

June 6, 2024

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

Committee of Adjustment
Received | Reçu le
2024-06-06
City of Ottawa | Ville d'Ottawa
Comité de dérogation

RE: Application for Consent
1202 - 1204 Clyde Avenue

Dear Mr. Bellemare:

Fotenn Consultants Inc. has been retained to act as agent on behalf of the property owner of 1202 & 1204 Clyde Avenue for a Consent application to the Committee of Adjustment (enclosed). The intent is to sever the subject property to enable the sale and conveyance of one or both of the semi-detached units. As part of this application, we kindly request a Certificate for the Retained Lands. The \$250 fee has been combined with the Consent application fee of \$3,639 for a combined \$3,889.00.

In addition to the Planning Rationale report, the following materials have been included as part of this submission:

- / Completed application form (1 copy)
- / Reference Plan / Survey (1 Full-size copy, 1 reduced copy)
- / Parcel Abstract Page (PIN) (1 copy)
- / City of Ottawa Application fee + Certificate for the Retained Lands fee \$3889.00 (combined)

Should you have any additional questions related to this application, please contact the undersigned.

Sincerely,



Matthew McElligott, MCIP RPP
Principal
Fotenn Consultants Inc.



Genessa Bates, M.Pl.
Planner
Fotenn Consultants Inc.

1.0 Site Context and Proposed Development

Fotenn Consultants Inc. has been retained by the owner (the 'Owner') of 1202 & 1204 Clyde Avenue (the 'site' or 'subject property') to prepare this Planning Rationale in support of Consent Application to sever the subject property, creating two lots. The purpose of the application is to facilitate the legal sale of both properties.

The intent of this Planning Rationale is to assess the proposed severance against applicable policies and regulations at the local and provincial levels.

1.1 Surrounding Area and Site Context

The subject property is legally described as Lot 350, Plan 347549 and is located at the west side of Clyde Avenue between Bonnie Crescent and Maitland Avenue. The property is a rectangular lot with 18.53 meters of frontage on Clyde Avenue and 32 meters of lot depth along the internal lot line. The total lot area is 593 square meters.

The site currently has one (1) semi-detached dwelling on the lot, containing two (2) units fronting onto Clyde Avenue. The current addresses for the units have been assigned by the City of Ottawa as 1202 Clyde Avenue (north unit) and 1204 Clyde Avenue (south unit). Each of the units have a shed in the rear yard which enjoy legal non-conforming rights. The site was first developed in the 1960s and aerial imagery of the subject property indicates the metal sheds have been on the site since the mid-1970s.

