engage with the surrounding community. Notably the balcony on Unit 4 rounds the western corner to engage with St-Laurent Boulevard (Figure 13).



Figure 13: Front/ North Elevation

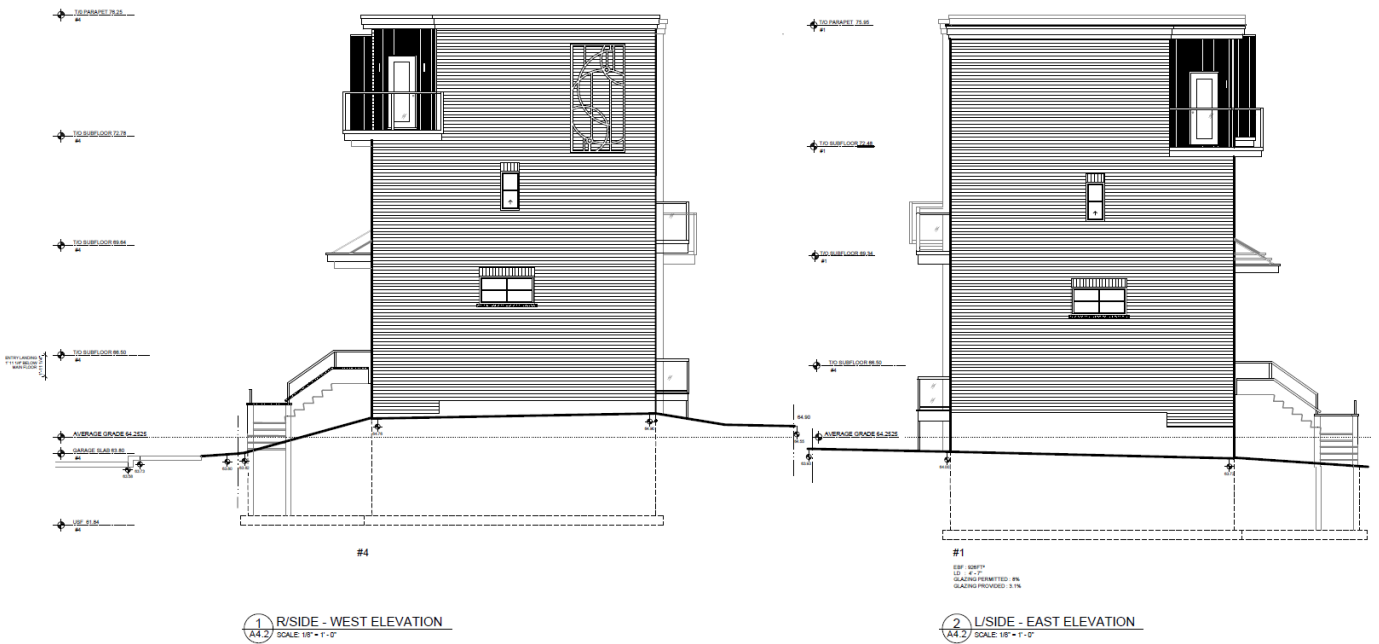


Figure 14: Right/ West and Left/ East Elevation

The units have lot areas ranging between 116.2 metres squared and 183.87 metres squared, which will be explained further in the Zoning By-law section below. The floor breakdown of each unit is as such:

- / Basement: bathroom, recreation room, garage and mechanical space;
- / 1st Floor: entry, living room, dining room, kitchen, staircase and rear exit;
- / 2nd Floor: home office, bedroom 1, bedroom 2, bathroom, laundry, closet space, staircase rear balcony; and
- / 3rd Floor: primary bedroom, bathroom, walk in closet, and front balcony (Figure 14).

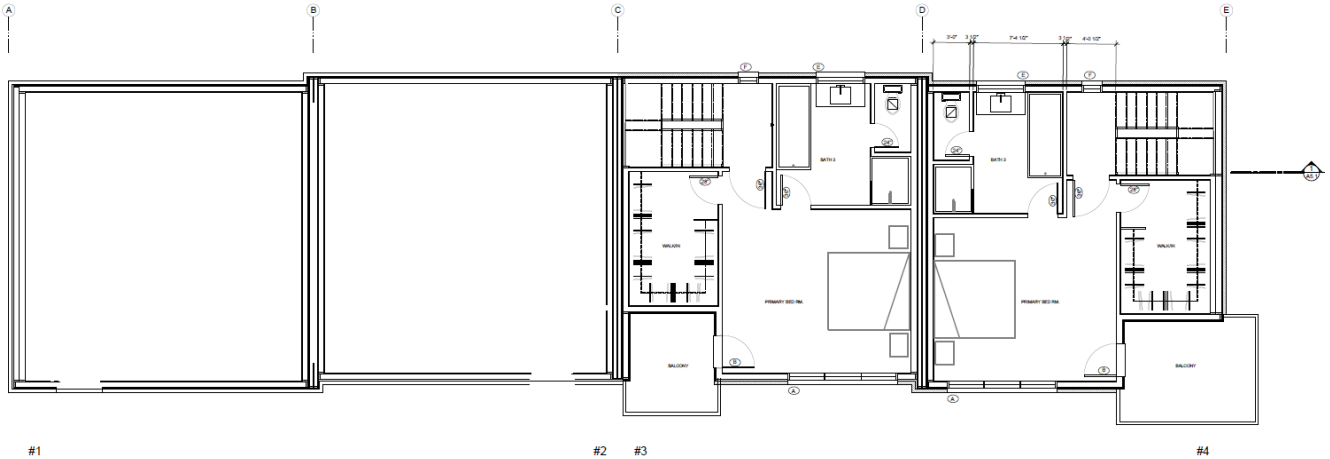


Figure 15: Third Floor Plan

There are seventeen (17) existing trees on the property which were examined in the accompanying Tree Conservation Report in related to the proposed development (See Figure 15). Eight (8) trees are proposed to be removed, the reasons being two (2) trees conflict with site servicing and proposed driveways and six (6) trees conflict with construction. These existing trees to be removed front onto Mart Circle. The remaining nine (9) trees are being retained, helping to maintain the character found on St-Laurent Boulevard in the surrounding community.

