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April 30, 2025

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

2025-04-30

City of Ottawa | Ville d'Ottawa
Comité de dérogation

Re: **APPLICATION FOR CONSENTS TO SEVER AND MINOR VARIANCES FOR LANDS AT 11 – 15 CLETO AVENUE, OTTAWA, ON.**

Lots 643, 644, 645, 646, 647, 648 and Part of Lot 649
Registered Plan 375
City of Ottawa
Ward 8, College
Zoning R1FF[632], Zoning By-law 2008-250

Dear Mr. Bellemare,

Constantino Bucciarelli and Maria Bucciarelli 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 11 - 15 Cleto Avenue, Ottawa, Ontario.

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

1. 1 copy of the completed Application Form
2. 1 copy of this cover letter prepared by Miroca Design Consultants Inc.
3. 1 full-sized copy and 1 reduced copy of the Draft Reference Plan showing the consents requested, prepared by Farley, Smith & Denis Surveying Ltd., Ontario Land Surveyors
4. 1 copy of the Existing Elevations Sketch prepared by Miroca Design Consultants Inc.
5. 1 copy of email confirmation that no TIR is required for this application.
6. A cheque payable to the City of Ottawa, and a copy of the Parcel Register showing ownership.

PURPOSE OF THE APPLICATION

To establish separate ownership for the two existing detached dwellings. In order to proceed the owner will require Consent from the Committee for severance, and Minor Variances for reduced lot width and area for one of the existing dwellings.

BACKGROUND

Mr. and Mrs. Bucciarelli own the land and reside in the house located at #11 Cleto. Both dwellings (#11 and #15) are registered on a single property under one Property Identification Number (PIN). They intend to sever the land into two parcels to establish separate ownership of the house at #15 Cleto for their children.

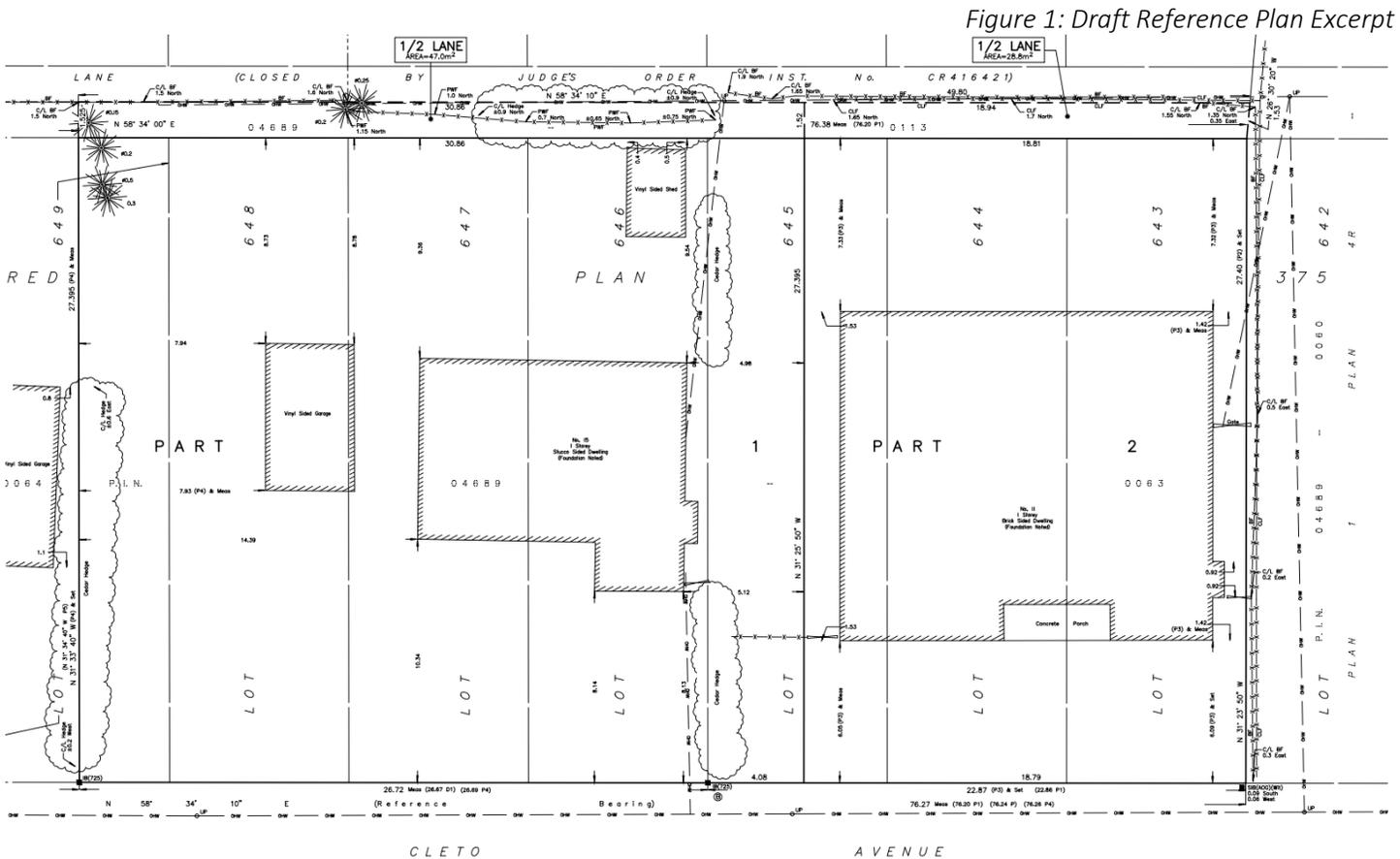
The proposed new lot line location has been selected to ensure a minimum frontage of 30 metres for the house at #15 Cleto, while also preserving a 1.5 metre side yard setback for the existing house at #11 Cleto. The preference for a 30 metre lot frontage is to provide sufficient space for the potential future construction of two homes for the clients' children and grandchildren.

