

P. H Robinson Consulting
Urban Planning, Consulting and Project Management

City of Ottawa Committee of Adjustment
101 Centrepointhe Drive, 4th Floor
Ottawa, On, K2G 5K7

November 28, 2024

Committee of Adjustment
Received | Reçu le

2024-12-05

City of Ottawa | Ville d'Ottawa
Comité de dérogation

Attn: Mr Michel Bellemare
Secretary Treasurer

Re: 2560 Mer Bleue (Permission) - Panel 2
1530661 Canada Ltd.. c/o Sylvain Patenaude
Part of Lot 1, Concession 4 (Ottawa Front), formerly in the Township of
Gloucester, City of Ottawa (Ward 19)

On behalf of our clients, we are submitting a Permission application for the lands at 2560 Mer Bleue to permit the reconstruction of a legally non-complying detached dwelling with a larger footprint. The property fronts on Mer Bleue which is a Minor Corridor meaning the property is designed as a Minor Corridor in the Suburban (east) transect within the Evolving Overlay.

The property is currently zoned DR - Development Reserve zone. This zone only permits a detached dwelling accessory to another permitted use, which is not the case of this proposal. However, since the previous dwelling was constructed prior to the enactment of the By-Law and the use was continuous throughout this time, we are permitted to enlarge the footprint of the previous building through a Permission application under Section 45(2)(a)(i) of the Planning Act. For additional clarification, the previous house was destroyed by a fire and removed from the property in 2023 but since the reconstruction of a building after a fire is permitted as of right, we are permitted to proceed with the Permission application as if the use was continuous up to the date of the application to the Committee.

Section 45(2)(a)(i) gives authority to the Committee of Adjustment to approve or refuse an application:

“where any land, building or structure, on the day the by-law was passed, was lawfully used for a purpose prohibited by the by-law, may permit, the enlargement or extension of the building or structure, if the use that was made of the building or structure on the day the by-law was passed”

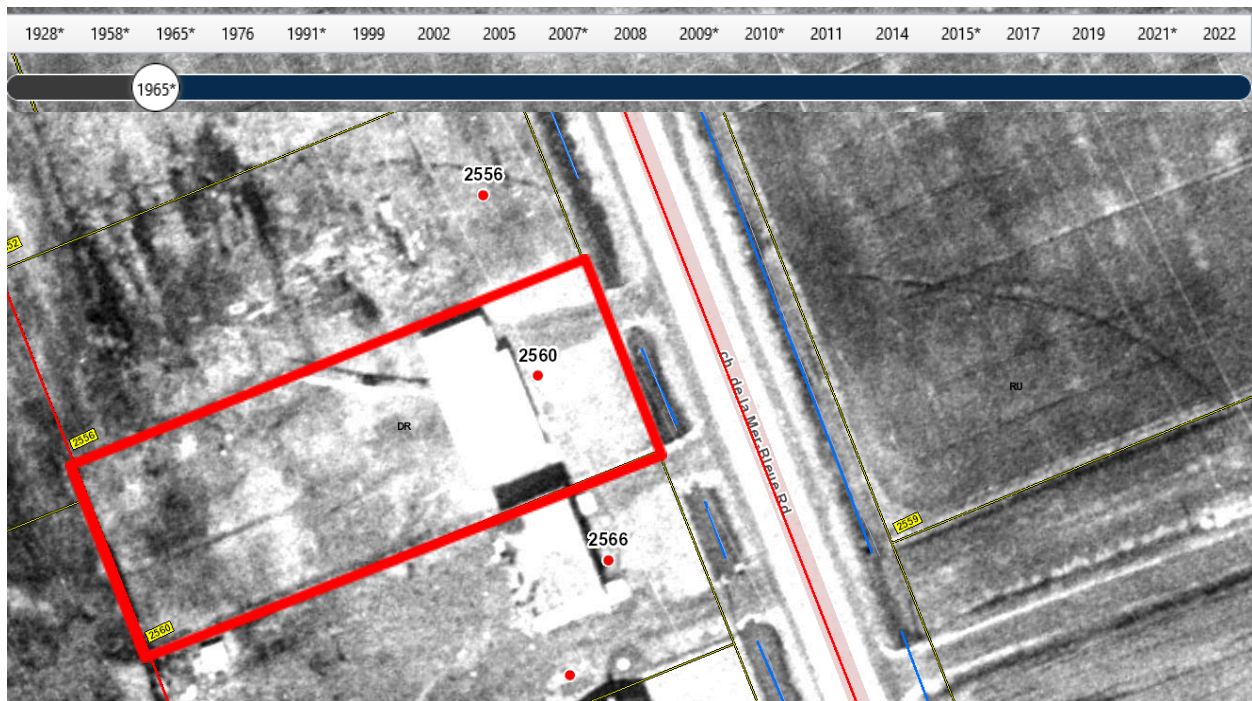
The decision of Sims et al. v. Daschko (attached) sets out the test for expansion of a legal non-conforming use. The Ontario Municipal Board decision states that *“there must always be a prior consideration of whether what is intended is indeed desirable for the appropriate development or use of the land, building or structure. The effect of any concession made must always be weighed in the light of the impact it could have upon neighbouring properties enjoying a different classification”*

