

July 30, 2024

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

**RE: Application for Consent and Minor Variance
255 Marier Avenue, Ottawa**

Committee of Adjustment
Received | Reçu le

2024-08-01

City of Ottawa | Ville d'Ottawa
Comité de dérogation

Dear Mr. Bellemare,

Fotenn Consultants Inc. ("Fotenn") has been retained by the owner of 255 Marier Avenue, as agent to submit Consent and Minor Variance applications to the Committee of Adjustment. The intent of the applications is to sever the existing lot into two (2) separate lots and seek relief from the minimum required lot area and frontage. The severed lot is intended to accommodate a stacked dwelling typology containing 6 dwelling units.

In addition to this cover letter, the following materials have been enclosed in support of this application:

- / Application Form (completed);
- / Parcel Abstract;
- / Site Plan;
- / Building Elevations;
- / Draft Reference Plan (R-Plan);
- / Tree Information Report;

Sincerely,



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Planner



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1.0 Introduction

Fotenn Consultants Inc. ("Fotenn") has been retained to prepare this Planning Rationale in support of Consent to Sever and Minor Variance applications for the property municipally known as 255 Marier Avenue (the "subject property") in the Vanier Neighbourhood of the City of Ottawa.

The intent of this Planning Rationale is to assess the proposed applications against the applicable policy and regulatory framework and to demonstrate how the proposed severance meets the criteria established in Section 53, 45(1), & 51(24) of the *Planning Act*, represents "good planning principles" and that the proposed Minor Variance meets the "Four Tests" under Section 45(1) of the *Planning Act*.

1.1 Purpose of Application

A Consent application seeks to subdivide the subject property into two (2) equally sized lots. Two (2) Minor Variances are required for the severed lot, to permit:

- / A reduced lot area of 314.6 square metres, where 420 square metres is required.
- / A reduced lot width of 10.02 metres, where 14 metres is required.

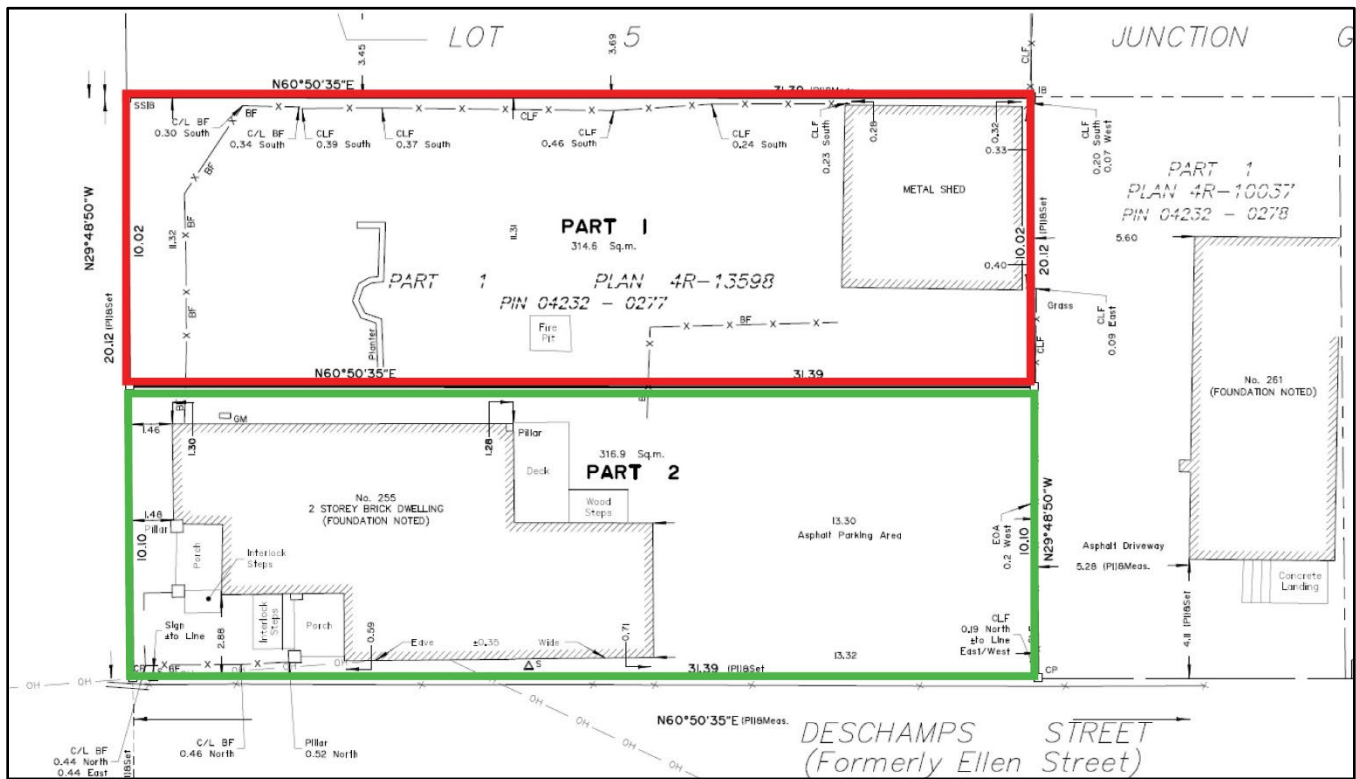


Figure 1: Proposed severed (red) and retained (green) parcels.