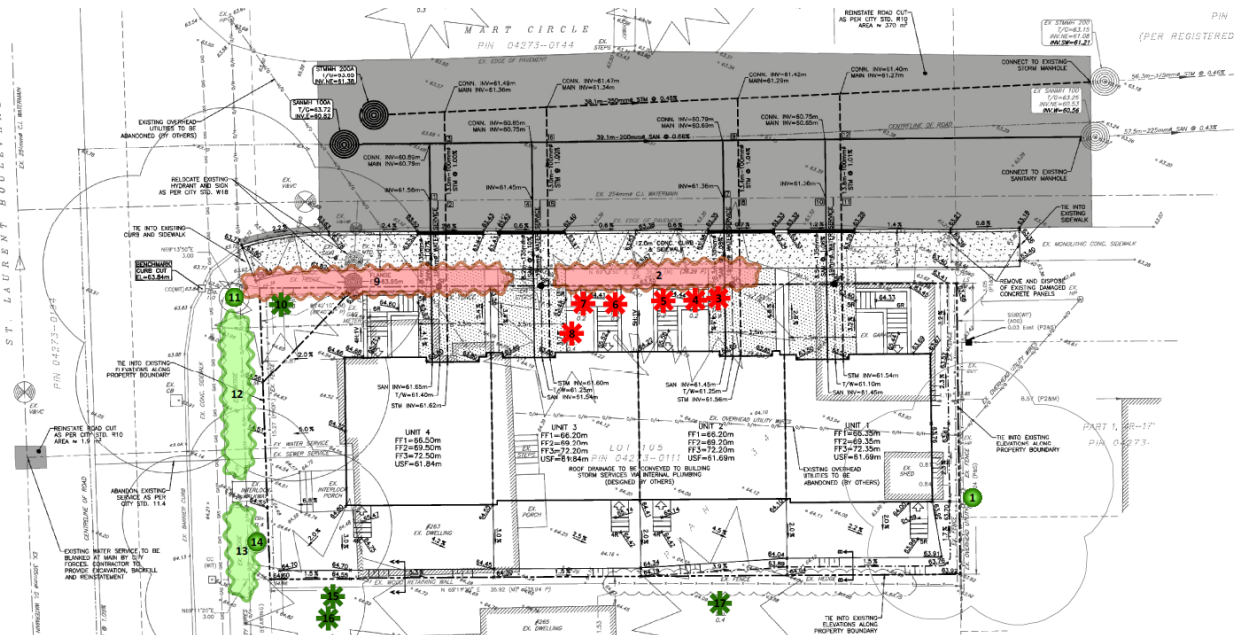


Figure 16: Site Plan from Tree Conservation Report

3.0 Policy and Regulatory Context

3.1 Provincial Policy Statement

The Provincial Planning Statement (PPS), which came into effect on May 1, 2020, is a policy document issued under the Planning Act which provides direction on matters of provincial interest related to land use planning and development. All municipal development policies, documents and decisions must be consistent with the PPS, read as a whole. The PPS recognizes that “land use must be carefully managed to accommodate appropriate development to meet the full range of current and future needs, while achieving efficient development patterns”.

Policies that support the development and intensification of the subject property include:

- / 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 (1.1.1a);
 - Accommodating an appropriate affordable and market-based range and mix of residential types, including single-detached (1.1.1.b); and,
 - 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 (1.1.1.e).
- / 1.1.3: Identifies Settlement Areas as the focus of growth and development, where:
 - Land use patterns in settlement areas are to be based on densities and a mix of land uses which efficiently use land and resources, 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 (1.1.3.2); and,
 - New development taking place in designated growth areas should occur adjacent to the existing built-up area and shall have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities (1.1.3.6).
- / 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 or 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 (1.4.3.b.1); and,
 - All types of residential intensification, including additional residential units, and redevelopment (1.4.3.b.2).
 - 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 (1.4.3.c); and
 - Promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed (1.4.3.d).
- / 1.7.1: Long-term economic prosperity should be supported by:

- Encouraging residential uses to respond to dynamic market-based needs and provide necessary housing supply and range of housing options for a diverse workforce (1.7.1.b).
- / 1.8.1: Planning authorities shall support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and preparing for the impacts of a changing climate through land use and development patterns which:
- Promote compact form and a structure of nodes and corridors (1.8.1.a);
 - Promote the use of active transportation and transit in and between residential, employment (including commercial and industrial) and institutional uses and other areas (1.8.1.b); and,
 - Encourage transit-supportive development and intensification to improve the mix.

The Consent and Minor Variance applications, and the resulting proposed development on the subject property are consistent with the Provincial Policy Statement, 2020 in that it achieves its vision in addressing efficient development and land use patterns. The Consent application seeks to establish four (4) residential lots with adequate site area to support development on the subject property, which is aligned with the PPS’s goal for development within existing built-up areas. The Minor Variance applications for the proposed developments on the proposed four (4) lots seeks to permit a compact built form within the existing physical constraints placed on the site. Furthermore, considering its location on St-Laurent Boulevard, a Mainstreet Corridor and its location within the established Manor Park neighbourhood, the proposed redevelopment advances provincial goals of healthy, liveable and safe communities that efficiently utilize existing infrastructure and improving the mix of housing types.

3.2 City of Ottawa Official Plan (2022)

The Official Plan for the City of Ottawa 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 set out the policies to guide the development and growth of the City.

3.2.1 Inner Urban Transect

Schedule A of the Official Plan divides the City into six (6) concentric policy areas called Transects. Each Transect represents a different gradation in the type and evolution of built environment and planned function of the lands within it, from most urban (the Downtown Core) to least urban (Rural).

