

July 8, 2024

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

**RE: Consent and Minor Variance Applications  
22 & 24 Concord Street North, Ottawa**

Dear Mr. Bellemare,

Fotenn Planning + Design ("Fotenn") has been retained by the owners of 22 & 24 Concord Street North to act on their behalf to prepare and submit Consent and Minor Variance applications to the Committee of Adjustment. The purpose of the applications is to formalize the existing vehicular parking arrangement located on the shared driveway between the two properties.

A Consent application was previously submitted to establish an easement over 24 Concord St. N. in favour of 22 Concord St. N. for access and parking. However, it was identified by City Planning Staff that a Minor Variance application is also required to permit the existing parking arrangement. This letter therefore serves to address both applications. No new development is proposed as part of these applications.

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

- / Minor Variance application form (completed);
- / Draft Reference Plan; and
- / Site Plan showing location of parking space.

Please do not hesitate to reach out to the undersigned with any questions.

Sincerely,



Thomas Freeman, B.URPL  
Planner



Scott Alain, RPP MCIP  
Senior Planner

**Committee of Adjustment**  
Received | Reçu le

**Revised | Modifié le : 2024-07-10**

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

# 1.0 Introduction

Fotenn Consultants Inc (“Fotenn”) has been retained by the Owners of 22 & 24 Concord Street North (the “subject properties”) to prepare this Planning Rationale in support of Consent (Easement) and Minor Variance applications to the Committee of Adjustment.

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 easement meets the criteria established in Section 51(24) of the *Planning Act*, represents “good planning principles” and that the proposed Minor Variance meets the “Four Tests” under the Planning Act.

## 1.1 Purpose of Applications

The purpose of this application is to formally establish a parking space for 22 Concord Street N. that currently encroaches onto 24 Concord Street N.. The shared driveway between 24 Concord St. N. and 22 Concord St. N. is used to provide a parking space for the tenants at 22 Concord St. N. The owners of both properties would like to formally establish this vehicular parking space. To do this, an easement is proposed over 24 Concord St. N. in favor of 22 Concord St. N. for the portion of the parking space that extends onto the 22 Concord St. N. The proposed easement is 0.9 metres in width and 9.15 metres in depth, creating an easement area of 8.235 m<sup>2</sup>.

Additionally, as identified by City Planning Staff, a Minor Variance is also required as the Zoning By-law requires that parking must be provided on the same lot as the use or building for which it is provided. This variance is described in the following table:

Minor Variance Description	
<b>By-law Requirement</b>	S.100(1)(c): Parking, queuing and loading spaces and all driveways and aisles leading to those spaces must be provided for each land use in accordance with the provisions of Part 4 of this bylaw, and: Except for driveways, must be located on the same lot as the use or building for which they are provided, except where otherwise permitted.
<b>Current Condition</b>	Proposed parking space encroaches 0.9 metres into the adjacent lot.
<b>Proposed Variance</b>	To permit a parking space to encroach 0.9 metres into the adjacent lot on a registered easement, whereas the S.100(1)(c) of the Zoning By-law requires a parking space to be located entirely on the same lot as the use or building.

A minor variance is also being sought for the width of the existing driveway. Table 139(3) establishes a maximum driveway width of 3 metres for shared driveways. The existing shared driveway is 3.31 metres wide. While this provision was introduced in 2021 as part of By-law 2021-111 and the driveway pre-dates this and was therefore established legally, a minor variance is being sought to regulate the existing condition.

Minor Variance Description	
<b>By-law Requirement</b>	Table 139(3) requires a maximum driveway width of 3 metres for shared driveways.
<b>Current Condition</b>	The existing driveway has width of 3.31 metres.
<b>Proposed Variance</b>	Permit a shared driveway to have a width of 3.31 metres.

No new development or site works are proposed as part of these applications.

## Property Context and Surrounding Area

### 2.1 Subject Property

The subject properties are located at the southwest corner of Concord Street N. and Greenfield Avenue. 22 Concord Street North has an area of approximately 166.25 square metres with 8.24 metres of frontage on Concord Street and a depth of approximately 20.19 metres. Currently, the property is occupied by a semi-detached house with driveway running along the side property line between 22 and 24 Concord Street.



Figure 1: Subject Properties and their surrounding context

The subject properties are within a low-rise neighbourhood consisting of townhouses, semi-detached dwellings, low-rise apartment buildings, and single detached dwellings.

