

June 17, 2024

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

**RE: Permission Application**  
**1542 Chatelain Avenue, Ottawa**

**Committee of Adjustment**  
Received | Reçu le

**2024-06-18**

City of Ottawa | Ville d'Ottawa  
**Comité de dérogation**

Dear Mr. Bellemare,

Fotenn Planning + Design ("Fotenn") has been retained by Reservoir Properties Ltd. ("Owner") to prepare a Planning Rationale for a Permission Application to permit an automobile service station in the existing industrial building on the subject property.

In addition to this cover letter, please find enclosed the following for your consideration:

- / Permission Application Form (1 copy);
- / Site Plan;
- / Plan of Survey;
- / Site Photos showing the existing building elevations;
- / Written confirmation from the City Forester that a Tree Information Report (TIR) is not required; and,
- / A cheque made out to the City of Ottawa in the amount of \$3,196.00.

Sincerely,



Thomas Freeman, B.URPL  
Planner



Paul Plack, MCIP RPP  
Associate, Planning/Director of  
Business Operations

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# 1.0 Background and Context

Fotenn Planning + Design (“Fotenn”) is pleased to submit the enclosed Permission Application on behalf of Reservoir Properties Ltd. (“Owner”) for the property municipally known as 1542 Chatelain Avenue in the City of Ottawa.

Section 45(2)(ii) of the Planning Act gives the Committee of Adjustment the ability to, where any land building or structure, on the day the by-law was passed, was lawfully used for a purpose prohibited by the by-law, permit the use of such land, building or structure for a purpose that, in the opinion of the committee, is similar to the purpose for which it was used on the day the by-law was passed. As the use of a “public garage” was permitted under the former Light Industrial (M1) zone, but has ceased to exist, a permission application is sought to permit the use of an automobile repair garage, as it is similar to the existing non-confirming uses on the subject property and compatible with the surrounding context.

The intent of this Planning Rationale is to assess the proposed land use against the applicable policy and regulatory framework and the surrounding context to demonstrate how the proposal is appropriate for the subject property and does not impose any adverse impacts on adjacent properties.

## 1.1 Subject Site

The subject property, municipally known as 1542 Chatelain Avenue, has a frontage on Chatelain Avenue of 152.4 metres and a frontage on McBride Street of 32.6 metres. The subject property has a total area of 1.04 hectares (10,414.76 square metres).



Figure 1: Subject Property and Surrounding Context

The subject property is currently developed with a two (2) storey commercial building with an area of approximately 3,211 square metres. The commercial building is occupied by a mix of uses including a warehouse, distribution centre, printing plant, dance studio, and photography studio. There is a parking lot at the rear of the site with approximately 25 surface parking spaces. The current building was built in the mid 1950's.

### 1.2 Surrounding Area

The subject property is in an area characterized by a mix of land uses. Surrounding land uses include:

**North:** The subject property abuts Chatelain Avenue to the north. The block to the north-west of McBride Street is characterized by a mix of commercial and industrial land uses, including a medical facility, sales offices, warehousing and automobile repair garage. Further north is Carlington Park. North of Carlington Park is Lapierre Avenue, and industrial area characterized by a mix of automobile services and commercial uses including a car wash, car rental, auto parts supplier, and renovation services. North of this is the Queensway (Hwy 417).

**East:** Immediately east of the subject property is a commercial property on the corner of Chatelain Avenue and McBride Street that currently houses an art gallery.. Further east is a low-rise residential neighbourhood characterized by a range of low-rise housing typologies including predominantly detached dwellings. Further east is Merivale Road, a north-south Arterial roadway.

**South:** South of the subject property is a woodlot and Carlington Park. Further South is the Carlington Recreation Centre.

**West:** West of the subject property is a woodlot and park and toboggan hill. Further west is a City of Ottawa works yard and snow storage facility.







Figure 2: Photos of the subject Property and Surrounding Context

# Overview of Application

## 2.1 Proposed Land Use

The owner of the subject property is proposing to rent out a portion of the existing building for use as an automobile repair garage. As an automobile repair garage is not permitted under the current zoning for the property, but the use is historical to the property and similar to the currently operating non-conforming land uses, a permission application is being sought in accordance with Section 45(2)(ii) of the Planning Act to permit the proposed land use.

