

August 12, 2024

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

**RE: Minor Variance and Consent Applications
97 MacLaren Street**

Dear Mr. Bellemare,

Fotenn Planning + Design ("Fotenn") has been retained by 1828487 Ontario Inc. ("the Owner") to prepare a Cover Letter for concurrent Consent and Minor Variance applications for the property municipally known as 97 MacLaren Street (the "subject site") in the City of Ottawa. The Owner proposes to subdivide the property into two separate parcels of land to create a new lot for future residential development, with the existing low-rise apartment building to remain on the retained lot.

The subject site is developed with a low-rise apartment dwelling on the east side of the property. Consent from the Committee is requested to sever the subject site into two (2) parcels, along with a shared vehicle access driveway easement between the parcels.

The proposed Minor Variances are required to permit a reduction in the minimum required lot width for the retained parcel, and to retain an existing parking space on the retained lands.

Additionally, a Minor Variance is requested to continue the legal non-conforming east interior side yard setback of the existing building on the retained parcel. Although Fotenn is of the opinion that this Minor Variance is not required due to the building's existing legal non-conforming status, we are including it at the direction of City Planning staff out of an abundance of caution.

Two (2) Consent (D08-01-23/B-00328 and D08-01-23/B-00329) applications and one (1) Minor Variance (D08-02-23/A-00301) application was originally submitted in December 2023 and adjourned sine die by the Committee on February 7, 2024. The purpose of the adjournment was to allow time for Fotenn to identify additional minor variances and provide a more detailed rationale in support of the applications.

Please find enclosed the following material in support of the application:

- / This cover letter explaining the nature of the application (1 copy);
- / Minor Variance application form (1 copy);
- / Consent application form (1 copy);
- / Concept Plan, prepared by Fotenn Planning + Design, dated May 6, 2024;

Ottawa
396 Cooper Street, Suite 300
Ottawa, ON K2P 2H7
613.730.5709

Kingston
The Woolen Mill
4 Cataragui Street, Suite 315
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Toronto
174 Spadina Avenue, Suite 304
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416.789.4530

fotenn.com

FOTENN

- / Parcel Register for PIN, prepared by Service Ontario, dated December 11, 2023;
- / Reference Plan, prepared by J.D. Barnes Ltd., dated January 12, 2023, (1 full-sized and 1 reduced copy);
- / Draft Plan of Survey, prepared by J.D. Barnes Ltd, dated June 15, 2023 (1 full-sized and 1 reduced copy);
- / Cheque in the amount of \$981.00 for combined Consent and Minor Variance recirculation fee.

Please contact the undersigned at simpson@fotenn.com or church@fotenn.com with any questions or requests for additional materials.

Sincerely,



Jillian Simpson, M.PL
Planner



Nico Church, RPP MCIP
Senior Planner

Background and Context

Fotenn Planning + Design (“Fotenn”) has been retained by 1828487 Ontario Inc. (“the Owner”) to prepare this Cover Letter in support of Consent and Minor Variance applications for the subject site, municipally known as 97 MacLaren Street in the City of Ottawa.

The subject site is located on the north side of MacLaren Street, a local street in the Centretown (Golden Triangle) area of the City Ottawa. The subject site is an interior lot consisting of an area of 593.6 square metres with 17.68 metres of frontage along MacLaren Street and a lot depth of 33 metres. The subject site is currently developed with a low-rise apartment dwelling on the east side of the property, with a gravelled surface parking lot in the rear yard. The west side of the subject site remains vacant with gravel surfacing. Figure 1 shows an aerial view of the subject site and surrounding context.



Figure 1: Subject site and surrounding context.

The area surrounding the subject property consists of a mix of dwelling types, densities and heights, including detached and semi-detached dwellings, townhouses, and apartment buildings of varying heights, ranging from low-rise along the north side of MacLaren Street to high-rise to the north and west of the subject site on Somerset Street West and Cartier Street. Figure 2 below shows photographs of the subject site.



Figure 2: Photographs of existing conditions on the subject site, clockwise from top left: looking east from the property line; rear yard condition looking southeast (top right); existing parking in the rear yard looking east (bottom left), and from MacLaren Street to the front façade (bottom right).

2.0 Proposed Development

The Owner is proposing to subdivide the subject site into two separate parcels of land to create a new lot for residential development. The existing apartment building will remain on the retained lot, as shown on the Concept Plan in Figure 3 below. No specific development is proposed on the severed lot at present, but the lot will become available for future development. The proposed severance will create an opportunity to increase residential densities and broaden housing options in Ottawa's Centretown neighbourhood.