### 2.2 Property Context

**North:** The subject properties' northern frontage is Concord Street N., a two-lane local road. North of Concord Street N. there is an irregular shaped lot that is currently being re-developed into a 4-storey low-rise apartment building. Further north there is another low-rise apartment complex and a public park.

**South:** To the south, a semi-detached dwelling (105 & 107 Greenfield Avenue) is located right at the south lot line. Further south there are several single detached dwellings that front onto Greenfield Avenue.

**East:** The subject properties abut Greenfield Avenue, an arterial road. On the other side of Greenfield Avenue is a row of 4-storey townhouses.

**West:** To the west of the subject property there is a semi-detached dwelling. Further to the west is Colonel By Drive (a Federal roadway) and the Rideau Canal along with a multi-use trail that follows the canal.

## 2.3 Transportation

The subject properties are well-served by public transportation, roads, and cycling routes.

**Public Transit:** The subject properties are located approximately 511 metres from the uOttawa LRT Station, representing an approximately 700 metre walk (less than 10 minutes). This station forms part of Line 1 of the O-Train.

**Road Network:** Greenfield Avenue is identified as an arterial road with quick access to King Edward Avenue to the north and Hwy 417 to the southeast as well as Main Street to the south.

**Cycling Network:** The subject properties are within close proximity to the multi-use pathway that follows the Rideau Canal.

# Proposed Consent and Minor Variances

The purpose of this application is to formally establish a parking space that provides parking for 22 Concord Street N. As the parking space encroaches on 24 Concord Street N., an easement is proposed to be created to provide for access over and use of Part 1 on the enclosed Draft Reference Plan. The proposed easement is 0.9 metres in width and 9.15 metres in depth, creating an easement area of 8.235 m<sup>2</sup>.

A Minor Variance application is also required to seek relief from Section 100 (1) (c) of the Zoning By-law requiring that parking be provided on the same lot as the use or building for which it is provided. As shown in Figure 2 below, only a portion small portion of the parking space encroaches onto the adjacent property. Additionally, the parking space meets the minimum dimensions established in Section 106 (1) of the Zoning By-law, being 2.6 m wide and 5.2 metres long.

