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October 21, 2024

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

2024-10-24

City of Ottawa | Ville d'Ottawa
Comité de dérogation

Re: **Application for Consents to Sever and Minor Variance for lands at 45 David Drive, Ottawa, ON.**
Part of Lot 152, Registered Plan 349783
Ward 8, College
Zoning R1FF, Zoning By-law 2008-250

Dear Mr. Bellemare,

Caruso Quality Homes Ltd. have retained Miroca Design Consulting Services to act as agent on their behalf for the preparation of Consents to Sever and Minor Variance Applications for their lands known municipally as 45 David Drive, 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 Draft Reference Plan showing the Consents to Sever, prepared by Farley, Smith & Denis Surveying Ltd., Ontario Land Surveyors
4. 1 full-sized copy and 1 reduced copy of the Site Plan and Elevation Drawings, prepared by Miroca Design Consultants Inc.
5. 1 copy of the Tree Information Report & Tree Replacement Plan prepared by Dendron Forestry Services
6. A cheque payable to the City of Ottawa, and a copy of the Deed showing ownership.

PURPOSE OF THE APPLICATION

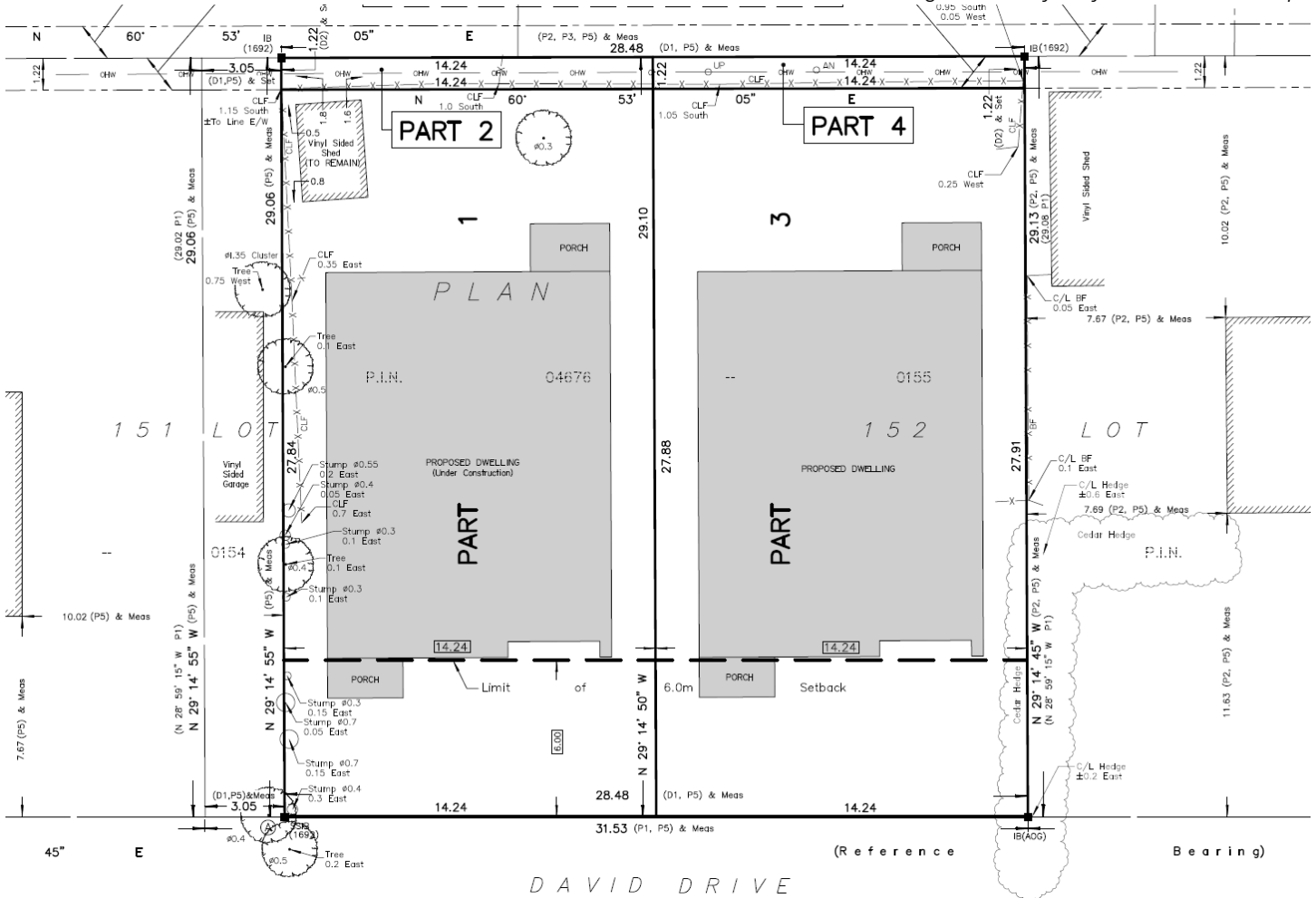
The owner would like to divide the property into two separate parcels of land consisting of Parcel A (Parts 1+2) and Parcel B (Parts 3+4). A new 2-storey detached home is presently under construction on Parcel A, a second new 2-storey detached home is proposed for Parcel B.