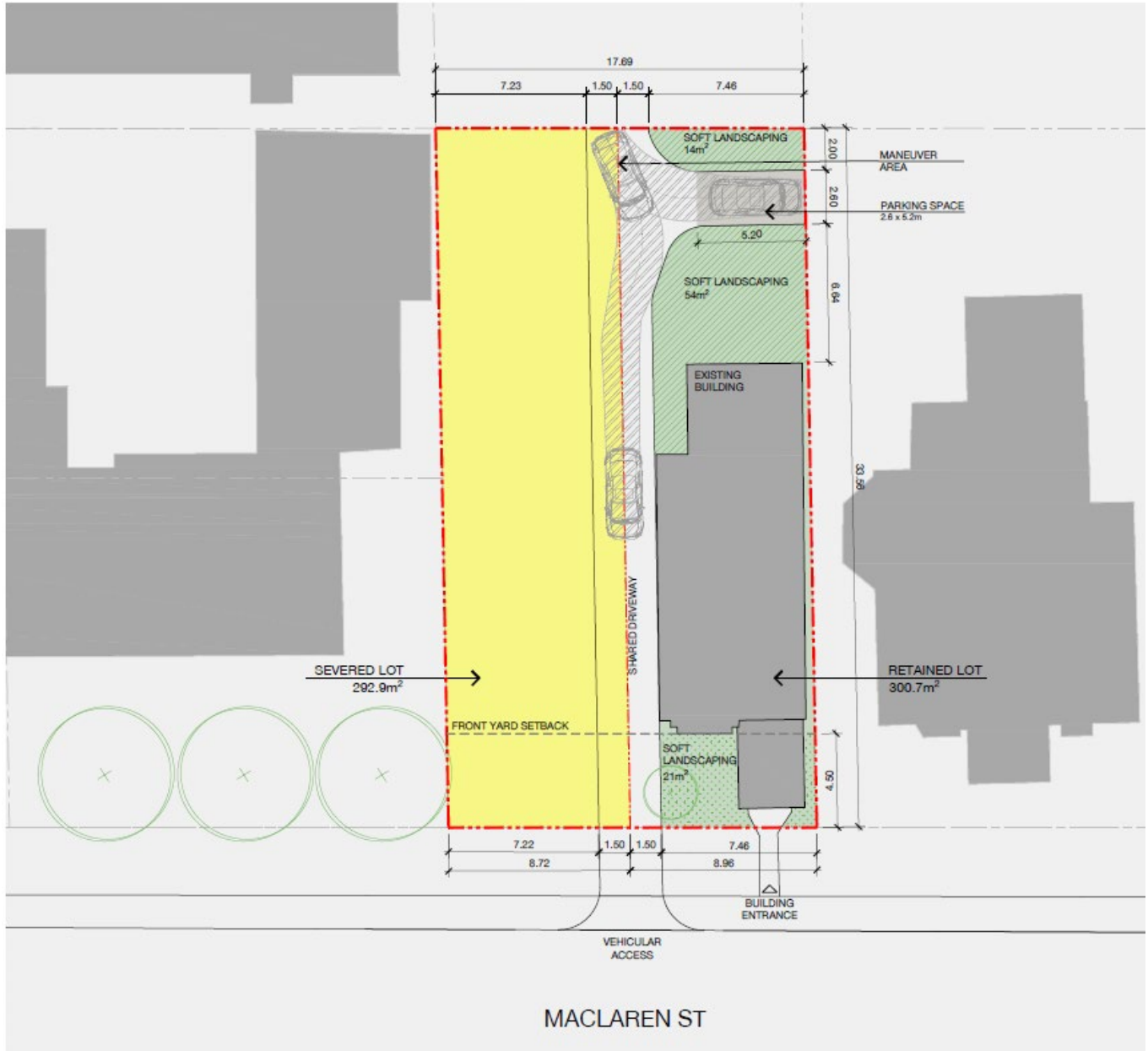


Figure 3: Concept plan of proposed severance.

The application proposes to establish easements/rights-of-way over a shared driveway serving both the severed and retained lots.

Approval of the Consent application will have the effect of creating two separate parcels of land. A Minor Variance application is required to request a reduction in the width of the retained lot, which proposes a lot width of 8.96 metres, whereas the Zoning By-law requires a lot width of 10 metres. Similarly, a Minor Variance is required to recognize the eastern interior side yard setback of 0.3 metres for the existing building, whereas the Zoning By-law requires a setback of 1.5 metres.

2.1 Parking and Access

One (1) parking space will be provided for the existing dwelling on the retained parcel. The space is located in the rear yard, similar to parking lots for adjacent buildings, and where existing on-site parking spaces are currently located.

Access to the parking space will be provided via an existing driveway to the west of the existing building, which is proposed to be shared with the severed parcel. Legal access will be enabled through two 1.5-metre reciprocal easements across a 3-metre driveway. The current access arrangement to the existing building will remain, with a walkway connecting the front of the building from MacLaren Street.