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1. The application is desirable for the appropriate development of the subject land, building, or structure.

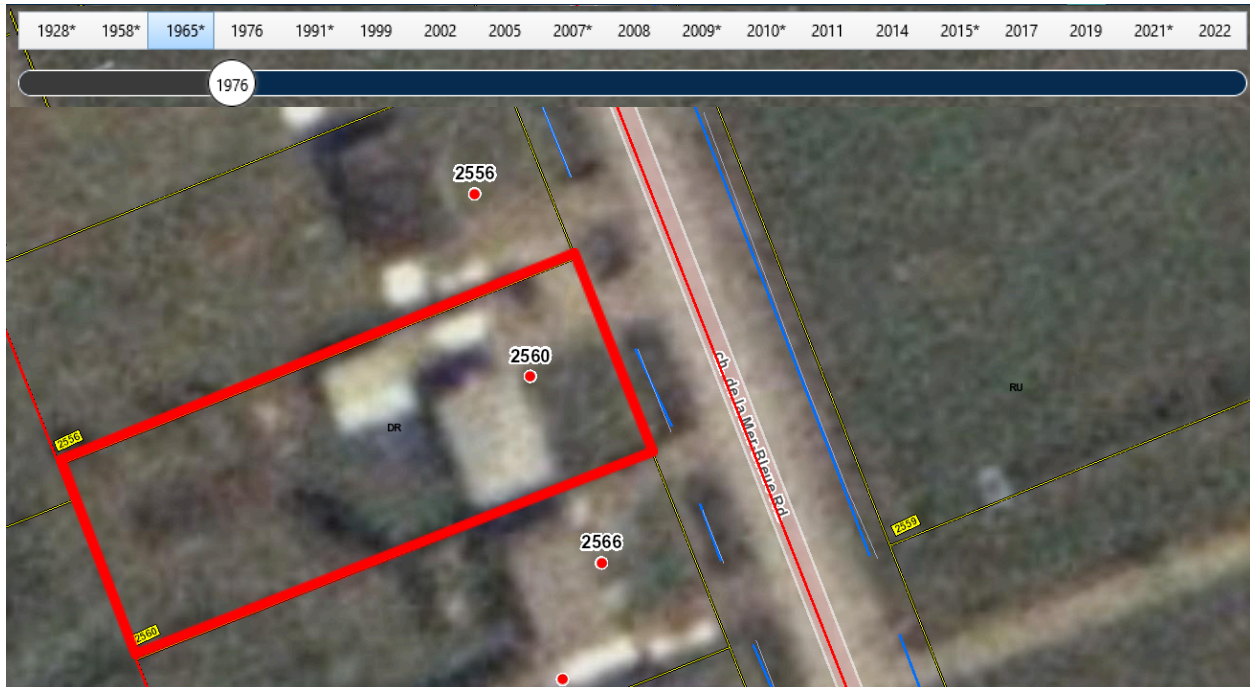
The proposed expansion of the legally non-conforming detached dwelling use on the subject side is a desirable and appropriate use of the land. The previous detached dwelling was constructed prior to 1965 and the detached garage was constructed some time between 1965 and 1976. The use was continuous until 2023 when the building burnt down. Currently, the property is a vacant lot in a continuous residential streetscape.

