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August 21, 2024

Committee of Adjustment  
City of Ottawa  
101 Centrepointe Drive  
Ottawa, ON  
K2G 5K7

Committee of Adjustment  
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2024-08-26

City of Ottawa | Ville d'Ottawa  
Comité de dérogation

**Attention: Michel Bellemare, Secretary - Treasurer**

**Reference: 107 Falldown Lane (458 Donald B. Munro Drive), Carp, ON  
Applications for Consent and Minor Variance  
Novatech File No. 107153-06**

Novatech has been retained by Carp Partnership Inc. (the "Owner") to prepare and file Consent and Minor Variance applications for 458 Donald B. Munro Drive (the "Subject Site") to create a new lot containing the existing detached dwelling municipally addressed as 107 Falldown Lane. The Subject Site is a mixed-use development consisting of 4 buildings and two accessory structures described in detail below.

The Owner wishes to sell 107 Falldown Lane and therefore requires the following:

- Consent to sever a lot from the Subject Site containing the building and the associated underground detached garage at 107 Falldown Lane.
- Minor Variances to the following sections of the Zoning By-law 2008-250 to acknowledge the existing conditions of the buildings on the site, rendered non-compliant due to the creation of a new lot:
  1. Section 229(2) to permit a greater maximum front yard setback of 13.89 m, whereas the By-law requires a maximum front yard setback of 3 m (Table 229, Row c, Provision ii).
  2. Section 229(2) to permit a greater maximum corner yard setback of 10.12 m, whereas the By-law requires a maximum corner yard setback of 4.5 m (Table 229, Row d, Provision ii).

The following letter describes the existing conditions of the site, the proposed consent and minor variances, and the rationale in support of the applications.

## Existing Conditions

The Subject Site is located within the Village of Carp in Ward 5 – West Carleton - March in the City of Ottawa. It is legally described as:

*FIRSTLY: LOT 102 AND PART OF LOT 145 ON PLAN 218 PARTS 1, 2 AND 3 PLAN 4R24968 SAVE AND EXCEPT PARTS 3 AND 4 PLAN 4R25279. SECONDLY: LOTS 94 AND 95 PLAN 218 PART 1 PLAN 4R5628 SAVE AND EXCEPT PARTS 1 AND 3 PLAN 4R13095; THIRDLY: LOT 96 PLAN 218; LOT 97 PLAN 218 PARTS 1 AND 2 PLAN 4R28262; SUBJECT TO AN EASEMENT IN GROSS OVER PART LOT 97 PLAN 218 PART 2 PLAN 4R28262 AS IN OC1474839; SUBJECT TO AN EASEMENT AS IN OC2056434; CITY OF OTTAWA*

The Subject Site (shown in **Figure 1**) is irregularly shaped with an area of approximately 0.81 hectares and approximate frontages of 124.26 metres on Donald B. Munro Drive, 85.58 metres on

Falldown Lane, and 59.66 metres on Carp Road. The Subject Site is a mixed-use development consisting of the following four existing buildings with separate municipal addresses:

- 3775 Carp Road: The Hive (former rectory) is a 3-storey converted detached dwelling fronting on Carp Road and occupied by small-scale retail and office uses.
- 3773 Carp Road: Alice's Village Café building is a 2-storey mixed use building fronting on Carp Road, constructed in 2014 and occupied by restaurant and office uses with an accessory gazebo.
- 458 Donald B. Munro Drive: The Carp Commons Retirement Residence is a mid-rise building fronting on Donald B. Munro Drive, constructed in 2018, and occupied by an institutional use.
- 107 Falldown Lane: The White House is a single storey converted detached dwelling fronting on Falldown Lane occupied by small-scale office uses, with an underground detached garage accessed via Donald B. Munro Drive.