2.2 Landscaping

Excluding the hardscaped driveway and parking space in the rear yard, the majority of the retained parcel is proposed to include soft landscaping, with 21 square metres in the front yard, and 68 square metres in the rear yard.

3.0 Requested Consent

In order to facilitate the proposed development, the Owner intends to sever the subject site known as 97 MacLaren Street into two (2) parcels: the existing apartment building will be located on the retained parcel; while the severed parcel will be available for future development. Consent from the Committee of Adjustment is required for the proposed severance and the establishment of easements for a shared right-of-way along the driveway. The proposed reciprocal easement would include:

- / An easement over Part 2, in favour of Parts 3 & 4 for a shared driveway access.
- / An easement over Part 3, in favour of Parts 1 & 2 for a shared driveway access.

An annotated excerpt from the draft R-Plan is shown in Figure 4 below.

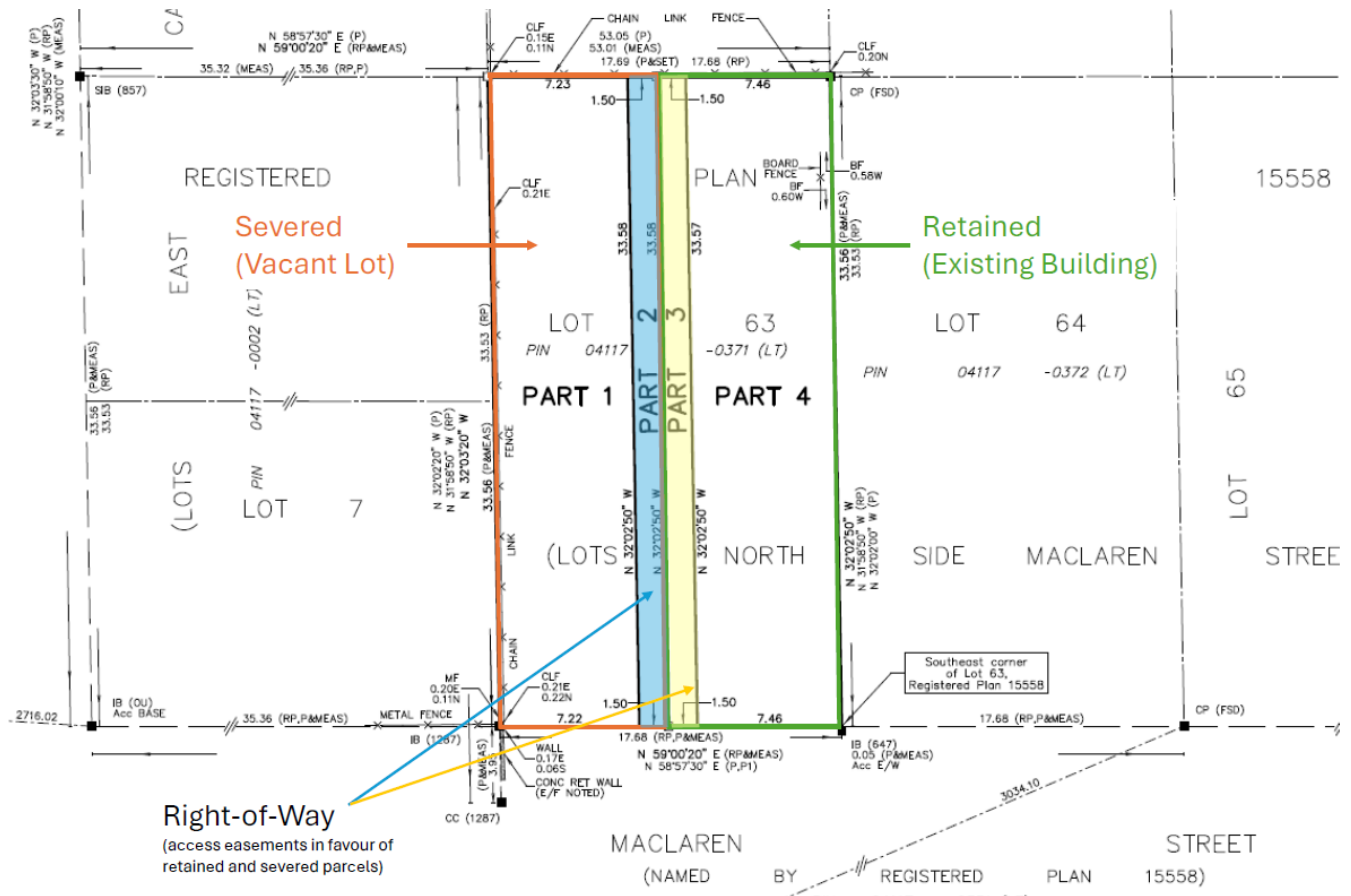


Figure 4: Excerpt from the draft R-Plan.