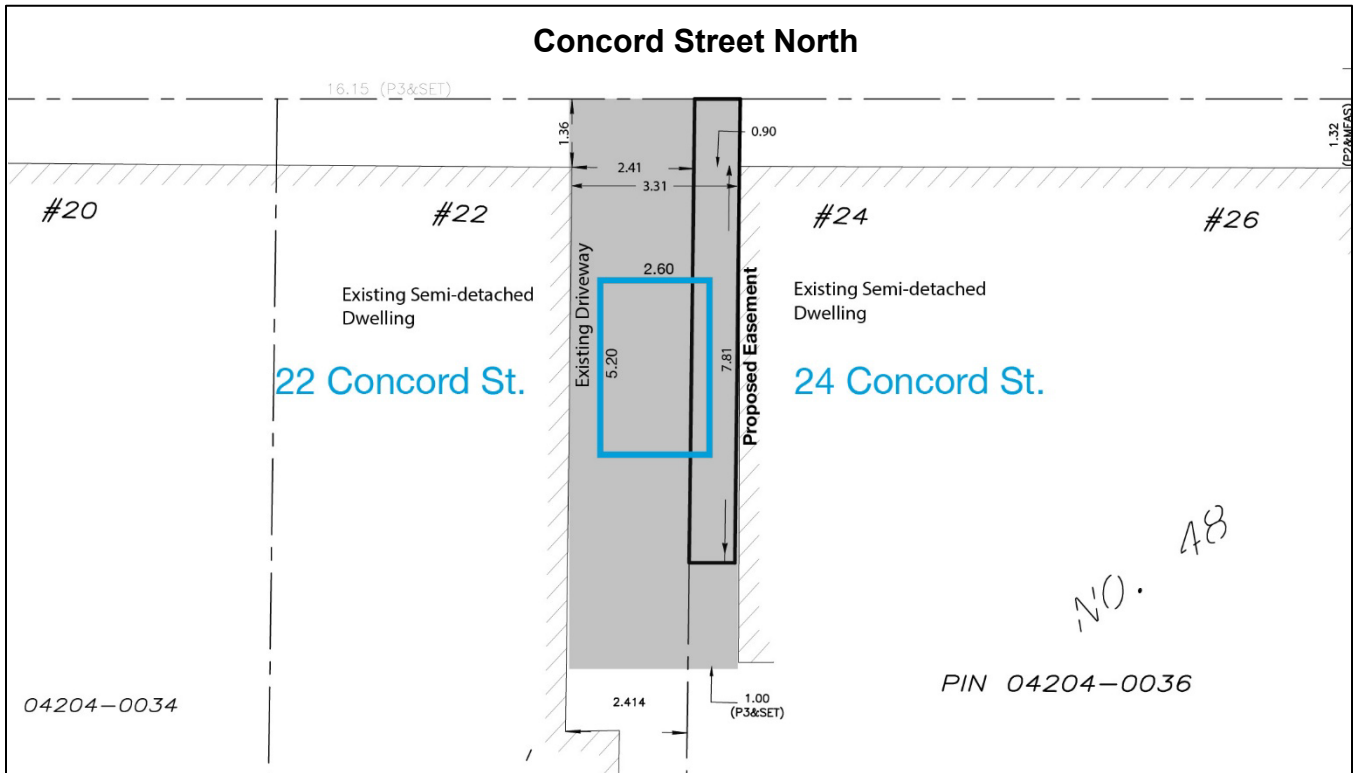


Figure 2: Plan showing dimensions of the Parking Space (blue) and Existing Driveway

In accordance with the By-law, the parking space is located entirely beyond the front façade of both 22 and 24 Concord Street.