The subject lands are located in the “Inner Urban Transect” of the Official Plan. The Inner Urban Transect includes the pre-World War II neighbourhoods that immediately surround the Downtown Core, and the earliest post-World War II areas directly adjacent to them and is therefore characterized by both urban and suburban elements. The New Official Plan provides guidance for how the existing character of these neighbourhoods should be complemented while allowing for the development of walkable, service-rich, 15-Minute Neighbourhoods.

The Inner Urban Transect promotes greater densities than the Outer Urban and Suburban transects; the intended pattern of built form is urban. The transect is generally planned for mid- to high-density development, subject to their proximity to transit, their underlying land use designation, and municipal servicing capacity constraints. Section 5.2 sets the policies guiding development under this transect designation. The policies focus on enhancing the pattern of development to reflect the desired urban character, creating walkable and transit-supportive communities, as well as encouraging appropriate ‘missing-middle’ intensification within established neighbourhoods.

3.2.2 Corridor Mainstreet Designation

The subject site is designated **Corridor Mainstreet with an Evolving Neighbourhood Overlay** in Schedule B2-Inner Urban Transect of the Official Plan (See Figure 16). This designation applies to bands of land along specified streets whose planned function combines a higher density development, a greater degree of mixed uses, and a higher level of street transit service than abutting Neighbourhoods. The Corridor- Mainstreet designation applies to any lot abutting the Corridor, subject to specific provisions (6.2.1.1).

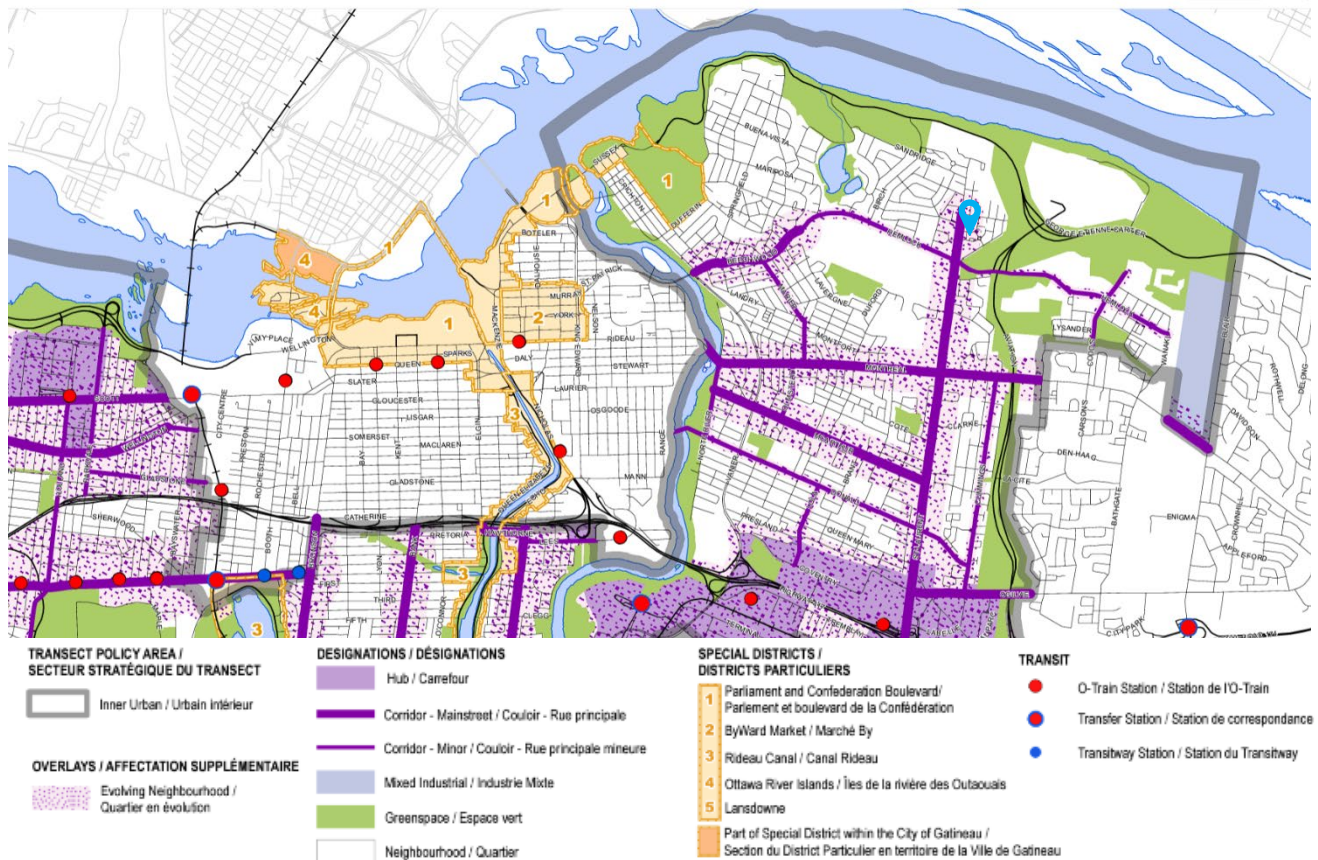


Figure 17: Schedule B2 - Inner Urban Transect

Policies that support the development and intensification of the subject property include:

- / 5.2.3: Provide direction to the Hubs and Mainstreet Corridors located within the Inner Urban Transect
 - / Along Mainstreets, permitted building heights are as follows, subject to appropriate height transitions, stepbacks, and angular planes:
 - On sites that front on segments of streets whose right-of-way is narrower than 30 metres, generally up to 9 storeys except where a secondary plan or area-specific policy specifies different heights (5.2.3.2b); and
 - In all cases, the wall heights directly adjacent to the street [...] shall be proportionate to the width of the abutting right of way, and consistent with the objectives in the urban design section on Mid-rise [...] built form (5.2.3.2c).