Below is a series of photos taken using GeoOttawa aerial imagery over time.

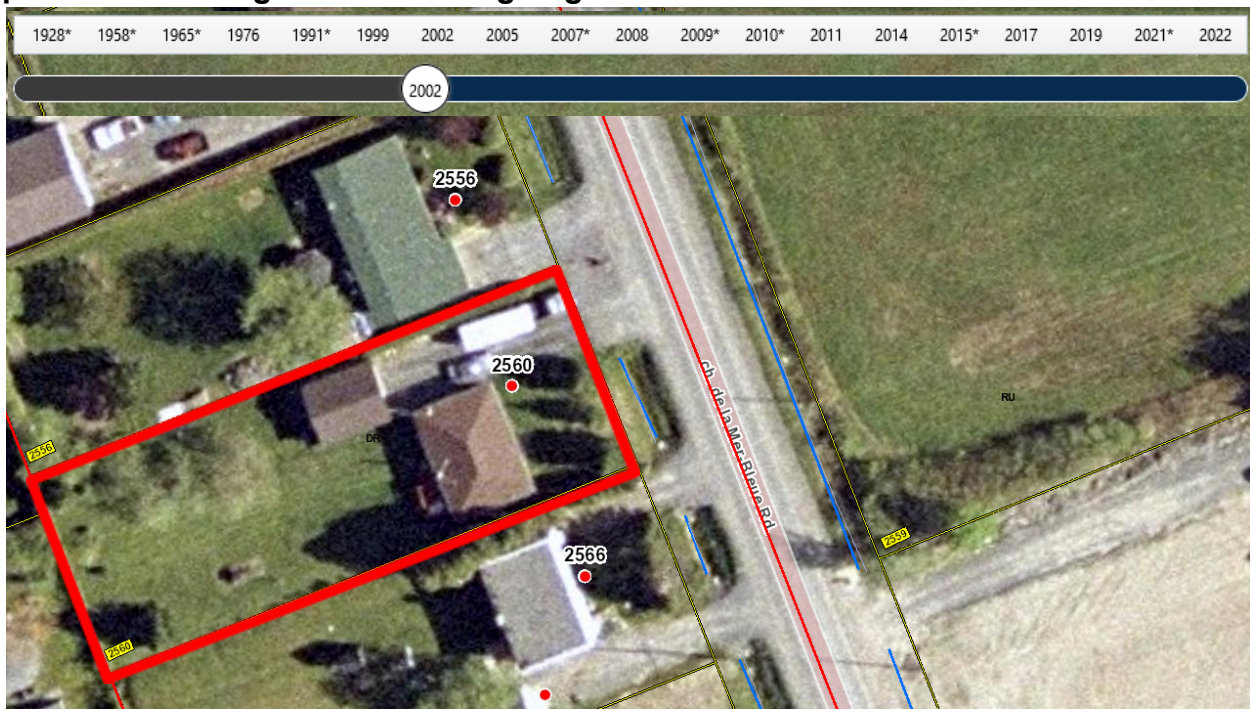


GeoOttawa aerial imagery from 1965 showing the **property boundary** and the previous dwelling.