The existing building is currently occupied by a mix of industrial /commercial land uses including a warehouse, distribution centre, printing plant, dance studio, and photography studio. The proposed automobile repair garage will occupy approximately 264 square metres (2,841 square feet) of the building and front onto Chatelain Avenue. The existing space can accommodate the proposed automobile repair garage and will be retrofitted to utilize the existing garage door facing Chatelain Avenue. No additions to the existing building envelope are proposed as part of this application. Figures 3 and 4 below show the location of the proposed automobile repair garage in the existing building.

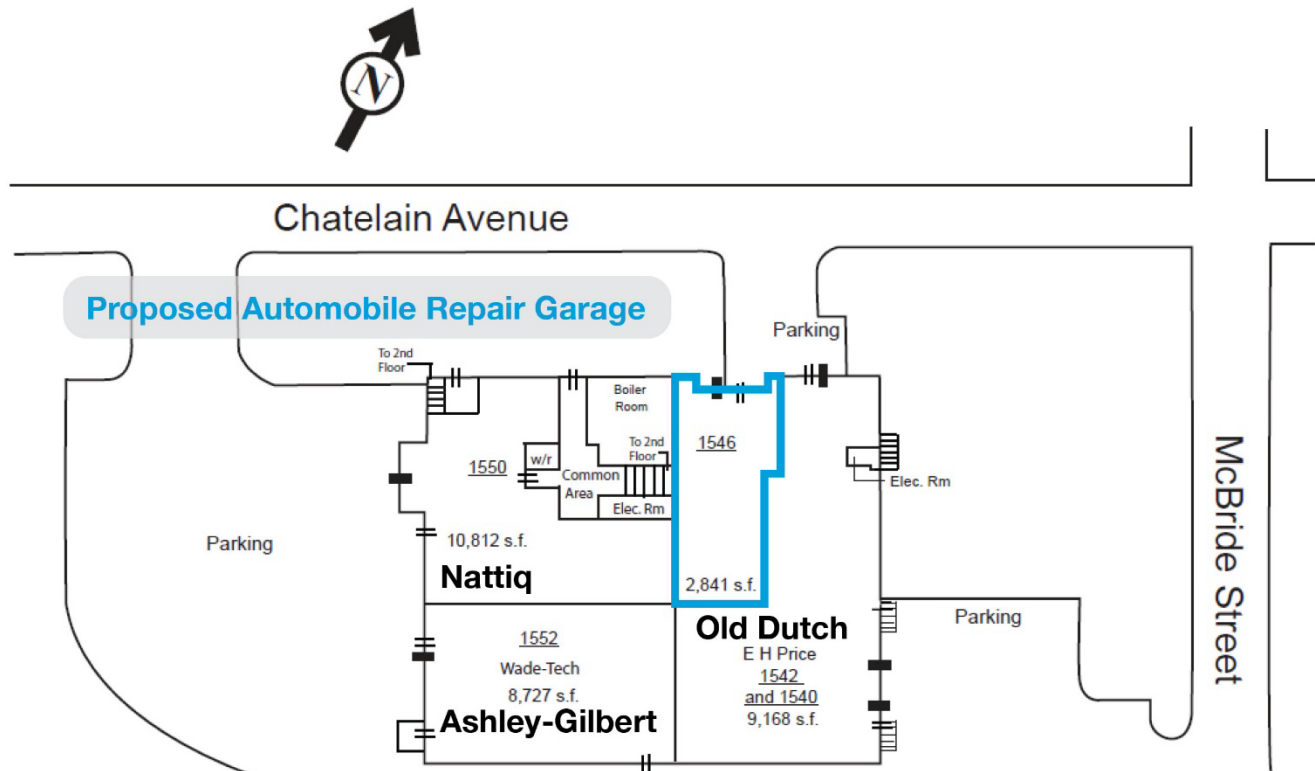


Figure 3: Site Plan of the subject property showing the location of the proposed automobile repair garage



Figure 4: Photo of the subject property showing the proposed location of the automobile repair garage

# 3.0 Policy and Regulatory Context

## 3.1 Provincial Policy Statement (2020)

The Provincial Policy Statement (PPS) is a policy document issued under the Planning Act. It sets out a vision for land use planning in the Province of Ontario that encourages planning and development that is environmentally sound, economically strong and enhances quality of life. The PPS provides direction on matters of provincial interest related to land use planning and development. All decisions on planning matters “shall be consistent with” the PPS. Generally, the PPS recognizes that “land use must be carefully managed to accommodate appropriate development to meet the full range of current and future needs while achieving efficient development patterns...”. In order to respond to current and future needs, a range of housing options is encouraged through new development and intensification.