Subject Property and Surrounding Context

2.1 Subject Property

The subject property is a rectangular corner lot with an area of approximately 632 square metres with approximately 20 metres of frontage on Marier Avenue and approximately 31 metres of frontage on Deschamps Avenue. The subject property is currently developed with a two (2) storey detached dwelling which will be retained. The portion of the lands proposed to be severed is currently occupied by a portion of the lot's surface parking area, and a detached accessory building.



Figure 2: Subject Property and surrounding area

2.2 Surrounding Context

The subject property is located within the Vanier Neighbourhood. The neighbourhood is characterized by a range of low-rise housing typologies including detached, semi-detached, and low-rise apartment dwellings.

North: North of the subject property abutting Marier Avenue there is a duplex dwelling at 251 Marier Avenue. North of this there is a pair of semi-detached dwellings. Further north there is a small parkette at the corner of Marier Avenue and Carilon Street.

East: The subject property abuts a detached dwelling to the east. Along Deschamps Avenue to the east there is also a low-rise apartment building and a semi-detached dwelling.

South: South of the subject property there is a dental clinic at the corner of Marier Avenue and Deschamps Avenue. Further south there is a surface parking lot behind the commercial uses along Montreal Road.

West: West of the subject site there are detached dwellings along Deschamps Avenue.

2.3 Transportation

The subject property is located near public transit, active transportation, and urban road networks.

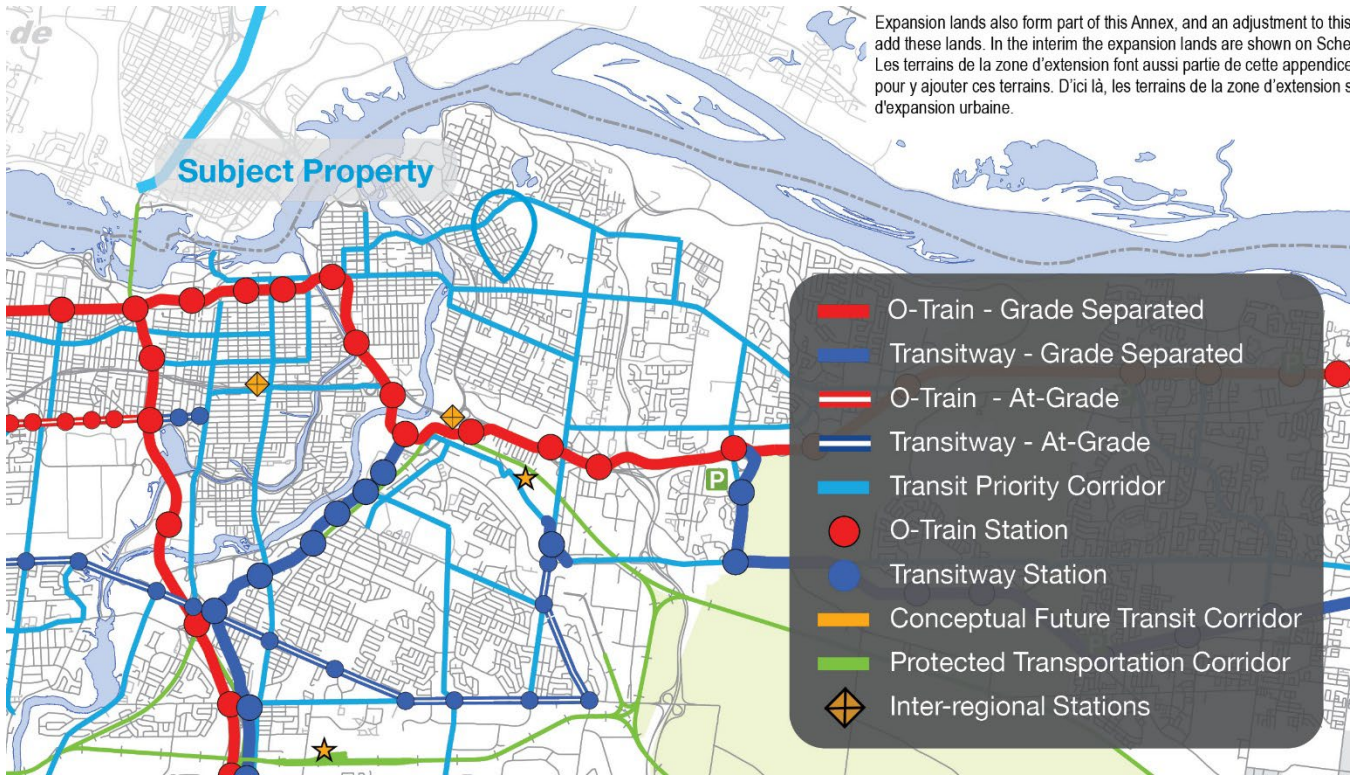


Figure 3: Schedule C2 - Transit Network (Ultimate)

As shown on Figure 3 above, the subject property is within close proximity to Montreal Road, a Transit Priority Corridor with frequent bus transit service.

