



December 7, 2023

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

Committee of Adjustment
Received | Reçu le
2023-12-07

City of Ottawa | Ville d'Ottawa
Comité de dérogation

Attention: Michel Bellemare, Secretary - Treasurer

**Reference: 9 Tower Road
Applications for Minor Variance and Consent
Our File No.: 123143**

Novatech has been retained by the owner of the property municipally known as 9 Tower Road (the "Subject Site") to prepare and file consent and minor variance applications to establish two separate development parcels, retain the existing detached dwelling and facilitate development of a new detached dwelling on the east side of Subject Site.

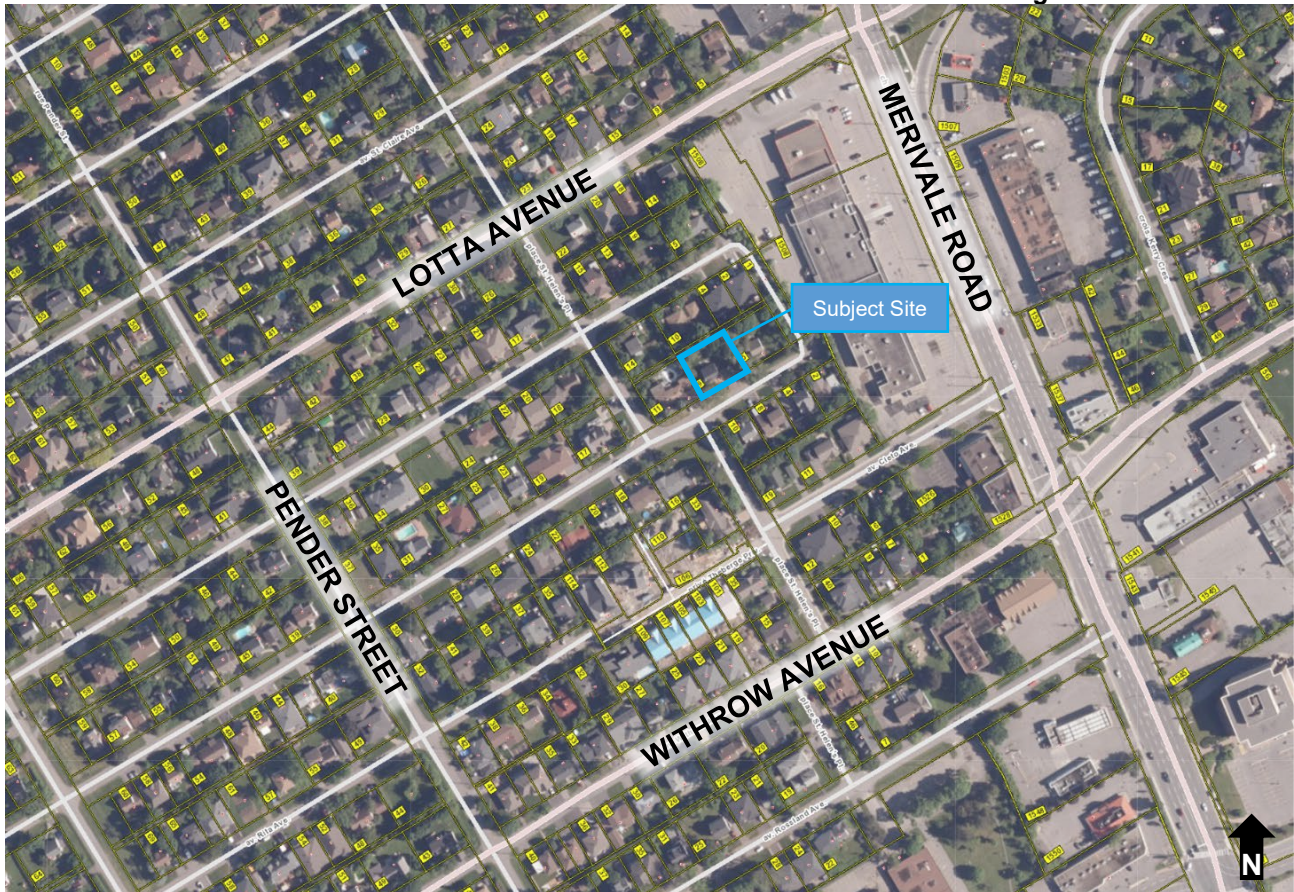
This letter describes the existing conditions of the site, the proposed development, and the rationale in support of the applications.

Existing Conditions

The Subject Site is located in Ward 8 – College within the City of Ottawa. Specifically, the Subject Site is located in the Cityview/Crestview neighbourhood, to the north of Withrow Avenue, to the south of Lotta Avenue, to the east of Pender Street, and to the west of Merivale Road (See Figure 1). The Subject Site is an interior lot with an area of 876 square metres and a frontage of 30.3 metres along Tower Road. The existing detached dwelling will be retained as part of the redevelopment.

The Subject Site is legally known as Lots 886, 887, 888 and 889, Registered Plan 375, in the former Township of Nepean. It is zoned Residential First Density, Subzone FF, Exception 632 (R1FF [632]) under the City of Ottawa Zoning By-law 2008-250.