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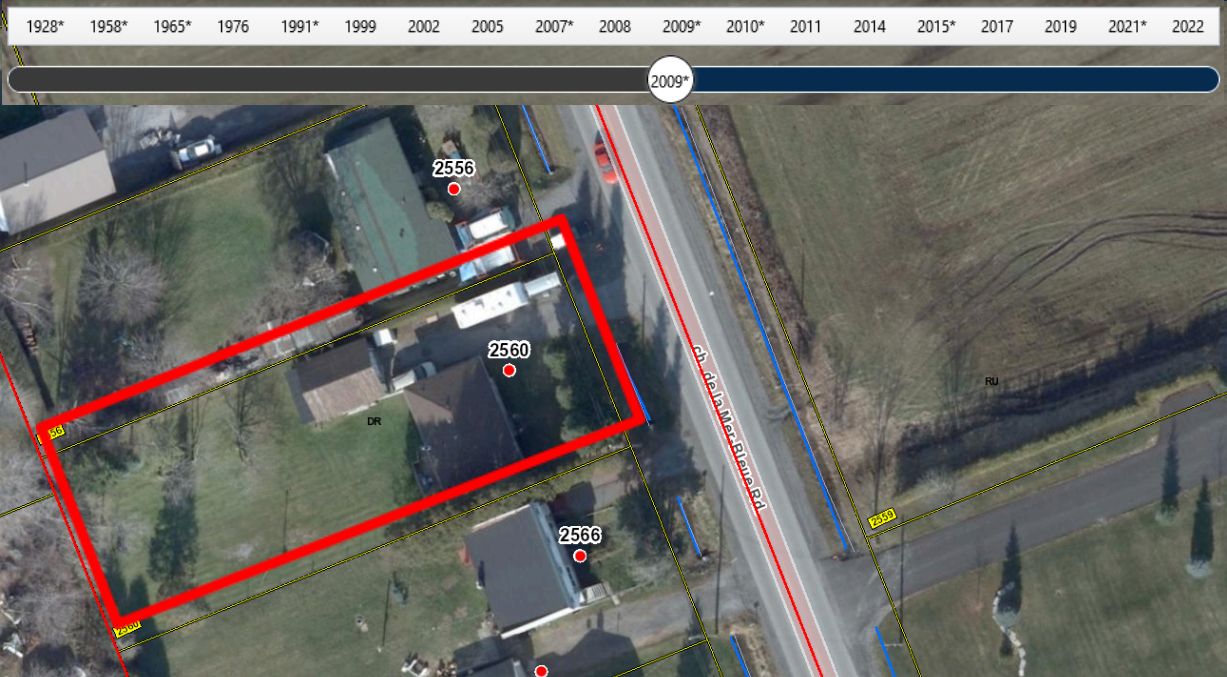
GeoOttawa aerial imagery from 1976 showing the **property boundary** and the previous dwelling and detached garage.