- / Along Minor Corridors, permitted building heights are as follows, subject to appropriate height transitions and setbacks (5.2.3.3):
 - o Generally, not less than 2 storeys and in the maximum height range of between 4 to 6 storeys, except where a secondary plan or area-specific policy specifies different heights (a); and
 - o Where the Zoning By-law permits a low-rise building, an amendment to this Plan shall not be required to consider a building of 5 or 6 storeys (b).
- / All buildings along Mainstreets or Minor Corridors shall have active entrances facing the Mainstreet or Minor Corridor, regardless of use (5.4.3.4).
- / 6.2.1: Define the Corridors and set the stage for their function and change over the life of this Plan:
 - / Development within the Corridor designation shall establish buildings that located the maximum permitted building heights and highest densities close to the Corridor, subject to building setbacks where appropriate (6.2.1.2). Further, development
 - o Shall ensure appropriate transitions in height, use of land, site design and development character through the site, to where the Corridor designation meets abutting designations (6.2.1.2a);
 - o Corridors will generally permit residential uses and such non-residential uses that integrate with a dense, mixed-use urban environment (6.2.1.3a). The City may require through the Zoning By-law and/ or development applications to amend the Zoning By-law:
 - Minimum building heights in terms of number of storeys to ensure multi-storey structures where uses can be mixed vertically within the building (c).
 - o Unless otherwise indicated in an approved secondary plan, the following applies to development of lands with frontage on both a Corridor and a parallel street or side street (6.2.1.4)
 - Development shall address the Corridor as directed by the general policies governing Mainstreet Corridors Minor Corridors, particularly where large parcels or consolidations of multiple smaller parcels are to be redeveloped (a); and
 - Vehicular access generally be provided from the parallel street or side street (b).
- / 6.2.2: Recognize Mainstreet Corridors as having a different context and setting out policies to foster their development:
 - / In the Minor Corridor designation, this Plan shall permit a mix of uses which support residential uses and the evolution of a neighbourhood towards 15-minute neighbourhoods (6.2.2.2). Development may include residential-only and commercial-only buildings (a).
- / 4.2.1 Enable greater flexibility and an adequate supply and diversity of housing options throughout the city
 - / The City shall support the production of a missing middle housing range of mid-density, low-rise multi-unit housing, in order to support the evolution of healthy walkable 15-minute neighbourhoods by (4.2.1.2);
 - o Allowing housing forms which are denser, small-scale, of generally three or more units per lot in appropriate locations, with lot configurations that depart from the traditional lot division and put the emphasis on the built form and the public realm, as-of-right within the Zoning By-law (a).

3.2.3 Evolving Neighbourhood Overlay

The Official Plan outlines Built Form Overlays to areas in the City of Ottawa which are meant to provide built form direction in cases where a change in character is anticipated, or in cases where new neighbourhoods are being developed. The subject site is covered by the Evolving Neighbourhood Overlay. This overlay is applied to areas in close proximity to Hubs

and Corridors to signal a gradual evolution over time that will see a change in character to support intensification, including guidance for a change in character from suburban to urban to allow new built forms and more diverse functions of the land.

Where an Evolving overlay is applied

- / The Zoning By-law shall provide development standards for the built form and buildable envelope consistent with the planned characteristics of the overlay area, which may differ from the existing characteristics of the area to which the overlay applies (5.6.1.1.2a); and
- / The Zoning By-law shall include minimum-density requirements as identified in Table 3a (See Table 1 below), and permissions to meet or exceed the density targets of Table 3b (5.6.1.1.2b).

Table 1: Minimum Density Requirements from the OP

Minimum Area-wide Density Requirement, People and Jobs per Gross Hectare	Minimum Residential Density Requirement for Intensification, Dwellings per Net Hectare	Minimum Proportion of Large-household Dwellings within Intensification
120	120	Minimum: 5 per cent Target: 10 per cent

3.2.4 Urban Design (Section 4.6)

Section 4.6 of the Official Plan outlines the specific policies guiding the design and relationship between developments across the City, specifically emphasizing adequate transitions, complementary built forms, and existing neighbourhood design characteristics.

- / 4.6.6.6 Low-rise buildings shall 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, where appropriate. Buildings shall integrate architecturally to complement the surrounding context.
- / 4.6.5: Ensure effective site planning that supports the objectives of Corridors, Hubs, Neighbourhoods and the character of our villages and rural landscapes:
 - / Development in Hubs and along Corridors shall respond to context, transect area and overlay policies. The development should generally be located to frame the adjacent street, park or greenspace, and should provide an appropriate setback within the street context, with clearly visible main entrances from public sidewalks. Visual impacts associated with above grade utilities should be mitigated (4.6.5.2);
 - / Development shall minimize conflict between vehicles and pedestrians and improve the attractiveness of the public realm by internalizing all servicing, loading areas, mechanical equipment and utilities into the design of the building, and by accommodating space on the site for trees, where possible. Shared service areas, and accesses should be used to limit interruptions along sidewalks. Where underground parking is not viable, surface parking must be visually screened from the public realm (4.6.5.3); and
 - / Development shall demonstrate universal accessibility, in accordance with the City's Accessibility Design Standards. Designing universally accessible places ensures that the built environment addresses the needs of diverse users and provides a healthy, equitable and inclusive environment (4.6.5.2).

The City of Ottawa's Official Plan outlines the general strategies for growth and development across the region, detailing specific policies for both urban and rural areas. The Plan highlights key features related to residential development within the Inner Urban Transect and the role of the Corridor Mainstreet designation in accommodating a bulk of the intensification proposed through this Plan. This review examined the policies as they apply to the proposed Consent and Minor Variance applications on the subject property. The policies of the Official Plan were shown to be supportive of the

proposed severance and Minor Variances on the severed lots as the proposed developments provide for compatible development on conforming lots within a compact urban builtform, characteristic of ongoing development happening in the surrounding context.