This application does not include a third lot severance because the owner wants to retain the existing dwelling at #15 Cleto, and such a severance would require demolition or relocation of the dwelling. The current plan is to prepare for possible future development, but there are no development plans at this time.

CONSENTS REQUESTED

The owners require 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>#15 Cleto Avenue: Part 1</u> All of 646, 647, 648 and Part of Lots 645, 649	30.8m	27.395m + 1.52m = 28.915m	884.6m ² + 47m ² = 931.5m ²
<u>#11 Cleto Avenue: Part 2</u> All of 643, 644 and Part of Lot 645	18.79m	27.395m + 1.52m = 28.915m	515.2m ² + 28.8m ² = 544m ²



RELIEF REQUESTED

The owner require the Authority of the Committee for Minor Variances as follows:

#15 Cleto Avenue: Part 1:

No minor variances necessary.

#11 Cleto Avenue: Part 2:

- a) To permit a reduced lot width of 18.79 metres, whereas the By-law requires a minimum lot width of 19.5 metres. (Table 156A)
- b) To permit a reduced lot area of 544 square metres, whereas the By-law requires a minimum lot area of 600 square metres. (Table 156A)

ZONING

Zoning Bylaw 2008-250 | R1FF[632]

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: #15 (Part 1)	Provided: #11 (Part 2)
Min. Lot Width	19.5m	30.8m	18.79m
Min. Lot Area	600m ²	931.5m ²	544m²
Max. Building Height	8.5m	<i>5.15m existing</i>	<i>5.08m existing</i>
Min. Front Yard Setback	6m	<i>8.13m existing</i>	<i>6.05m existing</i>
Min. Rear Yard Setback	28% of lot depth	<i>37.63% (10.88m) existing</i>	<i>30.50% (8.82m) existing</i>
Min. Interior Side Yard Setback	total is 2.1 with one yard, no less than 0.9	14.39m + 4.98m = 19.37m	1.53m + 1.42 = 2.95m

EXISTING CONDITIONS AND AREA OVERVIEW

Currently, there are two detached dwellings, numbered 11 and 15 Cleto Avenue, existing under one Property Identification Number (PIN) on the property. At this time, both dwellings will remain in place.

