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Committee of Adjustment

City of Ottawa
101 Centrepointe Drive,
Ottawa, Ontario K2G 5K7

Attention: **Mr. Michel Bellemare**
Secretary Treasurer
And Committee Members

Committee of Adjustment
Received | Reçu le

2024-10-01

City of Ottawa | Ville d'Ottawa
Comité de dérogation

Re: **Application for Consents to Sever for lands at 551 Edison Avenue & 348 Princeton Avenue, Ottawa, ON.**
Lot 27
East Side Edison Avenue
Registered Plan 204
City of Ottawa
Ward 15, Kitchissippi
Zoning R4UA[2686] H(8.5), Zoning By-law 2008-250

Dear Mr. Bellemare,

9078347 Canada Inc. has retained Miroca Design Consulting Services to act as agent on their behalf for the preparation of Consents to Sever Application for their lands known municipally as 551 Edison Avenue (& 348 Princeton Avenue), Ottawa, Ontario.

The following materials have been enclosed in support of these applications:

1. 1 copy of the completed Application Form
2. 1 copy of this cover letter prepared by Miroca Design Consultants Inc.
3. 1 full-sized copy and 1 reduced copy of the Deposited Reference Plan 4R-34649 showing the severed and retained lots, prepared by Stantec Geomatics Ltd., Ontario Land Surveyors
4. 1 full-sized copy and 1 reduced copy of the Site Plan, Elevation Drawings, and Streetscape Rendering prepared by IBI Group.
5. 1 copy of the Tree Information Report prepared by IFS Associates
6. A cheque payable to the City of Ottawa, and a copy of the Parcel Register showing ownership.

Purpose of the Application

To sever the property into two parcels of land in order to construct two new detached dwellings.

The Application for Consents to Sever and Minor Variances was originally refused by the Committee of Adjustment as per the Decisions dated October 29, 2021. File No.: D08-01-21/B-00213 & D08-01-21/B-00214 and D08-02-21/A-00199 & D08-02-21/A-00200.

A subsequent appeal to the Ontario Land Tribunal granted the Consents and Minor Variances on April 28, 2022. Case No.: OLT-21-0017600.

Since then, the statutory timeframe to satisfy the conditions of severance has elapsed. The owner now wishes to re-apply to the Committee for Consents to Sever in order to complete the outstanding conditions and proceed with construction of the second dwelling.

Consents Requested

In order to proceed, the owner requires the Consent of the Committee for Conveyances. The property is shown as Parts 1-3, on the Deposited Reference Plan filed with the application. The separate parcels will be as follows:

Part No.	Frontage	Depth	Area	Municipal Address
1	15.24m	20.11m	307m ²	348 Princeton Avenue
2-3	15.24m	20.12m	306.55m ²	551 Edison Avenue

