

November 01, 2023  
Committee of Adjustment  
101 CentrepoinTE Drive  
Ottawa, ON  
K2G 5K7

Project Number: 2471-23

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**Attention: Secretary-Treasurer**

**Subject: Application for Consent to Sever and Minor Variance  
100 James Cummings Avenue**

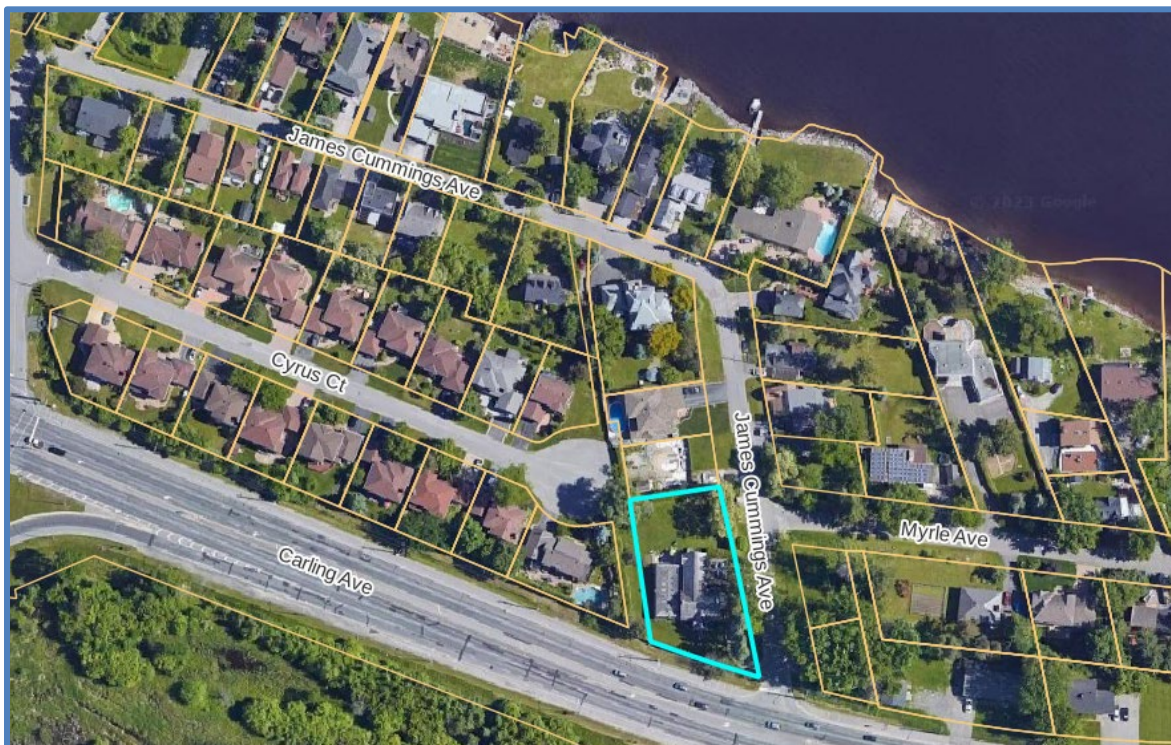
On behalf of Tim Sims & Chantal Alarie, we are submitting the accompanying application and supporting documents to the Committee of Adjustment under Section 53 and Section 45(1) of the Planning Act to request a:

- Consent for Severance
- Minor Variance

## Location of Project

The property is municipally known as 100 James Cummings Avenue and is located in the Bay Ward of the City of Ottawa. The property is legally described as Part 1 and Part 2 on plan 5R-10630. The property is an irregular shaped corner lot with a total area of 1,862.25 square metres with frontages on both James Cummings Avenue and Carling Avenue.

Figure 1: Location of 100 James Cummings Avenue



## Project Description

The purpose of this application is to obtain consent to sever the property into two lots, with the retained lot fronting on Carling Avenue and the severed lot fronting on James Cummings Avenue. It should be noted that, for By-law purposes, the 38.66 metre frontage on Carling Avenue is deemed to be the front lot line for this property. Minor variances are proposed to support the consent application. A reciprocal severance is also proposed so that either lot may be conveyed first. The existing dwelling and stone wall will be retained on the southern lot.