Access to the property is provided from Cleto Avenue which is a Local Road. The property abuts a commercial plaza to the north-east. Transit service is provided along Meadowlands Drive to the South, Merivale Road to the East, and Baseline Road to the North. 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.

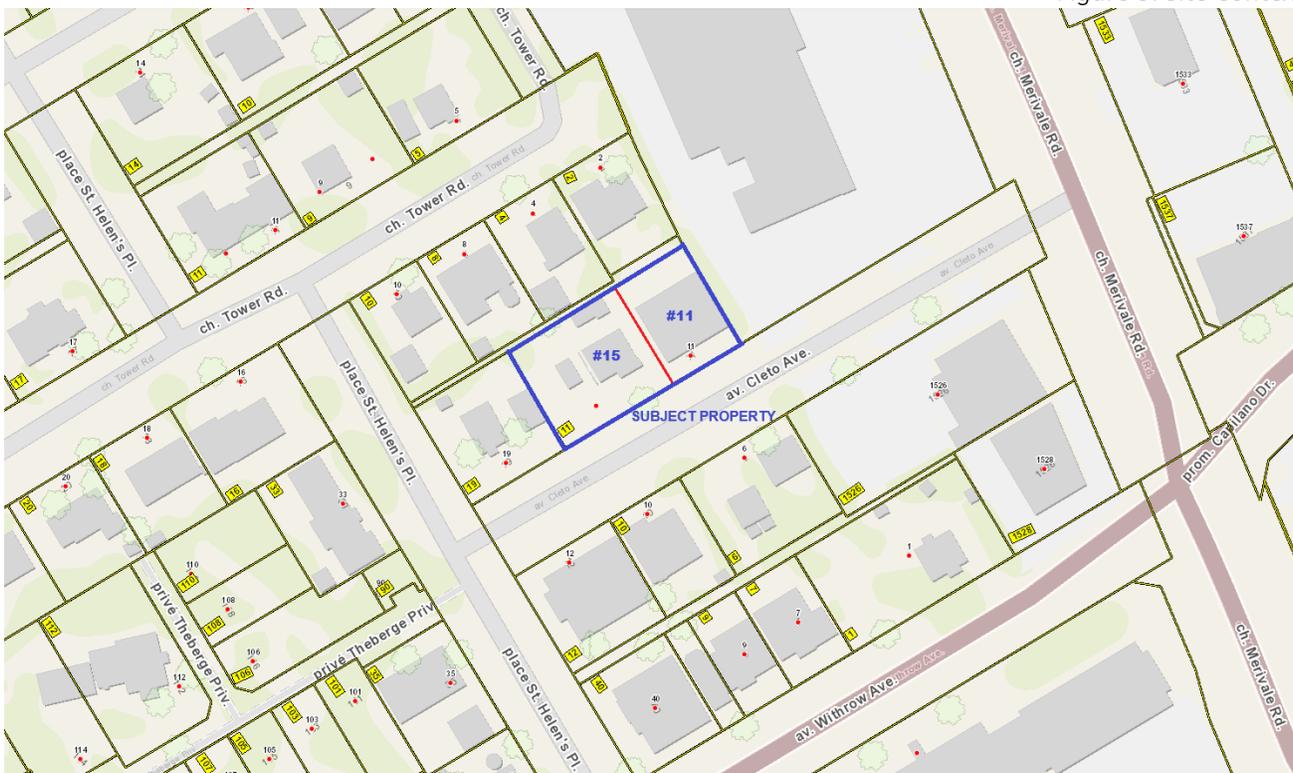
Figure 2: Existing dwellings on Subject Property



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 Cleto Avenue, 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 Context 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 establishes separate ownership for two existing detached dwellings, with minor variances that lay the groundwork for compliant lots for new dwellings in the future. Such development would be gentle intensification within the low-rise detached character of the neighborhood, aligning with the Growth Management Framework in Section 3 of the Official Plan.

Potential future dwellings would contribute to the diversity of housing options available in the area, and foster towards 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.

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 future development within the Outer Urban area rather than expansion into peripheral lands. By situating current and future residential use in close proximity to the rapid transit system and various community amenities, including employment and retail facilities, future development of the subject land will minimize travel distances and enhance accessibility, thereby contributing to a sustainable community.