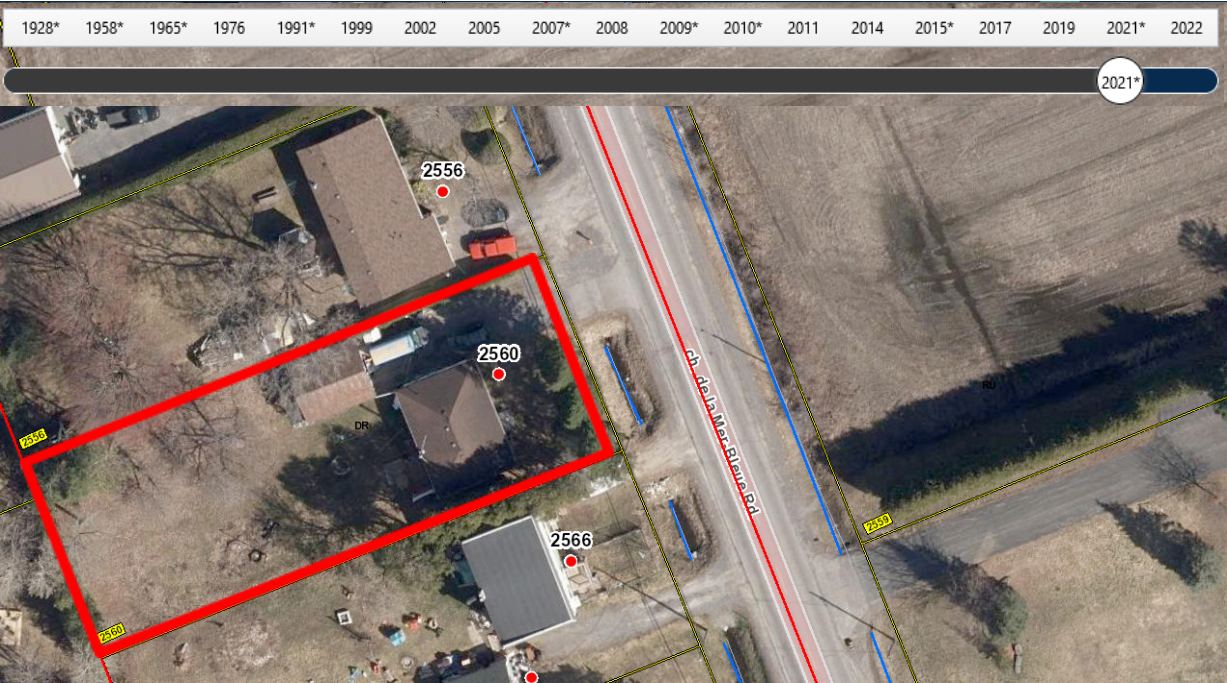
GeoOttawa aerial imagery from 2002 showing the **property boundary** and the previous dwelling and detached garage in use.

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GeoOttawa aerial imagery from 2009 showing the **property boundary** and the previous dwelling and detached garage still in use.



GeoOttawa aerial imagery from 2021 showing the **property boundary** and the previous dwelling and detached garage still in use.

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Image from May 2022 showing the subject property and previous building(s).



Image taken August 2024 showing the subject property after the 2023 fire.

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The proposed development will include one single storey detached dwelling with a basement and an attached garage. The detached dwelling will also contain one additional dwelling unit (ADU). The proposed plans also include a double-wide driveway which is an element carried over from the previous dwelling. Both dwelling units will be two-bedroom units with large interior and exterior living spaces. The lot's depth allows the septic system to be located completely in the rear yard and sized in compliance with Ontario Building Code requirements.

The proposed massing and architectural elements will maintain the qualities of the existing streetscape character. It is understood that this property fronts on Mer Bleue which is a main through street connecting Main Street Corridors such as Innes to communities like Notre-Dame-Des-Champs and Navan. To address this, the proposed development respects the consistent and generous front yard setback along Mer Bleue of about 11m. The depths of the lots allow for large rear yard amenity space which can be easily shared between the primary and additional dwelling unit tenants. The rear facade features an extrusion to ensure privacy is maintained between the two rear yard decks. No trees are anticipated to be removed for the proposed development.

2. The application will not result in undue adverse impacts on the surrounding properties and neighbourhood

The previous detached dwelling enjoyed legally non-conforming rights because it was constructed prior to the passing of the Zoning By-Law prohibiting that use. The construction of the detached dwelling will constitute an expansion of the previous dwelling. The form and function of the buildings will be generally maintained. The table below compares the development provisions of the previous building and the proposed building.

Zoning Provision	Existing	Proposed
Front yard setback (m)	11.39 m	11 m
Rear yard setback (m)	40.36 m	28.5 m
Interior side yard setback (m)	3.5	2.5 m
Building height (m)	4.5 m	5.89 m
Lot coverage (m)	13.39%	22.72%

Table comparing the previous and the proposed detached dwelling.

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The proposed rear and interior side yard setbacks will be decreased but the impacts on neighbours will be minimal. The southern side yard features a row of coniferous trees that stretches approximately 30 m back into the property from the front lot line. These trees are approximately 9 m in height and provide a visual barrier between the two properties. The northern side yard features a row of cedar hedge that stretches approximately 22 m back from the front property line and buffers the extent of the neighbouring house to the north from the subject property. The only structure located on the northern property beyond the cedar hedge is a single storey shed in disrepair.