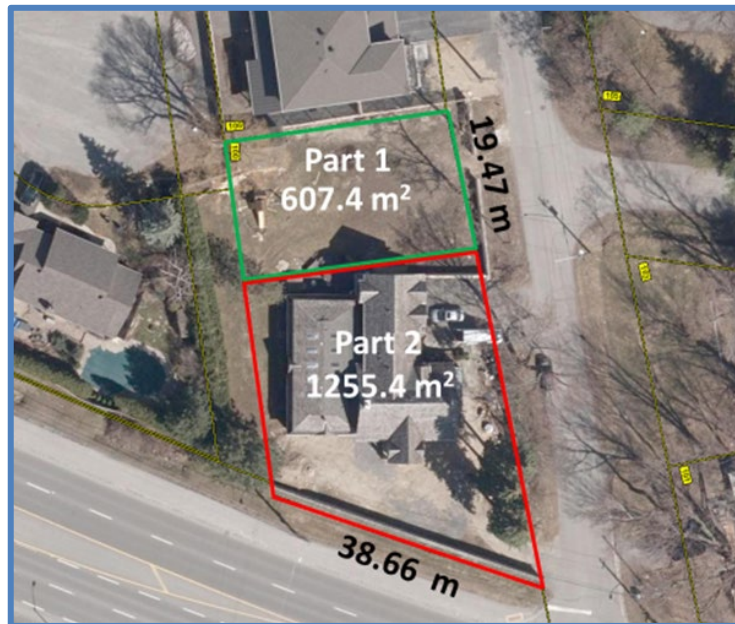
**Figures 2 & 3** outline the proposed severances. These lots are described as Parts 1 and 2 of the draft reference plan provided with the application package. The lots will henceforth be referred to as Parts 1 & 2.

- The northern lot corresponds to Part 1
- The southern lot corresponds to Part 2

Figure 2: Severed (red) and Retained (green) Lots for Consent.



Figure 3: Severed (red) and Retained (green) Lots for Secondary Reciprocal Consent.



The property is in an area designated as 'Neighbourhood' in the Outer Urban Transect. Minor Variances requested to support this application include:

Lot Part 1:

- Permit a reduced minimum lot width from 19.8m to 19.47m
- Permit a reduced minimum lot area from 930 m<sup>2</sup> to 607.4 m<sup>2</sup>

Lot Part 2:

- Permit a reduced minimum rear yard setback from 12m to 0.9m
- Permit an increased maximum lot coverage from 25% to 31%

## Supporting Information

### PPS 2020

Section 1.1 of the 2020 Provincial Policy Statement directs land use to be undertaken in an efficient and resilient manner. Allowing a severance of this property would conform to the PPS by contributing to the efficient use of land.

Furthermore, section 1.1.1 notes that 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;*
- 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;*

Further, section 1.1.2 notes that intensification and redevelopment shall be used to create sufficient land within *settlement areas*.

*1.1.2 Within settlement areas, sufficient land shall be made available through intensification and redevelopment and, if necessary, designated growth areas.*

Section 1.4.1 states that to provide a range and mix of housing options and densities required to meet projected requirements of current and future residents, planning authorities shall:

*a) 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...*

## Ottawa Official Plan

### Section 2 - Strategic Directions

Policy 2.2.1 of the Official Plan states intensification and diversifying housing options is a Strategic Direction, to be achieved by guiding the evolution of neighbourhoods into complete 15-minute neighbourhoods. This section also states that the first policy intent under this Strategic Direction is to *Direct residential growth within the built-up urban area to support an evolution towards 15-minute neighbourhoods.*

The second policy intent under this Strategic Direction involves *providing housing options for larger households.* Section 2.2.1 of the Official Plan states that *there needs to be opportunities in Residential Neighbourhoods within a short working distance to Hubs and Corridors to build dwelling units with enough floor space to accommodate larger households within buildings typologies that increase densities on existing lots.*

### Section 5.3 – Outer Urban Transect

100 James Cummings Avenue is within the Outer Urban Transect on lands designated as Neighbourhood in the Official Plan. Section 5.3.4 (1) of the Official Plan states that neighbourhoods located in the Outer Urban area are meant to accommodate residential growth to meet the City's Growth Management Strategy.

Additionally, *"The Zoning By-law shall implement development standards that transition away from a suburban model and move towards urban built forms"*. The intention is to allow built forms/building typologies that support a wider variety of housing types with a focus on lower density missing-middle housing, that reflects the existing built form context of the neighbourhood.

