

November 18, 2024

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

**RE: Applications for Consent & Minor Variance
308 Atlantis Avenue, Ottawa**

Dear Mr. Bellemare,

Fotenn Planning + Design ("Fotenn") has been retained by Farley, Smith & Denis on behalf of the owner, Tolou Group Inc. (the "Owner") to submit concurrent Minor Variance and Consent applications on their behalf for the property known municipally as 308 Atlantis Avenue in the City of Ottawa ("the subject property").

The purpose of the Consent application is to facilitate the severance of the subject property in order to create two (2) lots for the purpose of supporting two (2) separate detached dwellings. The Minor Variance application is seeking specific relief from the Zoning By-law related to the minimum lot area and interior side yard setback of the retained lot resultant from the severance.

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

- / A cover letter/report explaining the nature of the applications;
- / The Consent application form;
- / The Minor Variance application form;
- / Streetscape Character Analysis;
- / A draft reference Plan prepared by Farley, Smith & Denis Ltd.;
- / Site Plan Sketch, prepared by Farley, Smith & Denis Ltd.;
- / Tree Information Report prepared by TFS; and,
- / Parcel Abstract.

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

Sincerely,



Evan Saunders, M.PL
Planner



Brian Casagrande, MCIP RPP
Partner

FOTENN

Committee of Adjustment
Received | Reçu le

Revised | Modifié le : 2024-11-19

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1.0 Introduction

Fotenn Planning + Design (“Fotenn”) has been retained by the owner to prepare this cover letter in support of concurrent Consent and Minor Variance applications for the property known municipally as 308 Atlantis Avenue. The purpose of the Consent application is to sever the subject property to facilitate the retention of the existing detached dwelling and development of a new detached dwelling on separate lots. The concurrent Minor Variance applications seek to address minor zoning deficiencies related to the retained lot and existing dwelling.

1.1 Application History

Concurrent Consent and Minor Variance applications were previously submitted for the subject property related to a proposal similar to this application. The previous suite of applications sought to sever the subject property in order to facilitate the development of separate detached dwellings on the severed and retained lots.

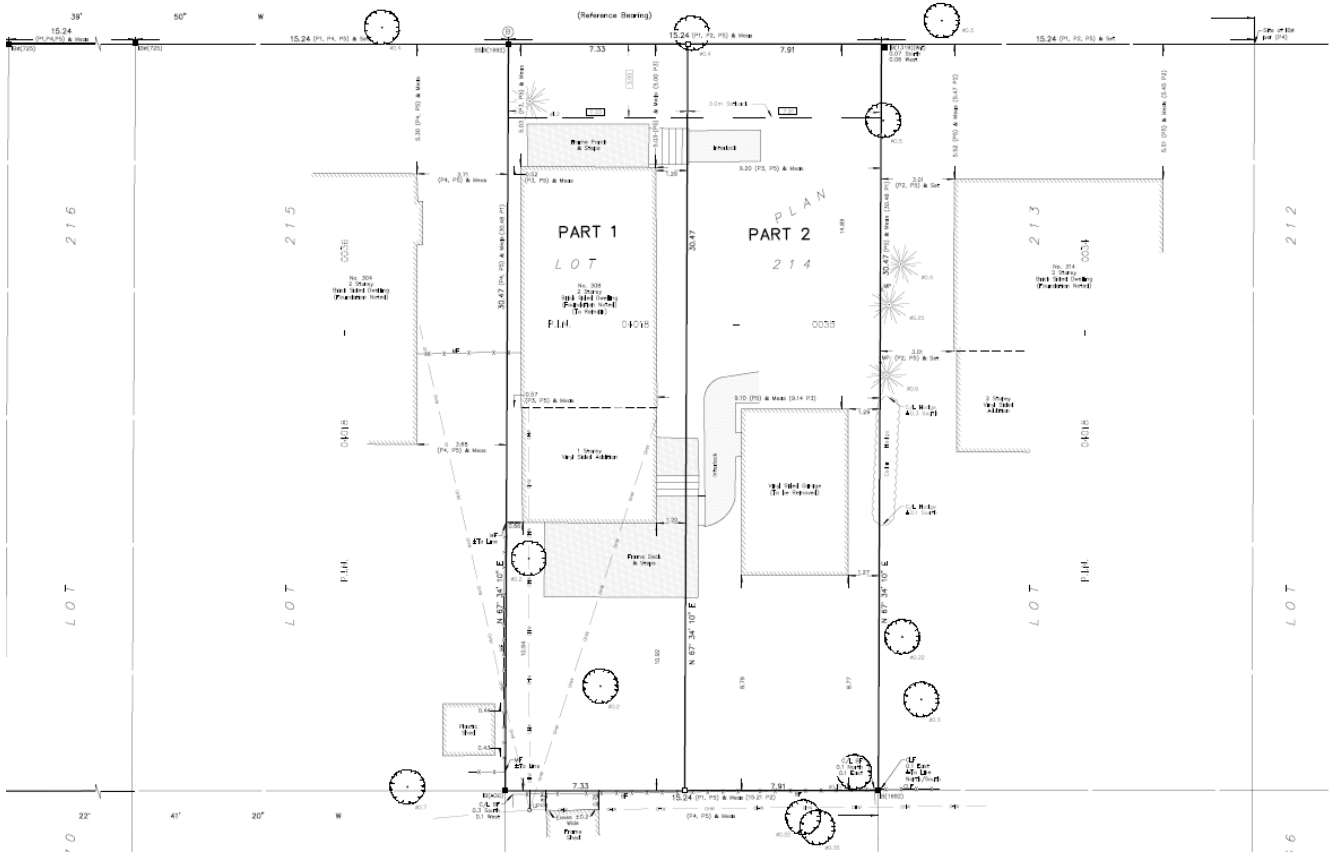


Figure 1: Initial Reference Plan submitted as part of the previous Consent application on the lands.

1.1.1 Consent to Sever (D08-01-22/B-00136)

The previous Consent to Sever application was first heard by the Committee of Adjustment on June 15th, 2022, and subsequently adjourned *sine die* until October 19th, 2022. The application sought to create one (1) new lot, identified as Part 2 (Figure 1). The Consent application was heard concurrently to two (2) Minor Variance applications related to zoning deficiencies of both the severed and retained lots, as well as several deficiencies related to proposed setbacks and parking.

The Consent application was approved by the Committee, subject to several conditions, including evidence of the approval of the relevant zoning relief sought through the concurrent Minor Variance applications.

As part of the condition clearing process, Hydro Ottawa requested an easement be established across the rear of both lots. A new Reference Plan was prepared which identified Parts 3 and 4 to be considered under the easement agreement with Hydro Ottawa. Upon preparing the new plan, it was discovered that there had been an error in calculating the lot area of the retained lot. The application had incorrectly identified the lot area of the retained lands as being 233.4m², whereas the correct lot area of the retained lot is 223.4m². As a result of this error, the concurrent Minor Variance approval did not provide sufficient relief from the Zoning By-law, resulting in the need for this application.

