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August 18, 2023

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Committee of Adjustment
City of Ottawa
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Ottawa, ON
K2G 5K7

Committee of Adjustment
Received | Reçu le

Revised | Modifié le : 2024-01-31

City of Ottawa | Ville d'Ottawa
Comité de dérogation

Attention: Michel Bellemare, Secretary Treasurer

Dear Mr. Bellemare:

**Reference: 3150, 3160 and 3170 Hawthorne Road
Consent Applications
Our File No. 123057**

Novatech has been retained by the owner of the property municipally known as 3150, 3160 and 3170 Hawthorne Road (the "Subject Property") to prepare and file the required applications to create one new lot from the three existing properties that have merged on title. One easement is proposed over the retained lands to permit pedestrian and vehicular access to the severed parcel. The following letter describes the existing conditions of the site, the proposed severance, and the rationale in support of the application.

The revised applications were adjourned sine die by the Committee on October 31, 2023. By way of this letter, together with our revised application package, we hereby request that the applications be re-circulated for review and rescheduled to a new Committee hearing date.

Existing Conditions

The Subject Property is located within the Gloucester-Southgate Ward (Ward 10) of the City of Ottawa on the south-east side of corner of Hawthorne Road and Ages Drive (see Figure 1). The Subject Property currently contains a two primary industrial buildings and associated parking and an outdoor storage area at the rear (3170 Hawthorne Road). The Subject Property has a total area of approximately 19,758.8 square metres, which is made up of three parcels (see Figure 2).

The Subject Property parcels and their current legal descriptions are as follows:

PIN 04165-1005 – Consolidation of Various Properties: Part of the South Half of the East Half of Lot 2, Concession 5 (Gloucester), Rideau Front, being Parts 3 and 4 on Plan 4R-6866, Save and Except Parts 3, 5, 6 and 7 on Plan 4R-14092, Ottawa.

PIN 04165-0978 – Part of Lot 2, Concession 5, Rideau Front, Gloucester, being Parts 5 and 6 on Plan 4R-6866, Ottawa.

PIN 04165-1002 – Part of Lot 2, Concession 5, Rideau Front, Gloucester, being Parts 9 and 10 on Plan 4R-19605, Ottawa.

Figure 1: Area Context



Figure 2: Lot Fabric of 3150, 3160 and 3170 Hawthorne Road



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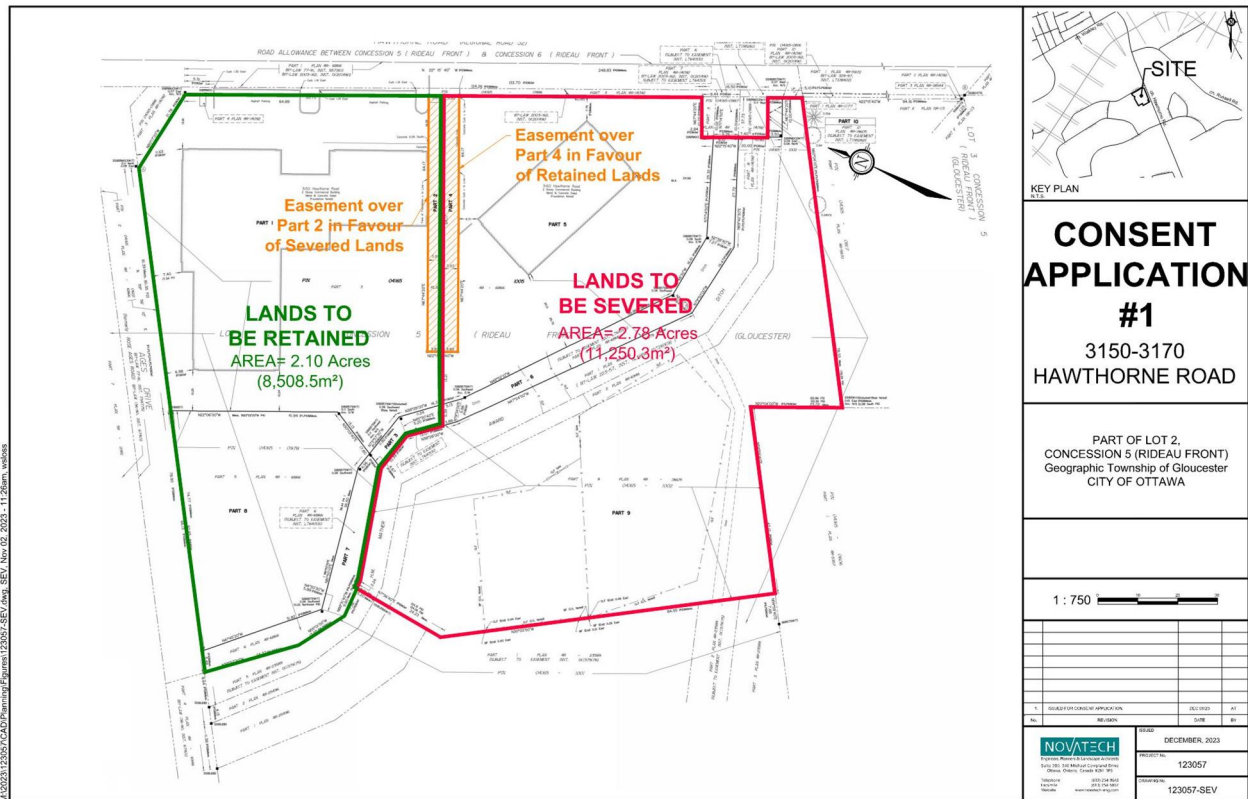
Consent #1 – Lot Creation

