



July 29, 2025

Mr. Michel Bellemare  
Secretary Treasurer  
Committee of Adjustment  
101 CentrepoinTE Drive, 4th Floor  
Ottawa, ON K2G 5K7

**Committee of Adjustment**  
Received | Reçu le

**2026-01-21**

City of Ottawa | Ville d'Ottawa  
**Comité de dérogation**

**Re: Lot Addition and Minor Variance Applications  
11 Cassone Court, Nepean, ON**

Dear Mr. Bellemare,

We are pleased to be submitting Lot Addition and Minor Variance Applications for the subject lands for the review of Staff and the members of the City's Committee of Adjustment.

Note that Peter Foustanelas is identified on title as the owner of the subject lands. Peter Foustanelas died May 24, 2017. The first attachment to this covering letter is correspondence from Mr. Josh Shanbaum, lawyer with Shanbaum Semanyk Professional Corporation, establishing that a Certificate of Appointment of Estate Trustee was issued on December 11, 2017, which names Evangelia Foustanelas, Alex Foustanelas, Andre Foustanelas, Spiros Foustanelas as Estate Trustees for the Estate of Peter Foustanelas. The subject applications are submitted by GEMTEC Consulting Engineers and Scientists Limited on their behalf, and they have all signed the application forms accordingly.

As required, the following information is included in hard copy:

1. One (1) completed copy of a Consent application form.
2. One (1) completed copy of a Minor Variance application form.
3. One (1) copy of a Planning Brief explaining the proposal and addressing the appropriateness of the applications pursuant to applicable policies and zoning.
4. One (1) full-sized copy of a Surveyor's Real Property Report – Part 1 (Job No. AE17500), completed by Fairhall Moffatt & Woodland Limited and dated July 4, 2025, together with one 8.5x11 reduced copy.
5. One (1) copy of a Certificate of Surveyor, signed by John H. Gutri of Fairhall Moffatt & Woodland Limited, and dated July 4, 2025.

6. One (1) full-sized copy of an undated draft reference plan (Job No. AE17500), completed by Fairhall Moffatt & Woodland Limited, together with one 8.5x11 reduced copy.
7. One (1) copy of a PIN Abstract for 11 Cassone Court (PIN 04619-0222)
8. One (1) copy of a PIN Abstract for 2028 Merivale Road (PIN 04619-0228)
9. The required fee of \$5,873.

Please also note the following:

- We have received confirmation from a Planning Forester within the Natural Systems section that a Tree Information Report is not required in this instance. E-mail correspondence of today's date is enclosed as the second attachment to this letter.
- The Minor Variance application form identifies a Site Plan and Elevation Drawings as submission requirements. A Site Plan for the development at 2028 Merivale Road is included as an appendix to the Planning Rationale. It is my hope that Committee staff will share my opinion that elevations are not warranted in this instance.

We trust that the above and enclosed will be satisfactory for your purposes; however, please do not hesitate to contact our office should you have any questions. Thank you for your anticipated cooperation.

Sincerely,



Benjamin Clare, MCIP RPP  
Senior Planner

Encl.

# SHANBAUM SEMANYK PROFESSIONAL CORPORATION

Barristers and Solicitors  
Notary Public

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A. Joshua H. Shanbaum, LLB  
Email: [jshanbaum@sspclaw.ca](mailto:jshanbaum@sspclaw.ca)  
Phone: 613-238-6969 ext. 3

July 25, 2025

VIA EMAIL: [benjamin.clare@gemtec.ca](mailto:benjamin.clare@gemtec.ca)

Benjamin Clare  
GEMTEC Consulting Engineers and Scientists Limited  
32 Steacie Drive  
Ottawa, ON K2K 2A9

Dear Mr. Clare;

## **RE: 11 Cassone Court - Ownership and Authorization**

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We received a request from GEMTEC for the identification of a registered owner and authorized agent for Peter Foustanellas.

A Certificate of Appoint of Estate Trustee was issued on December 11, 2017. This Certificate names Evangelia Foustanellas, Alex Foustanellas, Andre Foustanellas, Spiros Foustanellas as Estate Trustees for the Estate of Peter Foustanellas, who died on May 24, 2017.

The four abovementioned Estate Trustees have authority to sign as personal representative of the owner Peter Foustanellas related to the property of 11 Cassone Court.

If any registrations will need to be made on the title of 11 Cassone Court a Transmission Application will be required before any other registration.