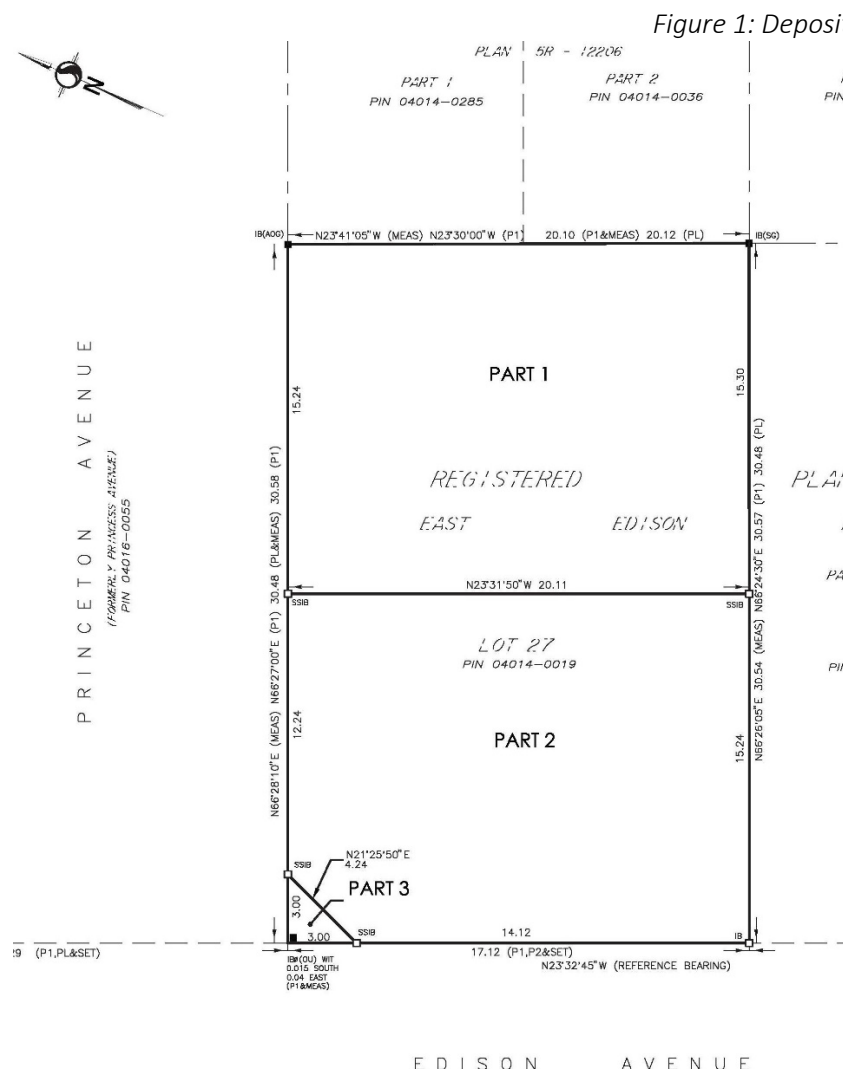


Figure 1: Deposited Reference Plan Excerpt

Existing Conditions and Area Overview

A 3-storey detached dwelling with detached garage is presently under construction on the corner at 551 Edison Avenue (Parts 2+3), with a second 3-storey detached dwelling with detached garage to follow at 348 Princeton Avenue (Part 1) pending the requested severance being granted.

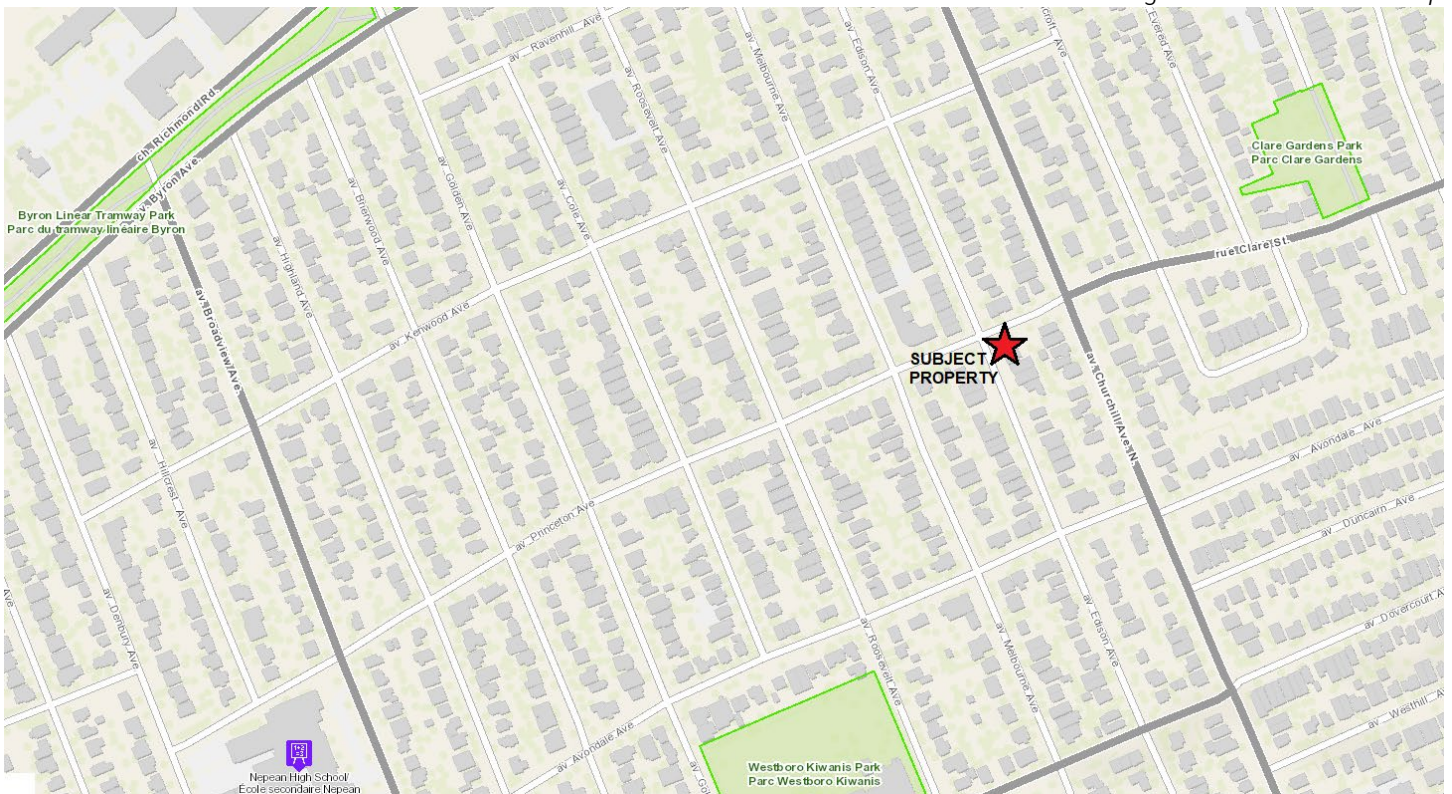
This is a corner site, with access from Edison Avenue (to the West) and Princeton Avenue (to the North) which are local roads.