The primary consent being sought proposes to sever the building known as 3160 Hawthorne Road together with surrounding property, including the parcel known municipally as 3170 Hawthorne Road. (see Figure 3). The consent application will result in the creation of one transferrable lot from the Subject Property.

The new property line is proposed to be generally in line and centred on the driveway entrance from Hawthorne Road. The newly created lot will include Parts 4, 5, 6, 9 and 10 on the Draft Reference Plan submitted with the application. The newly created lot will have a total area of 11,250.3 square metres (2.78 acres). The newly created lot will also be granted an easement/right-of-way over Part 2 on the Draft Reference Plan for the purposes of pedestrian and vehicular access (see Consent #2).

The proposed consent application for 3160 Hawthorne Road includes a proposed easement in favour of the retained lands (3150 Hawthorne Road). The proposed easement is over Part 4 on the draft reference plan submitted with the application and will allow continued vehicular and pedestrian access over an existing driveway that is currently shared between 3150 Hawthorne Road and 3160 Hawthorne Road.

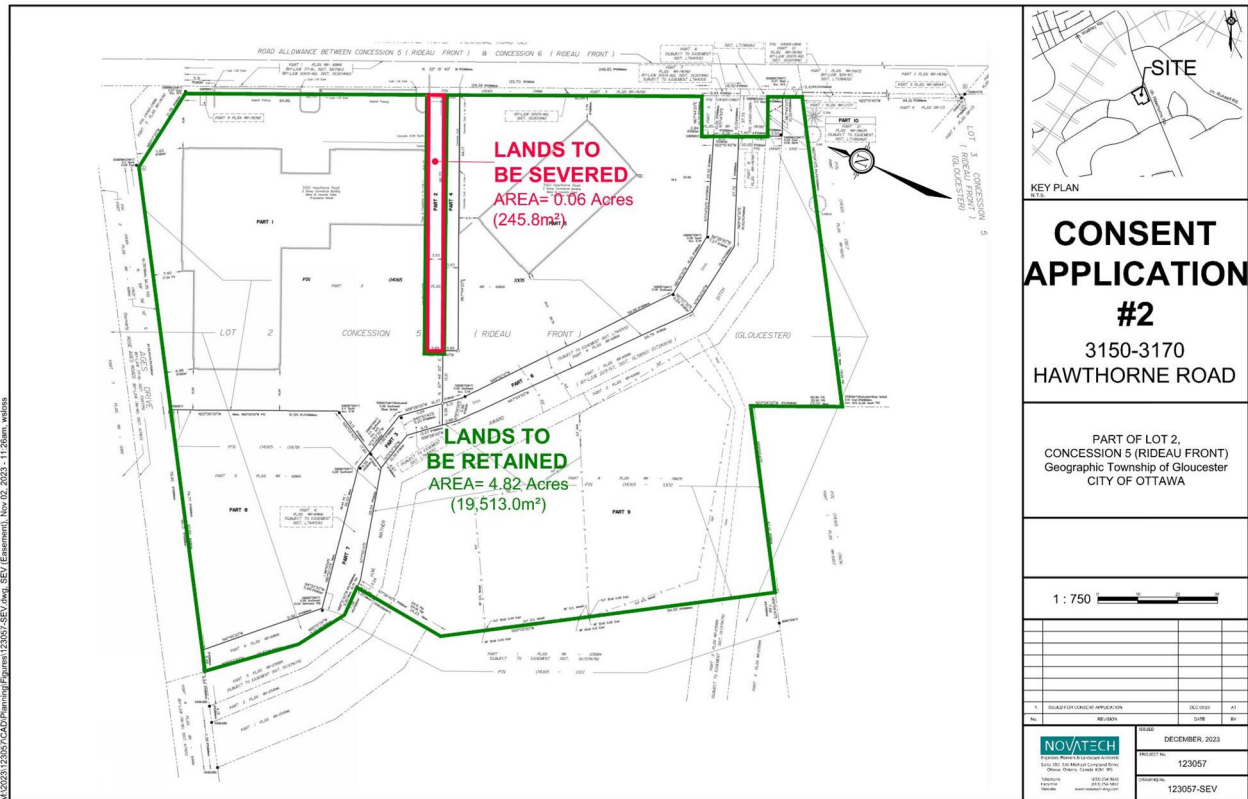
Figure 3: Severance Sketch #1



Consent #2

The second consent being sought proposes to establish an easement over the lands known municipally as 3150 Hawthorne Road (see Figure 4). The proposed easement will be over Part 2 on the draft reference plan submitted with the applications. The proposed easement will be in favour of 3160 and 3170 Hawthorne Road (Parts 4, 5, 6, 9 and 10 on the Draft Reference Plan) and will allow continued vehicular and pedestrian access over an existing driveway that is currently shared between 3150 Hawthorne Road and 3160 Hawthorne Road.