The Official Plan incorporates the definition of *intensification* from the Provincial Policy Statement, which defines it as:

- a) The development of a property, site or area at a higher density than currently exists through:*
- b) The creation of new units, uses or lots on land on previously developed land in existing communities, including the reuse of brownfield sites;*
- c) The development of vacant and/or underutilized lots within previously developed areas;*
- d) Infill development;*
- e) or The expansion or conversion of existing buildings.*

## Zoning

100 James Cummings Avenue is in the R1E – Residential First Density zone. This zone specifies a minimum lot width of 19.8 metres and a minimum lot size of 930 m<sup>2</sup>. As a result of the proposed severance, Part 2 will have a lot width of 38.66 metres and an area of 1255.4 m<sup>2</sup>. Part 1 will have a lot width of 19.47 metres and an area of 607.4 m<sup>2</sup>. The reason that the property is not being severed into equal sizes is because Part 2 is retaining its existing dwelling. Part 1 will create a developable lot, similar in-size to many properties in the area. Both Part 1 and Part 2 require minor variances.

This application seeks four minor variances for 100 James Cummings Avenue as Parts 1 & 2 would not conform with the required Zoning By-law. **Table 1** below shows the Zoning By-law requirements and the requested variances.

**Table 1. Zoning By-law Requirements and Requested Variances.**

R1E Provision (Single-Detached)	Required	Requested	
		Part 1	Part 2
1. Minimum Rear Yard Setback	12.0 m	N/A	0.9 m
2. Maximum Lot Coverage	25% or 314 m <sup>2</sup>	N/A	30% or 383 m <sup>2</sup>
3. Minimum Lot width	19.8 m	19.47 m	N/A
4. Minimum Lot Area	930 m <sup>2</sup>	607.4 m <sup>2</sup>	N/A

## Minor Variance

The Application proposes the following variances for Part 1:

1. Permit a reduced lot width of 19.47 metres, whereas the By-law requires a minimum lot width of 19.8 metres.
2. Permit a reduced total lot area of 607.4 square metres, whereas the By-law requires a minimum lot area of 930 square metres.

The application proposes the following variances for Part 2 (existing detached dwelling to remain):

3. Permit a reduced rear-yard setback of 0.90 m, whereas the By-law requires a minimum rear yard setback of 12 metres.
4. Permit a lot coverage of 31% or 382.60 square metres for a lot connected to a piped municipal water supply, whereas the By-law permits a maximum lot coverage of 25% or in this case, 314 square metres for a lot connected to a piped municipal water supply.

## Four Tests of Minor Variance

### Are the proposed minor variances minor?

The requested variances are minor in nature.

Variance 1: The request to permit a reduced lot width is minor in nature as it only a reduction of 33 cm (from 19.8m to 19.47m) is required to accommodate the existing structure. This lot width is consistent with many of the other residential properties in the surrounding area as seen on **Figures 4 and 5**. According to GeoOttawa Parcel Geometry, there are several properties in the surrounding R1E zone that have a lot width smaller than 19.8 metres, which include 106, 107, 108, 117, 118, 119, 122, 124, 125, 126, 127, 128, 130, 131, 132, and 134 James Cummings Avenue.

Variance 2: The request to permit reduced lot area for Part 1 is minor in nature when taking into consideration the local context. The two new lots fit into the community fabric as demonstrated by nearby lots of similar size in **Figure 4**. Lots in the R1E zone with a total area of approximately 600 m<sup>2</sup> are marked with a red dot. The orange dots indicate lots in the adjacent R1FF zone with an area of approximately 600 m<sup>2</sup>. Due to the considerable number of similar sized lots, the proposed consent will create lots consistent with the existing character of this area.

Figure 4: Nearby properties of similar size (~600 m<sup>2</sup>) to the proposed severed lot.