Image showing the southern property line from within the subject property.



Image showing the northern property line from within the subject property.

The rear yard setback is to be reduced from about 40 m to about 29 m. This setback provides a rear yard area of approximately 650 m² which will serve as the rear yard amenity space. Also, a previous site design featuring a semi-detached dwelling was reviewed by a civil engineer and the site was proven to have adequate space for two septic systems. Therefore, the site is expected to have sufficient space for the proposed septic system for one detached dwelling. This also provides a more than adequate setback from neighbouring buildings to the north, south, and west. It should be noted that the lands to the west are zoned R1AA which would enforce a 12m rear yard setback.

The proposed detached dwelling and ADU will have a minimal impact on the neighbouring properties. The reduced setbacks will not produce privacy concerns and the single storey height eliminates any risk of overlook into the neighbouring properties. The character of the streetscape will be maintained and there will be no conflicts with the Minor Corridor designation.

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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 minimise 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.*

Response: The proposed application will not impact the development of safe and healthy communities. The proposed detached dwelling with one ADU will replicate the previous use of land and will provide more space for the residents and their family.

Policy 1.7.1 states:

- *Long-term economic prosperity should be supported by:*
 - a) *promoting opportunities for economic development and community investment-readiness;*
 - b) *encouraging residential uses to respond to dynamic market-based needs and provide necessary housing supply and range of housing options for a diverse workforce;*
 - c) *optimising the long-term availability and use of land, resources, infrastructure and public service facilities;*

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- d) maintaining and, where possible, enhancing the vitality and viability of downtowns and mainstreets;*
- e) encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes;*
- f) promoting the redevelopment of brownfield sites;*
- g) providing for an efficient, cost-effective, reliable multimodal transportation system that is integrated with adjacent systems and those of other jurisdictions, and is appropriate to address projected needs to support the movement of goods and people;*
- h) providing opportunities for sustainable tourism development;*
- i) sustaining and enhancing the viability of the agricultural system through protecting agricultural resources, minimising land use conflicts, providing opportunities to support local food, and maintaining and improving the agri food network;*
- j) promoting energy conservation and providing opportunities for increased energy supply;*
- k) minimising negative impacts from a changing climate and considering the ecological benefits provided by nature; and*
- l) encouraging efficient and coordinated communications and telecommunications infrastructure.*

Response: The proposed detached dwelling promotes a well designed built form that aligns with the housing goals of the Provincial Policy Statement. The proposed setbacks, height, and location of the dwelling mimics that of the previous dwelling. Despite the proposed increase in lot coverage, the proposal will maintain the characteristics of the Mer Bleu streetscape.

The proposed permission application conforms to Section 45(2)(a)(i) of the Planning Act. The proposed development is appropriate and desirable for the use of the land, and the expansion will have a minimal impact on the neighbouring properties. The proposed development is also consistent with the direction of the Provincial Policy Statement. The permission application to expand the legal non-complying use represents good land use planning.

At this time we are also submitting the following in support of the application:

- Completed application form (1 original)
- Application fees (\$3,196)
- A site plan showing the proposed new building
- Architectural elevation plans of the proposed building from all four sides
- A survey plan of the entire property
- Owners authorisation

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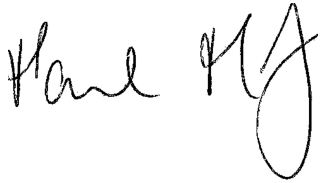
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- Tree Information Report

When the notification signs are ready for this application could you please email the undersigned and I will arrange for their installation on the property.

Should you have any questions or require anything further, please do not hesitate to contact the undersigned at (613) 599 9216 or via email at probinson@probinsonconsulting.com

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A handwritten signature in black ink, appearing to read "Paul Robinson", written in a cursive style.

Paul Robinson, RPP

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