Figure 4: Severance Sketch #2



Rationale

The Provincial Policy Statement 2020 came into effect May 1st, 2020. The Provincial Policy Statement provides policy direction on matters of provincial interest related to land use planning and development in the Province of Ontario. A decision by the Committee of Adjustment with respect to a planning matter must be consistent with the Provincial Policy Statement (PPS). The PPS sets out policy direction on matters of provincial interest related to land use planning and development.

The Subject Property is within a settlement area, being the urban area of the City of Ottawa. Section 1.1.3 of the PPS sets out policies for settlement areas. Policy 1.1.3.1 of the PPS states: “*Settlement areas shall be the focus of growth and development.*”

Policy 1.1.3.2 of the PPS 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;”*

The Subject Property is located within an established industrial area and does not contemplate development of the lands as a result of these applications. The proposed severances will efficiently divide the property at 3150, 3160 and 3170 Hawthorne Road by subdividing the property into two parcels, each with an existing industrial building. The proposed consent will provide the opportunity for separate ownership of both 3150 and 3160 Hawthorne Road.

The proposed Consent applications are consistent with the policies of the PPS.

The evaluation of severances in Ontario is regulated by the Planning Act. Subsection 53(1) of the Planning Act states:

53. (1) An owner of land or the owner’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. 1994, c. 23, s. 32.