Figure 1. Site Location



Proposed Development

Lots 886, 887, 888 and 889 are existing lots on a Registered Plan of Subdivision with a single ownership. It is proposed to sever the total ownership of the existing lots into two newly created parcels. Following completion of the severance, it is proposed to retain the existing detached dwelling on one parcel and facilitate the development of a new detached dwelling on the other parcel. The proposed dwellings will each have frontage on Tower Road (see Figure 2).

Figure 2. Site Plan

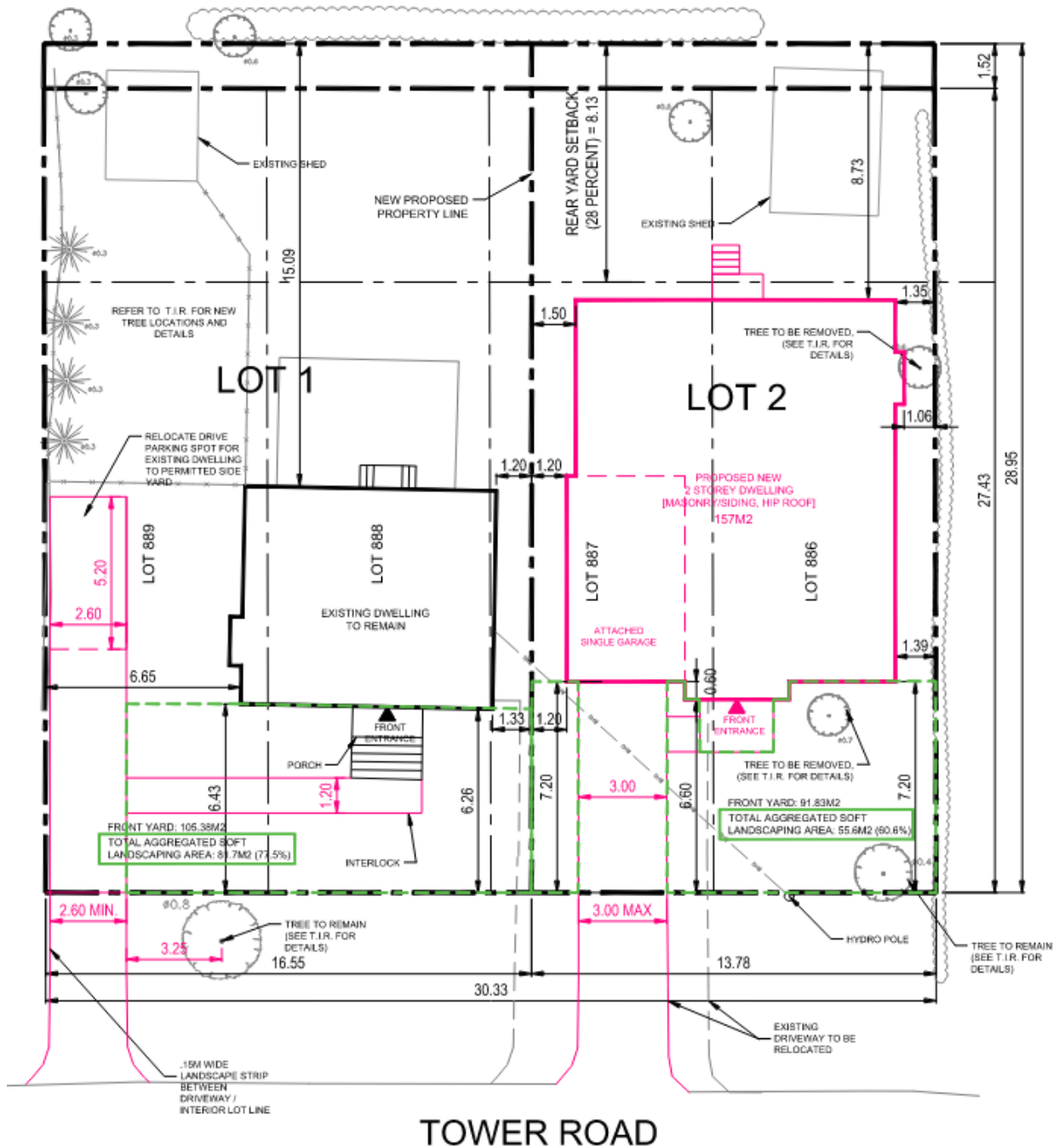


Figure 3. Front Elevation

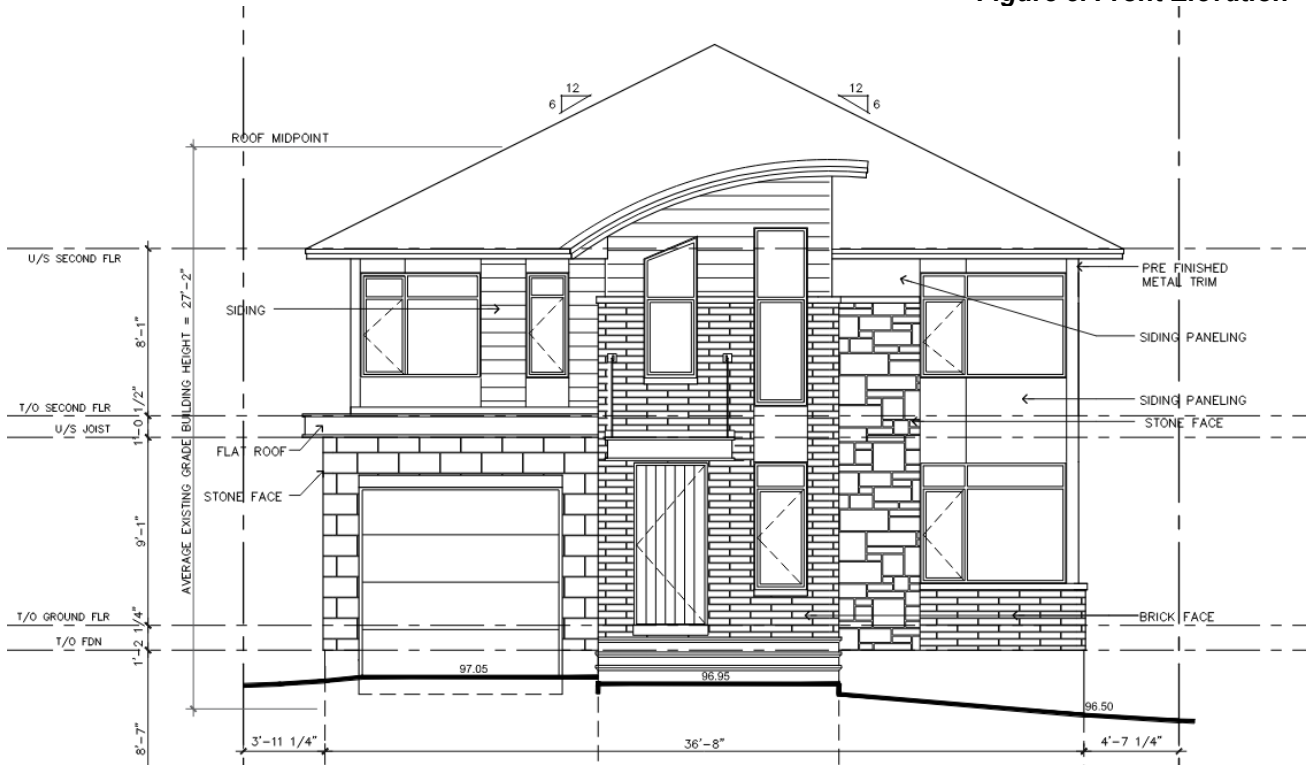


Figure 4. West Elevation

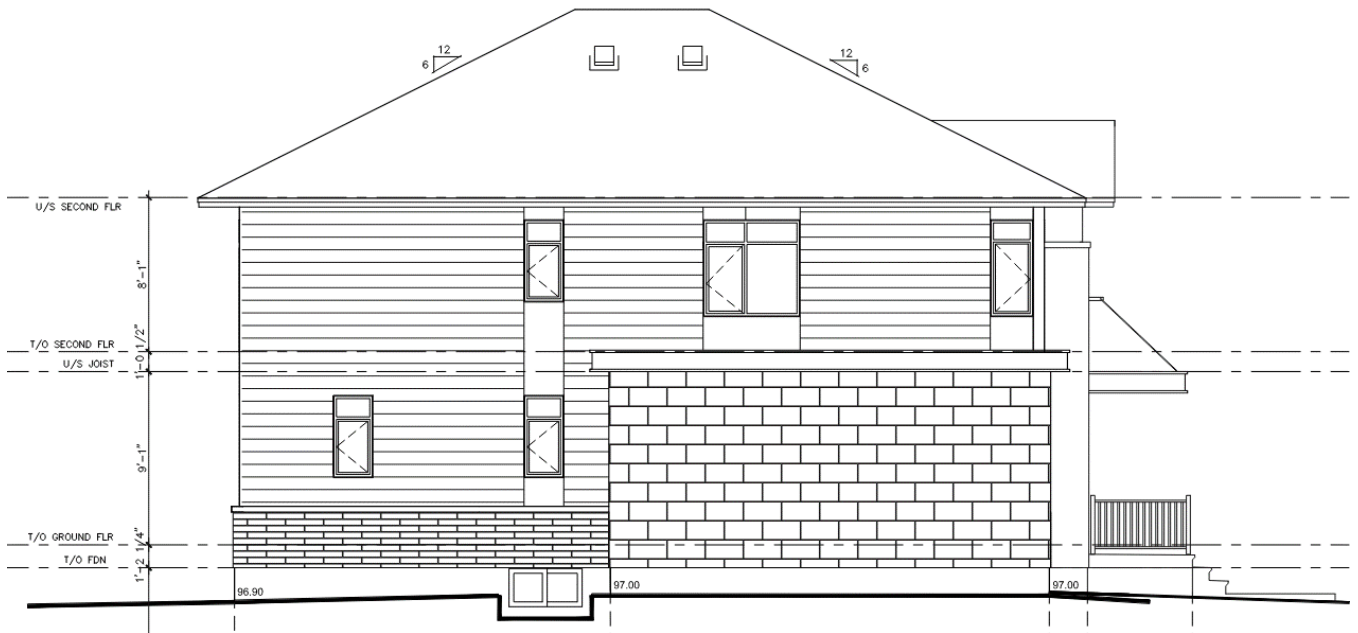
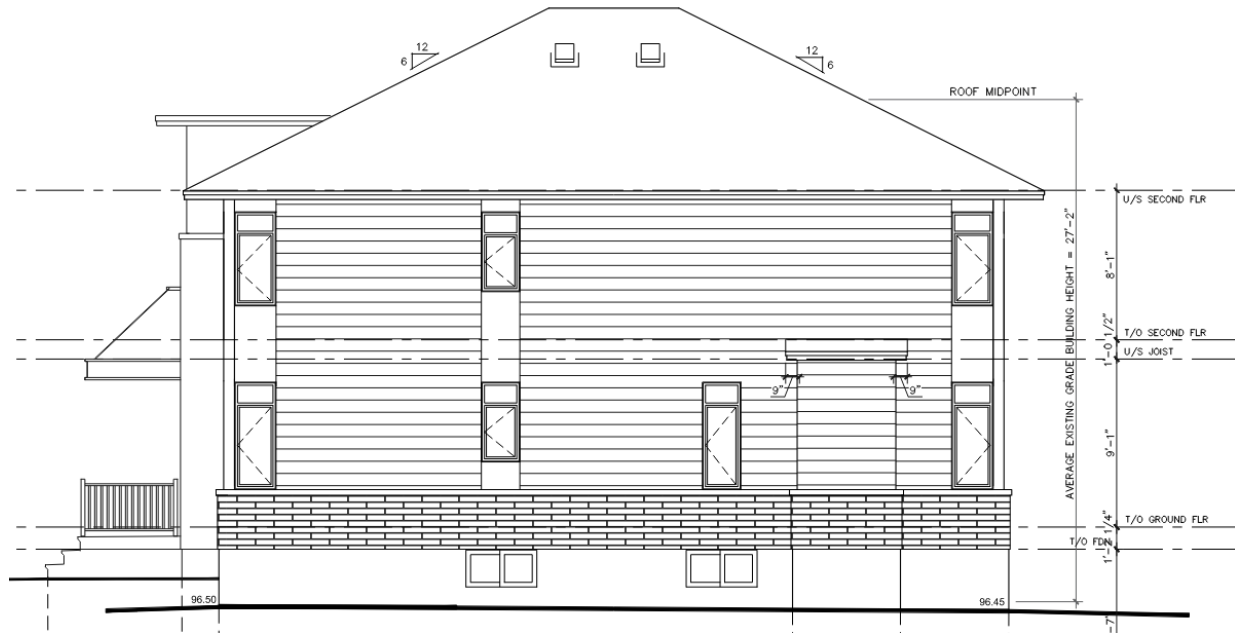