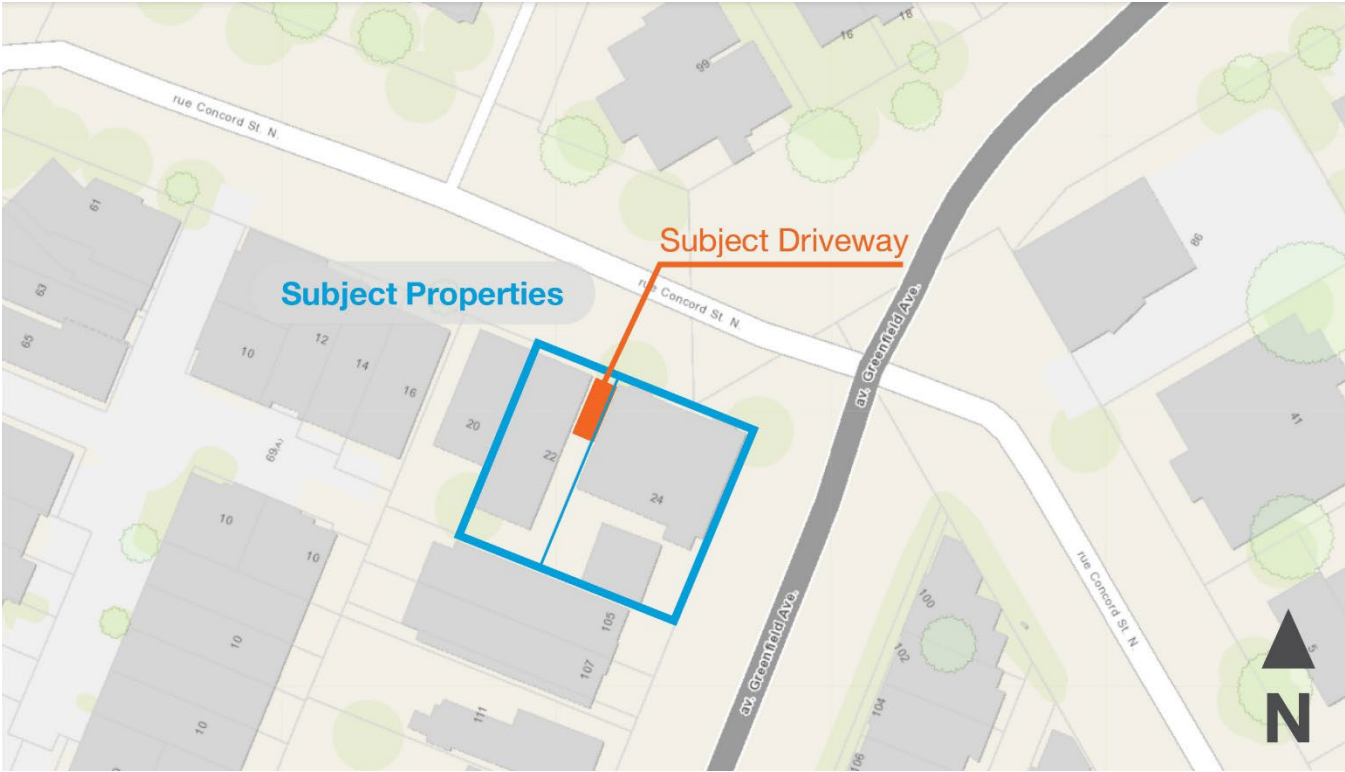


Figure 3: Subject Driveway



Figure 4: Photo of the subject properties showing the existing driveway

## 4.0

# Policy and Regulatory Review

## 4.1 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 is a lot line adjustment with no public infrastructure, a plan of subdivision is not required. The proposed lot line adjustment meets the applicable 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 is consistent with the policies of the Provincial Policy Statement (2020) by promoting efficient use of an existing, functional parking arrangement, utilizing existing land and resources within the urban area. The proposed easement has regard to the matters of Provincial interest in Section 2 of the Planning Act.
- b) **Whether the proposed subdivision is premature or in the public interest;**  
The application is not premature and is within the public interest. No specific development is proposed as part of this application, and the proposed easement will enable compatible parking that makes efficient use of land, infrastructure and public service facilities.
- c) **Whether the plan conforms to the Official Plan and adjacent plans of subdivision, if any;**  
The proposed easement conforms with the policies of the City of Ottawa Official Plan (2022).
- d) **The suitability of the land for the purpose of which it is to be subdivided;**  
The proposal is to regularize an existing parking arrangement which is suitable for the continued use of the subject properties.
- 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 existing driveway has access onto Concord Street North, a publicly maintained road in the City of Ottawa.
- f) **The dimensions and shapes of the proposed lots;**  
The proposed easement does not affect the dimensions and shapes of the lots at 22 and 24 Concord Street North, which are rectangular and consistent with the lot fabric of the surrounding area.
- g) **The restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;**  
The proposal complies with the City of Ottawa's Zoning By-law performance standards for lot width and lot area.
- h) **Conservation of natural resources and flood control;**  
The subject lands are not located in a sensitive ecological area or in a floodplain. No adverse impacts are anticipated on natural resources and flood control as a result of the proposed Consent application.
- i) **The adequacy of utilities and municipal services;**  
Each lot is independently serviced by existing Municipal services, including watermain and sanitary services.
- j) **The adequacy of school sites;**  
The subject properties are within proximity to existing public school sites. The submitted applications do not have any bearing on nearby school sites.



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

No lands are being conveyed for public purposes.

The proposed easement has proper regard to the criteria found in Section 51(24) of the Planning Act.

### 4.2 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.

The subject property is designated Neighbourhood within the Downtown Core Transect as shown on Schedule B1 – Downtown Core Transect, Figure 5 below.