The proposed consents do not require a plan of subdivision process to ensure the “proper and orderly development” of the Subject Property. The existing parcel fabric, although merged on title, consists of three individual PINs. The primary consent is intended to sever the land and building known municipally as 3160 Hawthorne Road, together with the vacant lands known as 3170 Hawthorne Road, from the existing property. The secondary consent is intended only to create an easement over the retained lands in favour of the severed lands. The proposed consents will not require the construction of new public infrastructure, including roads and services. There are no proposed changes to servicing, grading or utilities as a result of these applications.

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 addresses 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 consent applications are within the urban area of the City of Ottawa. The proposed consents do not result in any new construction or physical alteration of the Subject Property. The proposed consents have regard for the following matters of provincial interest such as the orderly development of safe and healthy communities;

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

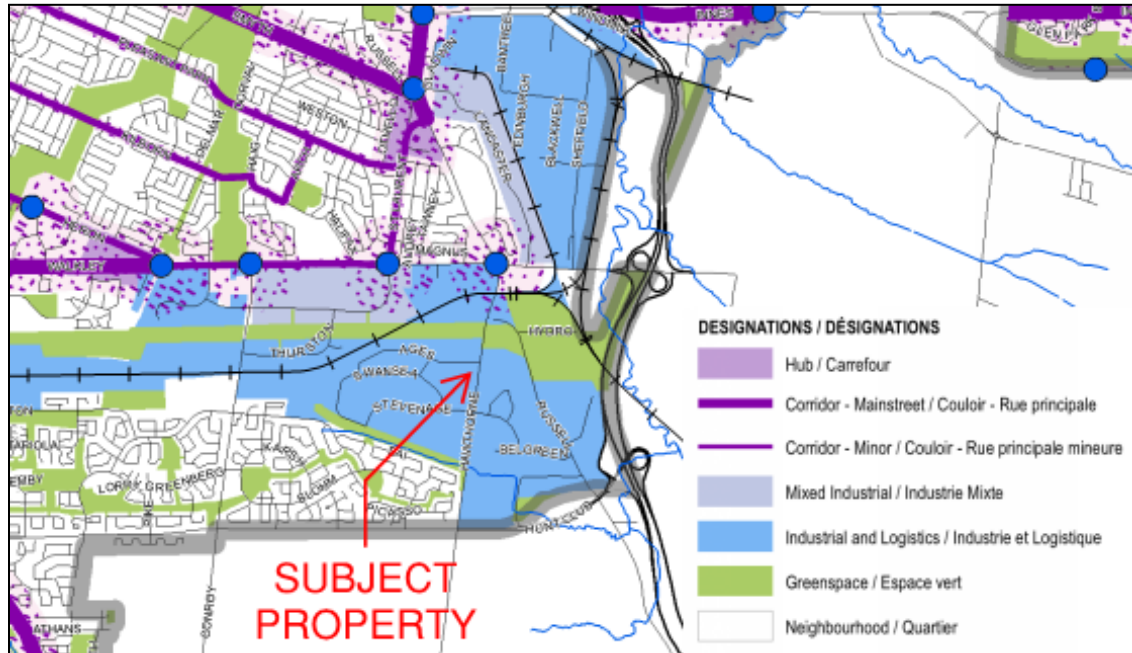
The number of parcels being created are not enough to warrant a plan of subdivision process. The Proposed consents will result in on additional transferable parcels of land. The proposed consents do not limit the ability for the existing industrial uses to remain in operation.

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

The Subject Property is designated 'Industrial and Logistics' on Schedule B3 (Outer Urban Transect) of the City of Ottawa Official Plan. An excerpt from Schedule B3 is shown on Figure 7. The 'Industrial and Logistics' designation is intended to represent areas that are preserved to cluster economic activities relating to manufacturing, logistics, storage and other related uses. Section 6.4 of the Official Plan states,

"The Industrial and Logistics designation is characterized by traditional industrial land uses such as warehousing, distribution, construction, light and heavy industrial, trades, outdoor storage and other uses requiring a range of parcel sizes."

Figure 7: Excerpt from Schedule B3



There are no proposed changes to land use as a result of the proposed consent applications. The existing uses and structures conform to the policies of the Official Plan. There are no adjacent Plans of Subdivision that would be applicable to either the Subject Property.