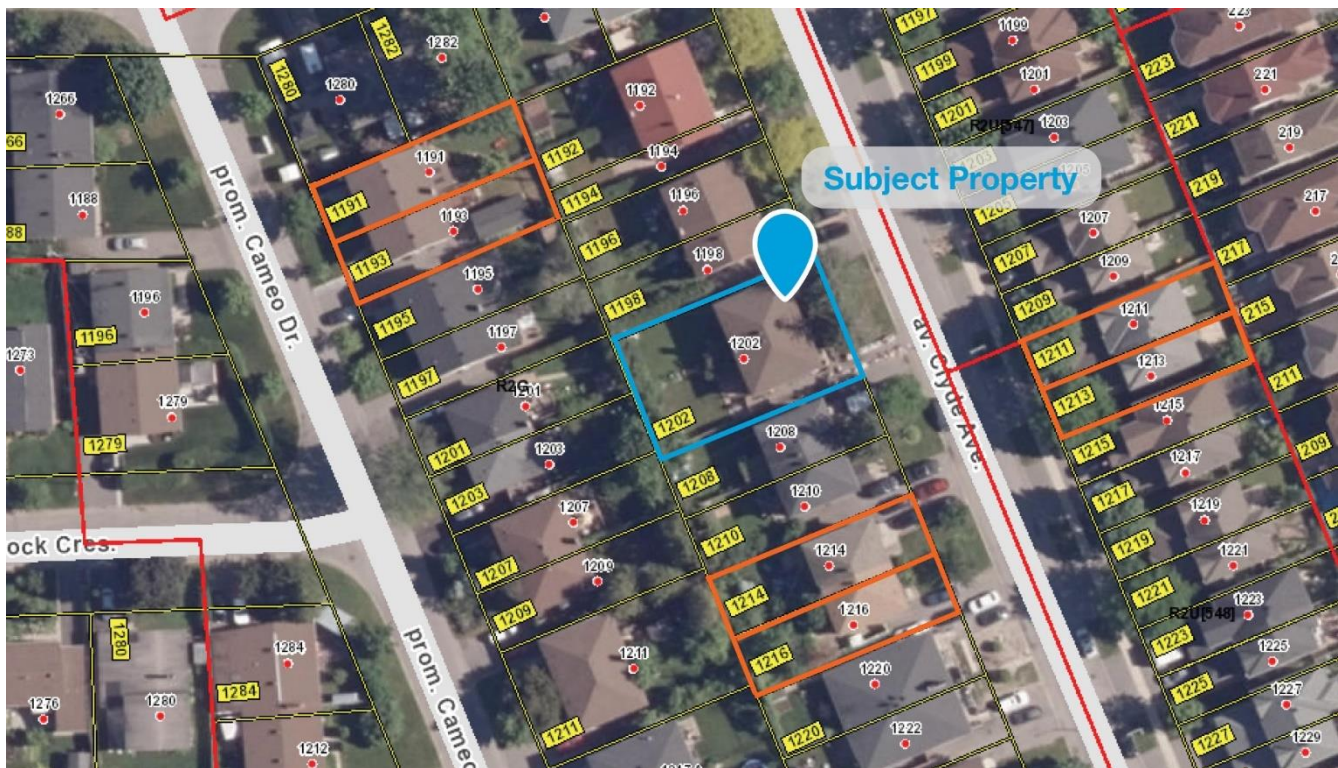


Figure 1 Aerial Photo identifying the subject property (in blue) and surrounding lot fabric (identified in orange)



Figure 2 Street view of 1202 Clyde Ave.



Figure 3 Street view of 1204 Clyde Ave.

The subject area is characterized by low-rise residential uses, predominately semi-detached dwellings with some detached dwellings, townhouses, and low-rise apartment buildings. The lot fabric surrounding the subject property is predominately semi-detached dwellings on lots which have been severed. As a result, most lots are approximately 230 to 300 square meters in area. The proposed severance will create two (2) lots that align with the surrounding lot fabric as is highlighted above in Figure 1.

The following provides an overview of surrounding uses and built form:

North: North of the subject property is a predominately residential area with semi-detached dwellings and low-rise apartment buildings. Further north is Greenlawn Park and north-east of the subject property is Alphabet Park.

East: East of the subject property are detached dwellings as well as semi-detached dwellings. Further to the east are a retirement residence, a seniors apartment building (under construction) and an open space with associated sports fields.

South: South along Clyde Ave are mainly semi-detached dwellings with associated lot fabric as the proposed consent application. Where Clyde Avenue merges with Maitland Avenue, the residential area and character changes to an Arterial roadway and Mainstreet with local commercial and institutional uses. There is a Walmart, a one-storey strip mall with fast food restaurants and other services, an office complex fronting onto Baseline Road.

West: Immediately west of the subject property along the rear lot line are semi-detached dwelling, many of which are on subdivided lots similar in lot fabric as the proposed consent.

1.2 Overview of Application

The Owner is requesting a Consent to Sever the subject property to create two (2) legally conveyable lots being 1202 and 1204 Clyde Avenue.

The owner has confirmed that both units are currently serviced independently. Vehicle access will be retained via existing shared driveways on each lot. No physical development or alterations are being proposed as part of this application. A snapshot of the R-Plan below (Figure 4) illustrates the proposed severance line, which will be located along the centre of the site, along the dividing wall of the development, perpendicular to Clyde Avenue.