CONSENTS REQUESTED

In order to proceed, the owner requires the Consent of the Committee for severance. The properties are shown on the Draft 4R-Plan filed with the application. The separate parcels will be as follows:

Parcel Description	Frontage	Depth	Area
<u>Parcel A</u> Parts 1 + 2	14.24m	29.10m	414.2m ²
<u>Parcel B</u> Parts 3 + 4	14.24m	29.06m	414.6m ²

Figure 1: Draft Reference Plan Excerpt



SCHEDULE				
PART	LOT	PLAN	PIN	AREA (Sq.m.)
1				396.8
2	PART OF 152		ALL OF 04676-0155	17.4
3				397.2
4				17.4

PARTS 2 AND 4 SUBJECT TO EASEMENT PER INST. CR342576

RELIEF REQUESTED

In order to proceed, the owner requires the Authority of the Committee for Minor Variances as follows:

Parts 1+2 (Parcel A):

- a) To permit a reduced lot width of 14.24 metres, whereas the By-law requires a minimum lot width of 19.5 metres. (Table 156A)
- b) To permit a reduced lot area of 414.2 square metres, whereas the By-law requires a minimum lot area of 600 square metres. (Table 156A)

Parts 3+4 (Parcel B):

- c) To permit a reduced lot width of 14.24 metres, whereas the By-law requires a minimum lot width of 19.5 metres. (Table 156A)
- d) To permit a reduced lot area of 414.6 square metres, whereas the By-law requires a minimum lot area of 600 square metres. (Table 156A)

ZONING

Zoning Bylaw 2008-250 | R1FF

Section 139 – Low-Rise Residential in All Neighbourhoods Within the Greenbelt

Section 144 – Alternative Yard Setbacks Affecting Low-Rise Residential in the R1 to R4 Zones Within the Greenbelt

Table 1: Zoning Provisions

Zoning Provisions	Required	Provided: Parts 1+2 Parcel A	Provided: Parts 3+4 Parcel B
Min. Lot Width	19.5m	14.24m	14.24m
Min. Lot Area	600m ²	414.2m ²	414.6m ²
Max. Building Height	8.5m	8.29m	8.29m
Min. Front Yard Setback	6m	6.1m	6.1m
Min. Rear Yard Setback	28% of lot depth	28.1% (8.19m)	28.1% (8.19m)
Min Rear Yard Area	25% of lot area	28.1% (116.5 m ²)	28.1% (116.8 m ²)
Min. Interior Side Yard Setback	total is 2.1 with one yard, no less than 0.9	1.67m + 1.68m = 3.35m	1.67m + 1.68 = 3.35m
Max. Lot Coverage	45%	41.2%	41.2%
Min. Front Yard Soft Landscaping	40%	54.7%	55.2%
Max. Driveway Width	3m	3m	3m

EXISTING CONDITIONS AND AREA OVERVIEW

A new 2-storey detached home is presently under construction on the west side of the property.

Access to the property is provided from David Drive which is a Local Road. Transit service is provided along Meadowlands Drive to the South and Merivale Road to the East. The property is directly across the street from the Nepean Museum and Doug Frobel Park. The area is well served by a range of commercial and community amenities principally along Merivale Road to the East. To the West you will find Algonquin College, and College Square Shopping Centre.

