

December 22, 2023
January 17, 2024 (revised)

Committee of Adjustment
City of Ottawa
101 Centrepointe Drive
Ottawa, ON, K2G 5K7

Committee of Adjustment
Received | Reçu le
Revised | Modifié le : 2024-01-17
City of Ottawa | Ville d'Ottawa
Comité de dérogation

Attention: Michel Bellemare, Secretary - Treasurer

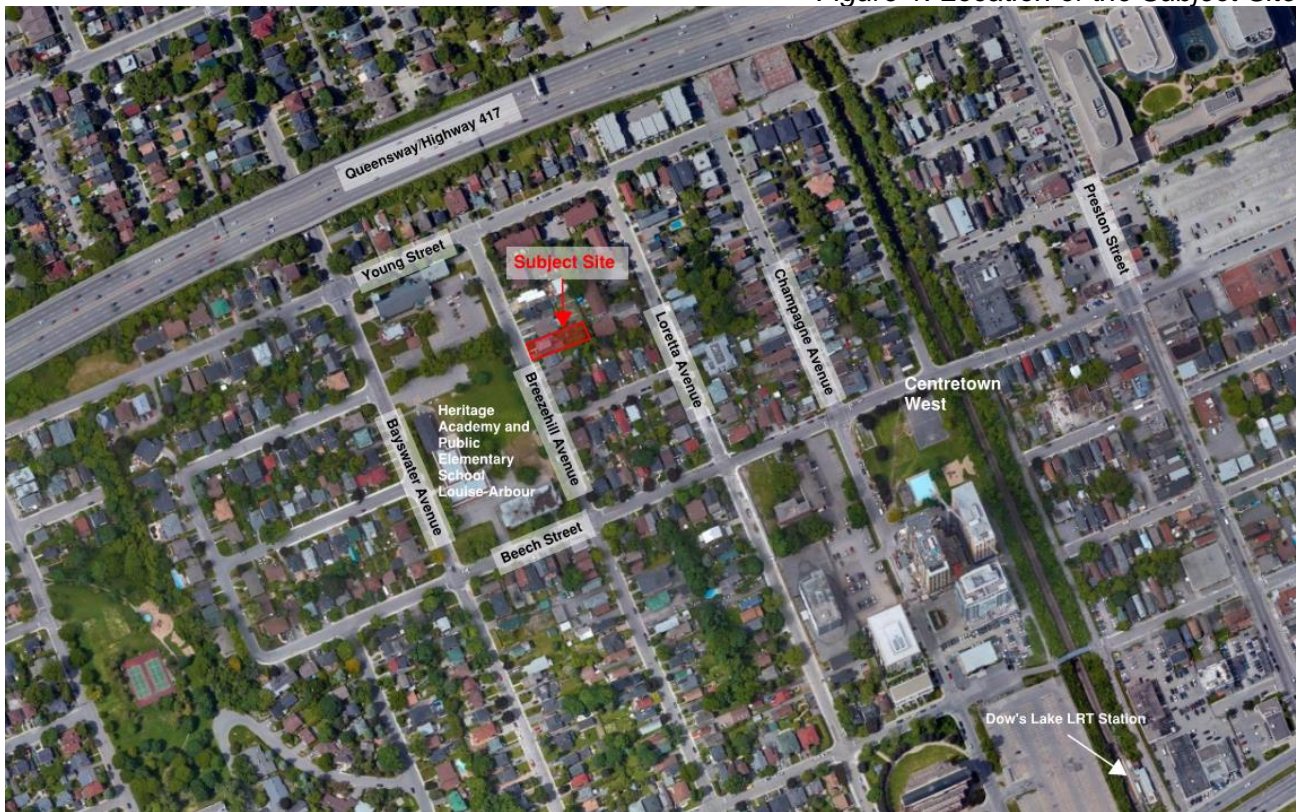
Dear Mr. Bellemare:

Reference: 241A & 241B Breezehill Avenue
Applications for Consent
Our File No 123200

Novatech has been retained by the owner of the property municipally known as 241A & 241B Breezehill Avenue (the "Subject Site") to prepare and file applications for Consent to sever a newly constructed long semi-detached dwelling and establish easements for vehicle and pedestrian access.

This letter describes the existing conditions of the site and its surrounding context, the proposed development, and provides a rationale in support of the applications.

Figure 1: Location of the Subject Site



Site and Context

Site

The Subject Site is located in the Centretown West neighbourhood and is within the City of Ottawa Kitchissippi Ward (Ward 15). The Subject Site is an interior lot located on the east side of Breezehill Avenue. The Subject Site is in an area bounded by Young Street to the north, Loretta Avenue to the east, Beech Street to the south, and Bayswater Avenue to the west. The Subject Site has a frontage of 12.18 metres along Breezehill Avenue and a lot area of 519.7 square metres. The Subject Site is legally known as Lot 58, Registered Plan 90855, City of Ottawa.

Figure 2: Subject Site



The Subject Site is designated Neighbourhood within the Inner Urban Transect in the City of Ottawa Official Plan (2022) and is subject to the Evolving Neighbourhoods Overlay. The Subject Site is zoned R2R in the City of Ottawa Zoning By-law 2008-250. The property is subject to the Mature Neighbourhoods Overlay of the Zoning By-law.