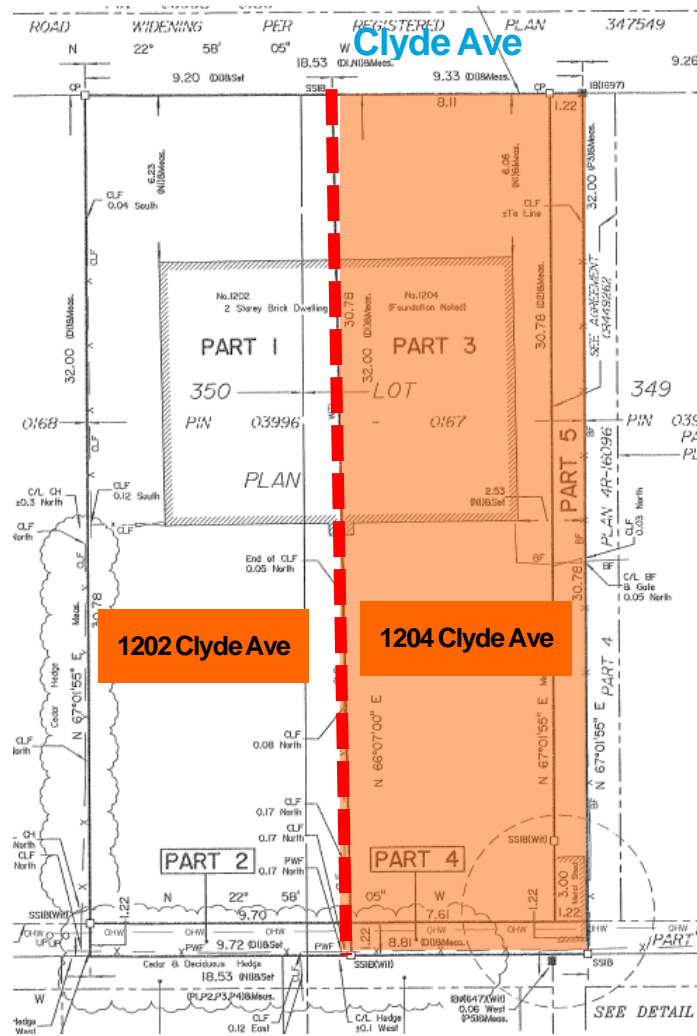


Figure 4 Draft Reference Plan (severance line shown in red dashed line)

As per the R-Plan, the subject property, also known as Lots 349 and 350 are comprised of 5 Parts. A portion of the R-Plan below shows the five (5) respective parts of the subject property (Figure 5). Parts 2, 4 and 5, shown on the plan are subject to an easement with Hydro Ottawa and Bell Canada and identified on the image below.

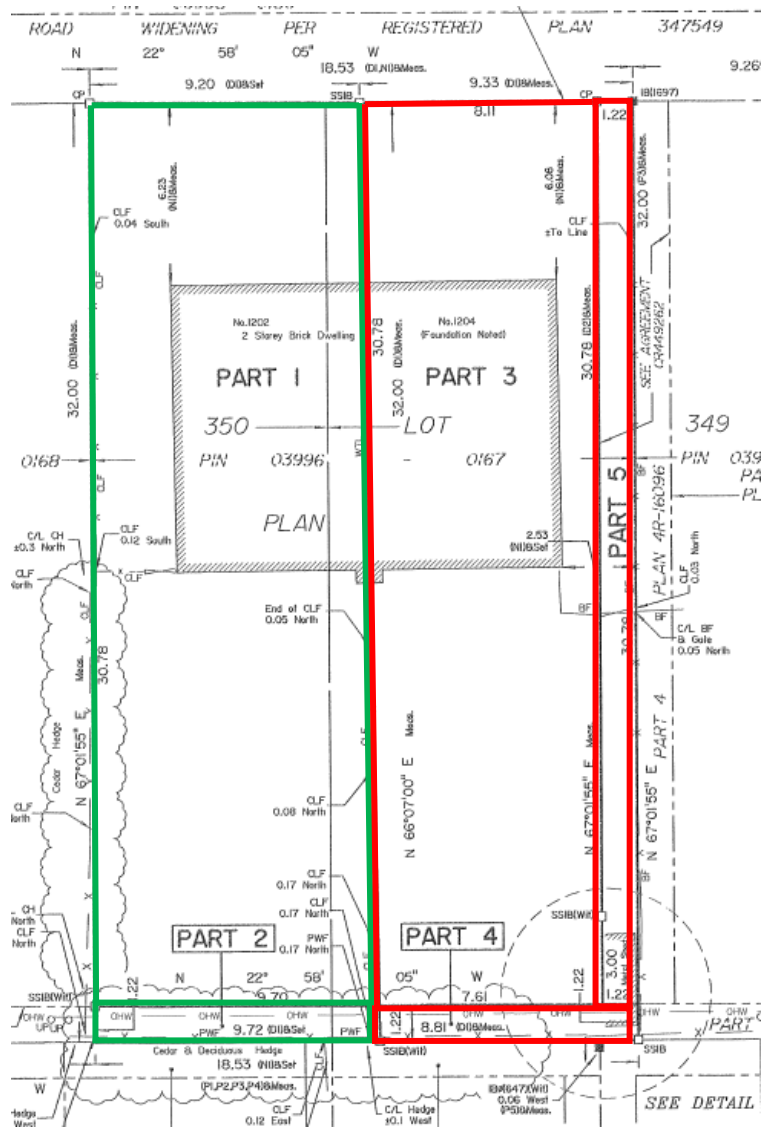


Figure 5 R-Plan of 1202 & 1204 Clyde Ave with each Part identified

If approved, this severance application will establish two (2) lots as summarized in Table 1 and identified above in Figure 5 in green and red.