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

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

The Zoning of the subject property is 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 severance to establish separate ownership meets the intentions of the Zoning By-law by providing lots for detached dwellings that are compatible with existing land use patterns and the single-family detached residential character of the neighbourhood.

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

Separate ownership for each detached dwelling is desirable for this property to ensure that current and future property owners retain proper authority over their individual dwellings.

The proposed new lot line location has been carefully selected to guarantee a minimum frontage of 30 metres for the house at #15 Cleto while preserving a 1.5 metre side yard setback for the existing house at #11 Cleto. The preference for a 30 metre lot frontage aims to provide adequate space for potential future construction of two homes for the clients' children and grandchildren.

The requested minor variances allocate additional space to Part 1 (30.8 metres) and maintain functional setbacks and lot area for Part 2, ensuring that the lot size conforms to the established development pattern in the area. It is also noted that the present Draft Zoning By-law, anticipated to be approved by Council at the end of 2025, indicates 15m lots for detached dwellings in this area. By maintaining a minimum lot width of 30 metres, the severed parcel for #11 Cleto (Part 1) will eventually accommodate two compliant lots for detached dwellings should the owner wish to develop the land in the future.

This application does not include a third lot severance because the owner wants to retain the existing dwelling at #15 Cleto, and such a severance would require demolition or relocation of the dwelling. The current plan is to prepare for possible future development, but there are no development plans at this time.

For these reasons, 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 18.79 metres for Part 2, whereas the By-law requires a minimum lot width of 19.5 metres, and to permit a reduced lot area of 544 square metres for Part 2, whereas the By-law requires a minimum lot area of 600 square metres.

The proposed severed and retained lots are consistent with the existing pattern of development found throughout the neighborhood. As demonstrated in Figure 4, highlighting similar 50ft wide lot fabric.

Figure 4: Neighbourhood Lot Fabric



Although Part 2 has a modestly reduced lot size from the Zoning standards, it remains adequately sized to support the existing dwelling and complies with all other performance standards set forth by the Zoning By-law, including yard setbacks and building height. The proposed lots will also meet and exceed the requirements for soft landscaping, and the existing dwellings are respectful of the maximum 45% lot coverage required in the Zoning By-law for City View.

The assessment of whether a variance is minor hinges on whether it results in a minor change or causes any undue or adverse effects. In the case of the proposed lot width and area reduction, it is evident that this is a very minor deviation which will enhance future opportunities for the land, and there is no negative impact to either dwelling or any adjacent properties.

Given these considerations, we feel that the requested variances are minor.

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 consent does not require a Plan of Subdivision, as the proposal is intended to facilitate the creation of separate and functional residential lots which will meet the intentions of the underlying zoning. The proposed consent does not require the construction of new public infrastructure, including roads and services. No development is proposed at this time, however any future development will be subject to another consent application and building permit application to ensure that any new construction conforms 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 consent 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 consent 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 consent is not premature and is in the public interest as it creates a more desirable lot for future 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 Official Plan aims to accommodate residential growth by transitioning from suburban to urban built forms and supporting diverse housing types, especially lower density, missing-middle housing that fits the neighborhood context. This severance establishes separate ownership for two existing detached dwellings, paving the way for compliant future development. This groundwork for gentle intensification aligns with the Growth Management Framework in Section 3 of the Official Plan.

Future development will enhance housing diversity and contribute to 15-minute neighborhoods, promoting accessibility to public transit, amenities, schools, and parks. The property is well-suited for residential intensification, matching the city's goals for growth.

The proposal adheres to the Official Plan by leveraging existing transit, infrastructure, and routes, supporting development within the urban area and minimizing travel distances. By situating residential use near transit and community amenities, future development will enhance accessibility and contribute to a sustainable community.

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

The subject property is an under-utilized residential 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. This lot provides the opportunity to increase density close to employment centers, transportation infrastructure, parks, and amenities. The proposed severance facilitates 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 existing dwellings as well as any future development. 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. No construction is presently proposed, and the consent is not anticipated to have any impact on the adequacy of utilities and municipal services.