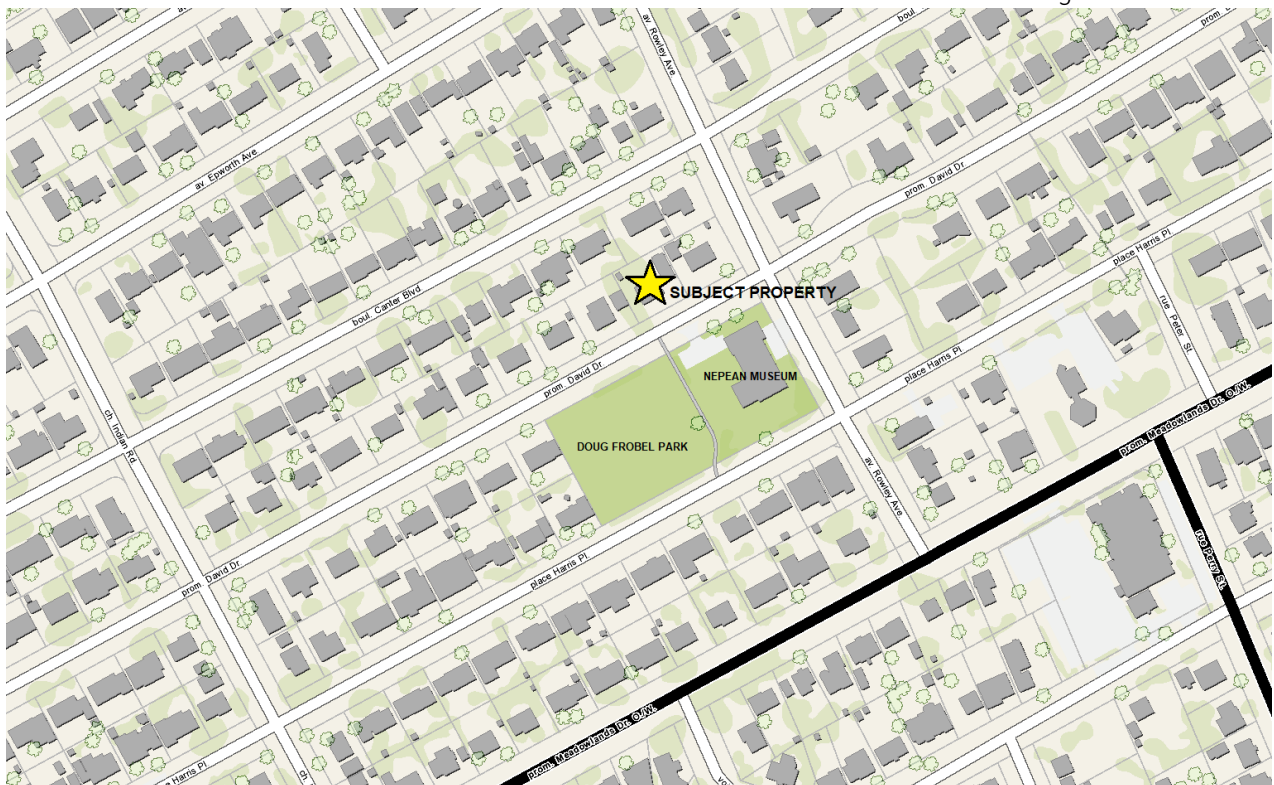
Figure 2: Subject Property, home under construction on Parcel A



NEIGHBOURHOOD CHARACTER

The City View residential neighborhood generally reflects a classic suburban model, and was first established in the late 1940s into the 1960s. Housing along David Drive, and throughout the neighbourhood, is characterized by single family bungalows and 2-storey homes on wide lots. There are countless examples throughout the neighbourhood of the replacement of the existing homes by larger 2-storey single family dwellings, through dividing the existing wide lots in half. Many of these new dwellings utilize the maximum allowable building envelope and building height. This has occurred frequently throughout the City View Neighborhood over the past 10 years, maximizing the residential development on these properties, and creating a varied pattern of development in terms of lot fabric, and built form.

Figure 3: Site Location Map



FOUR TESTS

In support of the proposed application, the four tests for minor variances as provided for in Section 45(1) of the Planning Act, have been reviewed as follows:

1. GENERAL INTENT AND PURPOSE OF THE OFFICIAL PLAN IS MAINTAINED

This property falls within the Outer Urban Transect, under the Neighbourhood designation on Schedule A and Schedule B3 of the City of Ottawa's Official Plan. The corresponding direction for neighbourhoods aims to accommodate residential growth with development standards that gradually transition away from a suburban model and move towards more urban built forms. Allowing and supporting a wide variety of housing types with a focus on lower density missing-middle housing which generally reflects the existing built form context of the neighbourhood.

The proposed severance results in the creation of one additional lot for residential development. Each lot will be developed with a 2-storey detached home, each of which will include one principal dwelling unit and two additional dwelling units. This development represents gentle intensification within the low-rise detached character of the neighborhood, aligning with the Growth Management Framework in Section 3 of the Official Plan. It effectively supports residential growth while maintaining a compatible built form and site design.