Table 1 Proposed Lot Statistics

Property Address	Part on Reference Plan	PIN	Frontage along Clyde Ave Street	Status	Use	Part Area	Total Lot Area
1202 Clyde Ave.	1	03996-0167	9.20 m	Retained	Semi-detached dwelling	291.1 m ²	302.7 m ²
	2		n/a			11.6 m ²	
1204 Clyde Ave.	3	03996-0167	8.11 m	Severed	Semi-detached dwelling	242 m ²	290.3 m ²
	4		n/a			10.8 m ²	
	5		1.22 m (9.33 m total)			37.5 m ²	

2.0 Policy and Regulatory Review

2.1 Ontario Planning Act

The Planning Act is provincial legislation that empowers municipalities to engage in land use planning activities in Ontario. Sections 53(1), 53(12), and 51(24) of the Planning Act establish the criteria for the severance of land. Section 53(1) 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.”

As the proposal does not include an internal road network, major servicing or other development applications, the proposed severance meets the criteria established in Section 51(24) of the Planning Act as follows:

a) The effect of development of the proposed subdivision on matters of provincial interest (as referred to in section 2).

The proposed Consent has regard to the provincial interests and is consistent with the policies of the Provincial Policy Statement (2020) by providing for an additional lot that will efficiently use the land, existing infrastructure, and public service facilities.

b) Whether the proposed subdivision is premature or in the public interest.

The proposed Consent requests one additional lot be established within an existing residential area. The application is therefore not premature and aligns with public interest because it allows for the creation of a new serviced and developed lot.

c) Whether the plan conforms to the Official Plan and adjacent plans of subdivision, if any.

The proposed Consent conforms to the City of Ottawa’s Official Plan (2022) Outer Urban Transect and Neighbourhood land use designation and conforms with the surrounding lot fabric.

d) The suitability of the land for the purposes for which it is to be subdivided.

The proposed severed and retained parcels meet the provisions of the City’s Zoning By-law (2008-250). The land is suitable for the proposed Consent as it maintains the existing residential land use.

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 properties are intended to be accessed by Clyde Ave which is adequate to support the new lots as the proposed severance will not increase traffic.

f) The dimensions and shapes of the proposed lots

The proposed Consent will create lots with appropriate dimensions and shapes that are consistent with others in the neighbourhood. The severance line is straight and perpendicular to the front and rear lot lines. The proposed lot sizes and shapes are consistent with the lot fabric formed by neighbouring properties and the surrounding area.

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 known restrictions effecting the severance of these lots. The proposal complies with the City of Ottawa's Zoning By-law provisions for lot width and lot area, among others.

h) Conservation of natural resources and flood control

No environmental concerns have been identified as part of this severance.

i) The adequacy of utilities and municipal services

The lots created by this proposed Consent can be adequately serviced. Each lot will continue to have separate sewer, water, and utility connections.

j) The area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes.

Due to the scale of this parcel, land dedication for public purposes typical of larger subdivisions is not required.

For the above reasons, it is our professional opinion that the requested severance meets the criteria for a Consent application in Section 51(24) of the Planning Act.

2.2 Provincial Policy Statement (2020)

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

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

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

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

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

- / promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
- / accommodating an appropriate affordable and market-based range and mix of residential types and other uses to meet long-term needs;
- / promoting the integration of land use planning, growth management, transit-supportive development, intensification, and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs; and
- / ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs.

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

1.1.3.5 Planning authorities shall establish and implement minimum targets for intensification and redevelopment within built-up areas, based on local conditions. However, where provincial targets are established through provincial plans, the provincial target shall represent the minimum target for affected areas.

1.4 Housing

- 1.4.1 To provide for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area, planning authorities shall:
- / maintain at all times the ability to accommodate residential growth for a minimum of 15 years through residential intensification and redevelopment and, if necessary, lands which are designated and available for residential development; and
 - / maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands suitably zoned to facilitate residential intensification and redevelopment, and land in draft approved and registered plans.
- 1.4.3 Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:
- / permitting and facilitating:
 - o all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities; and,
 - o all types of residential intensification, including additional residential units;
 - / directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs.