The proposed consent applications conform to the policies of the new City of Ottawa Official Plan. There are no applicable adjacent Plans of Subdivision to be considered.

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

The proposed consents for the Subject Property are suitable for the purposes of the land. The existing permitted industrial uses will continue to operate on the Subject Property and there will be no change to the existing uses because of these applications.

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

Not applicable as there are no residential units existing or proposed because of this application.

(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 located on and has frontage on Hawthorne Road, which is designated as an Arterial in the Official Plan (2022). There are no proposed changes to driveways to the Subject Property and will not impact the function of abutting roadways.

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

The Subject Property is zoned General Industrial, Subzone 3 (IG3) in the City of Ottawa Zoning By-law (2008-250). The proposed consents for the Subject Property are intended to result in a total of two industrial properties with a shared access. A summary of how each future parcel will conform to the relevant performance standards of the Zoning By-law is as follows:

Provision	By-law Requirement	3150 Hawthorne (Retained Parcel)	3160 and 3170 Hawthorne (Consent #1)
Lot Area (min.)	1000 m ²	8,508.5 m ²	11,250.3 m ²
Lot Width (min.)	No minimum	64.89 m	73.28 m
Front Yard Setback (min.)	3.0 m	13.81 m	7.75 m
Corner Side Yard Setback (min.)	3.0 m	6.98 m	Not applicable
Rear Yard Setback (min.)	3.0 m	± 35.8 m (estimated)	± 87.0 m (estimated)
Interior Side Yard Setback (min.)	3.0 m	3.83 m	8.54 m

In addition to the above setback requirements, the creation of a new lot comprising of 3160 and 3170 Hawthorne Road will maintain a conforming number of parking spaces. The existing building at 3160 Hawthorne Road is estimated to have approximately 1,332 square metres of gross floor area. At the required rate of 0.8 spaces per 100m² of GFA, 3160 Hawthorne will require 11 parking spaces. There are 7 parking spaces adjacent to the north wall of the building at 3160 Hawthorne Road and more than four parking spaces adjacent to the ditch along the west property line of the proposed lot. The proposed consents will conform to the parking requirements of the Zoning By-law.

(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;

Not applicable.

(h) conservation of natural resources and flood control;

There is an existing watercourse that crosses the properties and makes up the former property lines for the three existing parcels. There is no proposed construction as a result of these consent application and there will be no changes to the setbacks to the watercourse.

(i) the adequacy of utilities and municipal services;

No new demand for utilities or public services result from approval of the consent applications.

(j) the adequacy of school sites;

There will be no additional demand for schooling as the use of the property will continue to be industrial as per zoning.

(k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;

Not applicable. There are no new lands to be conveyed to the City 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; and

Not applicable. There are no physical changes to the Subject Property proposed.

(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).

Not applicable. There are no physical changes to the Subject Property proposed.

Conclusion

This proposed consent to sever applications are consistent with the Provincial Policy Statement 2020 with respect to land development and lot creation. The proposed consent applications do not necessitate the construction of new public infrastructure, including roads and services. A plan of subdivision is not required per Subsection 53(12) of the Planning Act. The proposed consent applications are consistent with the policy requirements of Section 51(24) of the Planning Act including conforming to the City of Ottawa Official Plan (2022). The proposed consent applications represent good land use planning.

In support of the application for severance, please we duly submit PDF copies of the following documents:

- Two revised complete application forms (one per request)
- Consent Application #1 Sketch, prepared by Novatech, dated December 6, 2023;
- Consent Application #2 Sketch, prepared by Novatech, dated December 6, 2023;
- Draft reference plan, prepared by Annis O'Sullivan Vollebakk; and
- Three Parcel Abstracts for the three existing PINs.

Should you have any questions regarding this application, please do not hesitate to contact me.

Yours truly,
NOVATECH



Adam Thompson, B.E.S., (PI)
Senior Project Manager | Planning & Development