A long semi-detached dwelling was recently constructed on the Subject Site. The neighbouring area is developed with a mix of detached and semi-detached dwellings, as well as some townhouses and low-rise apartment buildings.

Surrounding Context

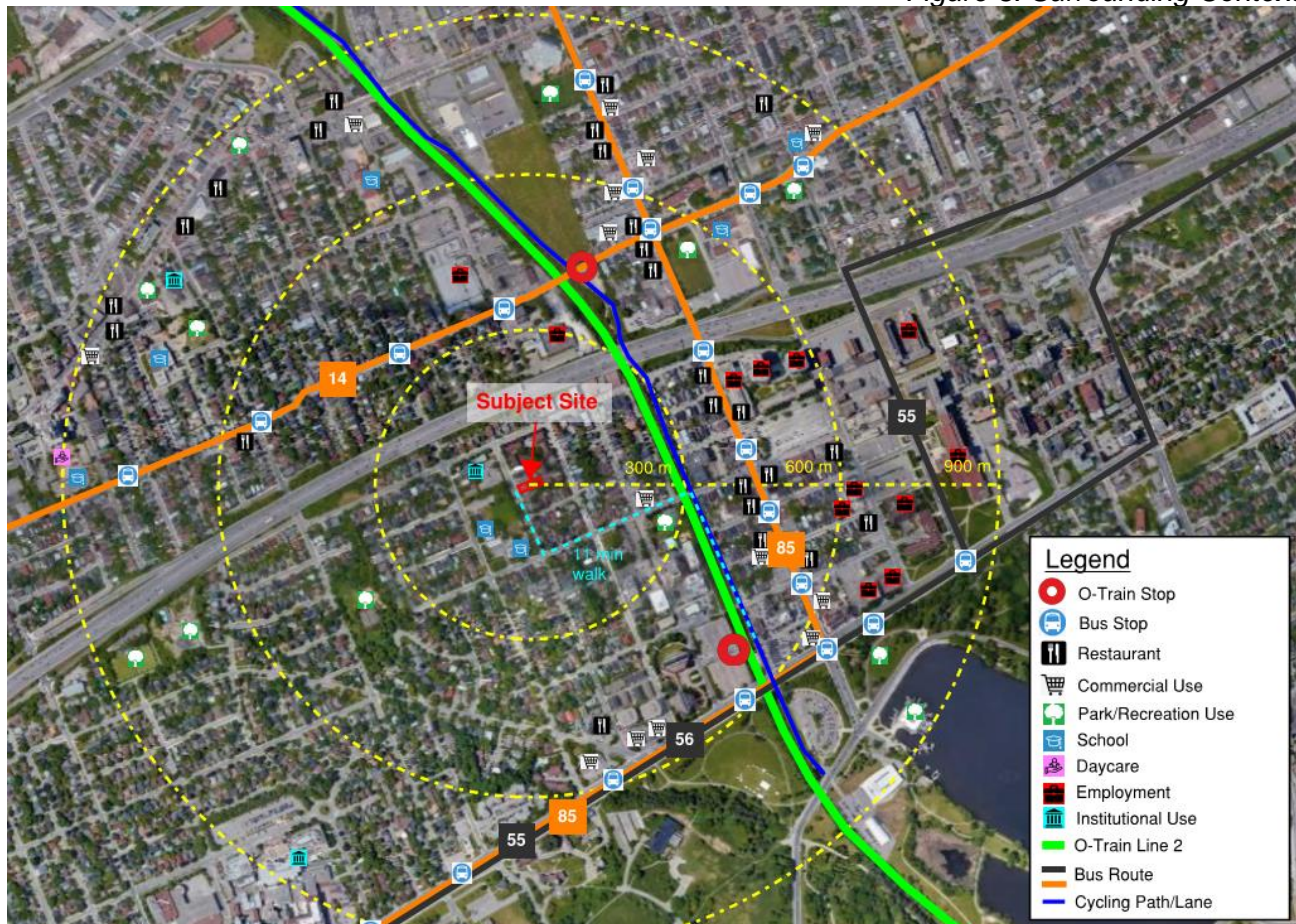
The Subject Site is primarily surrounded by detached and semi-detached dwellings with similar lot sizes to the Subject Site. There are some townhouse dwellings located to the north of the Subject Site and a church and school located across the street.

The Subject Site is in proximity to Carling Avenue, which is identified as a Mainstreet Corridor in Schedule B2 of the Official Plan and as an Arterial Road in Schedule C4 of the Official Plan. Future

O-Train connections are planned along Carling Avenue, which will provide rapid transit access to the Subject Site. The Subject Site is also within walking distance of the future Dow's Lake LRT station and bus stops along Carling Avenue.

There are primarily residential uses within 300 metres of the Subject Site. Public Elementary School Louise-Arbour, Heritage Academy, and Ev Tremblay Park are located within a 300 metre radius from the Subject Site. There is a greater variety of uses within 600 metres of the Subject Site. To the east of the Subject Site along Preston Street, there are a number of restaurants, shops, and offices. To the south of the Subject Site, rapid bus service is available along Carling Avenue and LRT service is available at the future Dow's Lake LRT station, which is an 11 minute walk from the Subject Site. Within 900 metres of the Subject Site, there are a number of amenities, including Dow's Lake, the Central Experimental Farm, and the Ottawa Civic Hospital. There are also some shops and restaurants along Carling Avenue to the south and Wellington Street to the north.