The severance of the lands to create two (2) parcels with an existing semi-detached dwelling and municipal services promotes the efficient use of land in accordance with housing and growth management policy direction. Overall, the proposed severance is consistent with the policies of the 2020 Provincial Policy Statement.

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

The Official Plan for the City of Ottawa was approved November 4, 2022. The Plan provides a framework for development in the City until 2046, when it is expected that the City's population will surpass 1.4 million people. The Official Plan directs how the City will accommodate this growth over time and sets out the policies to guide the development and growth of the City.

Section 11.5 of the City's Official Plan provides direction to Committee of Adjustment policies.

Policy 11.5.1 states that the City may delegate authority to grant consents to a Committee of Adjustment or an appointed officer as provided under the Planning Act. The City's terms of reference for consents via delegated authority provides thresholds; application review criteria and possible limited conditions for the approval of such applications.

Policy 11.5.6 states that when considering an application, the Committee of Adjustment shall have due regard for the professional advice provided, including legal, planning, engineering, etc., and the Committee shall provide an explanation as to what effect the written and oral submissions it received had on the decision, if any.

The subject property is within the Outer Urban Transect and is designated Neighbourhood in the City of Ottawa Official Plan (Figure 66), adjacent to an Evolving Neighbourhood.

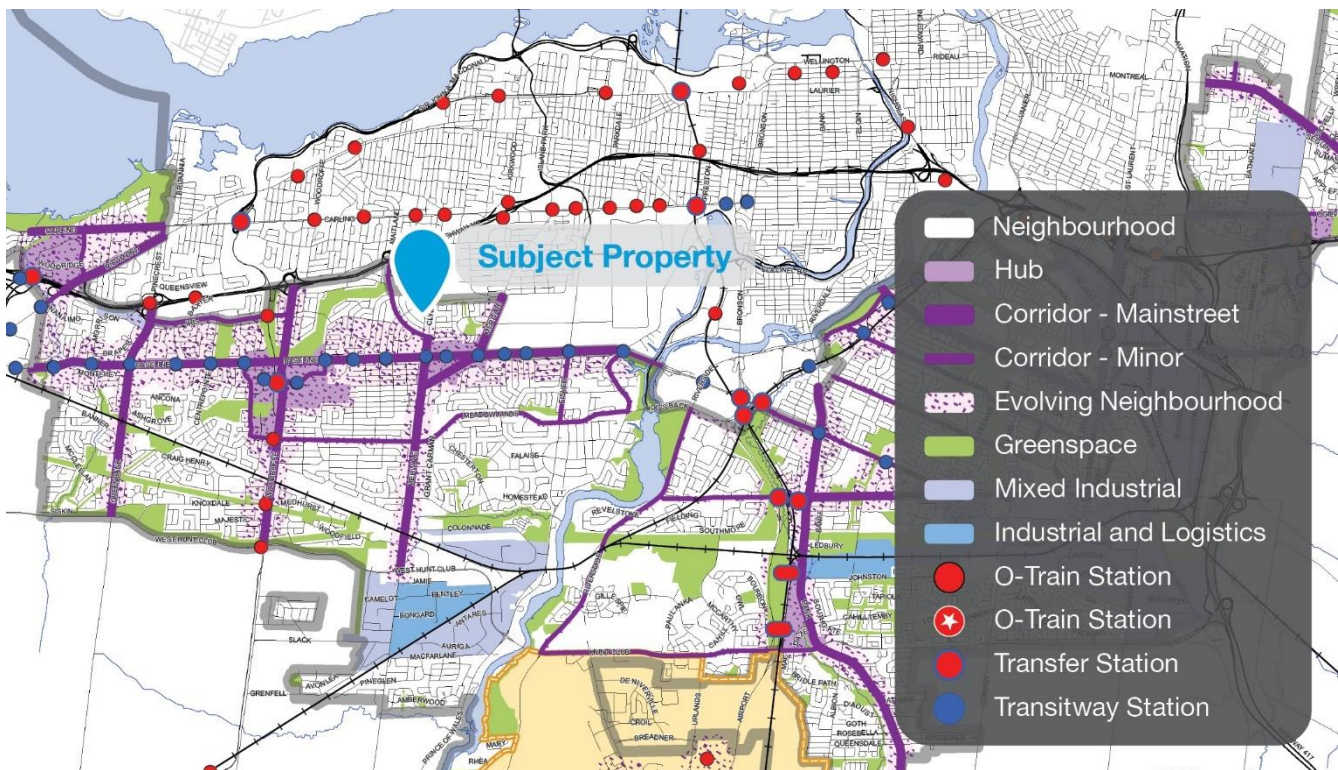


Figure 6 Official Plan Schedule B3 - Outer Urban Transect

2.3.1 Outer Urban Transect Policy Area Designation

The subject property is designated Outer Urban Area on Schedule A - Transect Policy Areas of the Official Plan. The Outer Urban Transect is within the Greenbelt and characterized as predominantly residential neighbourhoods with separation of land uses, stand-alone buildings, generous setbacks and low-rise building forms. The Official Plan aims to recognize a suburban pattern of built form and site design.