1.1.2 Minor Variance (D08-02-22/A-00118 & D08-02-22/A-00119)

Two (2) Minor Variance applications were submitted concurrently to the above-noted Consent application as it relates to the subject property. These applications sought to facilitate the severance of the lands for the purpose of retaining the existing dwelling on the retained lands, and proposing the development of a detached dwelling on the severed lands. The variances sought through this application were as follows:

A-00118: 308 Atlantis Avenue, Retained Lands (Part 1):

- (a) To permit a reduced lot width of 7.33 metres, whereas the By-law requires a minimum lot width of 15 metres;
- (b) To permit a reduced lot area of 233.4 square metres, whereas the By-law requires a minimum lot area of 450 square metres;
- (c) To permit a reduced interior side yard northerly setback of 0.52 metres, whereas the By-law requires a minimum interior side yard setback of 1.2 metres; and,
- (d) To permit a reduced parking space length of 2.43 metres whereas the By-law requires a parking space length to be 5.2 metres.

A-00119: 310 Atlantis Avenue, Severed Lands (Part 2):

- (e) To permit a reduced lot width of 7.91 metres, whereas the By-law requires a minimum lot width of 15 metres;
- (f) To permit a reduced lot area of 241 square metres, whereas the By-law requires a minimum lot area of 450 square metres;
- (g) To permit a reduced interior northerly side yard setback of 0.61 metres, whereas the By-law requires a minimum interior side yard setback of 1.2 metres;
- (h) To permit a reduced rear yard setback of 24.2% of the lot depth or 7.38 metres, whereas the By-law requires a minimum rear yard setback of is 28% of the lot depth or 8.53 metres but may not less than 6 metres and may not exceed 7.5 metres; and,
- (i) To permit a reduced rear yard area of 24.2% of the lot area or 58.37 square metres, whereas the By-law requires a minimum rear yard area of 25% of the lot area, or in this case, rear yard area of 60.25 square metres.

All of the variances, with the exception of variances 'd' and 'g', were approved by the Committee, subject to conditions related to variances c, h, and i. Variance 'd' was deemed to have been withdrawn by the Applicant at the time of the hearing on October 19th, 2022, and variance 'g' was deemed by the Committee to have not satisfied at least one of the four tests established by Section 45 of the Planning Act, and was therefore denied.

The applicant acted upon their right to appeal this decision to the Ontario Land Tribunal (OLT). The appeal was heard by the OLT on March 1st, 2023, and subsequently delivering an oral decision on the same day. The appeal was related to variances 'd' and 'g' which were not approved by the Committee. The OLT determined that variance 'd' had in fact been withdrawn at the time of the hearing date, and was not considered as part of this appeal. Following arguments from the appellant and

support from City of Ottawa planning staff, the OLT found that variance 'g' satisfied the four tests and was consistent with good land use planning. The variance was therefore granted.

1.2 Application Overview

The proposed Consent and Minor Variance applications seek to establish a similar condition to that proposed through the previous set of applications on the lands. The proposed Consent application seeks to facilitate the creation of one (1) new lot through a severance of the lands. The lot fabric proposed through this severance, resembles the condition approved by the Committee as part of the previous application on the lands, with the exception of the corrected lot area for the retained lands. The dimensions and nature of the severed lands remains generally the same as the previous Consent application, with the exception of the corrected lot area of the retained lot.

The concurrent Minor Variance application seeks to address two (2) zoning deficiencies related to the proposed retained lot and existing detached dwelling on the subject property. The relief requested through this application is as follows:

- a) The proposed severance features a minimum lot area of 223.4m², whereas the Zoning By-law requires a minimum lot area of 450m².
 - o The subject property features an existing Minor Variance approval which permits for a minimum lot area of 233.4m².
- b) The proposed severance would establish a southerly interior side yard setback of 1.18 metres, whereas the Zoning By-law requires a minimum interior side yard setback of 1.2 metres.

Site Context and Surrounding Area

2.1 Subject Property

The subject property, which is legally described as Lot 214, Reg. Plan 4M-29, City of Ottawa, has a lot frontage of 15.24 metres along Atlantis Avenue and a lot depth of 30.47 metres, resulting in a total area of approximately 464.40m². The property is currently occupied by a two-storey detached dwelling and a detached garage to the south of the dwelling. The front yard is characterized by three (3) mature trees, including two (2) City-owned trees and one (1) shared tree with 314 Atlantis Avenue, which are all intended to be maintained through this application.

The details pertaining to the proposed severed and retained portions of the subject lands are described below and illustrated in Figure 2:

Table 1: Proposed retained and severed parcel descriptions.

	Retained	Severed
Parcel Description	Parts 1 & 3 on Draft Reference Plan Lot 214, Reg. Plan 4M-29, City of Ottawa	Part 2 & 4 on Draft Reference Plan Lot 214, Reg. Plan 4M-29, City of Ottawa
Parcel Frontage	7.33 metres	7.91 metres
Parcel Depth	30.47 metres	30.47 metres
Parcel Area	223.4m ²	241.0m ²

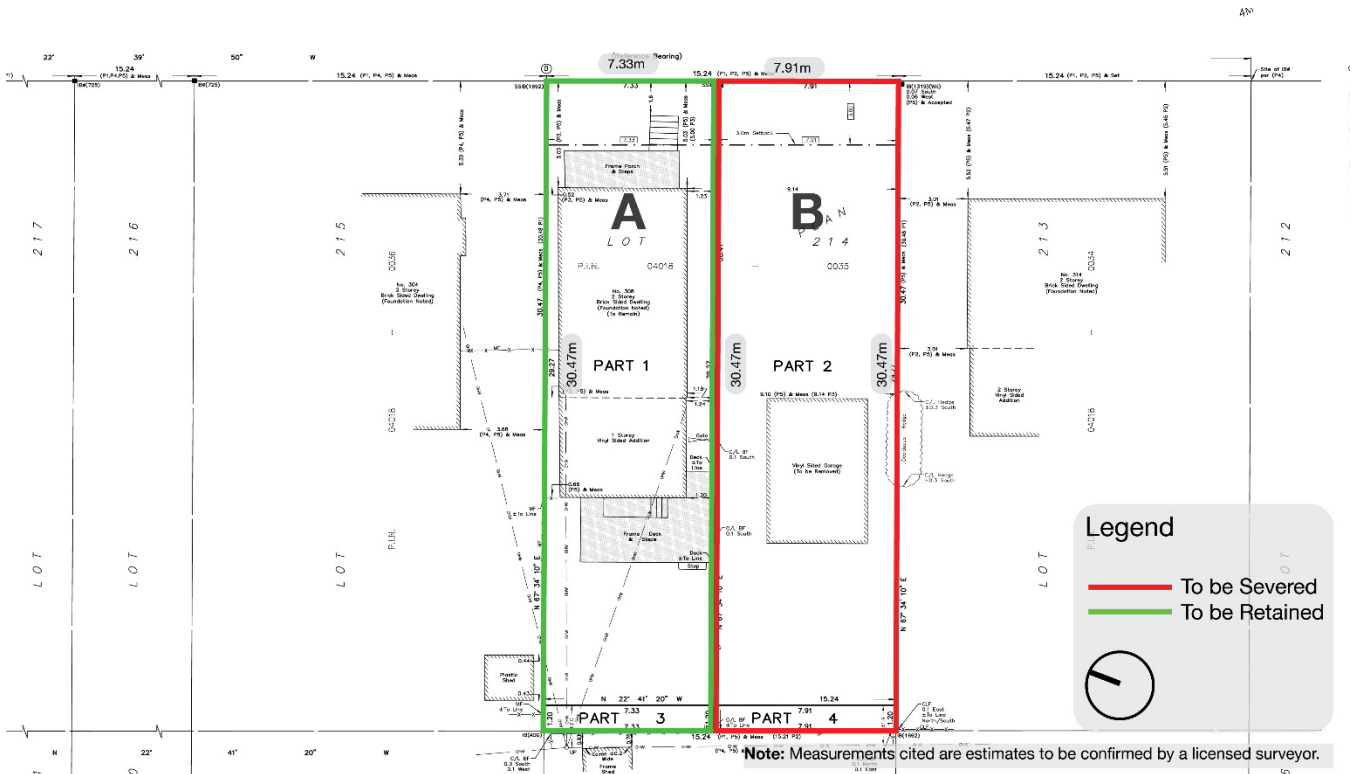


Figure 2: Graphic displaying the proposed severance, indicating the retained and severed lands.