Figure 3: Surrounding Context



Proposed Development

The proposed Consent applications seek to sever the recently constructed long semi-detached dwelling and establish easements for vehicle and pedestrian access. The proposed severance will have a flag lot configuration. Part 4 on the Draft Reference Plan (Figure 4) will serve as a shared driveway providing access to the parking spaces located in the rear yard (Parts 5 and 6). Easements over Part 2 and Part 4 are required to establish the shared driveway and provide pedestrian access

to the rear yard. An easement over Part 5 in favour of Parts 1 and 2 is required to provide a parking space for the front unit. Each long semi-detached dwelling will include an additional dwelling unit in the basement.

The proposed development will advance the City's intensification goals by providing four dwelling units on the Subject Site. This intensification is well located within walking distance of the future Dow's Lake LRT station and commercial amenities along Preston Street and Carling Avenue. The proposal will have a minimal impact on the character of the area and will not be noticeable from the street.

Figure 4: Draft Reference Plan Excerpt Showing Severance Application 1 (red) and 2 (green)

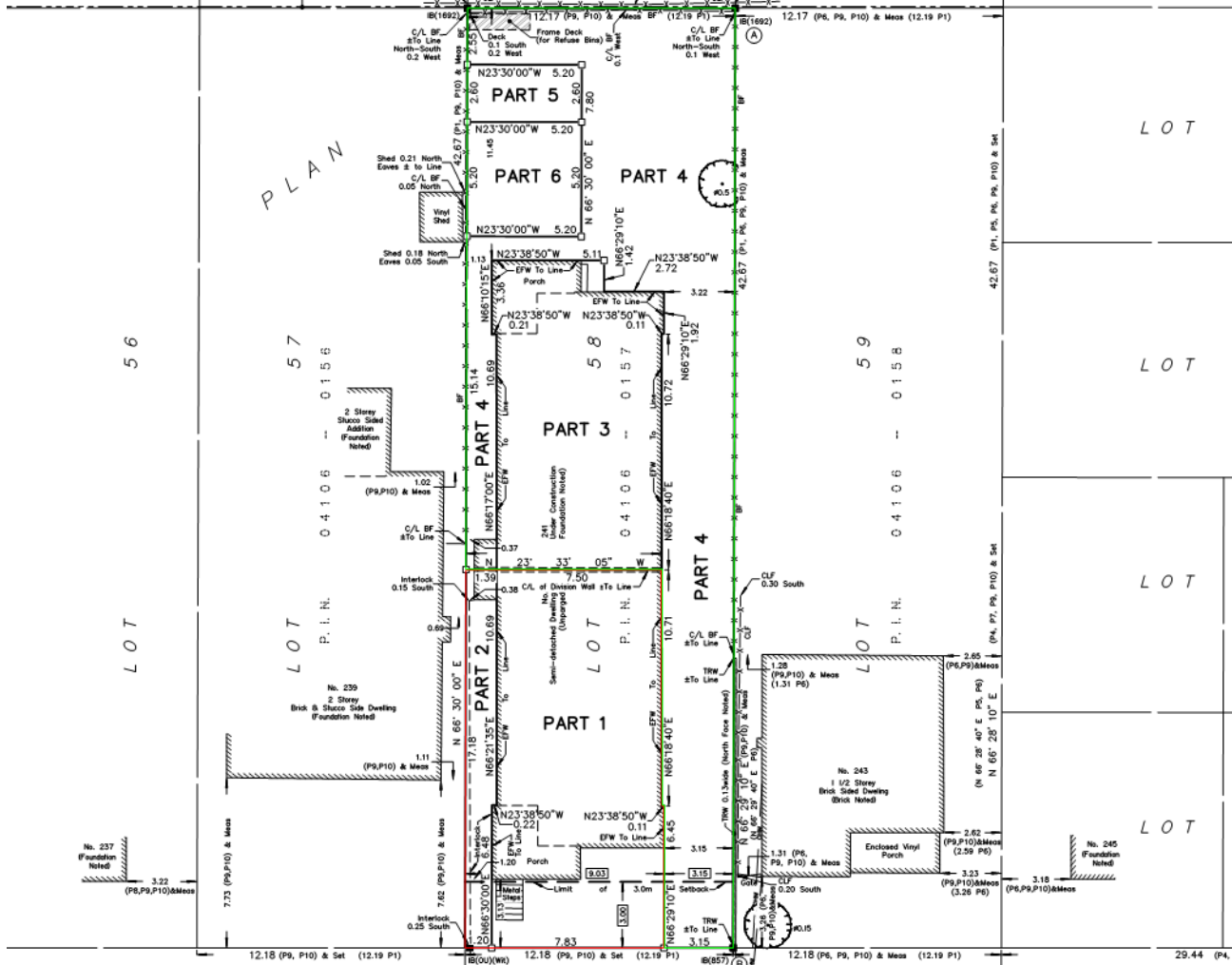


Figure 5: Severance Sketch 1

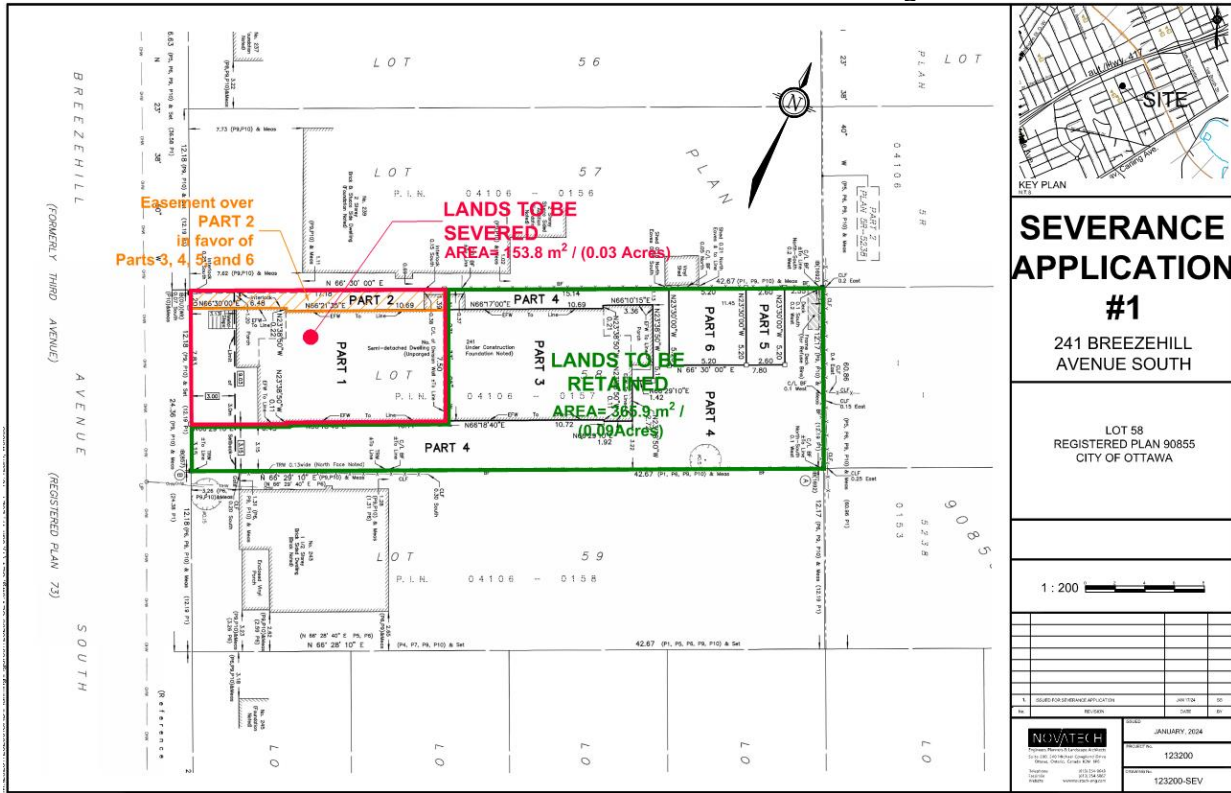
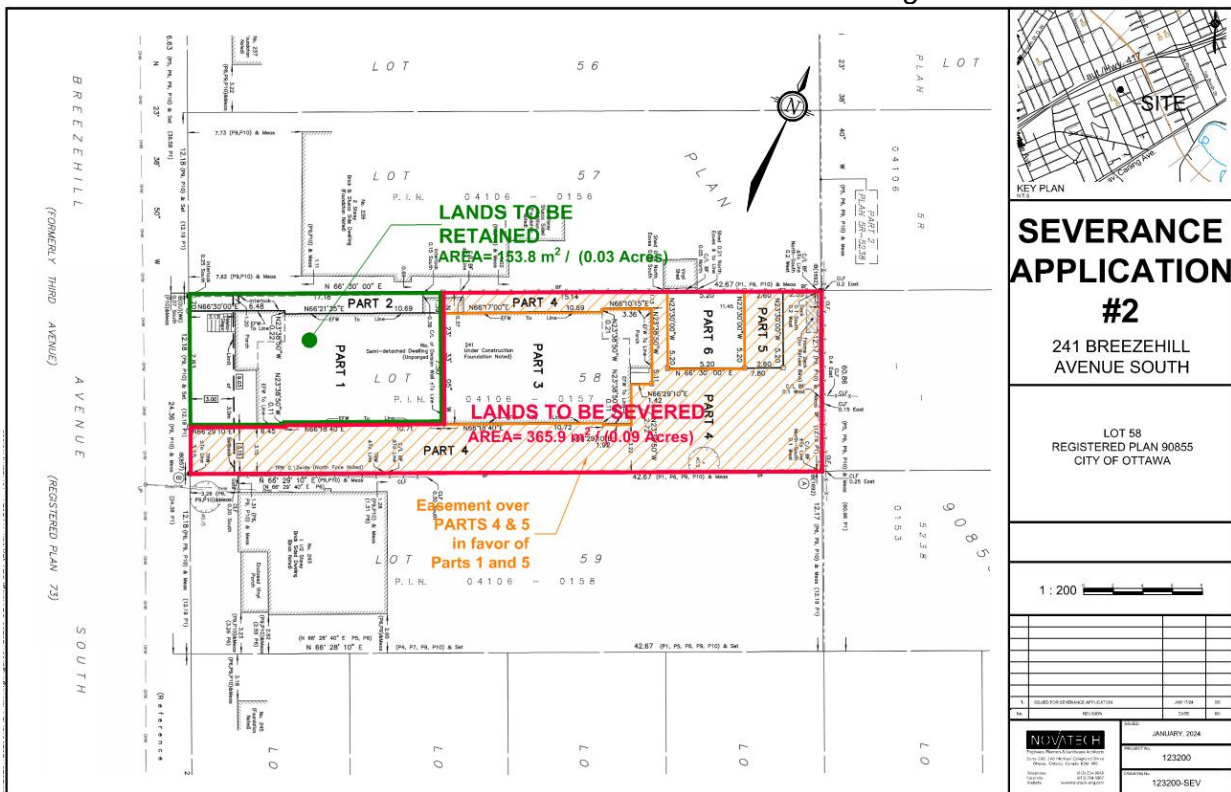