If further information is required, kindly contact the undersigned.

Your truly,

**SHANBAUM SEMANYK PROFESSIONAL CORPORATION**



A. Joshua H. Shanbaum  
AJHS/sg

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RE: 11 Cassone Court - 3.9 sq. metre conveyance to 2028 Merivale Road (Tree Information Report waiver request)

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**From** Alvarez-Barkham, Julian <julian.alvarez-barkham@ottawa.ca>  
**Date** Mon 7/28/2025 1:51 PM  
**To** Benjamin Clare <benjamin.clare@gemtec.ca>  
**Cc** john@olympiahomes.ca <john@olympiahomes.ca>; Committee of Adjustment Trees/Comité de Dérogation Arbres <cofa\_trees@ottawa.ca>

Hello Benjamin,

Sorry for the hold-up; confirmed that a TIR is not required with this consent application. Please share this email with your COA coordinator as confirmation.

Kind regards,

**Julian Alvarez-Barkham** (he/him/il)  
Planning Forester | Forestier – Planification  
Natural Systems | Systèmes Naturelles  
City of Ottawa | Ville d'Ottawa  
c: (343) 998-2803

Classified as City of Ottawa - Internal / Ville d'Ottawa - classé interne

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**From:** Benjamin Clare <benjamin.clare@gemtec.ca>  
**Sent:** July 28, 2025 10:40 AM  
**To:** Alvarez-Barkham, Julian <julian.alvarez-barkham@ottawa.ca>  
**Cc:** john@olympiahomes.ca; Committee of Adjustment Trees/Comité de Dérogation Arbres <cofa\_trees@ottawa.ca>  
**Subject:** Re: 11 Cassone Court - 3.9 sq. metre conveyance to 2028 Merivale Road (Tree Information Report waiver request)

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Hello again Julian,

Just checking in. Please let us know when you can.

Thanks very much,  
Ben



**Benjamin Clare**, MCIP RPP  
Senior Planner  
Halifax, NS  
902.333.2335 | [www.gemtec.ca](http://www.gemtec.ca)

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**From:** Benjamin Clare <[benjamin.clare@gemtec.ca](mailto:benjamin.clare@gemtec.ca)>  
**Sent:** Friday, July 25, 2025 10:09 AM  
**To:** Alvarez-Barkham, Julian <[julian.alvarez-barkham@ottawa.ca](mailto:julian.alvarez-barkham@ottawa.ca)>  
**Cc:** [john@olympiahomes.ca](mailto:john@olympiahomes.ca) <[john@olympiahomes.ca](mailto:john@olympiahomes.ca)>; Committee of Adjustment Trees/Comité de Dérogation Arbres <[cofa\\_trees@ottawa.ca](mailto:cofa_trees@ottawa.ca)>

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# GEMTEC

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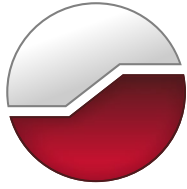
Committee of Adjustment  
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**2026-01-21**

City of Ottawa | Ville d'Ottawa  
Comité de dérogation

## Planning Brief 11 Cassone Court Nepean, Ontario

GEMTEC Project: 101882.005



# GEMTEC

[www.gemtec.ca](http://www.gemtec.ca)

Submitted to:

Estate Trustees for the Estate of Peter Foustanelas  
1914 Merivale Road  
Nepean, Ontario  
K2G 1E8

**Planning Rationale**  
**11 Cassone Court**  
Nepean, Ontario

July 29, 2025  
GEMTEC Project: 101882.005

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Appendix B	Registered Plan of Subdivision 4M-635
Appendix C	2028 Merivale Road Site Plan
	Prepared by M. David Blakely Architect Inc.
	January 2025

## 1.0 INTRODUCTION

GEMTEC Consulting Engineers and Scientists Limited (GEMTEC) has been retained as the agent for the Estate Trustees for the Estate of Peter Foustanelas with respect to joint minor variance and consent approvals for the conveyance of a portion of 11 Cassone Court to 2028 Merivale Road in Nepean, Ontario.

A conveyance of a 3.9 square metre parcel from the existing 933 square metre property is proposed, reducing the lot area to 929.1 square metres. The existing detached dwelling will remain. The lot addition will facilitate a proposed residential development at 2028 Merivale Road, which is being pursued separately under concurrent *Planning Act* applications. Relief from City of Ottawa Zoning By-law No. 2008-50 is required to establish lot coverage and lot area compliance for the adjusted property.