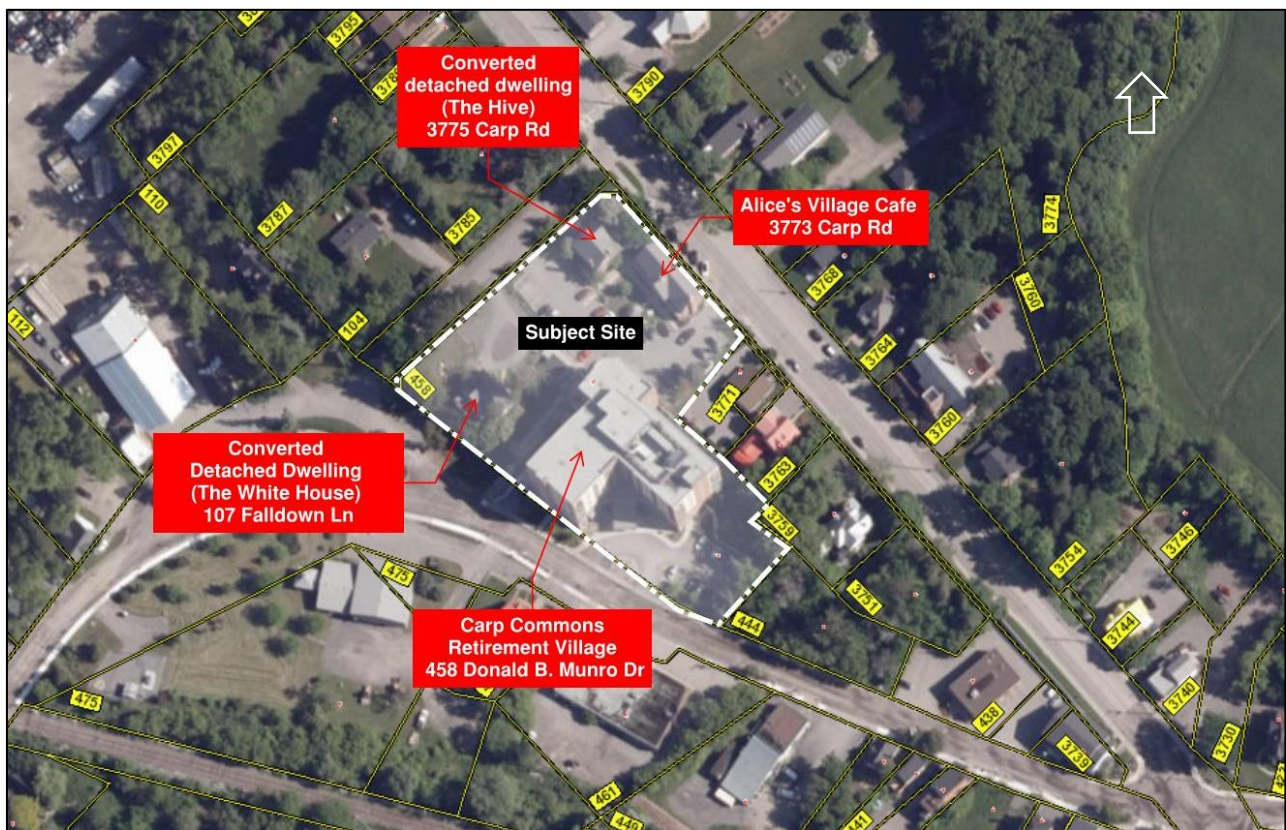




Figure 2: Surrounding Uses (GeoOttawa, 2022)

The “White House” is situated in the northwest section of the Subject Site at the intersection of Falldown Lane and Donald B. Munro Drive. The building is a converted single storey bungalow-style detached dwelling with a gross floor area of approximately 147 square metres (1,590 square feet). The building is connected to the municipal water supply system and sanitary system for the Village of Carp. The driveway area accessed from Falldown Lane provides a primary parking area for the building. The accessory underground detached garage accessed via Donald B. Munro Drive provides a total of four dedicated parking spaces (two inside and two in front of the garage), supported by a registered encroachment agreement and may be accessed by exterior stone steps.



Figure 3: View of 107 Falldown Lane from Falldown Lane (Google Streetview, July 2021).



Figure 4: View of 107 Falldown Lane from Donald B. Munro Drive (Google Streetview, July 2021).

**Proposed Consent**

The purpose of the Consent application is to sever a new lot from the Subject Site containing the existing building, detached garage and parking area. Per the Draft Reference Plan and Consent Sketch submitted with this application, the severed parcel (Parts 1 and 2) will have frontages of 42.67 metres on Falldown Lane and 35.83 metres on Donald B. Munro Drive, and an area of 1386.0 square metres (0.14 ha).

The retained lands (Parts 3 to 7 inclusive on the Draft Reference Plan) will include the parking lot and other buildings municipally known as 3773 Carp Road, 3775 Carp Road, and 458 Donald B. Munro Drive. The retained lands will have an approximate area of 6681.0 (0.67 ha) and frontages of 42.91 m on Falldown Lane, 59.66 m on Carp Road, and 88.43 m on Donald B. Munro Drive.