Policies for achieving the vision of the PPS address efficient development and land use patterns; accommodating an appropriate range and mix of residential types to meet long-term needs; promoting cost-effective development patterns; and supporting transit and active transportation. Furthermore, the policies direct development to locations that have been identified for intensification and redevelopment by the municipality.

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

- 1.1.1 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; 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;
  - 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;
- 1.1.3.1 Settlement areas shall be the focus of growth and development;
- 1.1.3.4 Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.
- 1.3.1 Planning authorities shall promote economic development and competitiveness by:



- a) providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs;
- b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;
- c) facilitating the conditions for economic investment by identifying strategic sites for investment, monitoring the availability and suitability of employment sites, including market-ready sites, and seeking to address potential barriers to investment;
- d) encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities, with consideration of housing policy 1.4; and
- e) ensuring the necessary infrastructure is provided to support current and projected needs.

The proposed land use is located within the urban boundary (settlement areas), on a serviced lot, located in an existing building, and within an area already characterized by similar land uses. The proposal makes use of the existing industrial building to provide a service to the public that promotes economic development and competitiveness. The proposed land use is consistent with the Provincial Policy Statement, 2020.

### 3.2 City of Ottawa Official Plan (2022)

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.

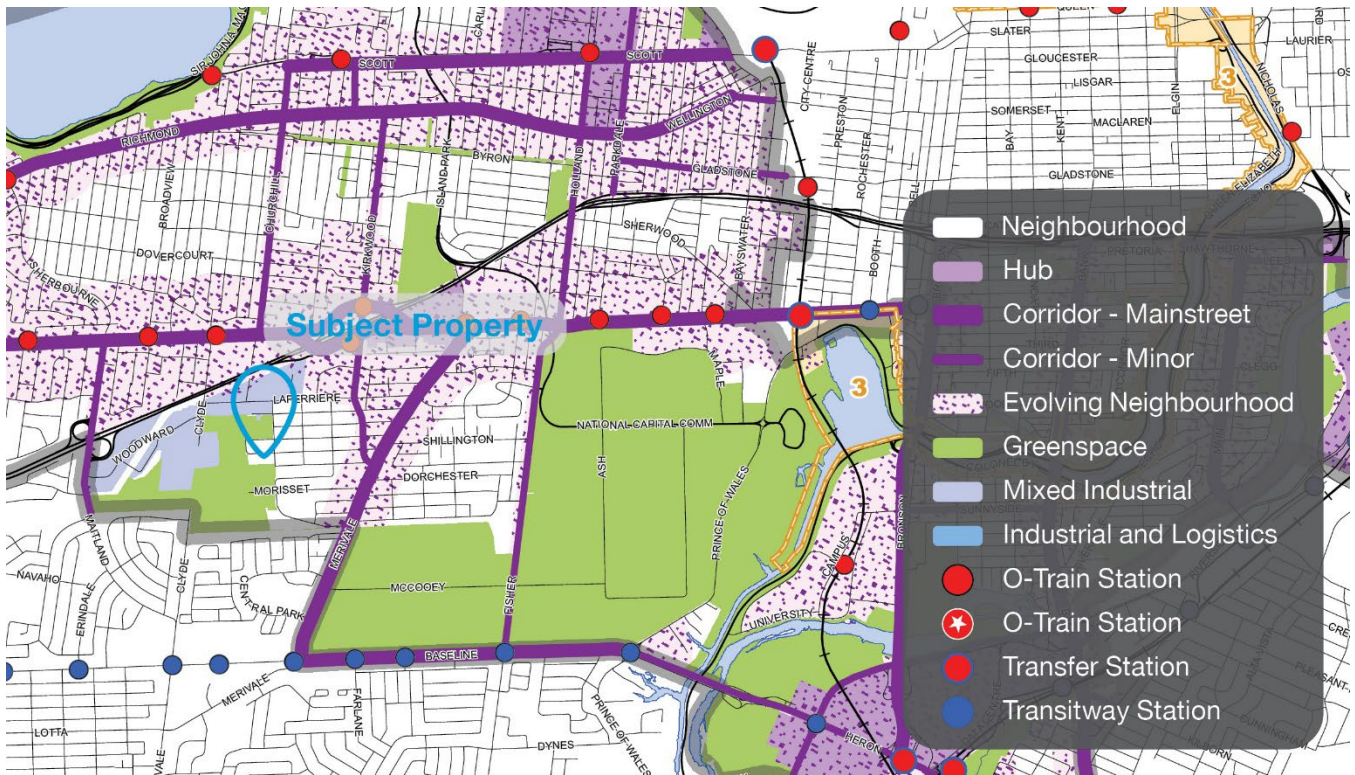


Figure 5: Schedule B2 – Inner Urban Transect

The subject site is designated Neighbourhood within the Inner Urban Transect, as shown on Schedule B3 – Outer Urban Transect of the Official Plan, as shown in Figure 5 above.

The Inner Urban Transect includes the pre-World War II neighbourhoods that immediately surround the Downtown Core, and the earliest post-World War II areas directly adjacent to them.

**Section 5.2** of the Official Plan outlines policies for lands within the Inner Urban Transect.

**Section 5.2.1 Policy 1** states that the Inner urban Transect’s built form and site design includes both urban and suburban characteristics and that its intended pattern is urban.

**Section 5.2.1 Policy 4 b)** states that the Inner Urban Transect shall continue to develop as a mixed-use environment, where small, locally oriented services may be appropriate within Neighbourhoods.