Section 5.3 of the Official Plan outlines policies for lands within the Outer Urban Transect. The following policies apply to the subject site:

Policy 5.3.1.2 states that the Outer Urban Transect is generally characterized by low- to mid-density development. Development shall be:

- a) Low-rise within Neighbourhoods and along Minor Corridors

Policy 5.3.1.4 states that in the Outer Urban Transect, the Zoning By-law shall provide for a range of dwelling unit sizes in:

- a) Multi-unit dwellings in Hubs and on Corridors;
- b) Predominantly ground oriented forms in Neighbourhoods located away from frequent street transit and Corridors, with Low-rise multi-unit dwelling permitted near rapid transit and frequent street transit routes

Policy 5.3.4.1 states that neighbourhoods located in the Outer Urban area shall accommodate residential growth to meet the Growth Management Strategy as outlined in Section 3. The Zoning By-law shall implement development standards that transition away from a suburban model and move towards urban built forms as described in Table 6 as applicable and that:

- a) Allows and supports a wide variety of housing types with a focus on lower density missing-middle housing which generally reflects the existing built form context of the neighbourhood, which may include new housing types that are currently not contemplated in this Plan;
- b) The application, as appropriate, of Zoning By-law development standards to be applied as one lot for zoning purposes to support missing middle housing;

- c) Generally provides for up to 3 storeys height permission, and where appropriate 4 storeys height permission to allow for ground oriented higher-density Low-rise residential development;
- d) Provides an emphasis on regulating the maximum built form envelope that frames the public right of way; and
- e) In appropriate locations, to support the production of missing middle housing, prohibit lower-density typologies.

The proposed Consent application conforms to the Outer Urban Transect designation as it preserves the existing low-density, low-rise development on the lot. The proposal supports the policy for missing-middle housing, which is consistent with the existing built form, increasing homeownership.

2.3.2 Neighbourhood Land Use Designation

The subject property is within the Neighbourhood designation. Section 6.3 of the Official Plan notes that Neighbourhoods are contiguous urban areas that constitute the heart of communities and permit a mix of building forms and densities. They are planned for ongoing gradual, integrated, sustainable, and context-sensitive development. The Neighbourhood designation aims to:

- / Define neighbourhoods and set the stage for their function and change over the life of this Plan.
- / Guide the evolution of neighbourhoods based on their context, location, age, maturity and needs, generally towards the model of 15-minute neighbourhoods.
- / Ensure that neighbourhoods form the cornerstone of liveability in Ottawa.

Policy 6.3.1.2 states that permitted building heights in Neighbourhoods shall be Low-rise.

Policy 6.3.1.5 (b) states that the Zoning By-law will distribute permitted densities in the Neighbourhood by allowing lower densities and predominantly ground-oriented dwelling forms further away from rapid-transit stations, Corridors and major neighbourhood amenities.

The proposed Consent application conforms to the Neighbourhood designation as it preserves the existing low-rise, ground-oriented dwelling on the lot. The proposal supports the goal for liveability in Ottawa by increasing homeownership.

2.4 Comprehensive Zoning By-law (2008-250)

The subject property is zoned R2G - Residential Second Density, Subzone G. The purpose of this zone is to:

- / Restrict the building form to detached and two principal unit buildings in areas designated as General Urban Area in the Official Plan;
- / Allow a number of other residential uses to provide additional housing choices within the second density residential areas;
- / Permit ancillary uses to the principal residential use to allow residents to work at home;
- / Regulate development in a manner that is compatible with existing land use patterns so that the detached and two principle dwelling, residential character of a neighbourhood is maintained or enhanced; and

Section 157 (1) (d) of the City's Zoning By-law identifies semi-detached dwellings as a permitted use within the R2 zone.

Section 157 (7) of the City's Zoning By-law states that minimum lot width, lot area and parking requirements for linked-detached dwelling and semi-detached dwelling shall apply to each portion of a lot on which each individual dwelling unit is located, whether or not that parcel is to be severed.