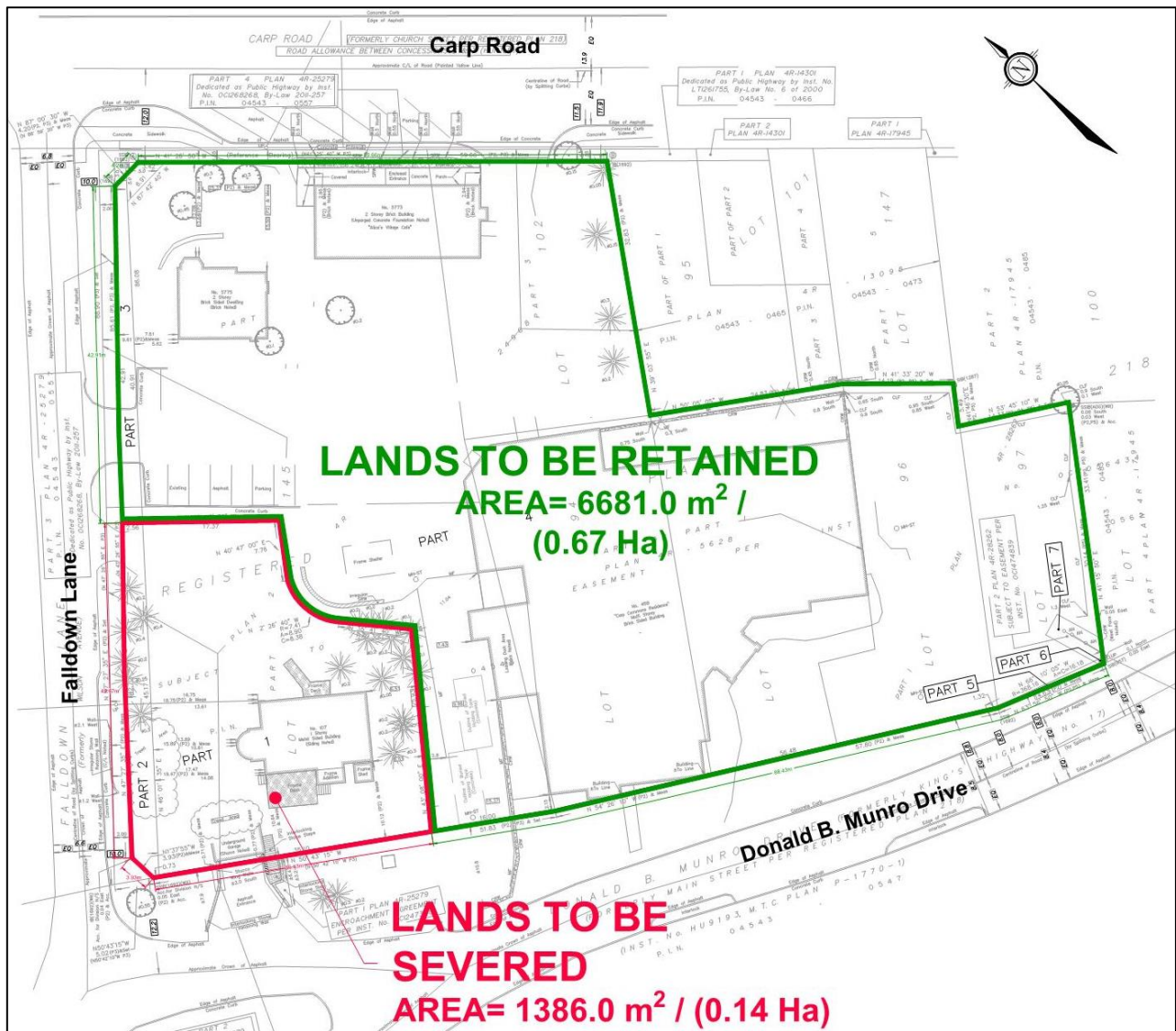


Figure 5: Severance Sketch prepared by Novatech dated August 19, 2024.



## Rationale

The following rationale demonstrates the appropriateness of the consent application to facilitate the proposed severance, and that the proposed minor variances meet the 'four tests' of the *Planning Act*.