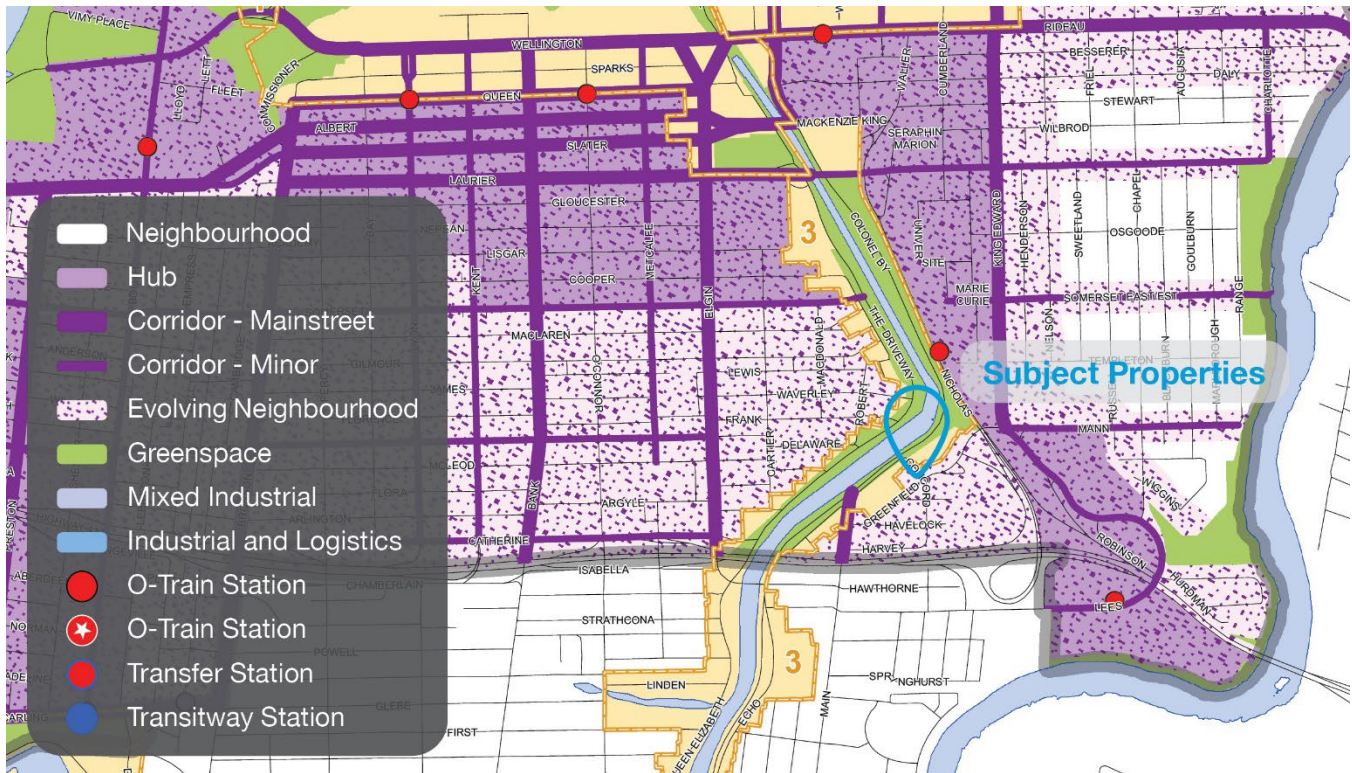


Figure 5: Schedule B1 - Downtown Core Transect

#### 4.2.1 Downtown Core Transect

The Downtown Core’s established and intended built form is urban. All development shall maintain and enhance the urban pattern of built form and property design. The Downtown Core shall continue to develop as healthy 15-minute neighbourhoods within a highly mixed-use environment, where:

- / Hubs and a dense network of Corridors provide a full range of services;
- / A high concentration of employment is maintained and increased;
- / Existing and new cultural assets are supported, including those that support music and nightlife; and
- / Residential densities are sufficient to support the full range of services noted in Policy a) (the first bullet).

The Downtown Core's established and intended built form is urban as defined by Table 6. All development shall maintain and enhance the urban pattern of built form and property design.

Table 6 includes the following characteristics consistent with an urban built form and property design:

- / Shallow front yard setbacks with an emphasis the built form relationship with the public realm;
- / Principle entrances at grade with direct relationship with the public realm;
- / Minimum of two functional storeys;
- / Minimum side yard setbacks;
- / Small areas of formal landscaping; and
- / Limited parking that is concealed from the street.

#### **4.2.2 Neighbourhood Designation**

Neighborhoods 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. Permitted building heights in Neighbourhoods shall be Low-rise.

A range of residential and non-residential built forms are permitted in the Neighbourhood designation, including low rise housing options sufficient to meet and exceed the residential intensification targets.

#### **4.2.3 Evolving Overlay**

An Evolving Neighbourhood Overlay is applied to the subject property and surrounding area. The area shall evolve to create the opportunity to achieve an urban form in terms of use, density, built form and property design. The Zoning By-law shall provide development standards for the built form and buildable envelope consistent with the planned characteristics of the overlay area, which may differ from the existing characteristics of the area to which the overlay applies.

### **4.3 Old Ottawa East Secondary Plan**

The subject property is designated Neighbourhood Low-Rise within the Old Ottawa East Secondary Plan. The goal of this secondary plan is to ensure that Official Plan policy is focused on Main Street but also responsive to the vision of the Old Ottawa East community as a whole. The secondary plan is meant to provide policy for the changes occurring, as lands along this corridor redevelop and the current 15-minute neighbourhoods gently intensify.