2.4 Application Overview

The proposed development includes six (6) stacked dwelling units on the severed parcel. Consent and Minor Variance applications are required to sever the lot into two (2) separate lots to accommodate the proposed development.

The development is consistent with other low-rise residential buildings in the area. The front and rear yard will include soft landscaping with pavers used for pathways. Bicycle parking and garbage will be located in the rear yard and; no vehicle parking spaces are proposed as part of the redevelopment.

The existing single-detached dwelling located on the property will be retained.

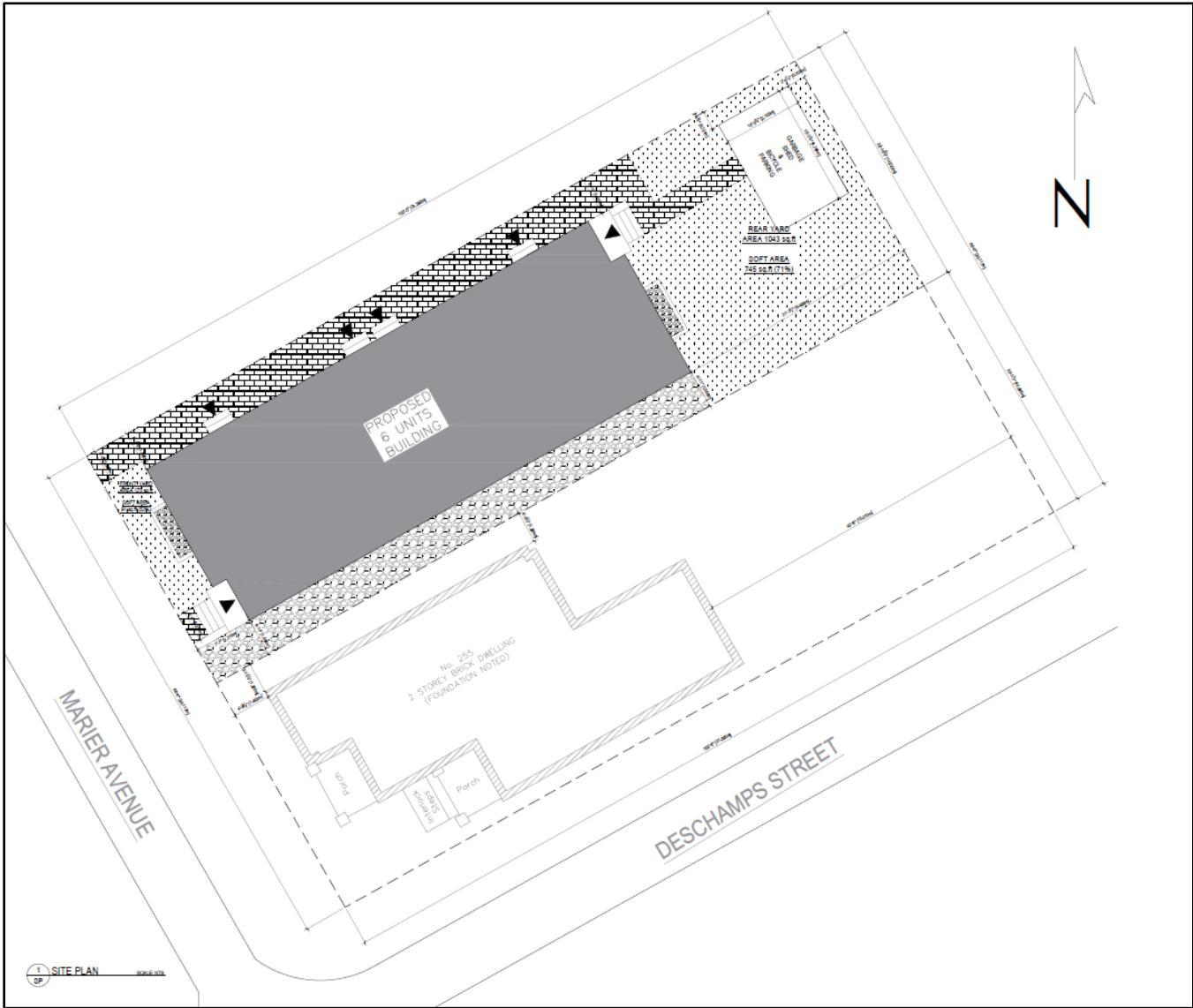


Figure 4: Proposed Site Plan for the severed lands

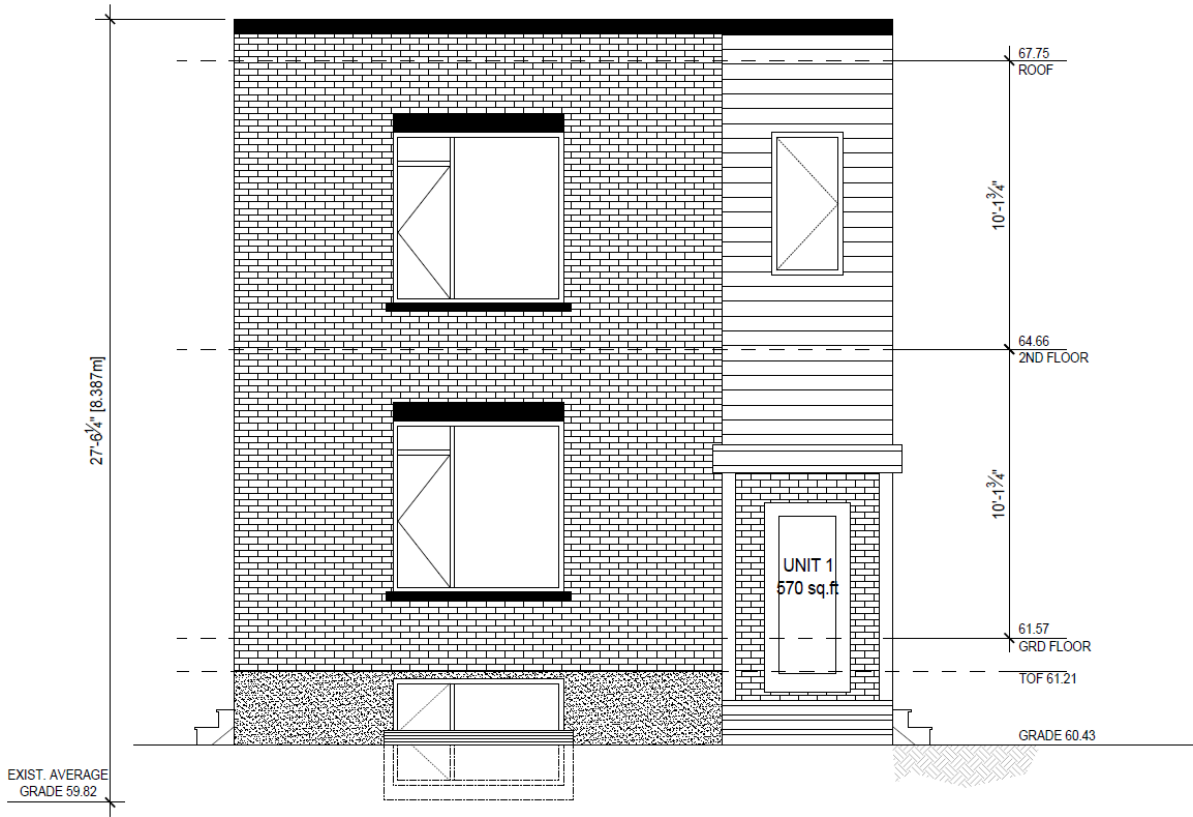


Figure 5: Proposed front-facing Elevations (Marier)

3.0

Policy and Regulatory Framework

3.1 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. As the proposal includes one severed lot and no public infrastructure, a plan of subdivision is not required for the orderly development of the lands. 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**
The proposed Consent application has regard for matters of provincial interest found in Section 2 of the Planning Act and is consistent with the policies of the Provincial Policy Statement (2020) by providing for an additional lot within the urban area 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 allows for one additional lot within the urban area where municipal servicing is available. The severed and retained parcels will be used for purposes established in the Official Plan and Zoning By-law, and the Consent contributes to the housing and intensification goals of the City of Ottawa and the Government of Ontario. The application is therefore not premature and is in the public interest.
- c) **Whether the plan conforms to the Official Plan and adjacent plans of subdivision, if any;**
The proposed Consent conforms with the policies of the City of Ottawa Official Plan (2022) and permits intensification within the Minor Corridor designation within the Inner Urban Transect. The proposed severed and retained lots are consistent with the lot fabric of the surrounding area and are both individually serviced.