Figure 5. East Elevation



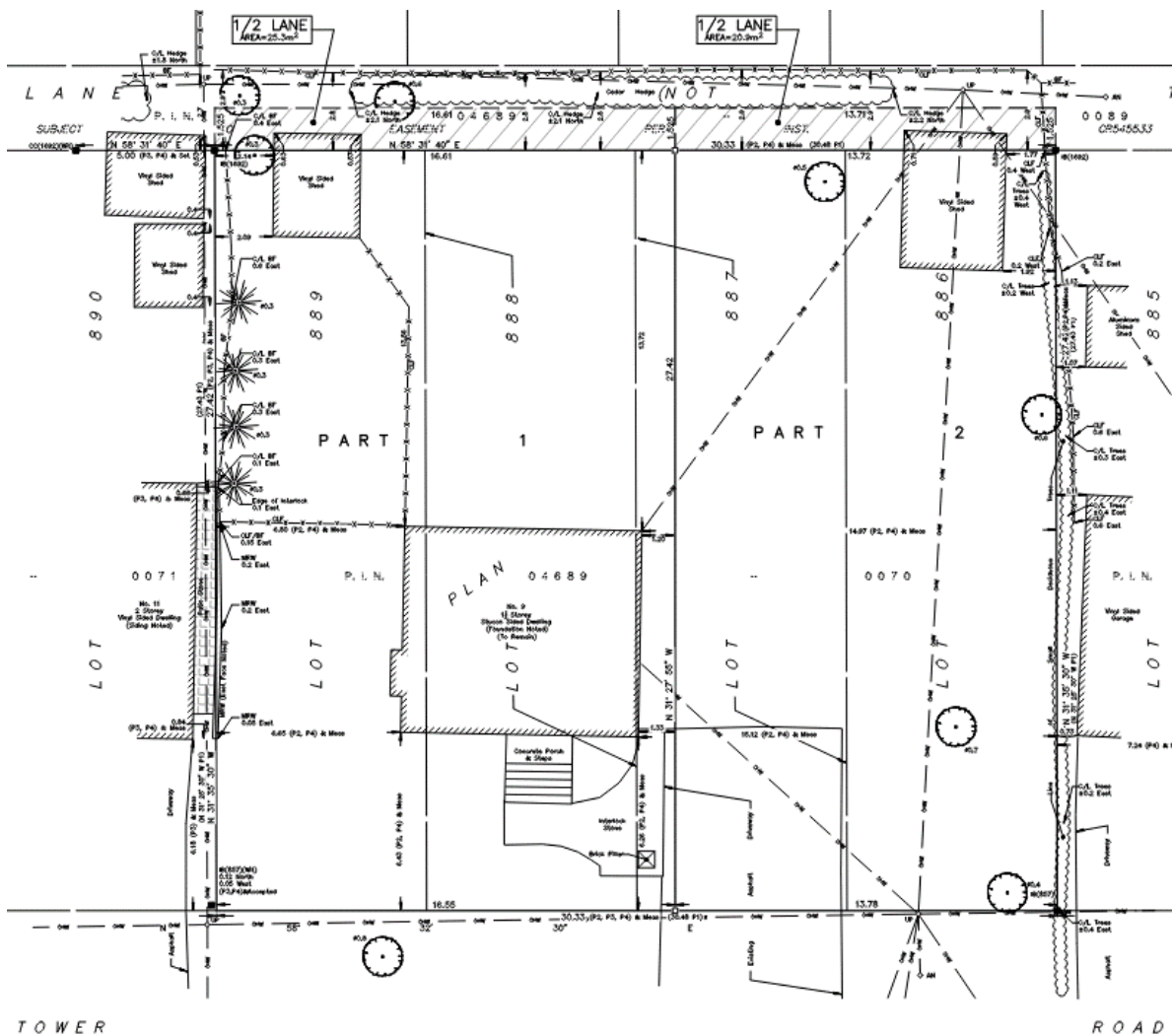
All areas of the front and corner side yards, excluding porches, walkways and driveways, will be developed with soft landscaping. A single driveway will provide access to parking spaces from Tower Road for both the existing and proposed dwellings. A fully conforming single driveway will be relocated to the west side of the existing dwelling leading to a surface parking space in the interior side yard. A new single driveway leading to a parking space within an attached garage will be provided for the proposed dwelling.