**Section 6.3** of the Official Plan outlines policies for lands designated as Neighbourhood. Neighbourhoods are contiguous urban areas that constitute the heart of communities. They are planned for ongoing gradual, integrated, sustainable, and internally compatible development. Neighbourhood policies will allow for the development of a full range and choice of housing, with complementary small-scale non-residential land uses to support the creation of 15- minute neighbourhoods.

**Section 6.3.1 Policy 2** states that permitted building heights in Neighbourhoods shall be Low-rise.

**Section 6.3.1 Policy 4** states that the Zoning By-law and approvals under the Planning Act shall allow a range of residential and non-residential built forms within the Neighbourhood designation.

**The proposed land use is contextually appropriate and is compatible with the direction of the Official Plan to provide for locally oriented services within neighbourhoods. While the Official Plan generally discourages new automobile-oriented land uses in the Inner Urban Transect, the proposal makes use of an existing industrial building that is within an area characterized by similar land uses.**

### 3.3 City of Ottawa Zoning By-law AZ-64 (1964)

The subject property was zoned Light Industrial (M1) in the City of Ottawa Zoning By-law AZ-64. The M1 zone permitted a range of commercial and industrial land uses including the following:

- / Automobile, boat and trailer sales area
- / Bank
- / Eating establishment
- / Public garage
- / Public parking area
- / Manufacturing
- / The assembling, painting, upholstering, rebuilding or recondition of automotive vehicles
- / Tire retreading or recapping, and battery manufacturing
- / Horticultural nursery or greenhouse
- / Passenger truck, or freight terminal including parcel delivery
- / Building material sales, contractor’s equipment storage or rental, lumber sales including only incidental mill work
- / Wholesale business, storage building, ice and cold storage plant, warehouse and equipment sales establishment
- / Laboratory
- / Veterinary hospital, animal clinic or kennel
- / Storage of pre-packaged gas including the repackaging of gas other than acetylene
- / Television or radio studio

- / Building or use including sales accessory to the above provided that the building is not used for human habitation other than by a caretaker or janitor.

As outlined in the list above, *public garage* was a permitted use on the subject property. The AZ-64 Zoning By-law defines *public garage* as “a building other than a private garage, used for the care, repair, painting, servicing, sale of gasoline, oil or lubricants, washing, or equipping of motor vehicles, or where such vehicles are stored for hire or sale”. This definition aligns with the current Zoning By-law definition for an automobile service station.

The proposed use of an automobile service station is compatible with the uses previously permitted on the subject property, including those which continue on the property and in the immediate area.