The Official Plan promotes concentrated growth in a pattern and density that supports transit, cyclist, and walking. The development will complement an existing mixed-use community and will support growth within the urban boundary where there is availability of existing infrastructure.

- d) **The suitability of the land for proposes for which is to be subdivided;**
The Consent application proposes the severance of an existing lot to create one (1) new lot (in addition to the retained lot) for the purposes of future residential development.

The existing Zoning and OP Designation permit a wide range of residential and non-residential uses on the site.

- e) **The number, width, location and proposed grades and elevations of highways, and the adequacy of them;**
The abutting roads are all publicly maintained and connected to the larger urban road network of the City of Ottawa. Both the severed and retained lot will have frontage onto Marier Avenue, with the retained lot maintaining its frontage on Dechamps Avenue.
- f) **The dimensions and shapes of the proposed lots;**
The proposed lot sizes and shapes are consistent with the lot fabric for other properties in the surrounding area. The severed lot is intended to accommodate the proposed stacked dwellings while the proposed retained lot is intended to accommodate the existing detached dwelling.
- g) **The restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the building and structures proposed to be erected on it and the restrictions, if any, on adjoining land;**

The subject property is not subject to any easements or restrictive covenants that would restrict the proposed severance.

h) Conservation of natural resources and flood control;

The subject site is not located in a sensitive ecological area or in a floodplain. No adverse impacts are anticipated on natural resources and flood control.

i) The adequacy of utilities and municipal services;

The severed and retained lots will be independently serviced by existing Municipal services, including watermain and sanitary services.

j) The adequacy of school sites;

The subject site is within proximity to existing public school sites.