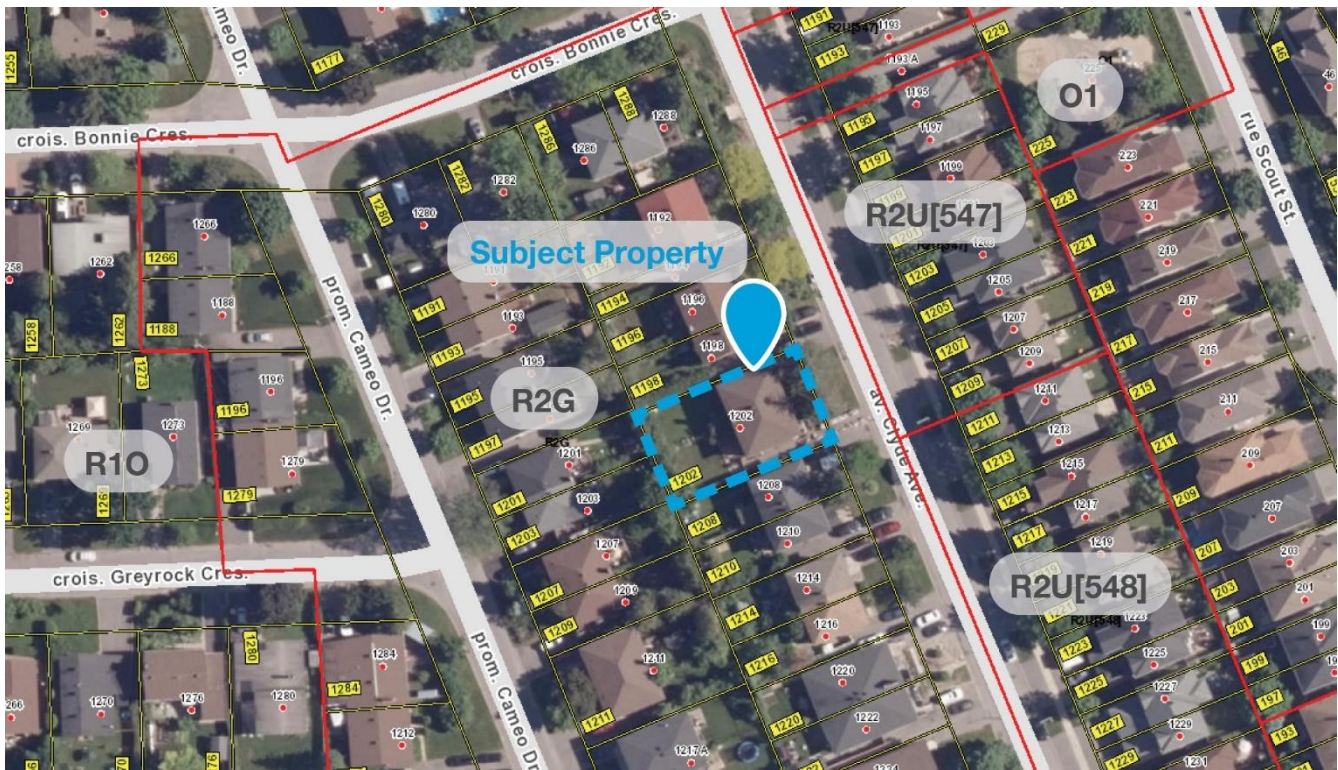


Figure 7 Zoning Map

If approved, this severance will result in the creation of two (2) lots. The table below has been completed assuming 1202 Clyde Ave. includes Part 1 and 2, and 1204 Clyde Ave. includes Part 3, 4 and 5 as identified in the Plan 4R.

Table 2 Based on Table 158a – R2 Subzone Provisions

Zoning Provision		Requirement	Provided	Compliance
Min. Lot Area	1202 Clyde Ave.	225 m ²	302.7 m ²	YES
	1204 Clyde Ave.		290.3 m ²	
Min. Lot Width	1202 Clyde Ave.	7.5 m	9.19 m	YES
	1204 Clyde Ave.	7.5 m	9.34 m	YES
Max. Building Height		8 m	~6 m	YES
Min. Front Yard Setback	1202 Clyde Ave.	6 m	6.23 m	YES
	1204 Clyde Ave.	6 m	6.08 m	YES
Min. Rear Yard Setback Table 144B	1202 Clyde Ave.	9 m (lot depth minus 23 m)	~15.5 m	YES
	1204 Clyde Ave.	9 m (lot depth minus 23 m)	~15.5 m	YES
Min. Corner Side Yard Setback	1202 Clyde Ave.	4.5 m	N/A	N/A
	1204 Clyde Ave.	4.5 m	N/A	N/A
Min. Interior Side Yard Setback	1202 Clyde Ave.	1.5 m within Area A of Schedule 342,	0.29 m/0.41 m	YES