3.3 City of Ottawa Comprehensive Zoning By-law

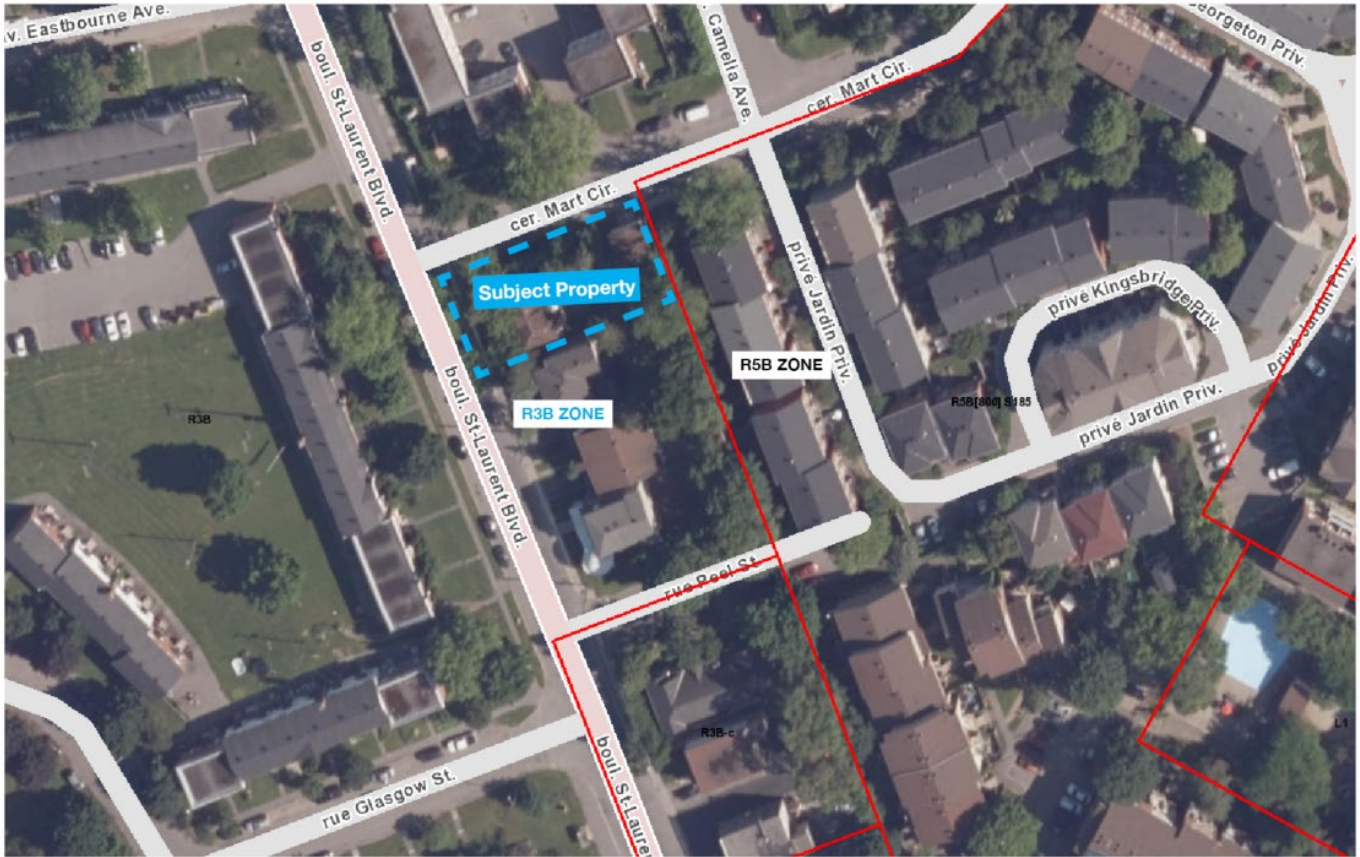


Figure 18: Zoning map with the subject property identified. (GeoOttawa)

The subject property is zoned R3B– Residential Third Density, Subzone B (Figure 17).

The table below lists the permitted uses in the R3B zone:

Table 2: Permitted Uses for R3B Zone

Permitted Uses
<p>bed and breakfast, see Part 5, Section 121</p> <p>detached dwelling</p> <p>diplomatic mission, see Part 3, Section 88</p> <p>duplex dwelling, see Part 5, Section 138 (By-law 2010-307)</p> <p>group home, see Part 5, Section 125</p> <p>home-based business, see Part 5, Section 127</p> <p>home-based daycare, see Part 5, Section 129</p>

linked-detached dwelling, see Part 5, Section 138 (By-law 2010-307)
 park
 planned unit development, see Part 5, Section 131
 retirement home, converted, see Part 5, Section 122
 secondary dwelling unit, see Part 5, Section 133
 semi-detached dwelling, see Part 5, Section 138 (By-law 2010-307)
 three-unit dwelling
 townhouse dwelling, see Part 5, Section 138 (By-law 2012-334) (By-law 2010-307) (By-law 2014-189)
 urban agriculture, see Part 3, Section 82 (By-law 2017-148)

The following Zoning Compliance table outlines the Minor Variances required for the proposed development (Table 3).