Consent Application

Severance Application:

This application will sever the total ownership of Lots 886, 887, 888 and 889 on the Registered Plan of Subdivision to create two separate development parcels as shown on the draft reference plan (see Figure 5). This application will create the parcels labelled as Part 1 and Part 2 on the Draft Reference Plan (Figure 6). Part 1 will have a total area of 454.6 square metres, a depth of 28.9 metres, and a frontage of 16.5 metres on Tower Road. This parcel will be occupied by the existing detached dwelling to be retained. Part 2 will have a total area of 377 square metres, a depth of 28.9 metres, and a frontage of 13.7 metres on Tower Road. This parcel will be occupied by a new detached dwelling. Access to fully conforming parking spaces on each parcel are provided off Tower Road.

Figure 6. Draft Reference Plan



Rationale (Consent Applications)

Provincial Policy Statement (2020)

The Provincial Policy Statement (PPS) was issued under Section 3 of the Planning Act and came into effect on May 1, 2020.

Section 1.1.1 of the PPS states that healthy, liveable and safe communities are sustained by:

- 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;*

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;

The proposed retention of the existing detached dwelling and development of a new detached dwelling on the newly created development parcel supports an appropriate range and mix of residential uses to meet the long-term needs of residents in the neighbourhood. The proposal also promotes cost-effective development patterns by intensifying lands within the urban boundary, minimizing land consumption and municipal servicing costs.

Planning Act

Subsection 53(1) of the Planning Act states:

“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 proposal does 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:

“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 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;

9 Tower Road is located within the urban area of the City of Ottawa. The proposed severances have regard for the following matters of provincial interest:

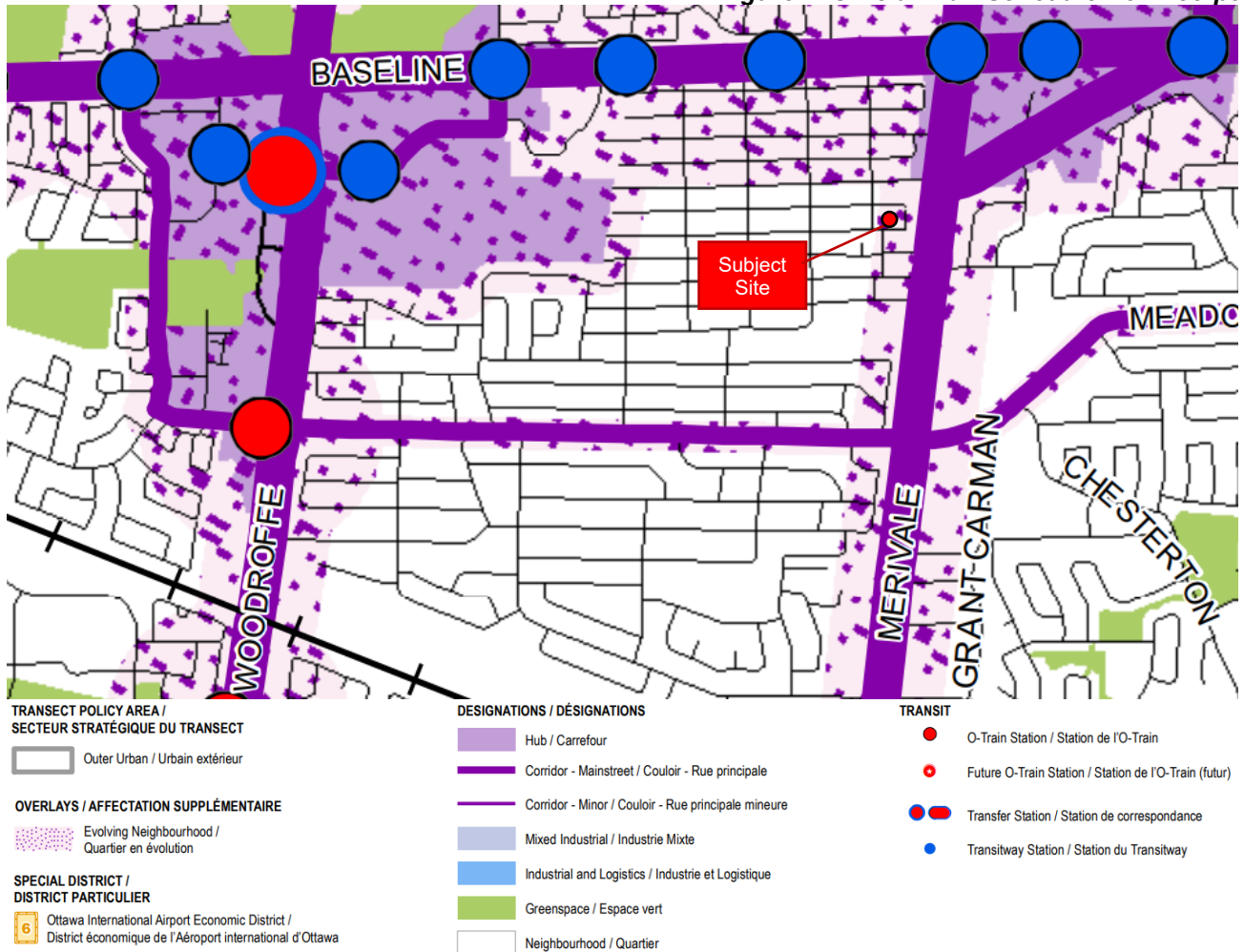
- the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- the orderly development of safe and healthy communities;
- the adequate provision of a full range of housing, including affordable housing; and
- the appropriate location of growth and development.

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

The Subject Site is located within a fully developed neighbourhood where hard and soft services are available. The proposed severances are not premature and are in the public's interest.

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

Figure 7. Official Plan Schedule B3 Excerpt



City of Ottawa Official Plan

The Subject Site is designated “Neighbourhood” and “Evolving Overlay” in the Outer Urban Transect on Schedule B3 of the City of Ottawa Official Plan. Section 3.2 of the Official Plan encourages infill and intensification within the urban area. Policy 3 of Section 3.2 of the Official Plan states that: “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”.

The consent application will support intensification in a Neighbourhood designation that is in proximity to Merivale Avenue, designated as a Mainstreet Corridor, with a permitted form of housing that compliments the lot pattern, scale, and desirable characteristics of development along Tower Road and contributes to the growth of 15-minute neighbourhoods (see Figure 7).

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

The proposed severances will retain the existing detached dwelling and facilitate development of a new detached dwelling. Detached dwellings are compatible with existing land use patterns and the lot fabric of the neighbourhood.

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

Not applicable.

(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;

Not applicable.

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

The proposed severances will result in lot widths and lot areas for the newly created parcels that are compatible with existing land use patterns and the lot fabric of the neighbourhood.

(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;

The Subject Site is not within or adjacent to a flood plain or any areas of natural interest.

(i) the adequacy of utilities and municipal services;

The proposed lots have connections to existing utilities and municipal services.

(j) the adequacy of school sites;

Agincourt Road Public School, Sir Winston Churchill Public School and Meadowlands Public School are in proximity to the Subject Site.

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

It is anticipated that cash-in-lieu of parkland dedication will be a condition of approval.

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

Infill and intensification within the urban area efficiently utilizes energy (infrastructure, services, transit, etc.) 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).

Not applicable.

The proposed consent application on the Subject Site represents good land use planning.

Minor Variance Applications

Part 1:

- a) To permit a reduced lot width of 16.5 metres; whereas the By-law requires a minimum lot width of 19.5 metres for a detached dwelling (Section 156, Table 156A, Row FF, Column II).
- b) To permit a reduced lot area of 479 square metres; whereas the By-law requires a minimum lot area of 600 square metres for a detached dwelling (Section 156, Table 156A, Row FF, Column III).

Part 2:

- c) To permit a reduced lot width of 13.7 metres; whereas the By-law requires a minimum lot width of 19.5 metres for a detached dwelling (Section 156, Table 156A, Row FF, Column II).
- d) To permit a reduced lot area of 397 square metres; whereas the By-law requires a minimum lot area of 600 square metres for a detached dwelling (Section 156, Table 156A, Row FF, Column III).

Rationale (Minor Variance Applications)

The minor variances listed above meet the four tests for minor variance under Section 45(1) of the Planning Act.

The first test for minor variance is that the general intent and purpose of the Official Plan is maintained.