Figure 6: Severance Sketch 2



Severance Applications

Severance Application 1:

This application will establish a lot for the front unit of the long semi-detached dwelling, labelled as Parts 1 and 2 on the Draft Reference Plan (Figure 4). Part 2 will be subject to an easement in favour of Parts 3, 4, 5, and 6. This lot will have a frontage of 9.03 metres along Breezehill Avenue and a lot area of 153.8 square metres.

Severance Application 2:

This application will establish a lot for the rear unit of the long semi-detached dwelling, labelled as Parts 3, 4, 5, and 6 on the Draft Reference Plan (Figure 4). Part 4 and 5 will be subject to an easement in favour of Parts 1 and 2. This lot will have a frontage of 3.15 metres along Breezehill Avenue and a lot area of 365.9 square metres.

Severance Rationale

Planning Act

Subsection 53(1) of the Planning Act states:

“53(1) An owner, chargee or purchaser of land, or such owner’s, chargee’s or purchaser’s agent duly authorized in writing, 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 section, 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. 2021, c. 25, Sched. 24, s. 4 (1).”

The proposed severances and easements do not necessitate the construction of new public infrastructure, including roads and services. A plan of subdivision is not required for the proper and orderly development of the municipality.

Subsection 53(12) of the Planning Act states:

“53(12) A council or the Minister in determining whether a provisional consent is to be given 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. 1994, c. 23, s. 32.”

This rationale for the consent applications will speak to the following criteria outlined in subsection 51(24) of the Planning Act.

“51(24) 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 severances and easements have regard for the following matters of provincial interest:

- the supply, efficient use and conservation of energy and water
- the adequate provision and efficient use of communication, transportation, sewage and water services and waste management system
- the minimization of waste
- the orderly development of safe and healthy communities
- the adequate provision of a full range of housing, including affordable housing
- the appropriate location of growth and development
- the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians

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

The Subject Site is located within the City of Ottawa's urban boundary and is in a fully developed neighbourhood. The proposed severances and easements are not premature and are in the public interest.