The following table summarizes the statistics for the proposed parcels and easements requested through the Consent applications.

	Parts on R-Plan	Area
Retained	3, 4	300.7 m ²
Severed	1, 2	292.9 m ²
Easement (Right-of-Way)	2, 3	50.4 m ² / 50.3 m ²

Policy and Regulatory Framework

Section 53(1) of the Planning Act pertains to consents and plans of subdivision. It states that an owner “may apply for a consent as defined in subsection 50 (1) and the council [...] may, subject to this subsection, 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.”

It is our professional opinion that a plan of subdivision is not required for the proper and orderly development of the lot. No new buildings are proposed at this time and the proposed development does not involve new public infrastructure or other elements that would warrant a plan of subdivision application.

Section 53(12) states that Consent authorities shall have regard to the criteria established under subsection 51(24). The Consent applications satisfy the relevant criteria as follows:

a) The effect of development of the proposed subdivision on matters of provincial interest:

The Provincial Policy Statement, 2020 (PPS) establishes the high-level planning policies for land use planning in Ontario. The proposed Consent is consistent with the policies of the PPS, including policies for intensification within settlement areas, provision of a range of market-based housing, transit-oriented development, and support for downtown areas.

b) Whether the proposed subdivision is premature or in the public interest:

The proposed Consent is not premature and is in the public interest as it will permit a future infill development in a built-up area of the City with existing infrastructure and services.

c) Whether the plan conforms to the official plan and adjacent plans of subdivision, if any:

City of Ottawa Official Plan

The subject property is designated Neighbourhood in the Downtown Core Transect of the City of Ottawa Official Plan (Figure 5). An Evolving Neighbourhood Overlay also applies to the subject site.

The Downtown Core Transect is a mature built environment whose urban characteristics of high density, mixed uses and sustainable transportation orientation are to be maintained and enhanced.

As identified in Policy 1 of Section 5.1.1 of the Official Plan, the City supports the continued development of the Downtown Core as healthy 15-minute neighbourhoods within a highly mixed-use environment, where:

- / Hubs and Corridors provide a full range of services;
- / Existing and new cultural assets are supported; and,
- / Residential densities are sufficient to support the full range of services.

In addition, the Downtown Core is planned for higher-density, urban development forms where either no on-site parking is provided, or where parking is arranged on a common parking area. Per Policy 5.1.1.6(c)(ii), development applications may be required to re-use existing private approaches.

Neighbourhoods located in the Downtown Core shall accommodate residential growth to meet the Growth Management Framework of the Official Plan. Neighbourhoods are contiguous urban areas that constitute the heart of communities. It is the intent of the Official Plan that they, along with Hubs and Corridors, permit a mix of building forms and densities in support of 15-minute neighbourhoods.