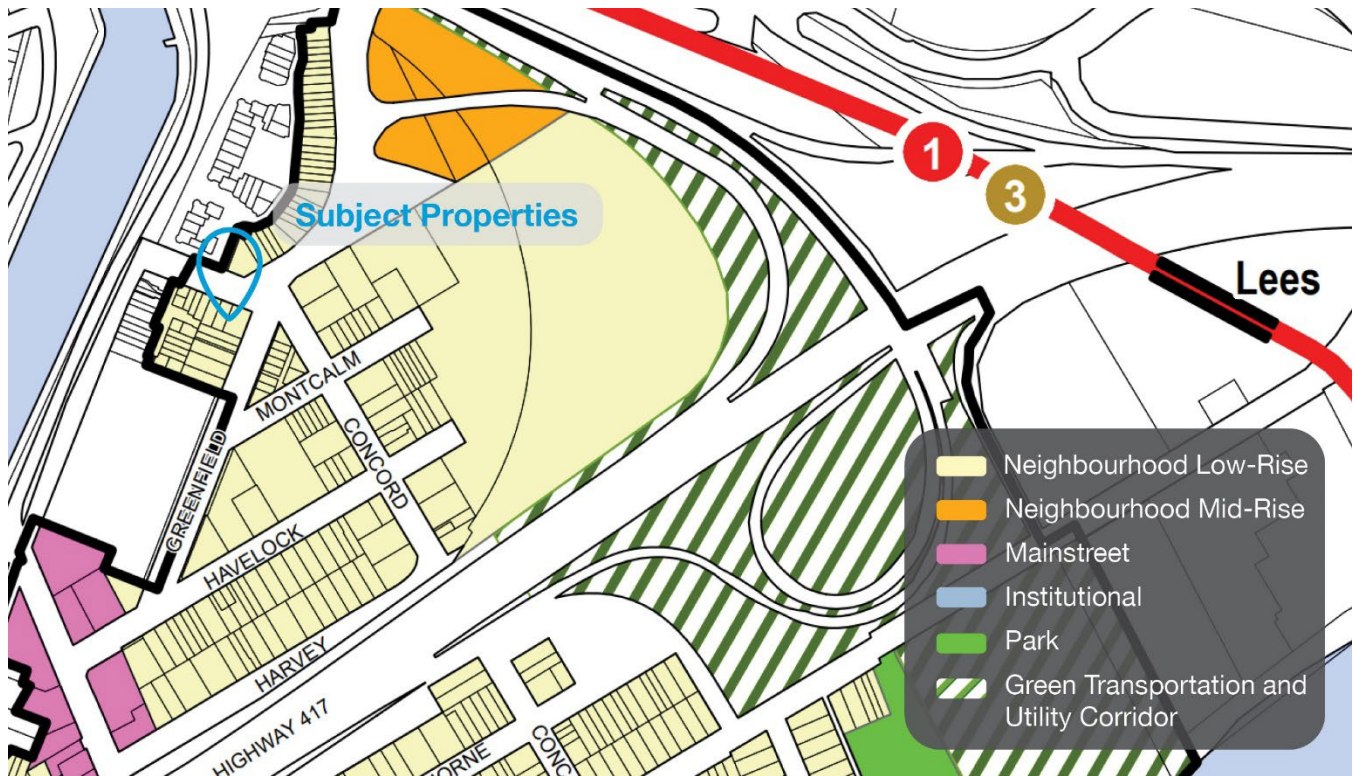


Figure 6: Old Ottawa East Secondary Plan - Schedule A - Designation Plan

Per Policy 4 in section 2.1 maximum building heights within areas designated Neighbourhood Low-Rise shall not exceed four storeys, consistent with the parent Official Plan designation.

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

The subject property is zoned R4UD – Residential Fourth Density Zone, subzone UD in the City of Ottawa Comprehensive Zoning By-law (2008-250).

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;
- / 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: and
- / permit different development standards, identified in the Z subzone, primarily for areas designated as Developing Communities, which promote efficient land use and compact form while showcasing newer design approaches.