Table 3: Non-compliant zoning performance standards for proposed buildings on the four (4) lots

Permissions for TOWNHOUSE in R3B Zone		Performance Standard	Proposed Unit 1/ Parts 6+7	Proposed Unit 2/ Part 5	Proposed Unit 3/ Part 4	Proposed Unit 4/ Parts 1,2&3	Compliance
Section 160							
Min. Lot Area Table 160A		180m ²	137.8 m ²	116.2 m ²	116.2 m ²	180.5 m ²	×
Min. Lot Width Table 160A		6m	9.02	7.62	7.62	12.079	✓
Min. Setbacks Table 160A	Front Yard Minimum	3	3.7	3.7	3.7	3.7	✓
	Corner Side Yard Minimum	3	-	-	-	4.1	✓
	Interior Side Yard Minimum	1.2	1.395	-	-	-	✓
Max. Building Height Table 160A		10m (in Schedule 342(6) in other cases 11)	12	12	12	12	×
Section 144							
Required Rear Yard for Interior Lots Section 144(3)(a)		3.8m	3.81	3.81	3.81	3.81	✓
Section 139							
Minimum Required Aggregated Soft Land Landscaping		Unit 1: 35% Unit 2 & 3: 30% Unit 4: 40%	50%	46%	46%	>50%	✓

Driveway Regulations 139 (3) (iii)	Unit 1: 3m Unit 2 & 3: 2.75m Unit 4: 3m	2.9m	2.7m	2.7m	2.9m	✓
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The proposed consent application established a total of four (4) lots and buildings that conform to the majority of the performance standards, as per Table 2. The concurrent minor variance applications seek to address the issues of compliance related to the proposed development on the subject property (Table 3). Unit 1, 2, 3 and 4 are non-compliant related to Maximum Height. Unit 1, 2 and 3 are non-compliant related to Minimum Lot Area.

4.0 Ontario Planning Act – Consents

4.1 Legislative Authority

Section 53(1) of the Ontario Planning Act pertains to Consents and Plans of Subdivision. It states that an owner:

“may apply for a consent as defined in subsection 50 (1) and the council or the Minister, as the case may be, may, subject to this subsection, give a consent if satisfied that a plan of subdivision of the land is not necessary for the proper and orderly development of the municipality.”

Section 53(12) of the Planning Act notes that when determining if a consent is to be given, a council or the Minister:

“shall have regard to the matters under subsection 51(24) and has the same powers as the approval authority has under subsection 51(25) with respect to the approval of a plan of subdivision and subsections 51(26) and (27) and section 51.1 apply with necessary modifications to the granting of a provisional consent”.

4.2 Consent Criteria

Section 51(24) of the Planning Act sets forth the criteria for considering Plans of Subdivision with regards to the “health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality.” A response to each of the criteria from Section 51(24) is provided below.

“In considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality and to,”

- a) The effect of development of the proposed subdivision on matters of provincial interest (as referred to in section 2)
The proposed Consent conforms to the goals and policies of provincial interest and complies with the necessary policies of the Official Plan and the Zoning By-law.
- b) Whether the proposed subdivision is premature or in the public interest
The proposed Consent would ensure development remains viable on all four (4) of the severed and retained lots, creating a total of four (4) lots capable of supporting four (4) townhouse dwellings where only one (1) single-detached dwelling currently exists. The increased density through intensification takes advantage of the existing lot fabric and servicing capabilities to meet the goals of the Official Plan.
- c) Whether the plan conforms to the official plan and adjacent plans of subdivision, if any
The proposed Consent conforms to the policies of the City of Ottawa Official Plan as it maintains the low-rise built form of the neighbourhood while providing for increased density along Corridor Mainstreets.
- d) The suitability of the land for the purposes for which it is to be subdivided
The proposed Consent results in four (4) lots which, subject to the minor variance applications, are compliant with all applicable Zoning By-law provisions. The lots provide for adequate street frontage, lot depth, lot area, and servicing capabilities, supportive of the proposed development on the site. Further, the access easements as proposed provide direct access to the rear yard of the interior townhouses.
- d.1) If any affordable housing units are being proposed, the suitability of the proposed units for affordable housing
This application is not considering any affordable housing on the subject property, but contributes to the diversity of housing forms in the community.

- e) The number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them.
The subject property is accessed via Mart Circle, which is identified as a Local road in Schedule C4 – Urban Network in the City of Ottawa’s Official Plan (2022). The proposed Consent provides adequate road access to retained and severed lands.
- f) The dimensions and shapes of the proposed lots
The proposed Consent establishes four (4) rectangular lots of similar dimensions, which subject to the minor variance applications, would be compliant with the applicable zoning provisions and which also generally reflect the existing lot fabric found in the surrounding area, specifically the townhouse development to the west of the site.
- g) The restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structure proposed to be erected on it and the restrictions, if any, on adjoining land.
There are no restrictions on the land or any adjoining lands. A corner sight triangle is proposed in accordance with City requirements, and proposed easements provide direct rear yard access to the interior lots.
- h) Conservation of natural resources and flood control
The proposed consent and resulting proposed development seek to preserve the three (3) mature trees and two (2) hedges in the existing front yard of the subject property, consistent with the front-yard character found on St-Laurent Boulevard. The proposal is serviced by municipal storm sewers.
- i) The adequacy of utilities and municipal services
The subject property is municipally serviced and is not anticipated to place undue strain on the existing servicing capacity for the area.
- j) The adequacy of school sites
The subject property is located within 300 metres of Manor Park Public School to the west, which serves elementary school children, and other schools are located in the surrounding community, including proposals for new schools within Wateridge Village, to the east of the proposed development.
- k) The area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes
A 5m x 5m corner sight triangle is to be dedicated to the municipality.
- l) The extent to which the plan’s design optimizes the available supply, means of supplying, efficient use and conservation of energy
The buildings proposed on the subject property as a result of this proposed Consent will be subject to the energy usage directives outlined in Provincial legislation and the Ontario Building Code in order to receive a building permit.
- 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 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); 2016, c. 25, Sched. 4, s. 8 (2)
The scale of development proposed on the subject property does not meet the threshold to require Site Plan Control approval.

5.0

Four Tests of the Planning Act

Section 45 (1) of the Planning Act (R.S.O. 1990, c. P.13) outlines the “four tests” for determining the suitability of a proposed Minor Variance. If all four tests are met, the Committee of Adjustment is authorized to grant a variance.