2.2 Surrounding Context

The subject property is located in the Westboro neighbourhood in the City of Ottawa. The area surrounding the subject property is characterized by low-rise residential uses bound by the Scott Street mixed-use corridor to the south and the waterfront Kitchi Zibi Mikan Parkway to the north. The description of the surrounding context is as follows.

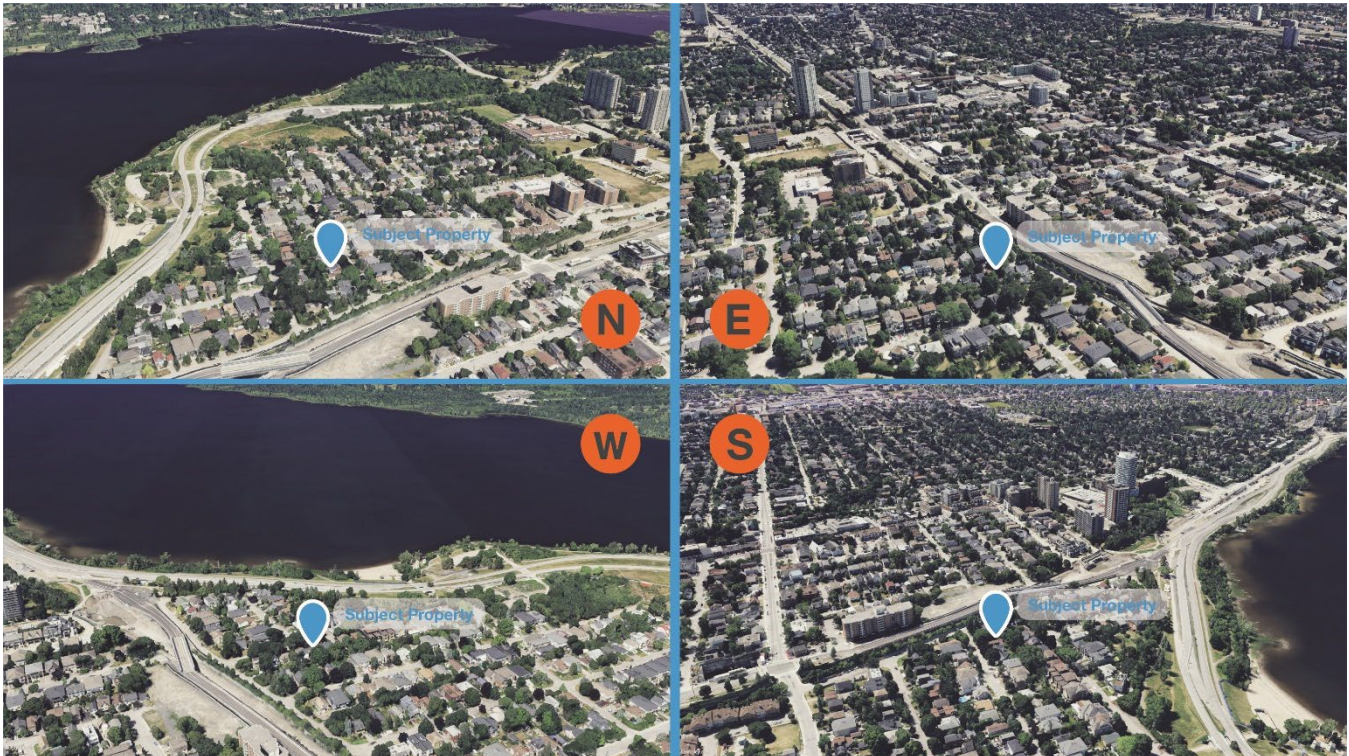


Figure 3: Graphic depicting the context surrounding the subject property.

North: The area to the north of the subject property is characterized by low-rise residential dwellings, generally taking the form of single detached and semi-detached dwellings. The residential area is bound to north by the Kitchi Zibi Mikan Parkway which extends along the southern bank of the Ottawa River.

East: Directly to the east of the subject property are two blocks of low-rise residential dwellings, consisting primarily of single-detached and semi-detached dwellings. Further to the east are the Scotthill Apartments – an apartment complex consisting of a nine (9) and a seven (7) storey building with surface parking provided between the buildings. Approximately 450 metres to the east of the subject property is the future Westboro LRT Station.

South: Immediately to the south of the subject property is the Scott Street transit way and future Confederation Line westward extension. Further to the south is a continuation of the low-density residential neighbourhoods commonly found within the Westboro community. This portion of the community is bound by the Scott Street transitway to the north and the Richmond Road mixed-use corridor to the south.

West: West of the subject property is the Kichi Zibi Mikan Parkway which extends along the bank of the Ottawa River. Along this stretch of the Ottawa River is the Westboro Beach Park and public facilities which integrate with the Kitchi Zibi Mikan path network. To the southwest is the future Kitchi Zibi LRT station.

2.3 Road Network

The subject property is located along Atlantis Avenue, which is designated a local road on Schedule E of the Ottawa Official Plan. The subject property has proximate access to Churchill Avenue which is designated an Arterial and Major Collector, providing north-south access to Scott Street, Richmond Road and Carling Avenue. The subject property also benefits from proximate access to Scott Street which is designated an Arterial road, and the Kitchi Zibi Mikan Parkway which is a prominent Federally-owned thoroughfare extending from the downtown area in the east to Lincoln Fields in the west. The subject property is well served by the existing road network due to its proximity to a Major Collector road and Arterial road which provides connections to an Arterial road along Carling Avenue and the greater urban road network of the City of Ottawa.