		0m for shared garages or carports erected on a common side lot line		
	1204 Clyde Ave.	1.5 m within Area A of Schedule 342 , all other cases 1.2	2.53 m	YES (with Part 3&5)

If the proposed severance is granted, the two (2) lots would comply with the zoning provisions as shown above in Table 1. Since no development is being proposed as part of this application, the proposed severed lots continue to meet the intent and performance requirements of the R2 zone and the City’s comprehensive Zoning By-law. It should also be noted that each of the proposed lots have an existing shed in the read yard which enjoy existing legal non-conforming rights. The sheds are identified below in Figure 8.

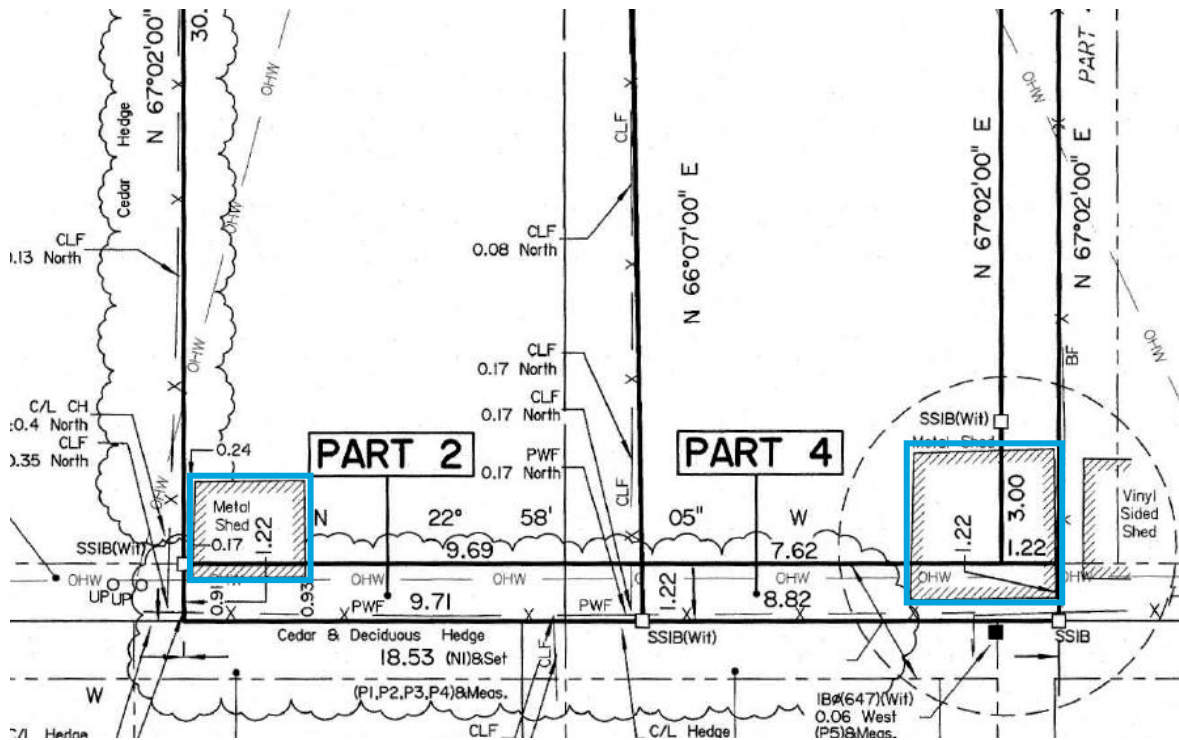


Figure 8 Identification of sheds on the subject property

3.0 Conclusion

The proposed Consent represents an appropriate, orderly development and function of 1202 and 1204 Clyde Avenue. It is our professional planning opinion that the proposed Consent constitutes good planning as:

- / The project conforms to the policies and objectives of the Official Plan Outer Urban Transect designation and Neighbourhood designation;
- / The proposed Consent is consistent with the Provincial Policy Statement (2020);
- / The project meets the intent of the City of Ottawa Comprehensive Zoning By-law; and,
- / The proposed Consent meets the criteria for approval of consent applications as set out in Section 51 and 53 of the Planning Act.

Thank you.