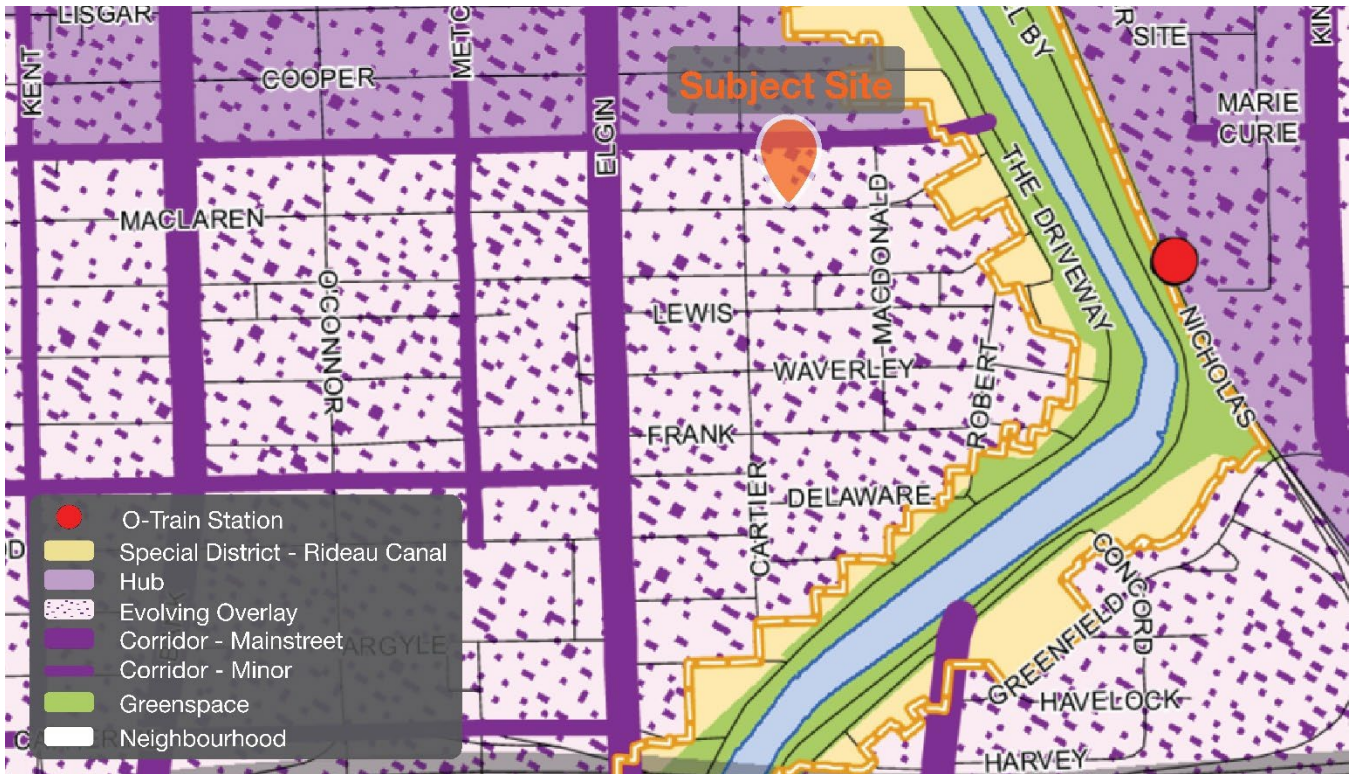


Figure 5: Schedule B1 – Downtown Core Transect, City of Ottawa Official Plan.

The Evolving Overlay is applied to areas in close proximity to Hubs and Corridors to signal a gradual evolution over time that will see a change in character to support intensification, including guidance for a change in character from suburban to urban to allow new built forms and more diverse functions of land. The Overlay is intended to provide opportunities that allow the City to reach the goals of its Growth Management Framework for intensification through the Zoning By-law, by providing:

- / Guidance for a gradual change in character based on proximity to Hubs and Corridors;
- / Allowance for new building forms and typologies, such as missing middle housing;
- / Direction to built form and site design that support an evolution towards more urban built form patterns and applicable transportation mode share goals; and
- / Direction to govern the evaluation of development.

Policy 5.6.1.3(a) states that, in the Evolving Neighbourhood Overlay, where the Zoning By-law for an area has not been updated either before adoption of this Plan in anticipation of this Plan’s policy direction, or post adoption of this Plan, to be consistent with the policy intent of this Plan, the City will generally be supportive of applications for low-rise intensification that seek to amend the development standards of the underlying zone where the proposal demonstrates that the development achieves objectives of the applicable transect with regards to density, built form and site design in keeping with the intent of Sections 3 and 5 of the Official Plan.

Central and East Downtown Core Secondary Plan

The subject site is designated Local Neighbourhood on Schedule B (Figure 6) of the Central and East Downtown Core Secondary Plan. Per Section 2.1.1, Local Neighbourhoods are primarily residential and may include small-scale commercial and institutional uses that are meant primarily to support local residents' everyday needs.