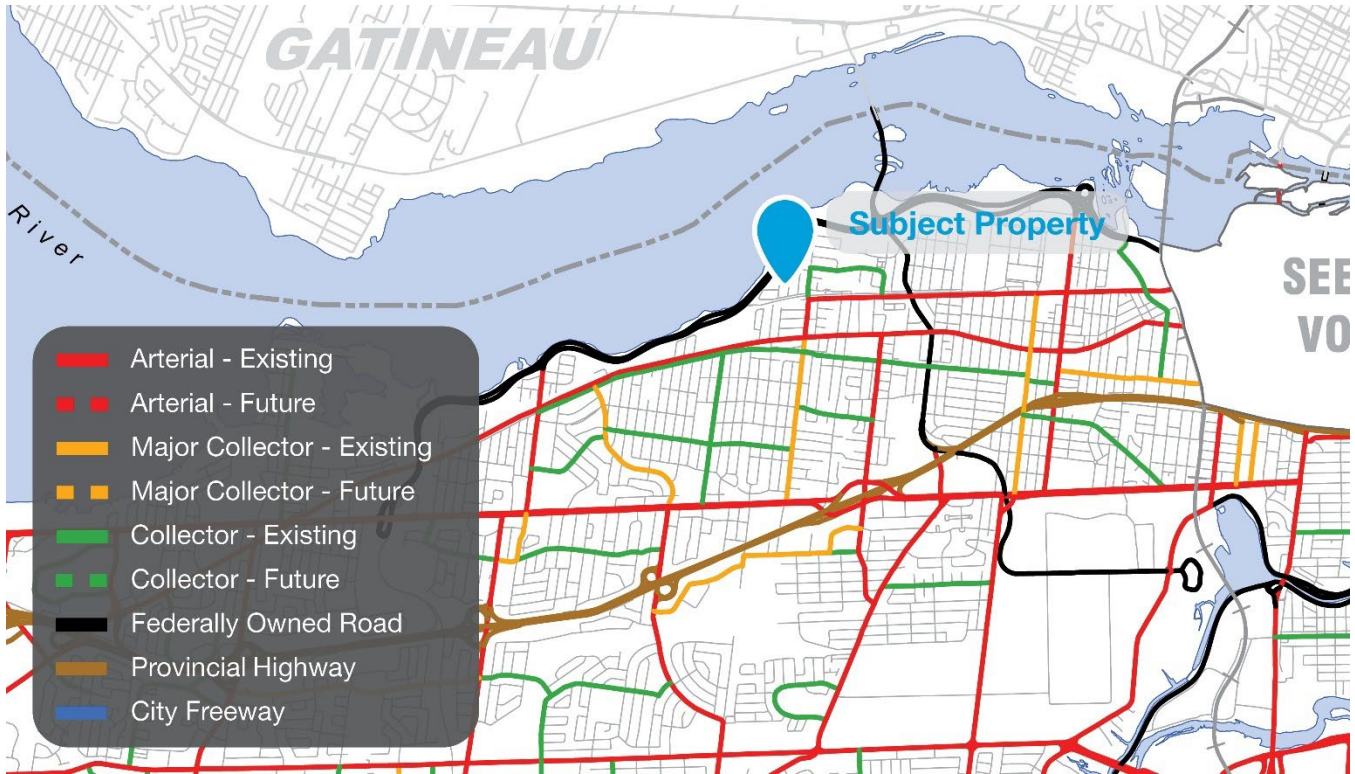


Figure 4: Schedule C4 - Urban Road Network (subject property identified).

3.0 Policy and Regulatory Context

3.1 Provincial Planning Statement (2024)

The Province of Ontario enacted a new Provincial Planning Statement (PPS) on October 20th, 2024, which represents the consolidation of the previous PPS (2020) and the *Growth Plan* (2019) into a single comprehensive policy document. Included as part of the consolidation are several updates to the previous sets of policies, with a specific emphasis on growth targets and urban boundary expansion related to the provision of greater opportunities for housing across the province. All municipal development policies, documents and decisions must be consistent with the PPS, read in full, as of the date of enactment.

Policies that support the development and intensification of the subject property include:

- / 2.1.4: Planning authorities should support the achievement of complete communities by:
 - a) accommodating an appropriate range and mix of land uses, housing options, transportation options with multimodal access, employment, public service facilities and other institutional uses (including schools and associated childcare facilities, long-term care facilities, places of worship and cemeteries), recreation, parks and open space, and other uses to meet long-term needs.
- / 2.2.1: Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected needs of current and future residents of the regional market area by:
 - a) permitting and facilitating:
 - 1. all housing options required to meet the social, health, economic and wellbeing requirements of current and future residents, including additional needs housing and needs arising from demographic changes and employment opportunities; and,
 - 2. all types of residential intensification, including the development and redevelopment of underutilized commercial and institutional sites (e.g., shopping malls and plazas) for residential use, development and introduction of new housing options within previously developed areas, and redevelopment, which results in a net increase in residential units in accordance with policy 2.3.1.3;
 - b) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation; and,
 - c) requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations.
- / 2.3.1.1: Settlement areas shall be the focus of growth and development. Within settlement areas, growth should be focused in, where applicable, strategic growth areas, including major transit station areas.
- / 2.3.1.2: Land use patterns within settlement areas should be based on densities and a mix of land uses which:
 - a) efficiently use land and resources;
 - b) optimize existing and planned infrastructure and public service facilities;
 - c) support active transportation; and,
 - d) are transit-supportive, as appropriate.
- / 2.3.1.3: Planning authorities shall support general intensification and redevelopment to support the achievement of complete communities, including by planning for a range and mix of housing options and prioritizing planning and investment in the necessary infrastructure and public service facilities.

- 2.4.3.1: Planning authorities shall plan for intensification on lands that are adjacent to existing and planned frequent transit corridors, where appropriate.

The Consent and Minor Variance applications, and the resulting proposed development on the subject property are consistent with the Provincial Planning Statement (2024) in that it achieves its vision in addressing efficient development and land use patterns. The Consent application seeks to create two (2) residential lots with adequate site area to support compatible development within the context of the surrounding community. The Minor Variance application seeks to recognize the proposed lot fabric, taking into consideration the existing building on the retained lot and is supported by the relevant policies of the PPS. The proposed development is aligned with the policies of the PPS in that the applications provide for the opportunity for increased densities within the serviced, urban area, contributing to the ongoing evolution and creation a complete community.

3.2 City of Ottawa Official Plan (2022)

The Official Plan for the City of Ottawa was approved November 4, 2022. The Plan provides a framework for the way that the City will develop until 2046 when it is expected that the City’s population will surpass 1.4 million people. The Official Plan directs how the city will accommodate this growth over time and set out the policies to guide the development and growth of the City.