### Proposed Consent

Subsection 53(1) of the Planning Act states:

*53. (1) An owner or chargee of land, or such owner's or chargee's agent duly authorized in writing, may apply for a consent as defined in subsection 50 (1) and the council or the Minister, as the case may be, may, subject to this section, give a consent if satisfied that a plan of subdivision of the land is not necessary for the proper and orderly development of the municipality. 1994, c. 23, s. 32; 2020, c. 34, Sched. 20, s. 2 (2).*

A plan of subdivision is not required for the creation of a single lot containing an existing building that has access to a public street and has existing connections to utilities and municipal services.

Subsection 53(12) of the Planning Act states:

*53. (12) A council or the Minister in determining whether a provisional consent is to be given shall have regard to the matters under subsection 51 (24) and has the same powers as the approval authority has under subsection 51 (25) with respect to the approval of a plan of subdivision and subsections 51 (26) and (27) and section 51.1 apply with necessary modifications to the granting of a provisional consent. 1994, c. 23, s. 32.*

This rationale will speak to the following criteria outlined in *Subsection 51(24)* of the *Planning Act* below.

*51(24) In considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality and to,*

- (a) *the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;*

The proposed consent has regard for matters of provincial interest including the orderly development of safe and healthy communities, adequate provision of employment opportunities, and the appropriate location of growth and development. The proposed consent will allow for the sale of the existing building. Repurposing existing buildings within the Villages contributes to orderly development and the appropriate location of growth and development, while generating potential employment opportunities for new uses.

- (b) *whether the proposed subdivision is premature or in the public interest;*

The proposed consent is not premature as the buildings at 107 Falldown Lane have been constructed and operate separately from the rest of the Subject Site. The proposed consent is in the public interest as outlined in point a) above.

*(c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;*

The Subject Site is designated 'Village Core' on Schedule B9 of the Official Plan (2022, as amended). Per Section 9.4.1, Policy 1 a) "the distribution of land uses and permitted development within a Village shall be identified by a secondary plan in Volume 2."

The *Village of Carp Secondary Plan* designates the Subject Site as *Village Core* on *Schedule A*. The Village Core is an area that expresses Carp's character and identity, and is intended to be the focus of Carp's economic activity and foundation of the local economy. The *Village Core* is intended to develop as a compatible mix of residential and non-residential uses being predominantly commercial, retail, recreational and institutional uses.

The proposed lot has safe access to existing public roads (Falldown Lane and Donald B. Munro Drive) and does not require the extension or opening of any infrastructure. The proposed lot is not within or adjacent to natural resource areas, watercourses, or environmental constraints, and allows for the continued use of an existing municipally serviced building. The proposed consent conforms to the Official Plan.

*(d) the suitability of the land for the purposes for which it is to be subdivided;*

The proposed severed lot contains an existing building, underground garage, water and sanitary connection and is therefore suitable for the proposed severance.

*(d.1) if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;*

Not applicable. No affordable housing units are proposed.

*(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 White House building is primarily accessed from Falldown Lane, and has frontage on both Falldown Lane and Donald B. Munro Drive. During the pre-consult with City Staff held in November 2023, road widenings measured from the centreline of the right of way were identified for all three frontages of the Subject Site – 11.5 m for Carp Road, 10 m for Falldown Lane and 8 m for Donald B. Munro Drive – and an enlarged corner sight triangle at the intersection of Falldown Lane and Carp Road. The Draft Reference Plan prepared by Dennis, Farley and Smith Ltd. dated August 14, 2024, demonstrates the corner sight triangle and the road widenings required for each frontage, in accordance with the pre-consult comments (Parts 2, 3, 5 & 6).

*(f) the dimensions and shapes of the proposed lots;*

The proposed lot is irregularly shaped with an area of approximately 1386.0 m<sup>2</sup>. Its size and shape accommodate the existing building, parking area and connections to municipal water and sanitary services.



- (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;*

There are two existing encroachment agreements registered on the Subject Site. One for the retaining walls along Falldown Lane and one for the detached underground garage on the proposed severed lot.

Per the pre-consult meeting, a blanket drainage easement will be created on the severed lot in favour of the retained lands, given the Subject Site slopes to the southeast. The proposed severed lot has been designed to ensure the existing stormwater management facility is located entirely on the retained lands and a Joint Use and Maintenance Agreement will not be required.

There is an existing blanket easement for Rogers across the severed and retained lands. A specific easement for Hydro One is shown as Parts 6 & 7 on the Draft Reference Plan.