A pre-consultation meeting with the City was held December 18, 2024 to discuss the development of 2028 Merivale. Pre-consultation feedback and additional information for consideration was received January 16, 2025.

A notification letter (Appendix A) dated July 24, 2025 discussing the subject applications and the development of 2028 Merivale Road has been sent to neighbours listed below, as well as the Glens Community Association and the Ward Councillor's office.

- 2023, 2027, and 2032 Merivale Road
- 1, 3, 5, 7, 9, and 11 Cassone Court
- 3 and 5 Miriam Avenue
- 45, 47, 49, and 51 Pineglen Crescent

The sections below introduce the subject lands, the proposed development, and provide a discussion of the suitability of the proposal based upon the applicable planning policy environment.

## 2.0 SUBJECT AND SURROUNDING LANDS

The subject lands are known municipally as 11 Cassone Court and legally as "PCL 6-1, SEC 4M-635 ; LT 6, PL 4M-635 ; S/T LT550141 NEPEAN."

Peter Foustanelas purchased the property August 11, 2016 from the original owner of the property, Michael Norwood. A Certificate of Appointment of Estate Trustee was issued on December 11, 2017, which names Evangelia Foustanelas, Alex Foustanelas, Andre Foustanelas, Spiros Foustanelas as Estate Trustees for the Estate of Peter Foustanelas, who died on May 24, 2017.

The subject lands were established by way of the registration of Plan 4M-635, which occurred December 18, 1987. A copy of Plan 4M-635 is provided at Appendix B. The subject lands are irregularly shaped and measure 933 square metres.

The existing setbacks and lot coverage are summarized in Table 1.

**Table 1: Existing Yard Depths (metres) and Lot Coverage**

Front Yard	6.19m
Interior Side Yard (North)	1.43m
Interior Side Yard (South)	2.02m
Rear Yard	10.49m
Lot Coverage	27.55%

A drainage easement was registered in favour of the City of Nepean in 1987 along the northern interior property line. The extent of the easement, which was registered as Instrument T550141, is described as Parts 1 and 2 on Plan 4R-6100 on a July 4, 2025 Surveyor's Real Property Report prepared by Fairhall Moffatt & Woodland. The portion of the property subject to the easement will not be impacted by the consent or minor variance applications.

An image of the front of the existing dwelling and property is provided in Figure 1.



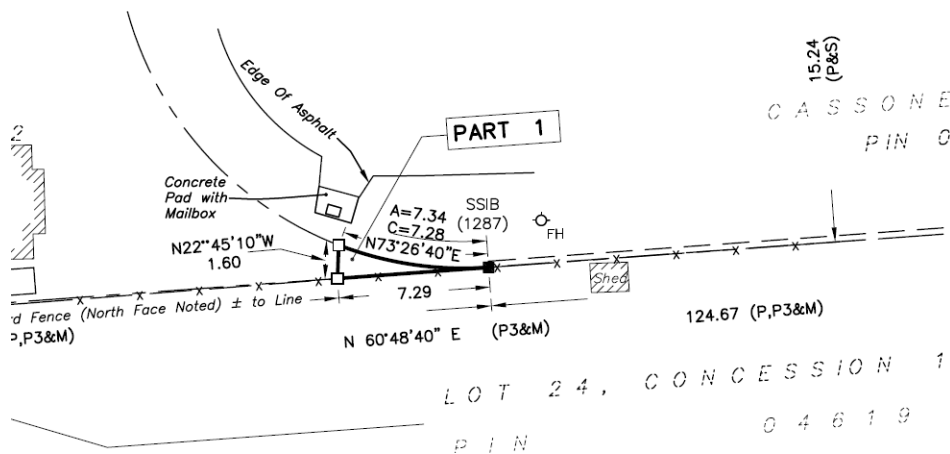
**Figure 1: Image of 11 Cassone Court (Source: Google Street View)**

Properties to the north and west of the subject lands are developed with low-rise residential dwellings. Cassone Court is situated to the east, and 2028 Merivale Road, which is in the process of being redeveloped, abuts the subject lands to the south. All other properties in the immediate vicinity are low-rise, low density residential, are zoned R1E (Residential First Density Subzone) and are subject to Special Exception 1722.