(j) the adequacy of school sites;

The subject property is located in proximity to many elementary and secondary schools as per the Ontario Ministry of Education School Information Finder.

(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

The proposed severance within an existing neighborhood efficiently utilizes the current energy infrastructure, minimizing the need for further extensions that could compromise efficiency.

(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 consents to sever meet the criteria set out in Section 51(24) of the Planning Act, a plan of subdivision is not required, and the proposed severance at 11 and 13 Cleto Avenue represents good land use planning.

PROVINCIAL PLANNING STATEMENT

The Provincial Planning Statement was issued under Section 3 of the Planning Act and came into effect October 20, 2024. It replaces the Provincial Policy Statement that came into effect on May 1, 2020.

As per Section 3(5) of the Planning Act, a decision by the Committee of Adjustment with respect to a planning matter must be consistent with the Provincial Planning Statement (PPS). The Provincial Planning Statement provides policy direction on matters of provincial interest that are related to land use planning and development.

The proposed severance at 11 – 15 Cleto Avenue aligns with the policies and direction of the PPS. The proposal is an example of efficient land use within the settlement area, supporting sustainable growth by concentrating development where existing infrastructure and services are already in place. By avoiding urban sprawl, this project reduces environmental and financial costs and advances key provincial goals such as housing diversity, affordability, and environmental sustainability. The proposed severance contributes to creating complete, connected communities that balance present needs of residents while accommodating future growth.

Section 2.1: Planning for People and Homes

Policy 2.1.6 encourages planning authorities to support the achievement of complete communities through a balanced mix of land uses, housing options, transportation, and public facilities. The proposed severance aligns with this policy by concentrating growth in a well-served residential area, promoting a range of housing options close to community amenities like schools, shopping centers, and recreational spaces.

Section 2.2: Housing

Policy 2.2.1 emphasizes the need for diverse housing options to meet the needs of current and future residents, with a focus on affordability and residential intensification. The proposed severance directly supports these objectives by establishing separate ownership for the existing dwellings on the property, and laying the ground work for complaint future development. By utilizing underdeveloped land within the outer urban area, the severance establishes separate parcels that meet demographic needs. The property's proximity to greenspace, parks, and active living options aligns with the PPS goal of improving residents' health and well-being.

Section 2.3.1: Settlement Areas

According to Policy 2.3.1, settlement areas should be the focus of growth and development. The proposed severance is located within the City of Ottawa's established settlement area, outer urban transect, which is in keeping with the PPS's emphasis on directing growth to areas with existing infrastructure and public services. By working within a settlement area, the proposed severance ensures efficient land use and minimizes the need for costly infrastructure expansion. The site's integration into the city's transit network enhances accessibility and supports sustainable urban growth, consistent with the PPS goals of reducing sprawl and promoting livable, connected communities.

Section 2.4.1: Strategic Growth Areas

Policy 2.4.1 encourages development in strategic growth areas, such as major transit station areas, existing and emerging downtowns, grayfield and brownfield sites, lands along major roads, arterials, or other areas with existing or planned transit service. The proposed severance is situated within the outer urban area with convenient access to public transit, aligning with this policy's goal of focusing growth where it can be supported by existing services and infrastructure.

In our opinion, the proposed severance at 11 – 15 Cleto Avenue aligns with the Provincial Planning Statement by promoting efficient land use, optimizing urban infrastructure, enhancing housing diversity, and supporting the development of complete communities. This constitutes sound and sustainable land use planning.