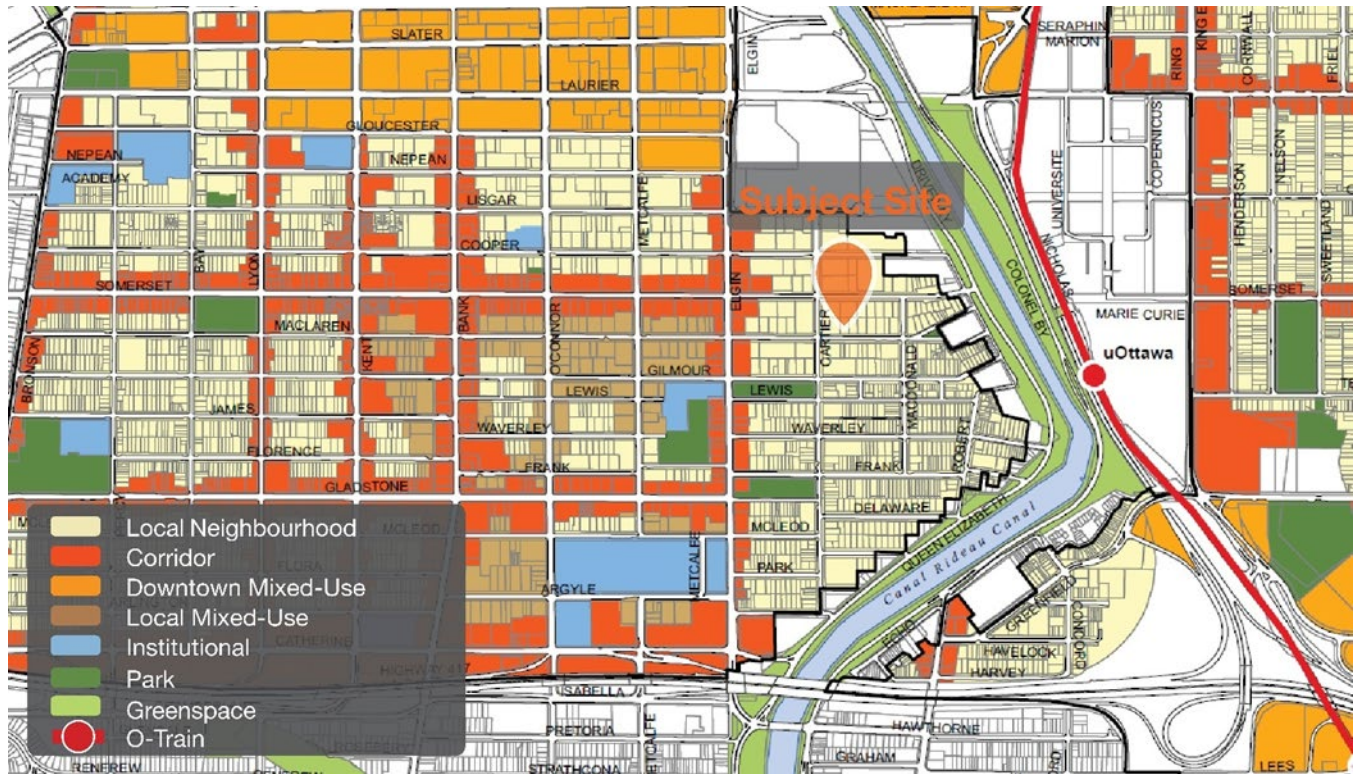


Figure 6: Schedule B – Designation Plan, Central and East Downtown Core Secondary Plan.

The proposed Consent conforms with the policies of the Local Neighbourhood designation, as the subject site will continue to accommodate low-rise residential uses.

d) The suitability of the land for the purposes for which it is to be subdivided:

The proposed Consent will result in a new infill lot on suitable land with existing services and infrastructure.

f) The dimensions and shapes of the proposed lots:

The proposed severance will result in the creation of two rectangular lots of approximately equal size. The retained lot will be appropriately-sized to continue to accommodate the existing low-rise apartment building. The streetscape along MacLaren Street features a variety of lot widths and areas, some of which are comparable to the proposed severed and retained lots. The orientation and configuration of the proposed lots will create a standard relationship to the street.

g) The restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structure proposed to be erected on it and the restrictions, if any, on adjoining land:

The subject site is zoned "Residential Fourth Density Zone, Subzone UC, Exception 478 (R4UC [478])" in the City of Ottawa Comprehensive Zoning By-Law (2008-250) as shown on Figure 7.



Figure 7: Zoning map of subject site and surrounding context.

The purpose of the R4 - Residential Fourth Density 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, in areas designated as General Urban Area in the Official Plan;
- / 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.

Exception 478 permits a dwelling unit use.

The tables below summarize compliance with the existing R4UC zoning for both of the proposed parcels. In the interest of informing the subsequent Minor Variance discussion, the table also includes areas of non-compliance.

Retained Lot (Parts 3 & 4)

Provision	Required	Provided	Compliance
Low-rise Apartment Dwelling Maximum 8 units			
Minimum Lot Width Table 162A	10m	8.96m	No – Variance required.
Minimum Lot Area Table 162A	300m ²	300.7m ²	Yes
Minimum Front Yard Setback Section 144(1)	a) In the case of an interior lot or through lot, the yard setback must align with the average of the abutting lots' corresponding yard setback abutting the street(s) d) in no case may be less than 1.5 m	4.51m (existing dwelling)	Yes
Minimum Interior Side Yard Setback Table 162A	1.5m	0.3m (east, existing dwelling) 1.5m (west, existing building to new lot line)	Legally non-conforming – Variance requested. Yes
Minimum Rear Yard Setback Table 162B(4)	25% of the lot depth which must comprise at least 25% of the area of the lot, and need not exceed 7.5m Lot depth: 33m x 25% = 8.25m	11.24m	Yes
Permitted Parking Spaces Section 161(16)(a)	In the case of a Low-rise Apartment Dwelling in the R4UC zone: No motor vehicle parking is permitted on a lot less than 450 square metres in area.	1 residential parking space	No – Variance required.
Parking Space Dimensions Section 106(1)	Any motor vehicle parking space must be: (a) At least 2.6m wide (b) Not more than 3.1m wide (c) At least 5.2m long	2.6m x 5.2m	Yes
Minimum Driveway Width Section 107(2)	A driveway providing access to parking spaces other than in a parking garage or parking lot must have a minimum width of 2.6 metres.	3 m	Yes
Minimum Area of Soft Landscaping in the Front Yard Table 161	Front Yard Setback >3m, in the case of any lot with a width between 8.25 metres but less than 12 metres: 35 per cent	21m ² = 52%	Yes
Minimum Area of Soft Landscaping in the Rear Yard Section 161(15)	In the case of a Low-rise Apartment Dwelling in the R4UC zone:	68m ² of soft landscaping provided in the rear yard, which covers the majority of	Yes