- (h) conservation of natural resources and flood control;*

The proposed lot is not within or adjacent to natural resource areas or watercourses.

- (i) the adequacy of utilities and municipal services;*

The proposed lot is serviced by existing connections to the municipal water and sanitary services for the Village of Carp. No new demand for utilities or municipal services will be generated.

- (j) the adequacy of school sites;*

Not applicable. Demand for school sites will not be generated through the proposed severance.

- (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 land is to be dedicated or conveyed for public purposes. Cash-in-lieu of parkland was previously paid through the Site Plan Control application. No further parkland dedication is required.

- (l) the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and*

Repurposing a building represents an efficient use of existing infrastructure, services, and land.

- (m) the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act or subsection 114 (2) of the City of Toronto Act, 2006. 1994, c. 23, s. 30; 2001, c. 32, s. 31 (2); 2006, c. 23, s. 22 (3, 4); 2016, c. 25, Sched. 4, s. 8 (2).*

Not applicable. No new development is proposed.

## Proposed Minor Variances

Per Section 45(1) of the *Planning Act*, the proposed minor variances must meet the following four tests:

1. *Is the general intent and purpose of the Official Plan maintained?*

The proposed minor variances allow for the creation of a lot that will support economic activities in the village core. They support the intent of the Official Plan by providing an additional lot to support opportunity for local businesses to thrive in an environment that offers opportunities for commerce, innovation, tourism and entrepreneurship. The minor variances also protect and enhance the village core as they support the severance of a lot for retail or commercial use. The proposed lot is not within or adjacent to natural resource areas, watercourses, or environmental constraints, and allows for the continued use of an existing municipally serviced building with access to existing transportation infrastructure.

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

2. *Is the general intent and purpose of the zoning by-law maintained?*

The intent of Section 229 of the Zoning By-law (2008-250) is to ensure that lots reinforce and adopt existing land use patterns that maintain the unique village character. The proposed minor variances seek relief from VM – Village Mixed-Use zone provisions to allow for the creation of a lot around an existing building that will maintain the purpose of the zone.

The purpose of the VM – Village Mixed-Use Zone is to:

- 1) permit a wide variety of commercial, leisure, institutional and residential uses in areas designated as Village in the Official Plan,
- 2) reinforce the historical character of the Village core areas and mainstreets by promoting small-scale, street-oriented building form;
- 3) recognize the function of Business Improvement Areas as primary business or shopping areas; and
- 4) regulate development in a manner that adopts existing land use patterns so that the unique village character is maintained.

The proposed minor variance allows for the creation of a lot that will provide a wide variety of commercial, leisure and institutional uses. It promotes a small-scale, street oriented building form as the building is already existing and will have no additional impact on the street.

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

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

By providing relief from the requirement of maximum front yard and corner yard setbacks, the proposed variances allow a new lot to be created around the existing building. The variances recognize existing conditions rendered non-compliant as a result of the proposed severance.

The proposed variances are desirable for the appropriate and efficient use of the land and existing building.

4. *The variances are minor in nature*

The proposed variances for the maximum front and corner yard setbacks have no impact on the adjacent properties or land uses because they recognize existing conditions to be rendered non-compliant as a result of the proposed severance. The proposed variances do not demand for new utilities or municipal services because they allow for the creation of a new lot around an existing building with existing connections to utilities and municipal services located within Donald B Munro Drive. They also do not require the extension or opening of any transportation infrastructure. They provide a technical remedy to allow a lot to be created that has an existing building in a location that has adequate and safe access but exceeds the maximum front yard and corner yard setbacks.

The proposed variances are minor in nature.

**Conclusion**

Based on the foregoing, the proposed consent and minor variances represent good planning.

In support of the applications, please find enclosed the following:

- Consent Application Form (one copy)
- Minor Variance Application Form (one copy)
- Draft Reference Plan (one full-sized 11"x 17" copy and one reduced 8.5"X 11" copy)
- Consent Sketch (one full-sized 11"x 17" copy and one reduced 8.5"X 11" copy)
- Minor Variance Sketch (one full-sized 11"x 17" copy and one reduced 8.5"X 11" copy)
- Parcel Abstract PIN (one copy)
- Application fee (Cheque)

Should you have any questions regarding these applications, please do not hesitate to contact the undersigned.

Sincerely,

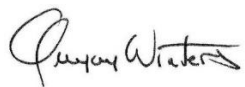
**NOVATECH**

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