City of Ottawa Official Plan

Section 3.2 of the Official Plan encourages infill and intensification within the urban area. Policy 3 of Section 3.2 of the Official Plan states that: *“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.”*

The proposed development on the Subject Site is an example of infill and intensification within the Outer Urban Transect and Neighbourhood designation. The proposed development supports the creation of 15-minute neighbourhoods and will contribute to residential intensification in a Neighbourhood designation that is adjacent to lands designated as Corridor in the Official Plan.

The Subject Site is designated “Neighbourhood” and “Evolving Overlay” in the Outer Urban Transect on Schedule B3 of the Official Plan. Policy 1 of Section 5.3.4 of the Official Plan states that: *“Neighbourhoods located in the Outer Urban area shall accommodate residential growth to meet the Growth Management Strategy”.*

The proposed development on the Subject Site will contribute to residential growth within the Outer Urban Transect and Neighbourhood designations to meet the targets of the Growth Management Strategy.

The minor variances maintain the general intent and purpose of the Official Plan.

The second test for minor variance is that the general intent and purpose of the Zoning By-law is maintained.

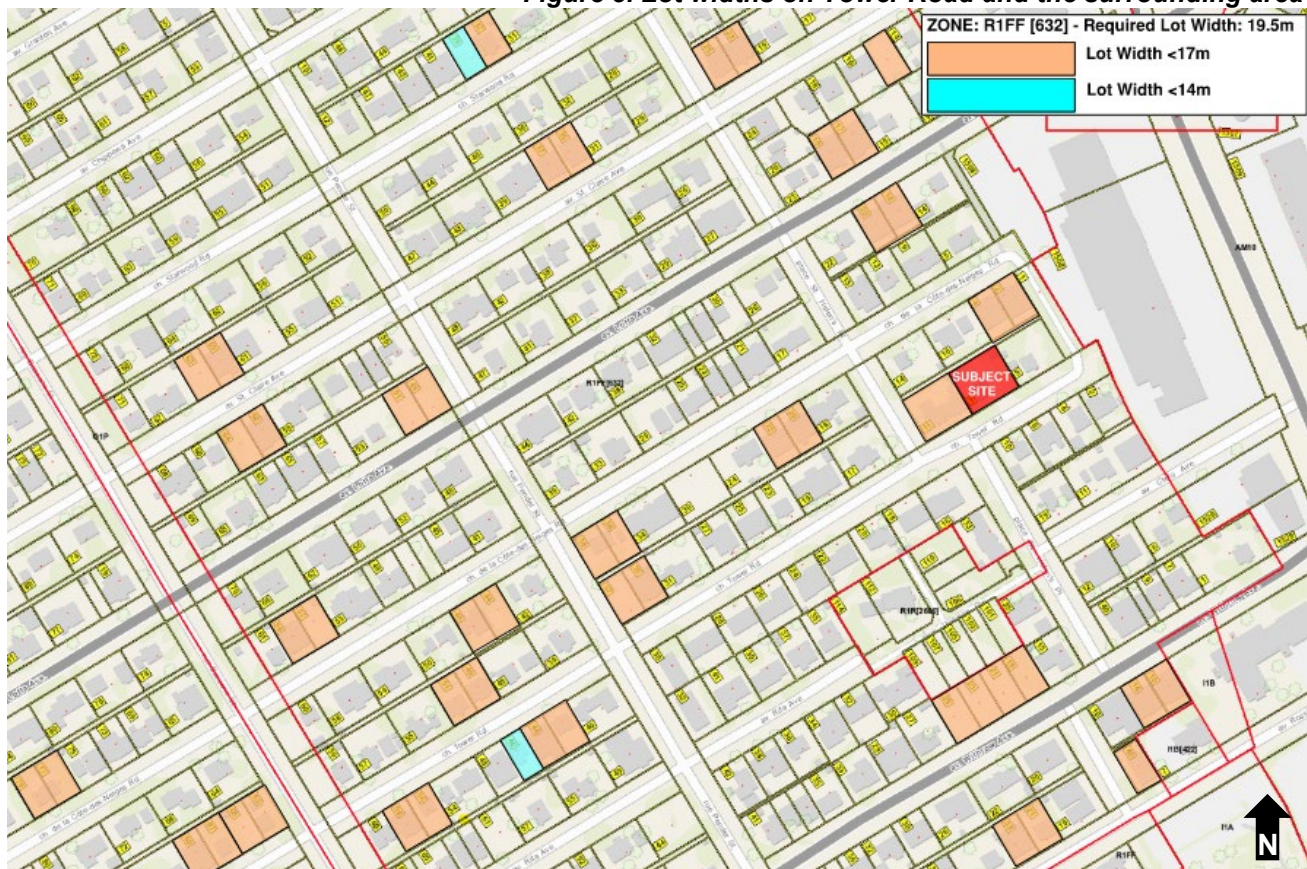
The Subject Site is zoned Residential First Density, Subzone FF, Urban Exception [632] (R1FF [632]) under the City of Ottawa Zoning By-law 2008-250. The purpose of the R1 Zone is to:

- (1) *“restrict the building form to detached dwellings in areas designated as General Urban Area in the Official Plan;*
- (2) *allow a number of other residential uses to provide additional housing choices within detached dwelling residential areas;*
- (3) *permit ancillary uses to the principal residential use to allow residents to work at home;*
- (4) *regulate development in a manner that is compatible with existing land use patterns so that the detached dwelling, residential character of a neighbourhood is maintained or enhanced;*
and
- (5) *permit different development standards, identified in the Z subzone, primarily for areas designated as Developing Communities, which promote efficient land use and compact form while showcasing newer design approaches.”*