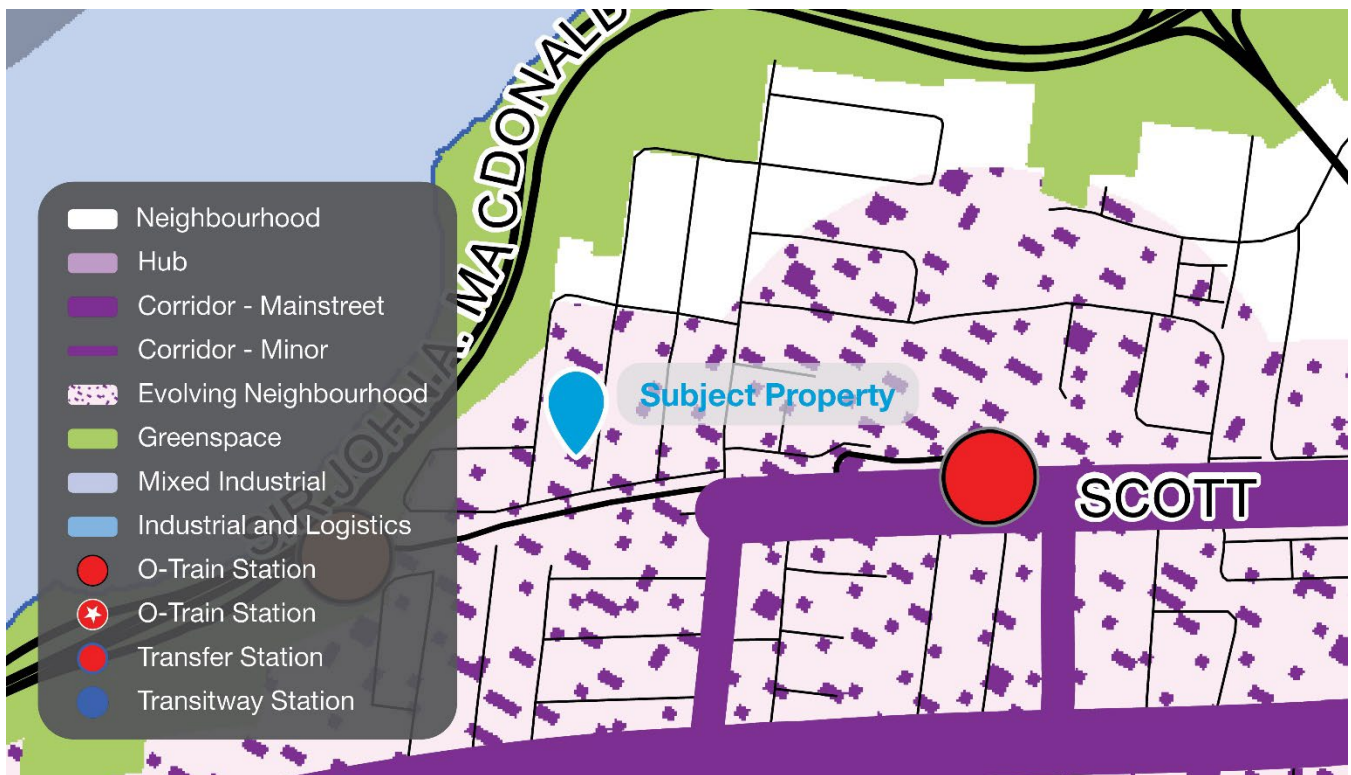


Figure 5: Schedule B2 – Inner Urban Transect.

3.2.1 Inner Urban Transect

Schedule A of the Official Plan divides the City into six (6) concentric policy areas called Transects. Each Transect represents a different gradation in the type and evolution of built environment and planned function of the lands within it, from most urban (the Downtown Core) to least urban (Rural).

The subject lands are located in the “Inner Urban Transect” of the Official Plan. The Inner Urban Transect includes the pre-World War II neighbourhoods that immediately surround the Downtown Core, and the earliest post-World War II areas directly adjacent to them and is therefore characterized by both urban and suburban elements. The Official Plan provides guidance for how the existing character of these neighbourhoods should be complemented while allowing for the development of walkable, service-rich, 15-Minute Neighbourhoods.

The Inner Urban Transect promotes greater densities than the Outer Urban and Suburban Transects; the intended pattern of built form is urban. The transect is generally planned for mid- to high-density development, subject to their proximity to transit, their underlying land use designation, and municipal servicing capacity constraints. Section 5.2 sets the policies guiding development under this transect designation. The policies focus on enhancing the pattern of development to reflect the desired urban character, creating walkable and transit-supportive communities, as well as encouraging appropriate ‘missing-middle’ intensification within established neighbourhoods.

Specific policies that apply to this proposal include:

- / 5.2.4(1) Neighbourhoods located in the Inner Urban area and within a short walking distance of Hubs and Corridors shall accommodate residential growth to meet the Growth Management Framework as outlined in Subsection 3.2, Table 3b. The Zoning By-law shall implement the density thresholds in a manner which adheres to the built form requirements as described in Subsection 5.6.1, as applicable and that:
 - o a) Allows and supports a wide variety of housing types with a focus on missing-middle housing, which may include new housing types that are currently not contemplated in this Plan.

3.2.2 Neighbourhood Designation

The subject property is designated “Neighbourhood” in Schedule B2 of the Official Plan (Figure 5). The Neighbourhood designation represents the core of the communities found in the urban and suburban areas of the City. The stage of evolution varies across neighbourhoods around the city, and the policies of the Official Plan recognize this, and help to guide development towards the desired 15-minute neighbourhood pattern of development. Section 3.2.3 outlines the role of Neighbourhoods in supporting a large portion of the intensification projected by the Plan as they develop in proximity to designations of greater density and mix of uses, such as Corridors and Hubs. The designation policies ensure intensification and development while remaining sensitive to the existing character of the neighbourhood.

Specific policies that apply to this proposal include:

- / 6.3.1(2) Permitted building heights in Neighbourhoods shall be Low-Rise;
- / 6.3.1(4) The Zoning By-law and approvals under the Planning Act shall allow a range of residential and non-residential built forms within the Neighbourhood designation, including:
 - a) Generally, a full range of Low-Rise housing options sufficient to meet or exceed the goals of Table 2 and Table 3b;
- / 6.3.1(5) The Zoning By-law will distribute permitted densities in the Neighbourhood by:
 - Allowing lower densities and predominantly ground-oriented dwelling forms further away from rapid-transit stations, Corridors and major neighbourhood amenities;
- / 6.3.2(3) Further to Policy 2), form-based regulation will provide for built form and site development characteristics that are:
 - c) In all other cases, may provide for a mix of urban and suburban characteristics as described in Table 6, provided that such development does not unreasonably preclude evolution to more urban character over the life of this Plan.

3.2.3 Urban Design (Section 4.6)

Section 4.6 of the Official Plan outlines the specific policies guiding the design and relationship between developments across the City, specifically emphasizing adequate transitions, complementary built forms, and existing neighbourhood design characteristics.

- 4.6.6(6) Low-rise buildings shall be designed to respond to context, and transect area policies, and shall include areas for soft landscaping, main entrances at-grade, front porches or balconies, where appropriate. Buildings shall integrate architecturally to complement the surrounding context.

The City of Ottawa’s Official Plan outlines the general strategies for growth and development across the region, detailing specific policies for both urban and rural areas. The Plan highlights key features related to residential development within the Inner Urban Transect and the role of the Neighbourhood designation in accommodating a bulk of the intensification proposed through this Plan. This review examined the policies as they apply to the proposed Consent and Minor Variance applications on the subject property. The policies of the Official Plan were shown to be supportive of the proposed severance and Minor Variance on the retained lot as the proposed development provides for compatible development on compact and functional lots within the existing built-up area of the City.

3.3 Richmond Road / Westboro Secondary Plan (2021)

The Richmond Road/Westboro Secondary Plan is a guide to its long-term design and development, taking into consideration land use, urban design, zoning, transportation, existing streetscape conditions, compatibility of new development, and other issues of concern to the local communities. The Secondary Plan provides a framework for the overlying objectives and principles through the policy context for the specific sectoral strategies that focus on land use and building scale, as well as a greenspace network strategy. The Secondary Plan provides detailed background information on existing conditions and community issues as well as land use policy and zoning recommendations.