PRE-CONSULTATIONS

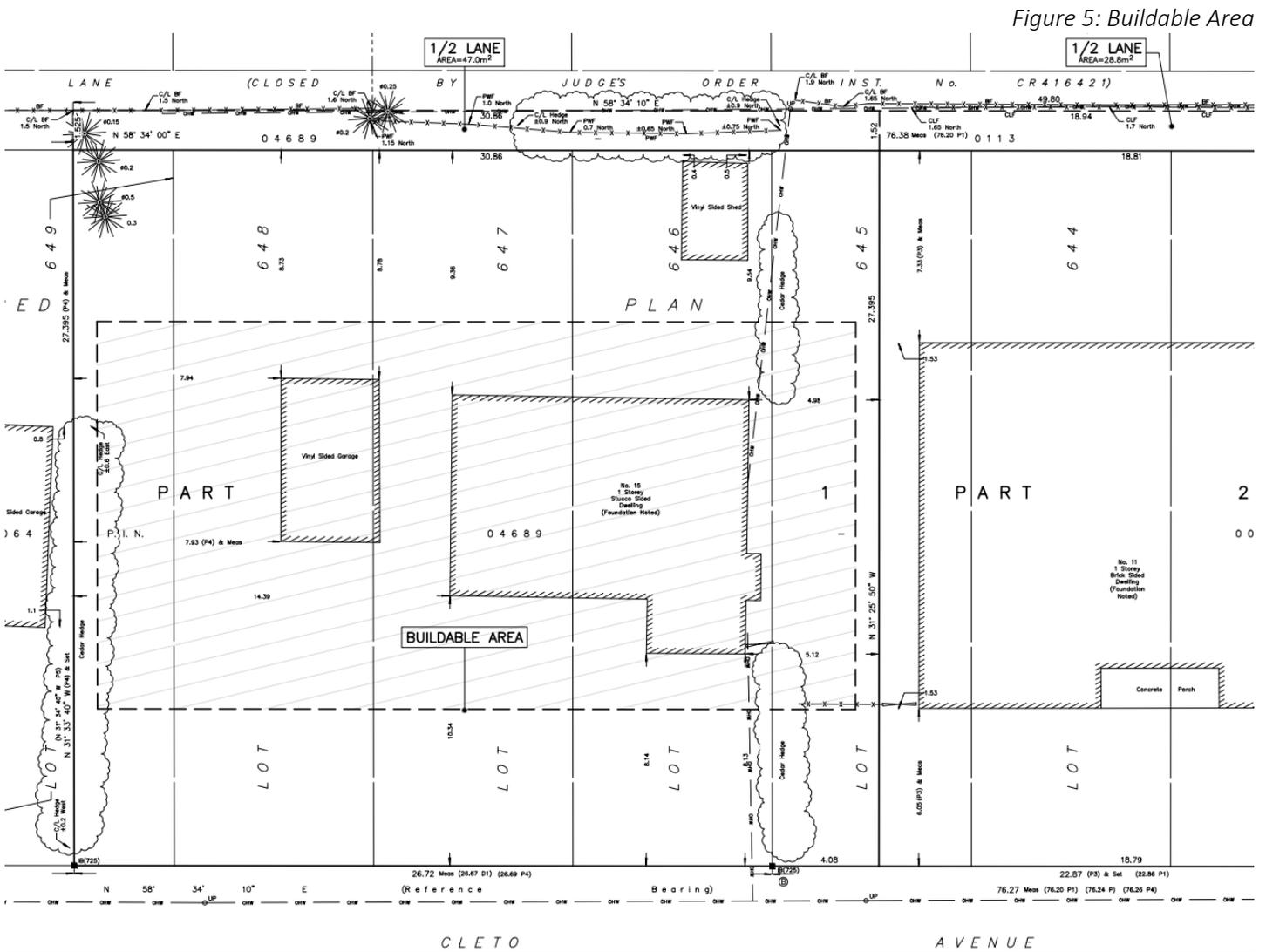
Pre-consultations with Planner 1 Nivethini Jekku Einkaran raised no concerns about the proposal. Planning Forester Julian Alvarez-Barkham confirm that since no work is to take place on site, no TIR is required. (Email enclosed)

A letter explaining the application was provided to the City View Community Association for their review and comments.

TREES

No work of any kind is proposed on site, therefore there is no impact to any existing trees.

Figure 5 below demonstrates the as-of-right buildable area of Part 1; no trees would be impacted by any future work within the buildable area. Any future development of this site will be subject to review and approval by the Forestry Department.



CONCLUSION

With respect to the Consents, it is our opinion that the proposed severance does not require a plan of subdivision and meets the criteria of Subsection 51(24) of the Planning Act; 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 Planning Statement, creating additional lots for residential development within the settlement 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 Planning 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.

Mary Beth DiSabato
Miroca Design Consulting Services Inc.