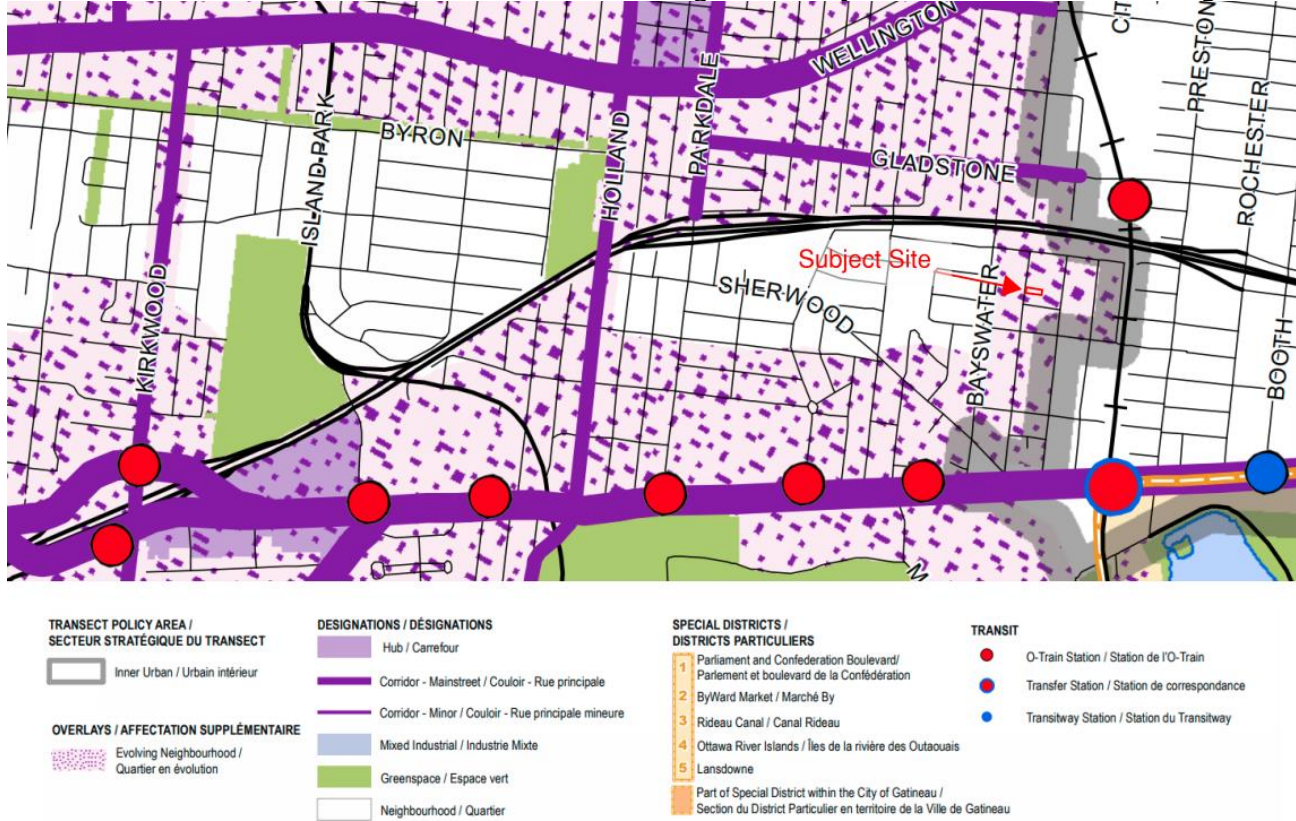
(c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;

The City of Ottawa Official Plan (2022) supports infill development and intensification throughout the built-up area (Section 3.2). Policy 3 of Section 3.2 states:

"The vast majority of Residential intensification shall focus within 15-minute neighbourhoods, which are comprised of Hubs, Corridors and lands within the Neighbourhood designations that are adjacent to them as shown on Schedules B1 through B8. Hub and Corridor designations are intended to be diverse concentrations of employment, commercial, community and transportation services (in addition to accommodating significant residential opportunities) that are accessible to adjacent Neighbourhood designations on a daily and weekly basis."

The Subject Site is designated Neighbourhood and is within the Inner Urban Transect of the Official Plan (see Figure 7). The Subject Site is subject to the Evolving Neighbourhoods Overlay.

Figure 7: Subject Site's Official Plan Designation



Section 5.2 of the Official Plan sets out policies for the Inner Urban Transect. Policy 1 of Section 5.2.1 states:

“The Inner Urban Transect’s built form and site design includes both urban and suburban characteristics as described in Table 6. Its intended pattern is urban.”

The proposed severances and easements exhibit a number of urban characteristics as described in Table 6, including limited vehicle parking that is concealed from the street and a range of lot sizes that includes smaller lots.

Policy 5 of Section 5.2.1 states:

“The Inner Urban area is planned for mid- to high-density, urban development forms where either no on-site parking is provided, or where parking is arranged on a common parking area, lot or parking garage accessed by a common driveway. The following policies apply to private approaches:

- a) *The privatization of curb space through increasing private approaches, whereby an on-site private parking space for one or two landowners precludes the use of curb space for street parking and other purposes for all users:*
 - i) *Is generally discouraged; and*
 - ii) *May be prohibited on small or narrow lots, or where such private approaches are proposed to serve a small number of parking spaces.*

- b) *Maintaining or enhancing unbroken curb space for short-term, visitor and permit-zone street parking and other common purposes, and front yard space for trees and intensive landscaping, is given priority over private approaches; and*
- c) *Further to the above, development applications may be required to*
 - i) *Reduce the number and/or width of private approaches on a site;*
 - ii) *Re-use existing private approaches; or*
 - iii) *Relocate and/or combine existing private approaches with no net increase in number or width.*
- d) *In the case of completely new areas or neighbourhoods developed by Plan of Subdivision, each city block shall be planned to minimize the number of vehicular private approaches and combine or share accesses to the greatest extent possible.”*

The proposed severances and easements will allow for a site design that reduces the visual impact of parked vehicles from the street. The proposed easements will provide access to rear yard parking for both dwelling units and will limit the number of private approaches that are provided on the Subject Site to one shared driveway rather than two individual driveways.

Policy 1 of Section 5.2.4 states:

“Neighbourhoods located in the Inner Urban area and within a short walking distance of Hubs and Corridors shall accommodate residential growth to meet the Growth Management Framework as outlined in Subsection 3.2, Table 3b. 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, 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) *The application of Zoning By-law development standards to be applied as one lot for zoning purposes to support missing middle housing;*
- c) *Provides for a low-rise built form, by requiring in Zoning a minimum built height of 2 storeys, generally permitting 3 storeys, and where appropriate, will allow a built height of up to 4 storeys to permit higher-density low-rise residential development;*
- d) *Provides an emphasis on regulating the maximum built form envelope that frames the public right of way rather than unit count or lot configuration; and*
- e) *In appropriate locations, to support the production of missing middle housing, lower-density typologies may be prohibited.”*

The proposed severances and easements will support intensification of the Subject Site and the residential use of the Subject Site. The proposed severances and easements will allow for the functional use of the long semi-detached dwellings and additional dwelling units on the Subject Site, which will contribute to the variety of housing types in the neighbourhood.