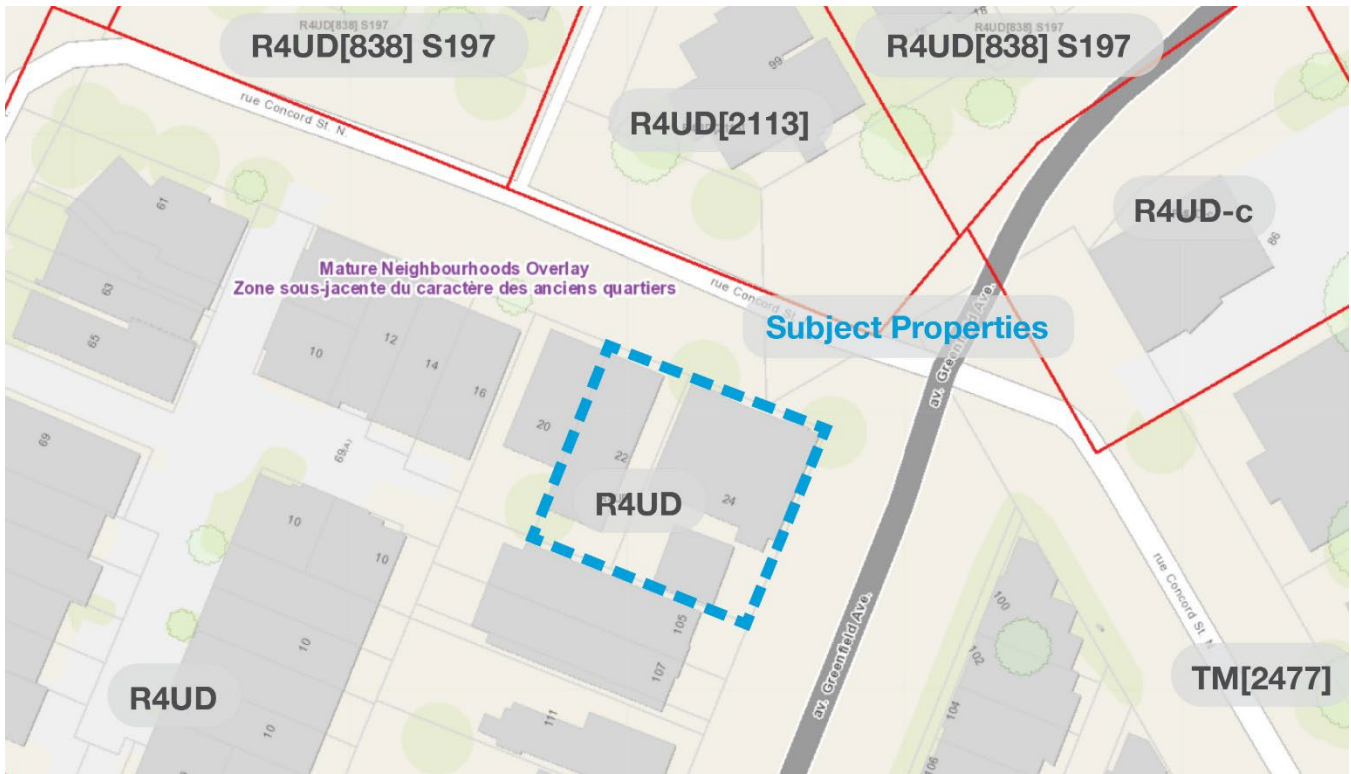


Figure 7: Zoning Map of the Subject Properties (GeoOttawa)

The Mature Neighbourhoods Overlay also applies to the subject property. The Overlay includes zone provisions intended to ensure that new infill development complements and reinforces the established neighbourhood character as seen along each street. As per Section 140 of the By-law, the Mature Neighbourhoods Overlay generally regulates development or additions within the front or corner side yard through the completion of a Streetscape Character Analysis.

Section 100 (1) (c) of the Zoning By-law requires that a parking space must be located on the same lot as the use or building for which it is provided. As described above, it is proposed that a parking space be permitted to encroach 0.9 metres into the adjacent lot where a registered easement is present.