2028 Merivale Road is known legally as “PT LT 24, CON 1 RIDEAU FRONT, AS IN CR481386 EXCEPT PT. 3 4R205; CITY OF OTTAWA.”

### 3.0 PROPOSED DEVELOPMENT

The proposal is to convey of a 3.9 sq. metre parcel from the southeast corner of the subject lands to the adjacent property at 2028 Merivale Road. The conveyance will result in a reduced lot area of 929.1 sq. metres upon which the existing single-detached dwelling will remain. The parcel that is the subject of the proposed conveyance is illustrated in the below excerpt of the draft Reference Plan (Figure 2).



**Figure 2: Excerpt of Draft Reference Plan.**

The conveyance to 2028 Merivale Road will facilitate access to a portion of a proposed residential development on that property, which is being pursued under separate but concurrent *Planning Act* applications. An application for consent under Section 53 of the *Planning Act* is required to implement the conveyance. Additionally, relief from two requirements under the City of Ottawa Zoning By-law No. 2008-50 will be required in order for the adjusted 11 Cassone Court property to maintain compliance with the By-law.

### 3.1 Relief Requested

Table 2 identifies the specific relief required in order to implement the conveyance.

**Table 2: Relief Required from the City of Ottawa Zoning By-law No. 2008-250**

PROVISION	REQUIREMENT	PROPOSED	RELIEF REQUIRED
Row E Column III and Endnote 1 - Table 156A - R1 Subzone Provisions	Minimum lot area of 930 square metres	929.1 square metres	0.09 square metres

Row E Column IX and Endnote 2 - Table 156A R1 Subzone Provisions	Maximum lot coverage of 25 percent	27.66 percent	2.66 percent
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A minor variance was previously granted to address lot coverage on the subject lands. An application to increase the maximum permitted lot coverage from 25 percent to 27.39 percent was granted on September 21, 1993. It is understood that the existing dwelling was proposed at the time.

### 3.2 Development at 2028 Merivale Road

The lot addition and minor variance applications for 11 Cassone Court are closely related to the proposed redevelopment of 2028 Merivale Road, which is being pursued under concurrent applications. The redevelopment of 2028 Merivale Road, which is detailed in the Site Plan provided at Appendix C, involves nine (9) new single-storey detached homes.

Following the lifting of an existing 0.30 m reserve (PIN 04619-0223), six of the proposed units will front onto Cassone Court, an existing public right-of-way, while the remaining three units will, contingent on the lot addition, gain access to Cassone Court by way of a short private lane.

Required *Planning Act* applications for the proposed development at 2028 Merivale Road include Site Plan Control and Zoning By-law Amendment. Consent applications will also be required to subdivide the proposed lots and to establish necessary servicing, grading, and access easements.

## 4.0 PLANNING POLICY & REGULATORY FRAMEWORK

The paragraphs below explore the appropriateness of the proposed development pursuant to applicable land use planning policy and associated instruments.

### 4.1 Planning Act R.S.O. 1990, c. P.13

Relevant sections of the *Planning Act* include Section 2 relating to the matters of provincial interest, Section 45(1) relating to the minor variance application, and Sections 53(12) and 51(24) which establish the criteria to be considered by a committee of adjustment for the subdivision of land.

Table 3 below demonstrates how the proposal satisfies the criteria of Section 51(24), including relevant matters of provincial interest and Section 45(1) is addressed in Section 4.5 of this report.

**Table 3: Planning Act Section 51 (24) Criteria Summary**

SECTION NO.	CRITERIA – Regard shall be had for:	COMMENT
51(24)	The health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality.	The conveyance of 3.9 sq. metres from 11 Cassone Court to 2028 Merivale Road does not negatively impact these matters.
51(24) (a)	the effect of development of the proposed subdivision on matters of provincial interest.	<p>Relevant matters of provincial interest pursuant to Section 2 of the <i>Planning Act</i> include the following:</p> <ul style="list-style-type: none"> <li>(h) the orderly development of safe and healthy communities</li> <li>(o) the protection of public health and safety</li> <li>(p) the appropriate location of growth and development</li> </ul> <p>Regarding matters (h) and (p), the proposal will not result in any change to the existing use or building on the subject lands. The existing single detached dwelling, which is consistent with the scale, density and character of the surrounding area, will remain as is.</p> <p>Regarding matter (o), the proposal will not create or exacerbate hazards in the vicinity. The conveyance is intended to facilitate the construction of safe and effective access to a proposed adjacent development, the details for which will be evaluated separately through applicable planning applications.</p>
51(24) (b)	whether the proposed subdivision is premature or in the public interest	<p>Given that the proposal does not involve the creation of new lots, the consideration of whether the consent is premature is not applicable.</p> <p>The proposal is in the public interest in that the applications will help to facilitate access to a proposed adjacent residential development that is consistent with and conforms to applicable planning policy.</p>
51(24) (c)	whether the plan conforms to the official plan and adjacent plans of subdivision, if any	Official Plan conformity is established below in Section 4.3 of this report.