These detached dwellings contribute to the diversity of housing options available in the area, offering various unit sizes, densities, and tenure types. By gently increasing density, the development fosters 15-minute neighborhoods, promoting accessibility to public transit, commercial amenities, schools, and parks within walking distance. The location of the property is well-suited for residential intensification, aligning with the city's objectives to accommodate residential growth through intensification.

Consistent with the directives of the Official Plan, the proposed site design incorporates increased lot coverage while still allowing for ample space for soft landscaping, trees, and hard surfacing that complements the street context. The new detached homes align with the residential character of the neighborhood, featuring height, massing, and setbacks that meet the performance standards of the Zoning By-law and integrate with the established surroundings.

Moreover, this proposal adheres to the Official Plan's objectives by leveraging existing transit service, water and sewer infrastructure, as well as the network of roads, pathways, and designated cycling routes. It supports redevelopment within the Outer Urban area rather than expansion into peripheral lands, supporting the growth targets for large-household dwellings in neighborhoods. By situating residential use in close proximity to the rapid transit system and various community amenities, including employment and retail facilities, this proposal aims to minimize travel distances and enhance accessibility, thereby contributing to a sustainable community.

Given these considerations, we are confident that the proposed minor variance aligns with the intent and purpose of the Official Plan.

2. GENERAL INTENT AND PURPOSE OF THE ZONING BY-LAW IS MAINTAINED

The property is zoned under Residential First Density, Subzone R1FF. The intent of this zone is to limit development to detached dwellings, while allowing other residential uses to provide additional housing choices within detached dwelling residential areas. Development is to be regulated in a manner that is compatible with existing land use patterns so that the detached dwelling residential character of the neighbourhood is maintained or enhanced.

The proposed lots meet the intentions of the Zoning By-law, accommodating detached dwellings which are compatible with existing land use patterns and the detached residential character of the neighbourhood.

The intent of the minimum lot width and lot area provisions is to ensure that lots are adequately sized to accommodate residential development. As demonstrated on the enclosed site plan, the lots can suitably accommodate the proposed detached dwellings while meeting or exceeding the required minimum setbacks and yard areas and respecting the maximum lot coverage for City View. Furthermore, it has been demonstrated through numerous similarly sized lots and severances within the surrounding neighbourhood that the proposed lots sizes are functional for detached dwellings and will fit into the established streetscape.

Given these considerations, we believe that the proposed minor variances align with the intent and purpose of the Zoning By-law.

3. DESIRABLE FOR THE APPROPRIATE DEVELOPMENT OR USE OF THE PROPERTY

The proposed severance and new detached dwellings represent a fitting use of the land to meet the long-term residential needs of the community. Located centrally, this development offers practical and diverse housing options while maintaining a harmonious balance with green spaces and amenities, enhancing both the public streetscape and private rear yards.

Regarding zoning regulations, the minor variances requested uphold the established character and lot configuration of the neighborhood, aligning with the objectives of the Zoning By-law.

The addition of new detached homes with additional dwelling units supports gentle intensification, which is crucial for managing growth as outlined in the Official Plan. The proposal also leverages existing infrastructure and proximity to community amenities, aligning well with the goals outlined in the Official Plan and enhancing its appeal.

Environmental considerations are also paramount, with the proposal aiming to preserve mature trees and implement engineering and site planning that enhance lot grading, drainage and storm water management. Additionally, measures are in place to address and minimize any potential impact or privacy concerns for neighboring properties.

Given these considerations, we feel that the proposed minor variances are desirable for the appropriate development of the property.

4. THE VARIANCE IS MINOR

Relief is requested to permit a reduced lot width of 14.24 metres for both lots, whereas the By-law requires a minimum lot width of 19.5 metres.

Relief is requested to permit a reduced lot area of 414.2 square metres for Parcel A, and 414.6 square metres for Parcel B, whereas the By-law requires a minimum lot area of 600 square metres.

The proposed lots are consistent with the existing pattern of development found throughout the neighborhood. As demonstrated in Figure 4, showing similar reduced lots sizes. Despite the reduced lot sizes, both lots are still appropriately sized to accommodate detached dwellings that meet all other performance standards of the Zoning By-law in terms of yard setbacks and height.

The proposed lots will meet and exceed the requirements for soft landscaping, and the dwellings are respectful of the maximum 45% lot coverage required in the Zoning By-law for City View.