Transit service is provided along Churchill Avenue to the East and Dovercourt Avenue to the South. The area is well served by a range of commercial and community amenities, principally along Richmond Road to the North. Clare Gardens Park is to the East and Dovercourt Recreation Centre is to the south, including Westboro Kiwanis Park, Westboro Kiwanis Wading Pool, and Westboro Park Tennis Courts.

Neighbourhood Character

The Westboro Community was generally built as a residential neighborhood in the early 1900s into the 1940/50s. Housing along Edison Avenue features mostly original mansard roof style 2-storey detached dwellings, as well as many larger footprint new infill dwellings 2-3 stories in height. Housing also Princeton Avenue is mixed, with some older 2-storey town homes and smaller detached dwellings, as well as newer 2storey multi-unit buildings and semi-detached infill projects.

Figure 3: Site Location Map



Planning Act

Subsection 53(1) of the Planning Act states:

An owner, chargee or purchaser of land, or such owner's, chargee's or purchaser'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. 2021, c. 25, Sched. 24, s. 4 (1).

The proposed severance does not require a Plan of Subdivision, as the proposal is intended to facilitate the creation of one additional residential lot which complies with the underlying zoning. The proposed severance does not require the construction of new public infrastructure, including roads and services. The detached dwellings presently under construction will conform to the appropriate performance standards as per the approved Building Permit, appropriate site servicing is in place as per the approved Lot Grading & Servicing Plan, ensuring that this parcel is being developed in a proper and orderly manner.

Subsection 53(12) of the Planning Act states:

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."

The proposed severance has adequate regard for the subdivision criteria set out in Section 51(24) of the Planning Act, reviewed as follows.

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 severance has regard for the relevant matters of provincial interest, including the following:

- *the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;*
- *the minimization of waste;*
- *the orderly development of safe and healthy communities;*
- *the adequate provision of a full range of housing, including affordable housing;*
- *the appropriate location of growth and development;*
- *the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;*
- *the promotion of built form that, is well-designed, encourages a sense of place, and provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;*

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

The subject property is located within the City of Ottawa's urban boundary, and within an established neighbourhood. The proposed severance is not premature and is in the public interest as it creates a desirable lot for infill and context-sensitive intensification.

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

The proposed severance conforms to the relevant policies of the City of Ottawa Official Plan.

The proposed development supports higher density low-rise development in the Inner Urban Area, neighbourhood designation, as outlined in the Growth Management Framework, replacing 1 detached dwelling with 2 new detached dwellings. The proposed severance and residential site design is in keeping with the criteria laid out in Table 6 for gradually transitioning suburban to urban characteristics, including more lot coverage, and space for formal soft landscaping and trees.

The Official Plan promotes diversity in unit sizes, densities and tenure options within neighbourhoods, including diversity in bedroom count availability; and permits a range of housing options across all neighbourhoods to provide the widest possible range of price and occupancy. Following this criteria, this development includes 2 efficiently designed 4+1 bedroom homes well suited for active families.

The severance contributes to a sustainable community by providing residential uses in close proximity to the transit system, and a range of community amenities including employment and retail uses, thereby reducing travel and improving accessibility.

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

The severed lots will meet and exceed the performance requirements of the Zoning By-law for lot width and area. Minor variances for height and setbacks of the detached dwellings & garages presently under construction were previously approved by the Ontario Land Tribunal.

The proposed lot sizes are comfortable for detached dwellings, and function well in terms of soft landscaping area and private amenity area. The lots are suitable for residential use.

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

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 proposal does not suggest any new roads and will not affect highways or the transportation system.

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

The proposed severance will create 1 additional lot on this neighbourhood block. The existing and retained parcels are appropriately sized and functional to accommodate the detached dwellings. The size and dimensions of both parcels are appropriate in the context of the existing lot fabric and zoning, and will provide adequate space for private amenities and soft landscaping.

(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;

With the exception of the provisions of the Zoning Bylaw, there are no other restrictions or proposed restrictions on the existing or proposed lots.

(h) conservation of natural resources and flood control;

The subject property is not located in any floodplains or areas of natural interest.