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

No land is proposed to be dedicated to the City.

The proposed Consent satisfies the criteria in Section 51(24) of the Planning Act.

3.2 Provincial Policy Statement

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;

1.1.3.2 Land use patterns within settlement areas shall be based on densities and a mix of land uses which:

- / efficiently use land and resources; and

- / 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.

Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment, where this can be accommodated.

1.4 Housing

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:
 - 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,
 - 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.

1.6 Infrastructure and Public Service Facilities

1.6.6.1 Planning for sewage and water services shall:

- a. accommodate forecasted growth in a manner that promotes the efficient use and optimization of existing:
 1. municipal sewage services and municipal water services; and
 2. private communal sewage services and private communal water services, where municipal sewage services and municipal water services are not available or feasible;
- d. integrate servicing and land use considerations at all stages of the planning process.

1.6.6.2 Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. Within settlement areas with existing municipal sewage services and municipal water services, intensification and redevelopment shall be promoted wherever feasible to optimize the use of the services.

1.6.6.7 Planning for stormwater management shall:

- a. be integrated with planning for sewage and water services and ensure that systems are optimized, feasible and financially viable over the long term;
- b. minimize, or, where possible, prevent increases in contaminant loads;
- c. minimize erosion and changes in water balance, and prepare for the impacts of a changing climate through the effective management of stormwater, including the use of green infrastructure;
- d. mitigate risks to human health, safety, property and the environment;
- e. maximize the extent and function of vegetative and pervious surfaces; and
- f. promote stormwater management best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development.

The severance of the lands to create one (1) new parcel on full municipal services promotes the efficient use of land in accordance with housing and growth management policy direction. The variances will allow for the creation of lots capable of accommodating new low-rise residential development, contributing to the overall mix of dwelling typologies in the neighbourhood and the City overall. The

subject property is well suited for intensification being located close to transit and neighbourhood amenities. Overall, the proposed severance is consistent with the policy direction of the 2020 PPS.

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

The Official Plan (2022) 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.

The subject property is designated Minor Corridor within the Inner Urban Transect as per Schedule B2. The Minor Corridor designation is intended to accommodate a higher density of development, a greater degree of mixed uses and a higher level of street transit service than abutting Neighbourhoods, but lower density than nearby Hubs and Mainstreet Corridors. The Minor Corridor designation permits a mix of uses which support residential uses and the evolution of neighbourhoods towards 15 minute neighbourhoods.