Similar Lots in the surrounding neighbourhood:

30a & 30b David Drive
13.63m frontage @ 403.0m² area & 15.23m frontage @ 453.7m² area

29a & 29b David Drive
13.91m frontage @ 423.58m² area & 12.60m frontage @ 416.85m² area

2a & 2b David Drive
15.69m frontage @ 425.9m² area & 14.11m frontage @ 426.1m² area

18 Bayne Avenue
15.11m frontage @ 434.69m² area

36 & 38 Rossland Avenue
13.39m @ 387.23m² & 13.41m @ 388.36m²

46 Tower Road
12.65m frontage @ 346.81m²

Figure 4: Similar Lots in the surrounding neighbourhood



Given these considerations, we are confident that the proposed new lots can suitably accommodate the proposed dwellings, and the impact of the reduced lot widths and areas is minor.

URBAN DESIGN GUIDELINES FOR LOW-RISE INFILL HOUSING

The proposed new dwellings seek to uphold strong urban design principles in consideration of the purpose and objectives of the Urban Design Guidelines for Low-rise Infill Housing. Such as incorporating setbacks which preserve and integrate existing natural features and are consistent with the cultural landscape of the neighbourhood. A balance of more lot coverage with ample greenery and amenity space, enhancing both the public streetscape and the private rear yards. Primary entrances that are inviting and visible from the street, and interesting articulation of the front façades creating distinct identities for the units. Through thoughtful massing and the inclusion of a prominent front porch, the design redirects attention away from the garage towards the living area of the homes and front landscaping.

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 a residential lot which will meet the intentions of the underlying zoning. The proposed severance does not require the construction of new public infrastructure, including roads and services. The subsequent building permit application will ensure that the proposed construction of the new detached homes will conform to the appropriate performance standards, and that appropriate site servicing is in place, ensuring that this parcel is 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 more 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 severance supports higher density low-rise development in the Outer Urban Area as outlined in the Growth Management Framework, Subsection 3.2, Table 3b. The proposed severance and future residential site design is in keeping with the criteria laid out in Table 6 for suburban characteristics. 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. The proposed severance contributes to this by allocating for detached dwellings with 1 principal unit and 2 additional dwelling units.

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

The proposed severance takes advantage of an underutilized property within an established neighborhood, while also maintaining the single detached residential character that the community is known for. This form of gentle intensification is strongly encouraged in the Official Plan.

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

The subject site is an underdeveloped lot, strategically situated within an established neighborhood. It is ideally located to utilize existing infrastructure, roads, utilities, and services, thus minimizing the need for new infrastructure and helping to prevent urban sprawl by developing within the established urban area. The site provides the opportunity to increase density on an underdeveloped lot close to employment centers, transportation infrastructure, parks, and amenities. The proposed severance and detached dwellings are a thoughtful design, and facilitate orderly development in a location suitable for residential growth.

(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;

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 parcels are an appropriate and functional size to accommodate the dwelling under construction as well as the proposed new detached dwelling. 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 proposed development is not anticipated to have an impact on the adequacy of utilities and municipal services. Storm Water Management will be addressed by a qualified Civil Engineer, with site-specific servicing details to be provided at time of building permit application.

(j) the adequacy of school sites;

The subject property is located in proximity to Meadowlands Public School, Merivale High School, St. Gregory School, Abraar School, Elizabeth Wyn Wood Alternate Program, Winston Churchill Public School, Frank Ryan Catholic Intermediate School, and Algonquin College.

(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 45 David Drive 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 adjusted 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. David Drive is 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 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 constitutes good land use planning.

PRE-CONSULTATIONS

An email and drawings package explaining the proposal were sent to the Development Review Department on September 30, 2024; at time of this submission no response has been received.

An email letter and drawings package explaining the application has been provided to the City View Community Association for their review and comments ahead of this submission.

TREES

Existing trees on site were assessed by Dendron Forestry during the preliminary design stage for this file. There were 7 trees on the property which met the City of Ottawa Tree Protection By-law guidelines for assessment. Please refer to the enclosed Tree Information Report and Tree Planting Plan.

The City-owned Siberian elm and Red Maple in the front corner will be retained and protected, three more Siberian elm's along the west side property line were removed to accommodate the construction, with permission from the adjacent neighbour. A White spruce and a Norway Map in the rear of the west side lot shall be retained.

Six new trees are required to be planted at completion of the project to replace the 3 trees being removed, as shown in the enclosed Tree Planting Plan. Where space is limited on site, we encourage the developer to consult with the City View Community Association for possible alternative planting locations within the community.

CONCLUSION

With respect to the Consents, is it our opinion that the proposal 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 lot for growth 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.

With respect to the Minor Variances, it is our opinion that the variances are desirable for the appropriate development or use of the land, the general intent and purpose of the Official Plan and Zoning By-law are maintained, and the variances sought are minor.

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.