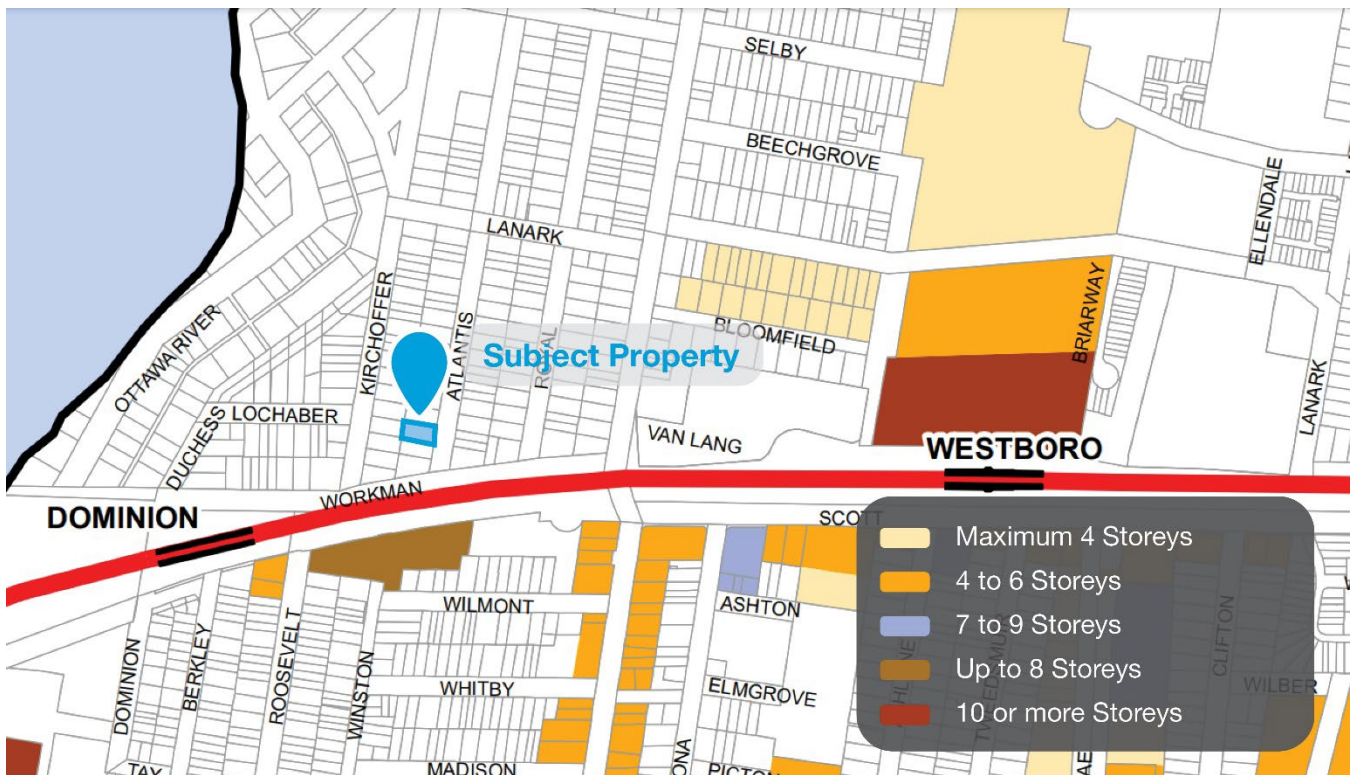


Figure 6: Schedule C - Maximum Building Height

The Secondary Plan highlights the desire to see the community evolve through thoughtful intensification efforts, with appropriate attention paid towards context sensitivity, transit-oriented development, and the evolution of existing mainstreet environments. The relevant policy related to the proposed development is as follows:

- 2.2.1: Preserve the scale and character of established neighbourhoods and minimize any adverse impacts of intensification.

The proposed development establishes a compatible lot fabric and development opportunity on the subject property, in line with the Plan’s priorities, and specifically Policy 2.2.1. The Plan identifies the subject property on the edge of the Scott Street / Westboro O-Train Station Planning Area Sector on Schedule A. The resultant condition represents a compatible intensification opportunity in a manner which does not significantly deviate from the existing nature of the surrounding low-rise residential areas, while allowing for the efficient use of lands within the urban area.

3.4 City of Ottawa Comprehensive Zoning By-law (2008-250)



Figure 7: Zoning map with the subject property identified. (GeoOttawa)

The subject property is zoned R3E – Residential Third Density, Subzone E (see Figure 7).

The table below lists the permitted uses in the R3 zone:

Permitted Uses
bed and breakfast, see Part 5, Section 121 detached dwelling

Permitted Uses
diplomatic mission, see Part 3, Section 88 duplex dwelling, see Part 5, Section 138 (By-law 2010-307) group home, see Part 5, Section 125 home-based business, see Part 5, Section 127 home-based daycare, see Part 5, Section 129 linked-detached dwelling, see Part 5, Section 138 (By-law 2010-307) park planned unit development, see Part 5, Section 131 retirement home, converted see Part 5, Section 122 secondary dwelling unit, see Part 5, Section 133 semi-detached dwelling, see Part 5, Section 138 (By-law 2010-307) three-unit dwelling townhouse dwelling, see Part 5, Section 138 (By-law 2012-334) (By-law 2010-307) (By-law 2014-189) urban agriculture, see Part 3, Section 82 (By-law 2017-148)

Table 2: City of Ottawa Zoning By-law – R3E Zone and other applicable provisions.

Zoning Mechanism	Provision	Proposed - Retained	Proposed - Severed	Compliance
Minimum lot area (m²)	450m ² *	223.4m ²	241.0m ² *	No
Minimum lot width (m)	15 metres*	7.33 metres	7.91 metres*	Yes
Maximum building height (m)	8 metres	Existing	N/A	Yes
Minimum front yard setback (m)	3 metres	5.03 metres	N/A	Yes
Minimum rear yard setback (m) Section 144(3)(a)	8.53 metres	10.94 metres	N/A	Yes
Minimum interior yard setback (m)	1.2 metres	0.52 metres*; 1.18 metres	N/A	No
Minimum Front Yard Landscaping Section 139(1)	30%	~43%	N/A	Yes
Maximum Driveway Width Section 139(3)(i)	2.6 metres	2.6 metres	N/A	Yes
Minimum Parking Requirement	None	Existing	N/A	Yes

*The minimum lot area and lot width provisions are not reflective of the existing Minor Variance approvals on the lands as it relates to the severed lot. The severed lot is in compliance with both of these aspects of the Zoning By-law. Similarly, the interior side yard setback of the retained parcel (northerly) benefits from an existing Minor Variance approval.

Table 3: Non-compliant zoning performance standards for the proposed retained lot.

Zoning Provision	Required	Proposed (Retained Lot)
Minimum Lot Area (m²)	450m ²	223.4m ²
Minimum Interior Yard Setback	1.2 metres	1.18 metres (southerly)

The proposed consent application seeks to create two (2) lots in a similar manner to that which was proposed through the previous Consent application (D08-01-22/B-00136) on the subject property, with the exception of the corrected minimum lot area. The concurrent Minor Variance application for the retained lot seeks to address the zoning non-compliance related to the minimum lot area as well as the interior side yard setback of the existing dwelling as a result of the lot line established through these applications.