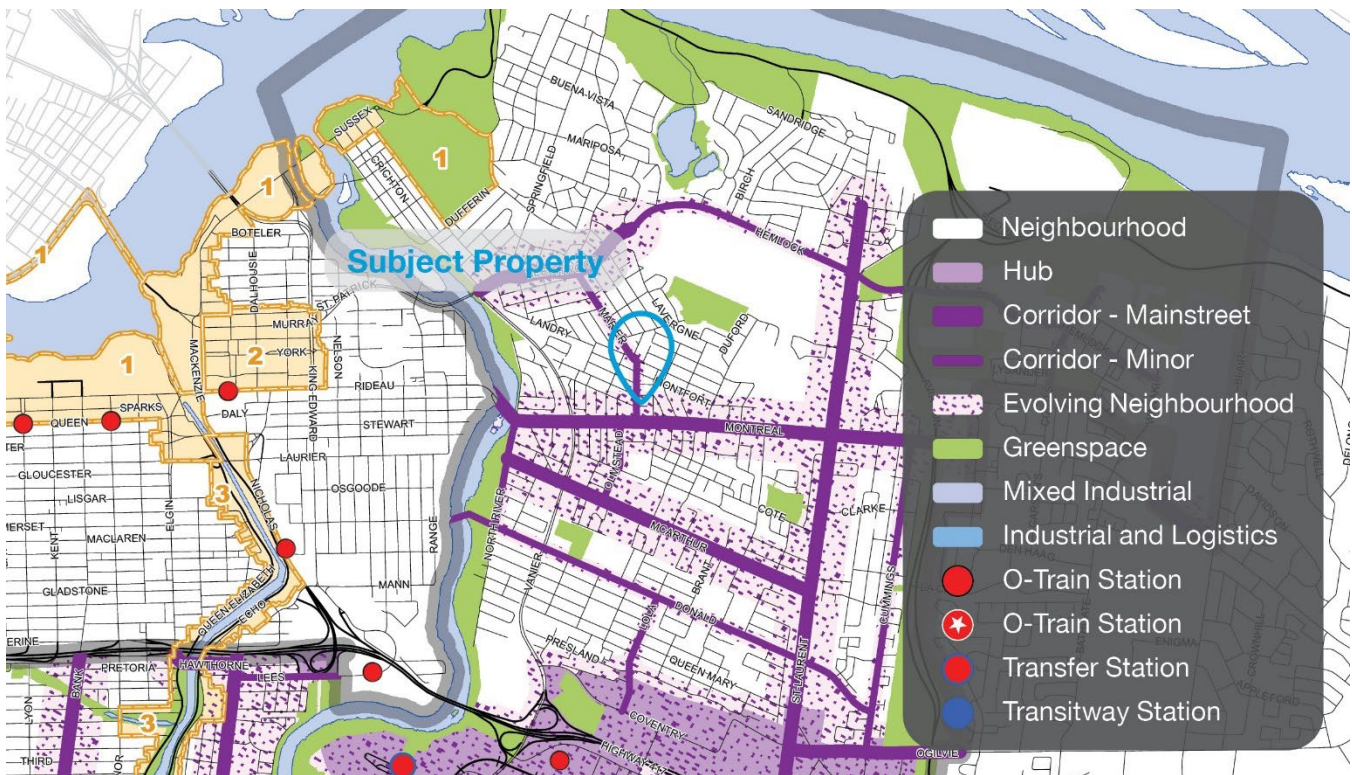


Figure 6: Schedule B2 - Inner Urban Transect

Policy 3 a) of Section 5.2.3 states that within the Inner Urban Transect, along Minor Corridors, permitted building heights are generally, not less than 2 storeys and in the maximum range of 4 to 6 storeys, except where a secondary plan or area-specific policy specifies different heights.

Section 11.5 of the Official Plan provides direction to the Committee of Adjustment process.

Policy 4 of Section 11.5 states that in support of Policy 5.2.4, 1 b) and c) the Committee of Adjustment shall consider for applications for Consent with lot patterns and dimensions that result in intensification in support of ground oriented medium density residential that is consistent with the planned context.

Policy 6 of Section 11.5 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 proposed Consent application conforms with the policies of the City of Ottawa Official Plan, including the Minor Corridor designation and the policies in Section 11.5 which provide direction to the Committee of Adjustment. The proposed development contributes to the vision of the Inner Urban Transect by providing context sensitive intensification that builds upon the existing neighbourhood context and contributes to the provision of missing middle housing, expanding housing type and choice for future residents. The proposed variances will permit the construction of an additional low-rise housing units within the neighbourhood making efficient use of land, resources and exiting infrastructure as directed by the Official Plan.

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

The subject property is zoned Residential Fourth Density, subzone UA, with the Residential Commercial Suffix applied – R4UA-c.