Section 6.3 of the Official Plan sets out policies for the Neighbourhood designation. Policy 2 of Section 6.3.1 states:

“Permitted building heights in Neighbourhoods shall be Low-rise, except:

- a) *Where existing zoning or secondary plans allow for greater building heights; or*

b) *In areas already characterized by taller buildings”*

The proposed development will maintain a low-rise built form that fits into the neighbourhood context and is appropriate for the Subject Site.

Policy 5 of Section 6.3.1 states:

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

The Subject Site is an appropriate location for infill development and increased densities as it is within walking distance of the future Dow’s Lake LRT station. The proposed severances and easements will help facilitate the functional development and use of the long semi-detached units on the Subject Site.

Policy 2 of Section 5.6.1.1 states:

- “Where an Evolving overlay is applied:*
- a) 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; and*
 - b) The Zoning By-law shall include minimum-density requirements as identified in Table 3a, and permissions to meet or exceed the density targets of Table 3b.”*

The long semi-detached dwellings will maintain a ground-oriented built form that is consistent with the surrounding area and provides for a transition to higher density built forms. The proposed severance and easements will help facilitate the appropriate development and functional use of the Subject Site.

The proposed severances and easements support infill development on the Subject Site that provides additional residential units in proximity to transit. The proposed severances and easements support a site design that emphasizes the urban built form of the newly constructed long semi-detached dwellings and minimizes the impact of driveways and parked vehicles. The proposed severances and easements conform to the policies of the City of Ottawa Official Plan (2022).

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

The proposed severances and easements will conform with the provisions of the City of Ottawa Zoning By-law 2008-250, including the provisions for lot width, lot area, and pole width for the flag lot (see Table 1).

Table 1: Zoning Provisions for the Proposed Severances

Zoning Provision	Required (Long Semi-Detached)	Provided – 241A Breezehill Avenue	Provided – 241B Breezehill Avenue
Minimum Lot Width (m)	10 m	12.18 m	
Minimum Lot Area (m ²)	300 m ²	519.7 m ²	
Minimum Pole Width (m)	2.2 m	N/A	3.15 m
Maximum Building Height (m)	8.5 m		
Minimum Front Yard Setback (m)	3 m	3.12 m	
Minimum Corner Side Yard Setback (m)	3 m	N/A	
Minimum Rear Yard Setback (m)	30% of lot depth (12.8 m)	12.87 m	
Minimum Rear Yard Area (m ²)	25% of lot area (129.93 m ²)	156.87 m ²	
Minimum Interior Side Yard Setback (m)	1.8 m total, 0.6 m for one side yard	1.39 m / 3.15 m	

Section 145 of the Zoning By-law sets out provisions for long semi-detached dwellings. Subsection 145(2) states:

*“The minimum lot width and the minimum lot area for a long semi-detached dwelling apply to the whole of the **long semi-detached dwelling** including both dwelling units, and*

- (a) are as provided in Table 158A, 160A, or 162A, or*
- (b) where not listed in Table 158A, 160A, or 162A, the minimum lot width and minimum lot area for a long semi-detached dwelling are the same as required for a detached dwelling.”*

Table 158A lists the minimum lot width for a long semi-detached dwelling in the R2R zone as 10 metres and lists the minimum lot area for a long semi-detached dwelling as 300 square metres. The Subject Site, including both dwelling units, meets the minimum lot width and lot area.

Subsection 145(3) states:

“Where a long semi-detached dwelling is severed, the lands on which a long semi-detached dwelling is located are considered one lot for zoning purposes, however Subsection (4) must be complied with.”

Subsection 145(4) states:

“Where a long semi-detached dwelling is severed in a flag lot configuration, the minimum lot width of the pole portion, as measured from the original lot’s interior side lot line, is as follows:

- (a) where a flag lot abuts another flag lot at the side lot line, 1.7 m,*

(b) In all other cases, 2.2 m.”

Despite the proposed severance, the Subject Site is considered one lot for zoning purposes. The requested severances propose a flag lot configuration. The proposed flag lot does not abut another flag lot and the minimum lot width of the pole portion is 2.2 metres. The proposed severances meet the requirement of Subsection 145(4) and provide a minimum lot width for a pole portion of a flag lot of 3.15 metres.

The proposed severances and easements meet the requirements of the Zoning By-law and are appropriate for residential purposes. The Subject Site is suitable for the purposes for which it is to be subdivided.

(d.1) if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;

No affordable housing units are being proposed.

(e) the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;

The proposed severances and easements do not propose any new roads and will not affect highways or the transportation system.

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

The proposed severances and easements will result in the creation of two lots for residential purposes. The proposed flag lot is appropriate for the proposed development and will provide access to a public road for the rear unit of the newly constructed long semi-detached dwelling. The proposed lots are fully conforming with the Zoning By-law, including the Section 145 provisions regarding long semi-detached dwellings. The proposed easements will facilitate pedestrian and vehicular access for both units. The requested severances and easements have an appropriate dimension and shape.