### 3.4 City of Ottawa Comprehensive Zoning By-law (2008-250)

The subject property is split zoned. The front portion of the subject property is zoned “Residential Fourth Density, Subzone UC – R4UC”. The rear portion of the subject property is zoned “Residential Fifth Density, Subzone B Exception 1195, height 18 metres – R5B[1195] H(18)”. The current zoning on the subject property is a result of a Zoning By-law Amendment approved by Council in 1995 to accommodate the redevelopment of the property with residential land uses. Since the Zoning By-law was approved, redevelopment of the property has been abandoned, resulting in the existing legal non-conforming land uses.



Figure 6: Zoning Map (GeoOttawa)

The Zoning for the subject property and surrounding area is inconsistent. The adjacent property at 1526 Chatelain Avenue is zoned “General Industrial, Subzone 1 (IG1)” as is the entire block north of the subject property. Land uses on the block immediately north of the subject property include a mix of commercial/industrial land uses as well as legally non-conforming residential properties. Land uses north of Chatelain Avenue include a warehousing, an automobile repair shop, a medical facility, as well as other light industrial uses.

**The proposed land use is consistent with the existing legal non-conforming commercial uses on the subject property and is consistent with the industrial zoning of the properties north of Chatelain Avenue, immediately north of the subject property.**

## 4.0 Permission Discussion

Section 45(2)(ii) of the Planning Act gives the Committee of Adjustment the ability to, where any land building or structure, on the day the by-law was passed, was lawfully used for a purpose prohibited by the by-law, permit the use of such land, building or structure for a purpose that, in the opinion of the committee, is similar to the purpose for which it was used on the day the by-law was passed. As the use of a “public garage” was permitted under the former Light Industrial (M1) zone, but has ceased to exist, a permission application is sought to permit the use of an automobile repair garage, as it is similar to the existing non-confirming uses on the subject property.

The two-fold test developed by the Ontario Municipal Board (now Ontario Land Tribunal) for Permission applications is based upon both the desirability for development of the property in question and the impact on the surrounding area.

### 4.1 Is the application desirable for the appropriate development of the property?

The proposed use of an automobile repair garage is considered appropriate for the subject property as it is consistent with the existing legal non-conforming uses and provides a service to the public in an area characterised by similar land uses. The proposed use meets the intent of the PSS and the Official Plan to provide automobile repair garage on a serviced lot within the built-up area, which is not developed with residential or other sensitive uses. The proposed use utilizes the existing industrial building with a use that is similar in impact and intensity to the existing legal non-conforming land uses. The proposed use is similar to the previously permitted land use of a *public garage* under the AZ-64 Zoning By-law and is consistent with the existing warehouse, distribution centre, and printing plant that currently exist in the building and provides a service to the public. It is therefore desirable for the appropriate development of the property.

### 4.2 Will the application result in any undue adverse impacts on the surrounding properties and neighbourhood?

The proposed automobile repair garage is located within an exiting industrial building, in an area characterized by other equally intensive industrial land uses. The proposed automobile repair garage is located approximately 70 metres from the nearest residential property to the east, with an industrially zoned property at 1526 Chatelain Avenue between the subject property and the nearest residential properties. Under the current Zoning By-law, an automobile service station, limited to 300 square metres, would be permitted as-of-right on the neighbouring property at 1526 Chatelaine Avenue in addition to the other General Industrial zoned lands north of Chatelaine Avenue. The proposed use, therefore, will not impose any additional undue adverse impacts on the adjacent industrial properties nor on the residential properties to the east.

**It is Fotenn’s professional opinion that the proposed development constitutes good planning and meets the criteria of a Permission application under section 45(2)(a)(ii) of the Planning Act. The proposed automobile repair garage is similar to and compatible the legal non-conforming commercial uses established on the subject property and the surrounding land uses. This type of contextually sensitive use capitalizes an existing building with existing infrastructure within the urban area that is consistent with existing and permitted land uses.**

# 5.0 Conclusion

The proposed Permission application represents appropriate, orderly development for 1542 Chatelain Avenue that is both appropriate for the lands and will not result in any adverse impacts on the surrounding area. Further, consistent with Section 45(2)(ii) of the Planning Act, the proposed automobile service station use is similar to the land uses permitted on the subject property and within the neighbourhood in the past. Uses on the subject property are permitted to continue operating as non-conforming land uses as long as they do not cease to operate.

It is Fotenn’s professional planning opinion that the proposed Permission application constitutes good planning as it meets the two-fold test for permission applications.