The requested minor variances are to facilitate a reduced lot width and lot area for the existing detached dwelling and proposed detached dwelling. A detached dwelling is a permitted use under the R1 zoning. Provisions of Urban Exception 632 relate to permitting a portion of the lane at the rear of the property to be used in calculating minimum lot area, maximum lot coverage and minimum rear yard requirements. The existing detached dwelling and proposed detached dwelling meet the performance standards for front yard setback, rear yard setback, interior side yard setback and building height. The minimum requirement for 40% aggregated soft landscaping area in the front yard is provided on each parcel.

A reduced lot width and lot area on each parcel will have no impact on the streetscape, or on the functionality of the site. The minor variances meet the general intent and purpose of the Zoning By-law 2008-250.

Figure 8. Lot widths on Tower Road and the surrounding area



The third test for minor variance is that the minor variance is considered desirable for the use of land.

Variance a) requests to permit a reduced lot width of 16.5 metres for Parcel 1 and Variance c) requests a reduced lot width of 13.7 metres for Parcel 2; whereas the By-law requires a lot width of 19.5 metres for a detached dwelling (Section 156, Table 156A, Row FF, Column II). The requested variances for reduced lot width on the newly created development parcels are compatible with the lot fabric of the neighbourhood. Specifically, several subdivided lots in the surrounding area have a lot width that is less than 19.5 metres as required in the By-law (See Figure 8). The proposed lot widths for the newly created development parcels are appropriate in this location.

Figure 9. Lot areas on Tower Road and the surrounding area



Variance b) requests to permit a reduced lot area of 479 square metres for Parcel 1 and Variance d) requests a reduced lot area of 397 square metres for Parcel 2; whereas the By-law requires a minimum lot area of 600 square metres for a detached dwelling (Section 156, Table 156A, Row FF, Column III). The requested variances for reduced lot area on the newly created development parcels are compatible with the lot fabric of the neighbourhood. Specifically, several subdivided lots in the surrounding area have a lot area that is less than 600 square metres as required in the By-law (See Figure 9). The proposed lot areas for the newly created development parcels are appropriate in this location.

The requested minor variances are to facilitate reduced lot width and reduced lot area for each newly created development parcel. A reduced lot width and lot area for each newly created development parcel is consistent with the existing lot fabric and streetscape characteristics of the neighbourhood. The minor variances are considered desirable for the use of land.

The fourth test for minor variance is that the variance is considered minor in nature.

Variance a) is required to permit a reduced lot width on “Parcel 1” having a lot width that is 3 metres less than the minimum required in the Zoning By-law. Variance c) is required to permit a reduced lot width on “Parcel 2” having a lot width that is 5.8 metres less than the minimum required in the Zoning By-law. Variance b) is required to permit a reduced lot area on “Parcel 1” having a lot area that is 121 square metres less than the minimum required in the Zoning By-law. Variance d) is required to permit a reduced lot area on “Parcel 2” having a lot area that is 203 square metres less than the

minimum required in the Zoning By-law. The proposed development meets the performance standards for front yard setback, rear yard setback, and interior side yard setback. The minimum requirement for 40% aggregated soft landscaping area in the front yard is provided on each development parcel.

Providing a lot width and lot area on each newly created development parcel that is less than the minimum required in the Zoning By-law is consistent with the character of the surrounding context and will have no impact on the streetscape, or on the functionality of the site. The requested variances are considered minor in nature.

The requested variances maintain the general intent and purpose of the City of Ottawa Official Plan and Zoning By-law 2008-250. The requested variances are considered desirable for the use of the land and are minor in nature.

The proposed development represents good land use planning.

A Tree Information Report was prepared in support of the applications for consent and minor variances by IFS Associates, dated October 4, 2023. The Tree Information Report provides recommendations on proposed tree removals for trees 6, 7 and 8 based on proposed construction activity. The accompanying Tree Replacement Plan recommends compensation plantings of eight new trees to be located in the front yard, interior side yard and rear yard of each newly created parcel. No impacts to existing trees on abutting properties are anticipated as a result of the proposed development.

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

- One (1) copy of this Covering Letter;
- A Consent Application Form for Part 1 and Part 2 (one original copy);
- A Consent Sketch for Part 1 and Part 2 (one copy of 11x17 and one 8 ½x11);
- A Minor Variance Application Form for Part 1 (one original copy);
- A Minor Variance Application Form for Part 2 (one original copy);
- A Minor Variance Sketch for Part 1 and Part 2 (one copy of 11x17 and one 8 ½x11);
- Draft Reference Plan (one copy of 11x17 and one 8 ½x11);
- Plan of Survey (one copy of 11x17 and one 8 ½x11);
- Parcel Abstract for the Subject Site (one copy);
- Site Plan (one copy of 11x17 and one 8 ½x11);
- Tree Information Report (one copy);
- Legal Statement re: Certificate for retained land (one copy)

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

Yours truly,

NOVATECH



Jeffrey Kelly, MCIP, RPP
Project Planner