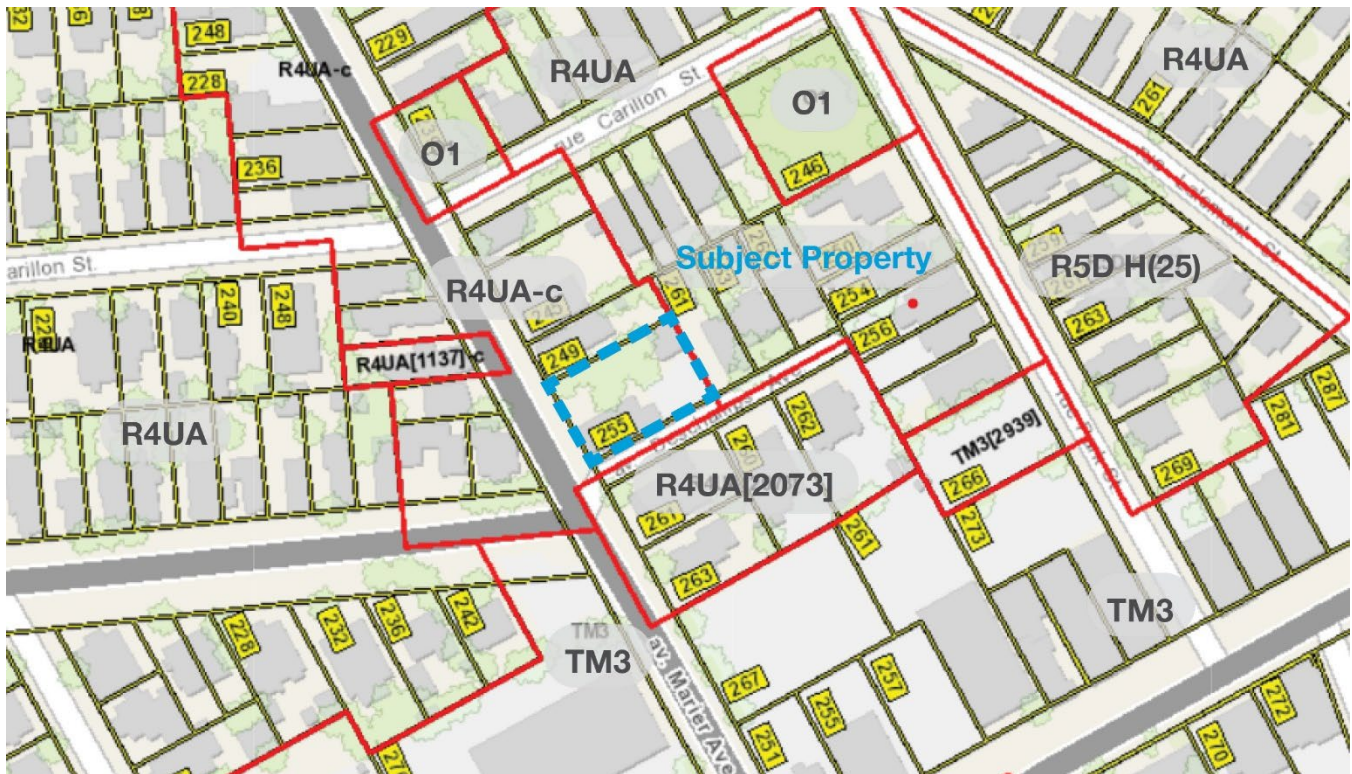


Figure 7: Zoning Map (GeoOttawa)

The purpose of the R4 zone is to:

- / allow a wide mix of residential building forms ranging from detached to low rise apartment dwellings, in some cases limited to four units, and in no case more than four storeys;
- / allow a number of other residential uses to provide additional housing choices within the fourth density residential areas;

- / permit ancillary uses to the principal residential use to allow residents to work at home; and
- / regulate development in a manner that is compatible with existing land use patterns so that the mixed building form, residential character of a neighbourhood is maintained or enhanced.

The table below evaluates the proposed lots against the performance standards in the R4UA subzone.

Severed Lot

R4UA Zoning for a Stacked Dwelling	Requirement	Provided (Severed lot)	Compliance
Minimum Lot Width (m) s.162, Table 162A	14 m	10.02 m	No
Minimum Lot Area (m²) s.162, Table 162A	420 m ²	314.6 m ²	No
Minimum Front Yard Setback (m) Average setback of adjacent lots S. 144	1.7 m	1.7 m	Yes
Minimum Rear Yard Setback (m) 30% of lot depth S.144	9.417 m	9.46 m	Yes
Minimum Interior side Yard Setback (m) s.162, Table 162A	1.5 m	1.5 m	Yes
Maximum Building Height (m) s.162, Table 162A	11 m	7.86 m	Yes
Minimum area of soft landscaping in the rear yard s.161 (15) (a)	35 m ²	69.21 m ²	Yes
Minimum area of soft landscaping in front yard s.161 (15) (d)	20%	52% (8.45 m ²)	Yes
Minimum window requirement for front façade S. 161 (15) (g)	The front facade must comprise at least 25 per cent windows	25% windows	Yes
Front Façade setback S. 161 (15) (h)	At least 20 per cent of the area of the front facade must be recessed an additional 0.6 metres from the front setback line.	20% of the front façade is set back an addition 0.6 metres from the font lot line.	Yes
Motor Vehicle Parking S. 161 (16)	No motor vehicle parking is permitted on a lot less than 450 square metres in area.	No parking proposed.	Yes
Maximum width of a walkway located in a front yard S. 139 (4) (c) (ii)	1.2 metres	1.2 metres	Yes

Retained Lot

R4UA Zoning for a Detached Dwelling	Requirement	Provided (Severed lot)	Compliance
Minimum Lot Width (m) s.162, Table 162A	7.5 m	10.10 m	Yes
Minimum Lot Area (m²) s.162, Table 162A	225 m ²	316.9 m ²	Yes

The proposed Consent conforms to the majority of performance standards of the R4UA Zoning provisions for a stacked dwelling. However, a variance is sought for a reduced lot area and width for the retained parcel.

With the existing building on the retained portion of the lands, there are no proposed variances required for the retained parcel.

4.0

Minor Variance Applications: The Four Tests

It is our professional opinion that the proposed development constitutes good planning and meets the four (4) tests outlined in Planning Act Section 45 (1) as discussed below.

4.1 Does the proposed variance maintain the general intent and purpose of the Official Plan?

The subject property is designated Minor Corridor within the Inner Urban Transect and is subject to an Evolving Neighbourhood Overlay in the City of Ottawa Official Plan. The minor variance application is consistent with the policies related to the transect, designation, and overlay; as well growth management framework, and urban design.

The proposed development contributes to the vision of the Inner Urban Transect. The proposed two (2) storey stacked dwellings on the severed parcel is consistent with the neighbourhood and Minor Corridor designation, which is anticipated to evolve toward a denser urban fabric. The building design builds upon the existing neighbourhood context and contributes to the provision of missing middle housing type to the neighbourhood, expanding housing type and choice for future residents.

The proposed development also provides no vehicle parking spaces, but instead promotes active transportation and transit use with local amenities available on Montreal Road, as it introduces residential intensification to a well-serviced existing neighbourhood within proximity to retail, commercial, and employment uses, as well as frequent transit, thereby contributing to the development of a 15-minute neighbourhood.

The proposed minor variance application maintains the general intent and purpose of the Official Plan. The proposed variances will permit the construction of a new building that will provide low-rise, residential infill development in a serviced, existing neighbourhood proximate to amenities and transportation options.