Provision Low-rise Apartment Dwelling Maximum 8 units	Required	Provided	Compliance
	<p>a) Any part of the rear yard not occupied by accessory buildings and structures, permitted projections, bicycle parking and aisles, hardscaped paths of travel for waste and recycling management, pedestrian walkways, patios, and permitted driveways, parking aisles and parking spaces, must be softly landscaped.</p> <p>b) The minimum area of soft landscaping per (a) must be: (i) in the case of a lot of less than 360 square metres in area, at least 35 square metres</p> <p>c) Any part of any yard other than the rear yard not occupied by accessory buildings and structures, permitted projections, bicycle parking and aisles, hardscaped paths of travel for waste and recycling management, pedestrian walkways, permitted driveways and parking exclusion fixtures per (e) must be softly landscaped.</p> <p>e) The front yard and corner side yard must be equipped with solid, permanent fixtures sufficient to prevent motor vehicle parking in contravention of this By-law, and for greater clarity: (i) such parking exclusion fixtures may include bicycle racks, benches, bollards, ornamental fences or garden walls, raised planters, trees, wheelchair lifting devices, wheelchair lifting devices or some combination thereof; and (ii) raised planters are deemed to be soft landscaping for the purposes of (c) and (d).</p>	<p>the rear yard not occupied by parking.</p> <p>An existing tree is located in the front yard, which is sufficient to prevent motor vehicle parking.</p>	<p>Yes</p>

Severed Lot (Parts 1 & 2)

Provision Detached dwelling	Required	Provided	Compliance
Minimum Lot Width Table 162A	7.5m*	8.72m	Yes
Minimum Lot Area Table 162A	225m ² *	292.9m ²	Yes

*Note: the minimum lot width and minimum lot area provisions are based on the lowest minimum requirements for a permitted use in the R4 zone

The proposed Consents will result in non-compliance with the following provisions of the Zoning By-law:

- / minimum lot width for the retained parcel at 97 MacLaren Street;
- / maximum number of parking spaces for the retained parcel at 97 MacLaren Street.

For this reason, a Minor Variance application is submitted to seek relief from these provisions, and to address the existing dwelling's east interior side yard setback as the existing 0.3-metre setback is a legally non-conforming condition, whereas the Zoning By-law requires an interior side yard setback of 1.5 metres.

A detailed discussion of the proposed variances and how they meet the four (4) tests of a Minor Variance under Section 45(1) of the Planning Act is included in Section 4 of this Cover Letter.

5.0 Requested Minor Variances

The following variances are requested to permit the proposed severance:

1. To permit a reduced minimum lot width of 8.9 metres, whereas Table 161A of the Zoning By-law requires a minimum lot width of 10 metres.
2. To permit one (1) parking space, whereas Section 161(16)(a) of the Zoning By-law prohibits parking for a Low-rise Apartment Dwelling in the R4UC zone on a lot that is less than 450 square metres in area.
3. To continue the established minimum interior side yard setback of 0.3 metres, whereas Table 162A of the Zoning By-law requires a minimum interior side yard setback of 1.5 metres.

All three (3) requested minor variances apply to the retained parcel.

Section 45(1) of the *Planning Act, R.S.O. 1990* provides the Committee of Adjustment with powers to grant minor variances by evaluating an application against Four Tests, including:

- / Does the application maintain the general intent and purpose of the Official Plan?
- / Does the application maintain the general intent and purpose of the Zoning By-law?
- / Is the application 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 Does the Application Maintain the General Intent and Purpose of the Official Plan?

The subject site is designated “Neighbourhood” with an Evolving Overlay on Schedule B1, Downtown Core Transect, of the City of Ottawa’s Official Plan. Further, the subject site is designated “Local Neighbourhood” on Schedule B, Designation Plan, of the Central and East Downtown Core Secondary Plan, with a maximum permitted height of four (4) storeys.