There are a total of seven (7) variances being sought through this application, six (6) relate to the severed lots, and one (1) relate to the retained lot, should the proposed Consent be approved. Unit 2 and 3 feature mirrored variances, in which both sets are identical for those two (2) lots. The variances relate to Sections 160 of the Zoning By-law and is outlined in further detail below:

- I. *Section 160 (Table 160, Sub-Zone B) – Maximum Building Height (m) for Townhouse: 10 in Schedule 342 (6), in other cases 11. Endnote Number 6 does not relate to the proposed developed.*

The proposed developments on the retained and severed lots feature a building height of 12 metres.

- II. *Section 160 (Table 160, Sub-Zone B) – Minimum Lot Area (m²): 180.*

The proposed developments on Units 1, 2 and 3 feature lot areas that are 135.27 metres squared, 116.28 metres squared and 116.28 metres squared, respectively.

Should the concurrent Consent application be approved, the severed and retained lots are proposed to be developed with four (4) townhouse dwellings. The proposed development on the lots trigger zoning non-compliance for the retained and severed lots. As outlined above, the several variances being sought for the four (4) lots will be evaluated using the four tests required by the Planning Act.

The evaluation criteria are explored below:

1) The variance is minor in nature.

The proposed variances for both the retained and severed lots seek to facilitate the development of four (4) compact, urban townhouse dwellings on an existing lot. The cumulative impacts of the requested variances are minor in that they will not have significant impact on the land use or the functioning of the subject property, without creating undue adverse impacts on the community, or on the adjacent properties. They are of a similar form and function to the townhouse development to the immediate east of the project.

The Zoning By-law permits a height of 10 metres in the R3B Zone. The proposed height of the townhouse dwellings (12) represents a minor variance that supports the liveability of the townhouse dwellings without undue adverse impacts on adjacent properties. The proposed developments have retained three (3) deciduous trees, four (4) coniferous trees and two (2) hedges which aid in reducing the impact from the street view perspective.

The Zoning By-law permits a minimum lot area of 180 metres squared. Units 2 and 3, as outlined above, propose lot areas as low as 116.28m². This is generally aligned with lot areas immediately surrounding the property, which include some lots equal to or smaller than the proposed development (112 m²) as demonstrated in the figure below. The reduction of lot area is minor in nature as it will not impact the surrounding community and aligns with nearby developments of a similar scale.

It is Fotenn’s opinion that the minor variances requested for the maximum height and minimum lot area is minor in nature.



Figure 19: Image showing the smallest proposed lots compared to a selection of lots in the townhouse development to the east.

2) The variance is considered desirable for the development and use of the property.

The proposal consists of a severance to create three (3) new lots and one (1) retained lot from an existing deep lot (36.27 metres). The variances facilitate the redevelopment of the existing lot with the proposed townhouse dwellings that align with the general character of the surrounding properties. As seen in the townhouse development to the east fronting on Mart Circle, this area is characterized by a mix of dwelling types but includes a number of townhouses on a wide range of lot sizes.

The lots created through the proposed severance are generally consistent with the policies of the Official Plan for intensification in the urban area, and compatible with the density envisioned for the area through the Manor Park Secondary Plan. The minimal constraints on lot depth and area permit a compact urban form, as seen on neighbouring lots. The design choices subject to the Minor Variances present a desirable built form based on the prescribed lot provisions and only seek minor adjustments to the permitted building height and lot area without resulting in undue impacts on the existing character of the area. Further, the proposed easements for access maintain direct access to the rear yards of the interior townhouses, facilitating maintenance and regular enjoyment of the properties.

The proposed variances sought through this application facilitate the efficient use of the subject property and permit a compatible built form through the proposed development, without resulting in any significant impacts on the existing and planned character of the neighbourhood. Therefore, the proposed variances for the retained and severed lots are appropriate for the development and use of the lands.

3) The variance maintains the general intent and purpose of the Zoning By-law.

The proposed variances seek to maintain the intent and purpose of the Zoning By-law through mitigation measures as well as responding to the existing and planned context for the area.

The stated purpose of the R3B – Residential Third Density Zone includes the following, amongst other factors:

- / Allow a mix of residential building forms ranging from detached to Townhouse dwellings in areas designated as General Urban Area in the Official Plan (generally understood as the Neighbourhood designation under the New Official Plan);
- / Allow a number of other residential uses to provide additional housing choices within the third density residential areas; and
- / Regulate development in a manner that is compatible with existing land use patterns so that the mixed dwelling, residential character of a neighbourhood is maintained.

It is Fotenn's opinion that the requested variances maintain the general intent and purpose of the Zoning By-law in the R3B zone given that they will accommodate a use and intensity that is already permitted within this zone. The variances related to height and lot area support the development of a compact urban form, being townhouses, on lots that maintain the required setbacks, landscaping, and other performance standards related to transition and compatibility between developments.

A further consideration is that the subject property currently backs onto the R5B Zone, which permits a Maximum Building Height of 11 metres for townhouses (Figure 23). With the proposed townhouses fronting onto Mart Circle, the eastern townhouse will be adjacent to the rear of the neighbouring townhouses in the R5B Zone. The adjacency of these two zones will allow for a smooth transition in height from the existing townhouses to the proposed townhouses on the subject property, given permitted building heights on Corridors are generally taller than those in the inner neighbourhoods.