(i) the adequacy of utilities and municipal services;

The subject property is located within the urban boundary and has access to existing utilities and municipal services. The detached dwellings are not anticipated to have an impact on the adequacy of utilities and municipal services. Site-specific servicing details are identified in the approved Lot Grading & Servicing Plan.

(j) the adequacy of school sites;

The subject property is located in proximity to Nepean High School, Broadview Avenue Public School, Churchill Alternative School, Westboro Montessori School Campus, and Westboro Jewish Montessori Preschool.

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

Not applicable.

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

Not applicable.

(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).

The proposed development is not subject to site plan control.

In our opinion, the proposed severance meets the criteria set out in Section 51(24) of the Planning Act, a plan of subdivision is not required, and the proposed severance at 551 Edison Avenue and 348 Princeton Avenue represents good land use planning.

Provincial Policy Statement

Section 3(5) of the Planning Act states:

A decision of the council of a municipality, a local board, a planning board, a minister of the Crown and a ministry, board, commission or agency of the government, including the Tribunal, in respect of the exercise of any authority that affects a planning matter,

- a) *shall be consistent with the policy statements issued under subsection (1) that are in effect on the date of the decision;*

A decision by the Committee of Adjustment with respect to a planning matter must be consistent with the Provincial Policy Statement (PPS). The Provincial Policy Statement provides policy direction on matters of provincial interest that are related to land use planning and development.

Policy 1.1.1 states:

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;*
- 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;*
- h) *promoting development and land use patterns that conserve biodiversity; and*
- i) *preparing for the regional and local impacts of a changing climate.”*

The proposed severance promotes efficient development and land use by focusing growth in the urban area rather than developing lands at the periphery of the City. The proposal takes full advantage of existing services and infrastructure in the urban area, with thoughtful infill development of under-utilized land, which is sensitive to the existing neighbourhood character.

The proposed severance will not cause environmental or health and safety concerns. The subject property is within the urban area, and therefore the proposed lots will have adequate access to the necessary infrastructure and public service facilities, while reducing pressure to expand the urban boundary.

Policy 1.1.3.1 states:

Settlement areas shall be the focus of growth and development.

The proposal is in line with this policy as the proposed development is located within the City of Ottawa's urban area. Edison Avenue and Princeton Avenue are considered part of the "Settlement Areas" as defined in Section 1.1.3 of the PPS.

Policy 1.1.3.2 states:

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

- a) *efficiently use land and resources;*
- b) *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;*
- c) *minimize negative impacts to air quality and climate change, and promote energy efficiency;*
- d) *prepare for the impacts of a changing climate;*
- e) *support active transportation;*
- f) *are transit-supportive, where transit is planned, exists or may be developed; and*
- g) *are freight-supportive*

- h) *Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.*

The proposed severance is an appropriate and efficient use of the land as it takes full advantage of established transit service, water and sewer services and the network of roads and designated cycling routes. It contributes to a sustainable community by providing residential uses in close proximity to the rapid transit system, and a range of community amenities including employment and retail uses, thereby reducing travel and improving accessibility.

Policy 1.1.3.6 states:

New development taking place in designated growth areas should occur adjacent to the built-up area and shall have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.

The proposed severance supports this policy.

In our opinion, the proposed severance is consistent with the Provincial Policy Statement, and the proposed severance at 551 Edison Avenue and 348 Princeton Avenue constitutes good land use planning.

Trees

Trees on site were assessed by IFS Associates for the original application, as detailed in the enclosed Tree Information Report. A city-owned red maple on the corner of Edison Avenue and Princeton Avenue, adjacent to the fire hydrant has been protected as per the TIR. A red maple was also shared by the city and the front yard of 551 Edison, it has been removed due to poor condition and hazards state. A city-owned Japanese lilac tree also in the front yard of 551 Edison has also been protected as per the TIR.

A replacement tree will be planted where the red maple stood in front of the lot at 551 Edison, an new tree will also be added in front of the new lot at 348 Princeton Avenue, as per the attached Tree Planting Plan.

Conclusion

It is our opinion that the proposed severance does not require a plan of subdivision and meets the criteria of Subsection 51(24) of the Planning Act, as it is not premature and is a suitable and efficient use of the land with minimal impact on the public interest. The proposed severance also meets the intentions of the relevant policies and provisions of the Official Plan, and the Zoning By-law. The proposed severance is consistent with the Provincial Policy Statement by creating an additional residential lot within the urban area.

As the requirements of Subsections 53(1) and 51(24) of the Planning Act are met and the proposal is consistent with the Provincial Policy Statement, we believe that the Consents sought represent good land use planning and are appropriate for the subject property.

We trust this is satisfactory. Please do not hesitate to contact us if you require further information.

Regards,

Michael Segreto
Miroca Design Consulting Services Inc.