The requested variances contribute to the form and context contemplated in both “Neighbourhood” and “Local Neighbourhood” designations within the Official Plan and Secondary Plan, respectively, both of which aim to ensure new infill is functionally and aesthetically compatible. Additionally, the opportunity for intensification resulting from creating an additional lot contributes to a reduced reliance on private vehicles, while fostering the establishment of 15-minute neighbourhoods.

The applicable Evolving Neighbourhood Overlay anticipates higher-density forms of infill being introduced to this neighbourhood over time, in part through the creation of lots to accommodate infill development. Further, only one (1) vehicle parking space is being proposed to remain from the current condition, as supported by the Official Plan. The soft landscaping proposed for the balance of the retained lot’s rear yard represents an improvement over the current condition. The proposed variances support the compact and urban form of development proposed for the site.

5.2 Does the Application Maintain the General Intent and Purpose of the Zoning By-law?

The subject site is designated Residential Fourth Density Zone, Subzone UC, Exception 478 (R4UC [478]) in the City of Ottawa’s Comprehensive Zoning By-Law. The purpose of the R4UC zone is to allow a wide mix of residential building forms ranging from detached to low-rise apartment dwellings.

The retained lot is proposed to have a width of 8.96 metres, whereas the Zoning By-law requires a minimum lot width of 10 metres. Additionally, one (1) vehicle parking space is proposed, whereas no motor vehicle parking is permitted on lots less than 450 square metres in area.

The intent of the minimum lot width requirement is to create a consistent streetscape and allow for appropriate densities and building forms in accordance with Official Plan policies. The proposed 8.96-metre lot width accommodates the existing low-rise apartment on the retained parcel, while providing sufficient area for the proposed shared driveway access to the rear yard parking space. The proposed lot width is consistent with those of other lots in the vicinity of the subject site and is reflective of the range of dwelling types in the neighbourhood.

The relief requested to maintain one (1) existing vehicle parking space on the retained lot will improve the existing condition on-site, as much of the broader parking area will be replaced with landscaping. Further, having both lots share a driveway will help limit the amount of hardscaping and curb cuts along the public street.

Further, the application seeks to regularize the existing condition of the legally non-conforming east interior side yard setback. The request maintains the general intent and purpose of the Zoning By-law by regularizing an existing side yard setback condition that allows for the compact, low-rise apartment use to continue to operate appropriately on the retained parcel.

5.3 Is the Application Minor in Nature?

The proposed lot width variance represents a reduction of 1.02 metres for the lot width, indicating a minor deviation from the zoning requirement. The proposed lot dimensions are similar to those of several other lots in the surrounding area, matching the existing and planned streetscape character. The existing low-rise apartment building on the retained lot will continue to function appropriately within the proposed property boundaries.

Further, as the east interior side yard setback is an existing non-conforming condition that is proposed to continue, the application is not anticipated to impact surrounding properties or the use or enjoyment of those lands and is therefore considered minor in nature.

The new lots will maintain the existing and permitted built form character of the community, and the requested variances will not create any unacceptable adverse impact on abutting properties or the neighbourhood in general. Therefore, the proposed variance is minor in nature.

5.4 Is the Application Desirable for the Appropriate Development or Use of the Land?

The proposed variances will help facilitate the creation of a future infill development lot that will add to the supply and diversity of housing options in the Centretown neighbourhood in a manner that is sensitive to the existing development context. The variances will also balance existing parking needs with improvement of the retained lot's rear yard landscaping condition.

The non-complying condition of the existing low-rise apartment building is not affected by the proposed severance of the property. The siting of the building in relation to the interior side lot line will remain unchanged, and existing zoning deficiency will not be further exacerbated. The severance of the property facilitates the creation of future infill opportunities, which will add to the supply and diversity of housing options in the Centretown neighbourhood. Narrow lots and reduced side yard setbacks are characteristic of MacLaren Street and the wider Centretown neighbourhood.

The variances will help make efficient use of the land with permitted land uses in a functional layout, reduce automobile parking on the retained parcel, and will help contribute to provincial and municipal intensification goals. The proposed severance capitalizes on existing infrastructure and will contribute to the creation of a new lot and future infill

development opportunity in Centretown, and the variances will not generate undue impacts on the broader neighbourhood. Therefore, the variances are desirable and appropriate for the use of the land.

6.0 Conclusion

It is our professional opinion that the proposed applications represent good planning and satisfy the relevant Planning Act tests as follows:

- / The requested Consent meets the criteria for approval of Consent applications as set out in Section 51(24) of the Planning Act.
- / The requested Minor Variances satisfy the tests for Minor Variances established in Section 45(1) of the Planning Act.

Should you have any further comments, please do not hesitate to contact the undersigned.

Sincerely,



Jillian Simpson, M.PL
Planner



Nico Church, RPP MCIP
Senior Planner