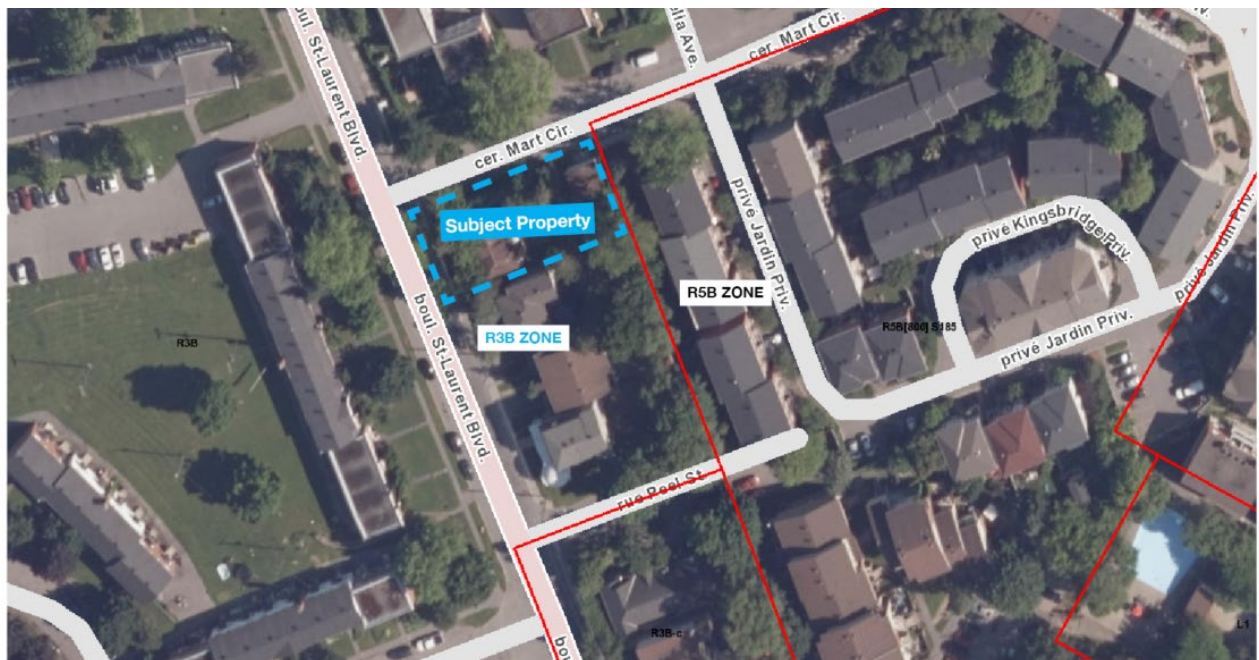


Figure 20: Adjacent Zones R3B and R5B

4) The variance maintains the general intent and purpose of the Official Plan.

The Official Plan designates the subject property as Mainstreet Corridor in the Inner Urban Transect, which seeks to combine a higher density development, a greater degree of mixed uses, and a higher level of street transit services. As outlined in Policy (2b) of Section 5.2.3 of the Official Plan, on sites in Corridor Mainstreets within the Inner Urban Transect which front on segments of streets whose right-of-way is narrower than 30 metres, generally permitted heights are up to nine (9) storeys. The proposed development has a height of three (3) storeys.

As outlined in Policy (4a) of Section 6.2.1 of the Official Plan, Development of lands with frontage on both a Corridor and a parallel street or side street shall be addressed by the general policies governing Mainstreet Corridors Minor Corridors. As such, Policy (3a) of Section 5.2.3 states that along Minor Corridors, permitted building heights (subject to appropriate height transitions and stepbacks), are generally not less than two (2) storeys and in the maximum height range of between four (4) and six (6) storeys. Policy (3b) states that where the Zoning By-law permits a low-rise building, an amendment to this Plan shall not be required to consider a building of five (5) or six (6) storeys. Given that the development proposes a height of three (3) storeys at 12 metres, the proposed development aligns with policies related to both Mainstreet Corridors and Minor Corridors.

Something to note is that the Official Plan states that all buildings along Mainstreets or Minor Corridors shall have active entrances facing the Mainstreet or Minor Corridor, regardless of use (5.4.3.4). Given the depth of the subject property, this development could only be accommodated by fronting onto Mart Circle, resulting in the active entrances facing the local road. However, to activate the relationship with St-Laurent Boulevard, this development proposed a wrap around balcony for Unit 4, aesthetic windows facing St-Laurent Boulevard, and the retention of the trees along St-Laurent Boulevard.

Section 4.6.5.2 provides that development shall minimize conflict between vehicles and pedestrians and improve the attractiveness of the public realm by internalizing all servicing, loading areas, mechanical equipment and utilities into the design of the building, and by accommodating space on site for trees, wherever possible. Shared service areas, and accesses should be used to limit interruptions along sidewalks. By fronting onto Mart Circle, this development minimizes conflict between vehicles and pedestrians and supports the attractiveness of the public realm along St-Laurent Boulevard, where a sidewalk currently exists. Each unit provides a parking space in the basement, internalizing this use away from the public realm. Additionally, mechanical equipment and utilities are provided in the basement.

Further, lands to the west are subject to the recently approved Manor Park North and South Secondary Plan (See Figure 8 above), which features heights of six and nine storey buildings and mixed uses along St-Laurent Boulevard, directly across from the subject property. The proposed development contemplates three storeys slightly higher than the zoning's permissions, which given the context of the Secondary Plan surrounding the site, will likely not negatively impact the surrounding area.

The proposed developments and required Minor Variance applications maintain the intent of the applicable Official Plan policies, specifically relating to the provision of housing forms and density closer to Mainstreet Corridors in compliance with the objectives of this Plan. The design and character established by the proposed Minor Variances does not result in any adverse impacts on the existing context as the developments provide for subtle integration into the existing neighbourhood through an appropriate height and lot area.

In order to establish the desired density for the area and encourage respectful intensification proposed by the Official Plan, the minor variances for all four (4) lots seek to permit an urban built form reflecting the new surrounding development, minimizing adverse impacts on old-character homes on the street. The intent and purpose of the Official Plan is maintained as a result of the proposed variances on the subject property.

6.0 Conclusion

In our professional opinion, the Consent and Minor Variance applications represent good planning and meet the applicable evaluation criteria established in Sections 45, 51 and 53 of the Planning Act. The application therefore upholds sound land use planning principles and is in the public interest.

Please contact the undersigned at stevenson-blythe@fotenn.com and bolduc@fotenn.com with any questions or requests for additional material.

Sincerely,



Claire Stevenson-Blythe, MCIP RPP
Planner



Jacob Bolduc, MCIP RPP
Associate, Planning