51(24) (d)	the suitability of the land for the purposes for which it is to be subdivided	The conveyance will result in negligible change to 11 Cassone and 2028 Merivale and the existing dwelling is to be retained. There are no concerns about the suitability of the land.
51(24) (d.1)	if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing	Not applicable.
51(24) (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 conveyance will have no material impact on the grading of the subject lands or how the subject lands relate to Cassone Court.  Separate Planning Act applications for 2028 Merivale will address the details of the access configuration for that development.
51(24) (f)	the dimensions and shapes of the proposed lots	Relief from lot area and lot coverage requirements within the City of Ottawa Zoning By-law will be required as a result of the proposed conveyance. This matter is addressed below in Section 4.4 of this report.  The dimensions of 2028 Merivale Road conform with applicable Zoning By-law requirements.
51(24) (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	The proposed conveyance introduces the need for minor and appropriate relief from the zoning restrictions applicable to 11 Cassone Court.
51(24) (h)	conservation of natural resources and flood control	Due to the scale and nature of the changes proposed, there are no expected impacts relating to the conservation of natural resources or flood control.
51(24) (i)	the adequacy of utilities and municipal services	There are no anticipated impacts relating to utilities or municipal servicing.
51(24) (j)	the adequacy of school sites	The conveyance does not relate to the adequacy of school sites.
51(24) (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.

51(24) (l)	the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy	Not applicable.
51(24) (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 <i>City of Toronto Act, 2006</i> .	Not applicable. Site plan control matters will be addressed separately for 2028 Merivale Road.

## 4.2 Provincial Planning Statement, 2024

The 2024 Provincial Planning Statement (PPS) provides policy direction on land use planning matters of provincial interest pursuant to Section 2 of the *Planning Act*. Table 4 identifies PPS policy provisions of particular relevance to the proposal and includes commentary concerning the consistency of the proposal with the policy direction.

**Table 4: Provincial Planning Statement Policy Summary**

POLICY	DESCRIPTION	COMMENTS
2.2.1 (b)	<p>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:</p> <p>(b) permitting and facilitating:</p> <ol style="list-style-type: none"> <li>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</li> <li>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</li> </ol>	<p>As the existing dwelling will remain on the subject lands and no change of use is to occur, there will be no loss of housing occurring as a result of the proposal.</p> <p>Further, the purpose of the conveyance is to facilitate access to a proposed residential development on an adjacent lot, which will facilitate the addition of housing options to the neighbourhood.</p>

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.	As the existing dwelling will remain on the subject lands, there will be no loss to housing options resulting from the proposal. Further, the conveyance is intended to support proposed residential development on the adjacent lot, which will facilitate the addition of housing options to the neighbourhood.
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The applications are consistent with matters of Provincial interest as expressed in the Provincial Planning Statement.

### 4.3 City of Ottawa Official Plan

The subject lands are designated Neighbourhood on Schedule B3 (Outer Urban Transect) of the City of Ottawa Official Plan.

Subsection 4.5.1 of this report discusses the appropriateness of the minor variance application in the context of applicable City of Ottawa Official Plan policies. The discussion is also applicable to the proposed conveyance of 3.9 sq. metres of land from 11 Cassone Court to 2028 Merivale Road. In short, Official Plan policy subsection 4.6.6. seeks to ensure neighbourhoods and sites are developed with appropriate amenity areas and subsection 6.3.2 establishes that form-based regulations for lands designated Neighbourhoods are to be prescribed within the Zoning By-law.

The proposed conveyance is in conformity with applicable City of Ottawa Official Plan policies.

### 4.4 City of Ottawa Zoning By-law

The subject lands are zoned Residential First Density “R1” Subzone E and are subject to Special Exception 1722.

The Zoning By-law establishes zoning standards based on land use. The intent of the By-law, in relation to establishing development standards and yard requirements, is to implement associated policies of the Official Plan.