(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;

There are no restrictions or proposed restrictions on the existing or proposed lots, beyond the provisions of the Zoning By-law.

(h) conservation of natural resources and flood control;

The Subject Property is not located in any floodplains or areas of natural interest.

(i) the adequacy of utilities and municipal services;

The Subject Property is located within the urban boundary and is connected to existing utilities and municipal services. The proposed lots and easements are not anticipated to have an impact on the adequacy of the City's municipal services or utilities.

(j) the adequacy of school sites;

The Subject Site is located across the street from Heritage Academy and Public Elementary School Louise-Arbour (see Figure 3). The proposed severances and easements are not anticipated to have an impact on the adequacy of school sites in the area.

(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 part of the Subject Site will be dedicated for public purposes. It is expected that cash-in-lieu of parkland will be requested by the City as a condition of consent.

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

The proposed severances will more efficiently use the Subject Site by providing additional dwelling units within the urban area. The proposed severances constitute infill development and facilitate growth in the urban area. The proposed development is more efficient from a transportation and transit perspective and more efficiently uses existing infrastructure, services, and land.

(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 proposed development is not subject to site plan control.

The proposed severances meet the criteria set out in Section 51(24) of the Planning Act. The proposed severances at 241A & 241B Breezehill Avenue represent good land use planning.

Provincial Policy Statement

Section 3(5) of the Planning Act states:

"A decision of the council of a municipality, a local board, a planning board, a minister of the Crown and a ministry, board, commission or agency of the government, including the Tribunal, in respect of the exercise of any authority that affects a planning matter,

(a) shall be consistent with the policy statements issued under subsection (1) that are in effect on the date of the decision;"

A decision by the Committee of Adjustment with respect to a planning matter must be consistent with the Provincial Policy Statement (PPS). The Provincial Policy Statement provides policy direction on matters of provincial interest that are related to land use planning and development.

Policy 1.1.1 states:

“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.”*

The proposed development and associated severances promote efficient development by more effectively using the existing lot and providing additional dwelling units within the urban area. The Subject Site’s location near the Carling Avenue Mainstreet Corridor and the future Dow’s Lake LRT station means that there is strong existing and planned transit access in this area, which makes the Subject Site a prime candidate for intensification. The Subject Site is located within the urban area. The proposed lots have access to urban infrastructure and public service facilities and reduce pressure to expand the urban boundary.

241 Breezehill Avenue is considered part of the “Settlement Areas” as defined in Section 1.1.3 of the PPS.

Policy 1.1.3.1 states:

“Settlement areas shall be the focus of growth and development.”

The proposed severances and easements are consistent with Policy 1.1.3.1. The proposed severances and easements support the development of four dwelling units within the City of Ottawa’s urban area.

Policy 1.1.3.2 states:

“Land use patterns within settlement areas shall be based on densities and a mix of land uses which:

- a) *efficiently use land and resources;*
 - b) *are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;*
 - c) *minimize negative impacts to air quality and climate change, and promote energy efficiency;*
 - d) *prepare for the impacts of a changing climate;*
 - e) *support active transportation;*
 - f) *are transit-supportive, where transit is planned, exists or may be developed; and*
 - g) *are freight-supportive*
- Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.”*

The proposed severances are an appropriate and efficient use of the land. By providing intensification within the urban area, the proposed development reduces pressure for expansion of the urban area. The proposed development is transit-supportive as it is within walking distance of the future Dow's Lake LRT station. The Subject Site's proximity to commercial, employment, and transit amenities makes the site an excellent location for gradual intensification.

The proposed severances and easements are consistent with the policies of the Provincial Policy Statement. The proposed severances and easements at 241 Breezehill Avenue constitute good land use planning.

Conclusion

The proposed severances and easements at 241 Breezehill Avenue will facilitate the appropriate use and function of the newly constructed long semi-detached dwelling on the Subject Site. The proposed severances and easements do not require a plan of subdivision for the orderly development of the land and meet the criteria of Subsection 51(24) of the Planning Act. The proposed severances and easements also conform with the City of Ottawa Official Plan (2022) and are fully conforming with the provisions of the City of Ottawa Zoning By-law. The proposed severances and easements are also consistent with the Provincial Policy Statement. As the requirements of Subsection 53(1) and 51(24) of the Planning Act are met and the proposal is consistent with the Provincial Policy Statement, the proposed severances represent good land use planning.

In support of the applications for consent, please find enclosed:

- Cover Letter (one copy)
- Complete Consent Application Form 1 (one original copy)
- Complete Consent Application Form 2 (one original copy)
- Consent Sketch 1 (one 8.5x11 copy and one 11x17 copy)
- Consent Sketch 2 (one 8.5x11 copy and one 11x17 copy)
- Draft Reference Plan (one 8.5x11 copy and one 11x17 copy)
- Parcel Abstract for 241 Breezehill Avenue (one copy)

Should you have any questions regarding these applications, please do not hesitate to contact me.

Yours truly,

NOVATECH



Simran Soor, M.PL
Planner