Variance 3: Reduced Rear yard setback – It is noted that this setback functions as an interior side yard setback and not a rear yard setback. The only reason it is considered a rear yard setback is due to a technicality related to the definitions of front and rear lot lines. For technical purposes, the 38.66 metre frontage on Carling Avenue is deemed to be the front lot line for this property. However, the property is addressed on James Cummings Ave, is oriented to face James Cummings Ave, and is only accessible from James Cummings Ave as the entire Carling Avenue frontage is walled off. As such, the front yard and rear yard of the property have been functionally serving as the side yards for the property. The requested relief would allow the rear yard to have a setback of 0.9 metres which is consistent with the minimum allowable interior side yard setback in the R1E zone. This request is therefore minor because it is proposing to meet the setback requirement consistent with the actual function of this property line. The function of this property line was discussed with Ottawa planning staff during pre-consultation (Alex Gaiten, May 23, 2023)

Variance 4: The request to permit an increased lot coverage from 25% to 30% for the Part 2 is minor when taking into consideration the lot coverages typically characterizing the local community. **Figure 5** shows nearby properties with lot coverage of 31% or greater. Lot coverage was calculated using GeoOttawa property parcels and GeoOttawa building footprints.

Figure 5: Nearby properties with a lot coverage greater than 31%.



There are no anticipated adverse impacts to neighbouring properties that would result from any of the proposed variances.

**Are the requested variances desirable for the appropriate development or use of the land, building, or structure?**

The requested variances are desirable for the development of the land because they facilitate the creation of a new lot that would conform and integrate with the existing character of the neighbourhood. Further, they allow for the accommodation of the existing dwelling, which is being retained on Part 2. As seen in **Figures 4 & 5**, the immediate surrounding neighbourhood is composed of single-family detached homes on lots of similar size with similar lot coverage.

**Does the application conform to the general intent and purpose of the Zoning By-law?**

The intent of the Zoning By-law is to prevent adverse impacts on adjacent lands. The R1 – Residential First Density zone is intended to *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...*

The proposed width, area, and lot coverage are consistent with the purpose of constructing detached homes and maintaining the R1 Typology. The rear yard of 100 James Cummings Avenue functionally serves as a side yard for the property, and the requested side yard setback would be consistent with the requirements in the Zoning By-law. The sought variances are compatible with existing land use patterns and will maintain the residential character of the neighbourhood.

## Does the application conform to the general intent and purpose of the Official Plan?

The general intent and purpose of the Official Plan is to direct residential growth within built-up areas and away from undeveloped greenfield sites. The proposed severance and minor variance satisfy the intent as it creates a new developable residential lot on a previously under-utilized residential property in an area that is served by public transit. This aligns with the Official Plan's goal of intensification and creating 15-minute communities. Further, the severance and minor variance would increase density on an existing lot and provide an opportunity for a housing option that can accommodate a larger household. Therefore, the general intent and purpose of the Official Plan is maintained.

## Property Servicing

The property is fully serviced and connected to the municipal water and sanitary supply.

## Consultation

Consultation with development review staff was undertaken in May 2023 (Alex Gaiten, Planner 1, Development Review West).

Adjacent neighbours have been notified of the intent to sever in November 2023.

## Additional

There is an existing garage/shed on Part 1. This structure is proposed to be retained on the lands.

The owner is aware that the proposed severance line bisects an existing deck. If a consent to sever is granted for the property, the owner is comfortable removing the deck as a condition of approval.

## Supporting Documents

- Draft Plan of Survey Part of Lot 11, Concession 1, Geographic Township of Nepean. Prepared by J.D. Barnes Limited, OLS. Signed and dated September 14, 2023.
- Parcel Abstract Page (PIN # 04712-0261 (LT)) for property described as: PT LT 11 CON 1 OTTAWA FRONT PT #, 5R10630; CITY OF OTTAWA
- Site Plan prepared by JFSA, dated October 2023.
- Tree Information Report prepared by Ottawa Tree Reports. October 3, 2023.
- Committee of Adjustment application form for first consent
- Committee of Adjustment application form for secondary consent
- Committee of Adjustment application form for minor variance Part 1 (North Lot)
- Committee of Adjustment application form for minor variance Part 2 (South Lot)



## Summary

In pre-consultation with the City of Ottawa, the Planning Department indicated they do not foresee any significant concerns with this proposal. The proposed variances are reflective of the existing conditions and character of the neighbourhood, and the new residential lot created from severance would integrate into the neighbourhood. This application provides an opportunity for outer urban intensification in-line with the goals and directions outlined in the Provincial Policy Statement and Official Plan. Additionally, it is our opinion that the proposed meets the four tests of minor variance. The lots created through severance of 100 James Cummings Avenue will conform with the existing R1E zoning and will be of a similar size to the surrounding properties.

Yours truly,

**J.F Sabourin and Associates Inc.**

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