4.2 Does the proposed variance maintain the general intent and purpose of Zoning By-law?

The subject property is zoned Residential Fourth Density, Subzone UA, with the Residential Neighbourhood Commercial Suffix – R4UA-c in the City of Ottawa Comprehensive Zoning By-law 2008-250. The intent of the R4UA zone is to allow a wide mix of low-rise residential building forms to provide additional housing choices, and regulate development in a manner that is compatible with existing land use patterns so that the mixed building form, residential character of a neighbourhood is maintained or enhanced.

The Residential Fourth Density Zone also aims to allow a wide mix of residential building forms ranging from detached to low rise apartment dwellings. The provision of a new, compact, ground-oriented housing typology promotes this purpose. Considering the proposed use (Stacked) and built-form (low-rise), this application reflects the general intent and purpose of the Zoning By-law.

A zoning compliance table has been provided in section 3.4 of this rationale and summarizes the provisions of the R4UA zone. The proposed Minor Variance seeks to permit development fully in accordance with the provisions for the use of “stacked dwelling”, aside from the minor requested reduction in the minimum lot width or lot area required for this use. The proposed development meets all other provisions (setbacks, etc.), and therefore, overall, the proposal is consistent with the intent and direction of the R4UA zone to accommodate new low-rise development in the Neighbourhood designation.

The design of the building and proposed lot dimensions provide a built-form that is compatible within the existing context and the planned function of the neighbourhood. The two (2) storey design and built-form responds to the policies established for low-rise building heights within the Official Plan, and the height provisions of the applicable R4UA zone, while also providing setbacks that ensure the rear and side-yards interface appropriately

with the existing low-rise community. The proposal respects the existing character while proposing compatible intensification in the community as directed by the Official Plan.

The minor variance requested meets the general intent and purpose of the zoning by-law.

4.3 Is the proposed variance minor in nature?

The variances will enable compatible intensification of six (6) total dwelling units within an established low-rise residential neighbourhood, conforming with strategic direction for managing growth within Ottawa's urban areas. This type of incremental, contextually sensitive, residential intensification capitalizes on existing infrastructure, including public transit routes.

The proposed variances are related solely to the proposed lot dimensions while the proposed building form and massing is fully compliant with all other provisions of the R4UA zone. This includes the required setbacks which provide building separation and liveability and a compatible low-rise building height to minimize overlook, shadowing and other microclimate impacts. This ensures the development will not generate undue adverse impacts on the neighbouring lands or the broader community.



Figure 8: Lot Fabric Analysis of the surrounding area. Lots in orange are similar in size and width to the proposed severed lot

As indicated throughout this report, the existing lot width and area of the subject property is larger than is typical in the immediate area. Further, the lot width and area in the immediate neighbourhood is diverse with many lots providing a similar dimension to that proposed for the retained and severed lot as indicated in Figure 8 above.

The proposed variances are minor in nature.

4.4 Is the proposed variance desirable for the appropriate development and use of the land?

The requested minor variances are desirable as they will allow for the development of a high-quality, purpose built semi-detached dwelling which through the appropriate use of materiality, design features, landscaping elements, and overall building scale, will respect, reflect, and build upon the existing low-rise character of the neighbourhood.

The requested variances do not preclude the ability of the proposed stacked dwellings to meet other requirements in the Zoning By-law and will continue to allow the subject site and neighbouring properties to develop in a manner consistent with the built form of the surrounding area. The variances are required to support the development of a stacked residential building in a residential area zoned R4UA, which is intended to accommodate more intense forms of development through intensification while keeping building heights low-rise, being four (4) storeys or less. The variances are not expected to generate any undue adverse impacts on neighbouring properties or the local heritage context and will support the planned growth of a community in proximity to transit and community amenities.

The reduction in lot size and width is deemed appropriate given the intent of the proposed re-development plan is to generate modest intensification in close proximity to a transit priority corridor while proposing a building design and massing that represents re-investment in the community and complements the overarching community character. Furthermore, a scan of the immediately surrounding area indicates that lot fabric is quite variable in this community with many lots comparable to the proposed dimensions of the severed lands.

The proposal represents a prospect for more attainable housing opportunity that can attract new residents and families to the area.

The proposed variances are desirable and appropriate for the development of the property.

5.0 Conclusion

It is our professional opinion that a full Plan of Subdivision is not required for the orderly development of the lands, and a Consent is appropriate for the subject property.

The proposal to create two (2) total lots from an existing parcel satisfies the Planning Act criteria for a Consent and conforms with the policies of the Provincial Policy Statement and the City of Ottawa Official Plan.

Further, it is our professional planning opinion that the proposed Minor Variances constitute good planning as:

- / The proposal is consistent with the Provincial Policy Statement (2020);
- / The proposal conforms to the policies and objectives of the Minor Corridor designation and overall policies of the Official Plan (2022);
- / The proposal meets the general intent of the R4UA zone and the City of Ottawa Comprehensive Zoning By-law (2008-250) overall; and
- / The proposed minor variances meet the four (4) tests as set out in the Planning Act.