Zoning Provision	Requirement	Provided	Compliance
<b>Parking Space Dimensions</b> S.106(1)	Width: 2.6 metres Length: 5.2 metres	Width: 2.6 metres Length: 5.2 metres	<b>Yes</b>
<b>Location of Parking</b> S. 109(3)(a)	no parking space may be established and no person may park a motor vehicle:  (i) in a required and provided front yard;  (ii) in a required and provided corner side yard; or  (iii) in the extension of a required and provided	The parking space is located in the interior side yard beyond the front wall of the building.	<b>Yes</b>



	corner side yard into a rear yard.		
<b>Location of Parking</b> S.100(1)(c)	Parking spaces must be located on the same lot as the use or building for which they are provided.	A portion of the parking space extends beyond the property line of 22 Concord St. N onto 24 Concord St. N.	<b>No</b>
<b>Maximum Width of a Shared Driveway</b> Table 139(3)	3 metres	3.31 metres	<b>No</b>

## 5.0

# Minor Variance Application: The Four Tests

Section 45 of the *Planning Act, R.S.O. 1990* provides the Committee of Adjustment with the ability to grant minor variances by weighing their appropriateness on the basis of Four Tests. It is required to be demonstrated that a proposed variance satisfy the following tests:

- / Is it in keeping with the general intent and purpose of the Official Plan?
- / Is it in keeping with the general intent and purpose of the Zoning By-law?
- / Is it desirable for the appropriate development or use of the land, building or structure?
- / Is the application minor in nature?

It is our professional planning opinion that the application meets the “Four Tests” as follows:

### 5.1 Do the proposed variances maintain the general intent and purpose of the Official Plan?

The subject property is designated Neighbourhood within the Inner Urban Transect of the City of Ottawa Official Plan. The proposed minor variance does not contravene the general intent and purpose of the Official Plan. 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.

**The Official Plan’s directions for the subject property generally speak to a low-rise built form that is intended to transform into a more urban landscape over time. The proposed variance maintains the general intent and purpose of the Official Plan by providing a parking space that does not have a dominant visual impact on the public realm thanks to its generous setback from the front lot line and its location at the side of the existing building largely behind perceived bulk and mass of the existing dwelling.**

**The proposed variances maintain the intent of the Old Ottawa East Secondary Plan by providing a parking space that is in line with the character of the surrounding neighbourhood.**

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

### 5.2 Do the proposed variances maintain the general intent and purpose of the Zoning By-law?

The subject property is zoned residential Fourth Density, Subzone UD in the City of Ottawa Comprehensive Zoning By-law 2008-250. The general intent and purpose of the performance standards in the zoning by-law are effectively to ensure proper functionality of development while mitigating impact on adjacent properties.

Section 100 establishes general provisions for parking. Per Section 100(1)(c), parking must be located on the same lot as the use or building for which they it provided. In this case, a small portion of the existing parking space encroaches on the adjacent property, while the majority of the parking space is on the same lot as the semi-detached dwelling for which it is provided. This represents a very minor deviation from the Zoning By-law which the proposed easement is meant to rectify. Additionally, the existing parking space maintains the minimum parking space dimensions established in Section 106 of the Zoning By-law and the Aisle and Driveway provisions establish in Section 107.

**The proposed minor variances maintain the general intent and purpose of the Zoning By-law.**

### 5.3 Are the proposed variances minor in nature?

The proposed variance is minor as the variance does not result in any tangible undue adverse impact on any abutting lands and formalizes an existing condition that has been maintained on-site for many years. The existing parking space is screened from the public realm and makes efficient use of the interior side yards of both 22 and 24 Concord Street North, allowing the front yard to remain unobstructed. The proposed applications serve to resolve a regulatory and legal matter in terms of the registration of an easement and the establishment of Zoning By-law compliance, and does not alter the site in any physical manner. The zoning compliance issue is not obvious to a passerby and can only be determined by review of survey plans. Lastly, the encroachment is numerically minor, at a width of 0.9 metres, and would be accessed by a zoning compliant driveway aisle.

**The proposed minor variances are minor in nature.**

### 5.4 Are the proposed variances desirable for the appropriate development or use of the land?

The proposed variance is desirable in that it will formally recognize a condition that has operated functionally for an extensive period of time. It allows for the provision of parking supply to support the existing housing stock without the need to alter the site. Accordingly, the proposed variance has no impact on the front yard character of the subject property and will not impact the landscaped area nor impact any trees on the subject property. The parking space will continue to provide parking for the existing semi-detached dwelling, a permitted use on 22 Concord Street North and is desirable from a public realm perspective.

**The proposed Minor Variances are desirable for the appropriate development or use of the land.**

# 6.0 Conclusion

It is our professional planning opinion that a full Plan of Subdivision is not required for the orderly development of the land and that the Minor Variance application represents good planning and meets the applicable evaluation criteria (“The Four Tests”) established in Sections 45 of the Planning Act. The application therefore upholds sound land use planning principles and is in the public interest.