The dimensions of the proposed severed lot have not changed since the previous Minor Variance and Consent approval. The proposed lot represents a zoning-compliant lot, as per the previous Minor Variance approval, shown to be capable of supporting a potential future two (2) storey detached dwelling (Figure 8)

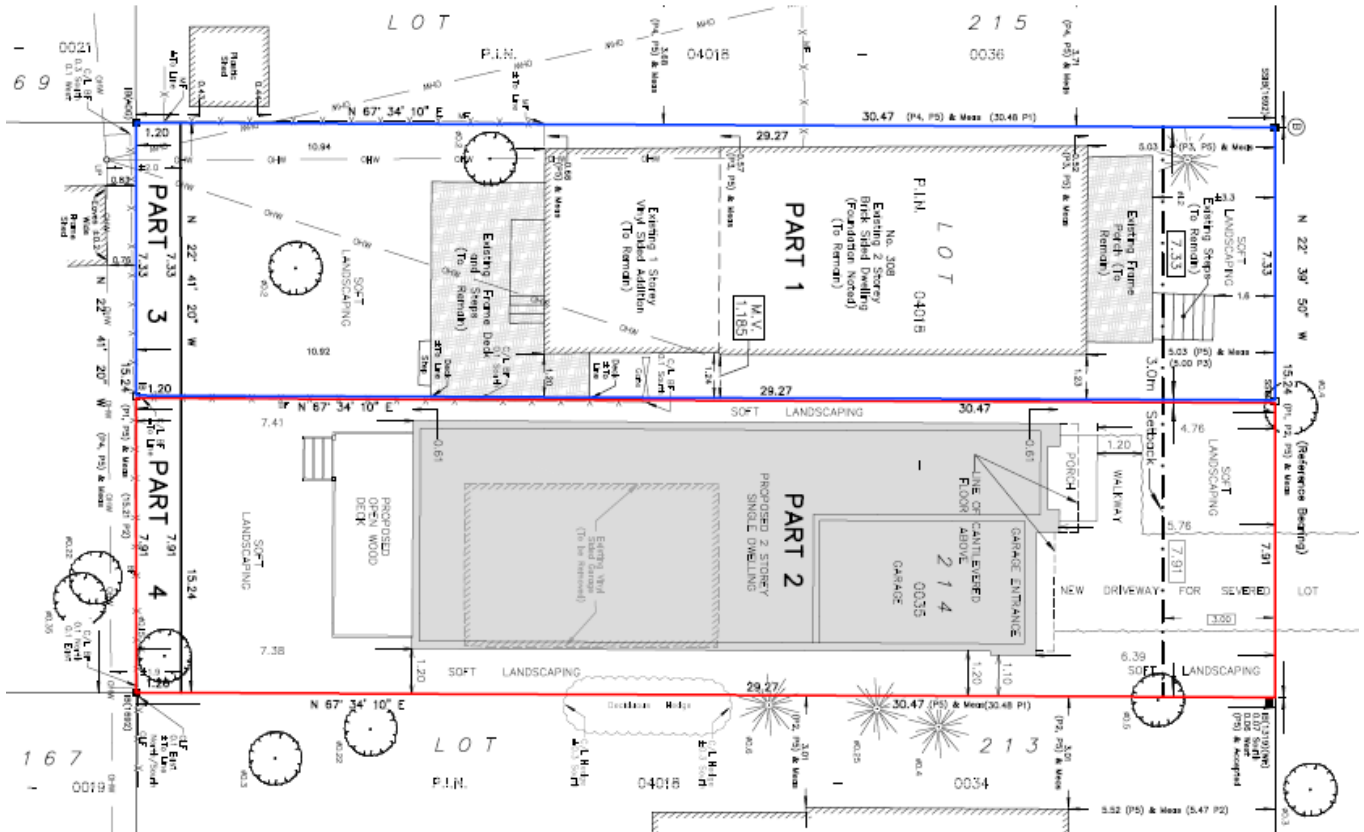


Figure 8: Site Plan sketch illustrating the existing conditions on the retained lot (Parts 1 & 3) as well as the concept sketch proposed for the severed lot (Parts 2 & 4) as part of the previous Consent and Minor Variance applications on the lands.

4.0 Ontario Planning Act – Consents

4.1 Legislative Authority

Section 53(1) of the Ontario 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 or the Minister, as the case may be, 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.”

Section 53(12) of the Planning Act notes that when determining if a consent is to be given, a council or the Minister:

“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”.

4.2 Consent Criteria

Section 51(24) of the Planning Act sets forth the criteria for considering Plans of Subdivision with regards to the “health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality.” A response to each of the criteria from Section 51(24) is provided below.

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

- a) The effect of development of the proposed subdivision on matters of provincial interest (as referred to in section 2)
The proposed Consent conforms to the goals and policies of provincial interest and complies with the necessary policies of the Official Plan.
- b) Whether the proposed subdivision is premature or in the public interest
The proposed Consent would facilitate the creation of two (2) lots, capable of supporting the planned retention of the existing dwelling as well as the development of a similarly-sized detached dwelling on the severed lot. The increased density through intensification takes advantage of the existing lot fabric and servicing capacities to meet the goals of the Official Plan.
- c) Whether the plan conforms to the official plan and adjacent plans of subdivision, if any
The proposed Consent conforms to the policies of the City of Ottawa Official Plan as it maintains the low-rise built form of the neighbourhood while providing for increased density through infill intensification, as encouraged by the Neighborhood designation policies.
- d) The suitability of the land for the purposes for which it is to be subdivided
The proposed Consent would result in two (2) lots which are compliant with all applicable Zoning By-law provisions, notwithstanding the variances proposed through the concurrent Minor Variance application. The proposed lots provide adequate street access and developable area on the lot to ensure the intended development scenario can be successfully pursued.

- d.1) If any affordable housing units are being proposed, the suitability of the proposed units for affordable housing
This application is not considering any affordable housing on the subject property.
- 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 subject property is accessed via Atlantis Avenue, which is identified as a Local road in Schedule C4 – Urban Network in the City of Ottawa’s Official Plan (2022). The proposed Consent provides adequate road access to both the retained and severed lands.
- f) The dimensions and shapes of the proposed lots
The proposed Consent creates two (2) rectangular lots of similar dimensions. The proposed lot widths, as well as the proposed lot area of the severed lot, are fully compliant with the Zoning By-law per the Committee of Adjustment decision dated October 28th, 2022. The proposed lot area of the retained lot was previously reflected as part of the above-noted Minor Variance decision, though, a calculation error resulted in the decision reflecting an incorrect lot area. As a result, a Minor Variance, submitted concurrently to this Consent application, seeks to address and correct this error.
- 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 property is subject to a concurrent Minor Variance application, which is proposing to apply new zoning standards to reflect the opportunity to facilitate the creation of two (2) functional lots in the Inner Urban Area capable of supporting two (2) detached dwelling.
- h) Conservation of natural resources and flood control
Three (3) existing mature trees have been identified on or near the subject property and are intended to be retained as part of this application.
- i) The adequacy of utilities and municipal services
The subject property is municipally serviced and is not anticipated to place undue strain on the existing servicing capacity for the area.
- j) The adequacy of school sites
The subject property is located within one-and-a-half (1.5) kilometres of five (5) public schools, capable of serving elementary through high school students.
- k) The area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes
No lands are proposed to be dedicated for public uses.
- l) The extent to which the plan’s design optimizes the available supply, means of supplying, efficient use and conservation of energy
The buildings proposed on the subject property as a result of this proposed Consent will be subject to the energy usage directives outlined in Provincial legislation and the Ontario Building Code in order to receive a building permit.
- 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 scale of development proposed on the subject property does not meet the threshold to require Site Plan Control approval.

5.0

Four Tests of the Planning Act

Section 45 (1) of the Planning Act (R.S.O. 1990, c. P.13) outlines the “four tests” for determining the suitability of a proposed Minor Variance. If all four tests are met, the Committee of Adjustment is authorized to grant a variance. There are a total of two (2) variances related to the retained lot being sought through this application. The proposed variances seek to address errors discovered following the previous Minor Variance and Consent approvals on the lands. The variances relate to Section 160 of the Zoning By-law and are outlined in further detail below:

I. *Section 160(1.c.V)*

The proposed retained lot features a lot area of 223.4m² whereas the Zoning By-law requires a minimum lot area of 450m² for detached dwellings.

II. *Section 160(1.c.X)*

The proposed severance would result in the establishment of a 1.18 metre setback along the south of the existing dwelling on the retained lot whereas the Zoning By-law requires a minimum interior side yard setback of 1.2 metres.

As outlined above, the variances being sought for the two (2) lots will be evaluated using the four tests required by the Planning Act.

The evaluation criteria are explored below:

1) **The variance is minor in nature.**

The proposed variances seek to correct errors related to the previous Committee of Adjustment approval on the lands related to the proposed lot area as well as the southerly interior side yard setback. The anticipated impacts of the requested variances are minor in that they will not result in significant undue impacts on the surrounding area or the functioning of the retained or severed lots.

- I. The proposed lot area of the retained lot represents a correction to the previously-approved Minor Variance on the lands which erroneously identified the lot area as being 233.4m² whereas the actual area is shown to be 223.4m². The lot width and depth are proposed to remain the same as was approved through the previous Consent application on the lands.

The proposed lot area of the retained lot represents a correction of the lot area presented through the previous application on the lands as the lot width and depth remain consistent with the previous approval. The proposed lot fabric generally reflects the previous proposal and is not anticipated to result in undue impacts on the surrounding properties.

- II. The proposed reduced interior side yard setback represents a 0.02 metre reduction from the 1.2-metre requirement of the Zoning By-law. The nature of this variance represents a minor encroachment of the existing building foundation into the required yard. The reduced interior side yard setback is only related to a small portion of the building foundation as it approaches the rear of the building. The foundation is shown to be slightly angled towards the proposed lot line, resulting in the minor deficiency for a short extent of the foundation (Figure 2). The majority of the building is in compliance with this specific provision of the By-law, and therefore, undue impacts related to the functional and aesthetic relationship to the severed lot and surrounding properties is not anticipated as a result.

The interior side yard condition proposed through this application does not represent a significant departure from the Zoning By-law and therefore, undue impacts related to the functionality, aesthetic, or character of the existing dwelling, the proposed severed lot, or the surrounding properties is not anticipated as a result.

The proposed variances are therefore minor.

2) The variance is considered desirable for the development and use of the property.

The nature of these variances does not seek to significantly change the resultant fabric or condition approved through the previous Consent and Minor Variance decisions on the lands. The proposed variances seek to accurately reflect the proposed lot formation and existing condition on the lot, reflecting a desirable development scenario on the lands.

- I. The proposed reduction in the minimum lot area seeks to correct a lot area calculation error made as part of the previous application on the lands. While the lot area was reflected incorrectly previously, the lot depth and lot width remain the same through this application. As a result, the proposed lot fabric has not materially changed from that which was approved through the previous set of Committee of Adjustment applications.
- II. The reduced interior side yard setback is not anticipated to constrain or limit access to the rear yard, nor is the separation from the proposed severed lot anticipated to be impacted by this variance. The slight reduction from the required minimum setback is only apparent for a limited portion of the side yard, while the majority of the existing dwelling is proposed to be in compliance with the Zoning By-law. The encroachment is not anticipated to result in any functional challenges on the proposed retained or severed lots as a result. Access to the rear year yard is to be maintained despite the slight encroachment and reduction of the required interior side yard.

The proposed lot fabric and interior side yard setback is capable of supporting the proposed function of the lots, as described, in a manner which is viable and considered desirable for the existing and future use of the lands.

The proposed variances are therefore considered desirable for the development and use of the property.

3) The variance maintains the general intent and purpose of the Zoning By-law.

The proposed variances seek to maintain the intent and purpose of the Zoning By-law through mitigation measures as well as responding to the existing and planned context for the area.

- I. The proposed reduction in lot area seeks to reflect a parcel fabric capable of supporting a dwelling type anticipated for the lands (detached) while ensuring adequate yard access and separation is maintained. The reduced lot area permits for the anticipated land use and built form to function effectively, while allowing for additional opportunities for development on the severed lot. The resultant lot formation is reflective of the desired approach to providing housing within the urban area in a context-sensitive and functional manner.
- II. The proposed reduced interior side yard setbacks reflects the general intent and purpose of the Zoning By-law as the separation and access to the rear yard is in large part maintained with the exception of this minor encroachment. The existing dwelling, as a single residential unit, assumes additional flexibility as it relates to rear yard access requirements, and the retained lot is not anticipated to see challenges resulting from this deficiencies as it relates to the functionality of the lot intended by the Zoning By-law. The extent of the encroachment (0.02 metres) does not significantly differ from the Zoning By-law requirement and as a result is not anticipated to result in a side yard condition dissimilar to that intended by this specific provision.

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

4) The variance maintains the general intent and purpose of the Official Plan.

The City of Ottawa Official Plan designates the subject property as Neighbourhood within the Inner Urban Transect. The applicable policies of the Official Plan intend to facilitate the intensification of Neighbourhoods within the Inner Urban Transect in a manner which respects the existing context while allowing for the evolution of established neighbourhoods through creative built forms and lot formations. Policy (1) of Section 5.2.4 of the Official Plan identifies areas within walking distance of Corridors as areas poised to support greater intensification in support of the City-wide growth targets. Subsection (d) further specifies that opportunities to facilitate the evolution of existing neighbourhoods should prioritize the general streetscape character as opposed to the specific lot fabric configuration. Overall, the relevant policies of the Official Plan envision lands, such as the subject property, as capable of supporting change, while recognizing new and functional lot characteristics and built forms not currently represented in these established areas.

The subject property is also located within the Richmond Road / Westboro Secondary Plan area, which defines the planning framework guiding development along this portion of Scott Street. The policies of the Secondary Plan support intensification efforts in proximity to the identified transit stations and seek to preserve the character of existing established neighbourhoods as part of this evolution.

The evolution of the Westboro community through the establishment of lots which reflect an urban built form, aligns with the policies of the Official Plan. The proposed lot area presents a parcel formation anticipated by the lot frontage and depth approved through the previous suite of applications. As depicted on the Reference Plan (Figure 2), the proposed lot is shown to represent a functional urban lot with adequate area to support the existing dwelling on the lands. The proposed interior side yard setback represents a minor deviation from the Zoning By-law requirement while still presenting a functional lot fabric as anticipated by the policies of the Official Plan. The 0.02 metre deficiency does not detract from the ability of the lot to function in an urban setting and the existing dwelling as a single residential unit can operate with relative flexibility as it relates to the constraints of a lot within an urban established neighbourhood.

The proposed variances are supported by the policies of the Inner Urban Transect, the Neighbourhood designation, and the policies of the Richmond Road / Westboro Secondary Plan. The relevant policies of the Official Plan anticipate growth and change within established neighbourhoods in a manner which respects the existing context while proposing innovative built forms and densities in a functional manner.

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

6.0 Conclusion

In our professional opinion, the Consent and Minor Variance applications represent good planning and meet the applicable evaluation criteria established in Sections 45, 51 and 53 of the Planning Act. The application therefore upholds sound land use planning principles and is in the public interest.

Please contact the undersigned at saunders@fotenn.com and casagrande@fotenn.com with any questions or requests for additional material.

Sincerely,



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Planner



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