The proposal complies with applicable provisions of the By-law, except in relation to the relief being requested. The minor variance application in the context of the Zoning By-law is discussed at length in subsection 4.5.2 in this report, within which it is established that the relevant stated purposes of the Residential First Density (R1) Zone are upheld.

It should be noted that the depth of the front and rear yards on the subject lands do not meet the minimum requirements identified within the By-law. The existing front yard has a depth of 6.19

metres, whereas the minimum front yard requirement is 7.5 metres. The existing rear yard has a depth of 10.49 metres whereas the minimum rear yard requirement is 12.0 metres. It is assumed for the purposes of these applications that the dwelling and subject lands were determined to be in compliance with the zoning by-law in effect at the time the dwelling was erected and that no additional relief is required for these existing conditions.

#### **4.5 The Four Tests**

The paragraphs below explore the appropriateness of the proposed development pursuant to Section 45(1) of the *Planning Act*, which provides the four commonly accepted tests considered as part of the processing of minor variance applications.

##### **4.5.1 General Intent and Purpose of the Official Plan**

The subject lands are designated Neighbourhood on Schedule B3 (Outer Urban Transect) of the City of Ottawa Official Plan.

Official Plan policies relevant to lot coverage and lot area are primarily guided by broader objectives pertaining to neighbourhood compatibility, character, and function.

Section 4.6 of the Official Plan addresses Urban Design. One of the Official Plan's urban design priorities is to "ensure effective site planning that supports the objectives of Corridors, Hubs, Neighbourhoods and the character of our villages and rural landscapes." Paragraph 4 within Section 4.6.6 establishes that "amenity areas shall be provided in residential development in accordance with the Zoning By-law and applicable design guidelines."

Section 5.3 addresses lands within the Outer Urban Transect. Policies within Section 5.3 characterize the Outer Urban Transect as generally low- to mid-density development and speak to the gradual transition of development from predominantly suburban to urban built forms.

Policy Section 6.3 specifically addresses lands designated Neighbourhoods. Site design and massing are not addressed within Policy 6.3; rather, Subsection 6.3.2 paragraphs 2 through 6 establish that the Zoning By-law will be relied upon in order to prescribe form-based regulations (including lot coverage and lot area) for lands within the Neighbourhood designation.

The proposed conveyance will result in minimal loss of functional amenity space on the subject lands and there is no change proposed to the existing dwelling. Accordingly, the proposed conveyance and the relief being sought satisfy the general intent and purpose of the Official Plan.

##### **4.5.2 General Intent and Purpose of the Zoning By-law**

Table 5 identifies the stated purposes of the Residential First Density Zone, as outlined in the preamble to Sections 155 and 156 of the Zoning By-law, and includes responses addressing the relief requested.

**Table 5: Purposes of the Residential First Density (R1) Zone**

STATED ZONE PURPOSE	RESPONSE
1) restrict the building form to detached dwellings in areas designated as General Urban Area in the Official Plan;	The existing detached dwelling will remain on the subject lands.
2) allow a number of other residential uses to provide additional housing choices within detached dwelling residential areas;	Not applicable.
3) permit ancillary uses to the principal residential use to allow residents to work at home;	Not applicable.
4) regulate development in a manner that is compatible with existing land use patterns so that the detached dwelling, residential character of a neighbourhood is maintained or enhanced; and	<p>The proposed conveyance, including the variances being sought, maintains compatibility with the existing land use pattern of the area.</p> <p>A negligible change to the lot area and lot coverage will result from the proposed conveyance, which will remove a small portion of the southeast corner of the front yard. The front yard will maintain functionality and a generous landscaped area. These characteristics are in keeping with the general low-rise residential character of the neighbourhood.</p>
5) 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.	Not applicable.

The proposal complies with applicable provisions of the By-law, except in relation to the relief being requested. The intent of the Zoning By-law will be upheld by Committee’s approval of the requested variances.

#### 4.5.3 Minor in Nature

The determination of whether the relief being requested can be considered minor in nature should be based primarily on the *impact* of the proposed variance. Additionally, it has been established in Ontario Municipal Board, Local Planning Appeal Tribunal, and Ontario Land Tribunal proceedings that adverse impact, in some cases, is inevitable and that the more critical consideration is whether or not the impact is undue.

In this instance, no changes are proposed that are anticipated to negatively impact neighbours in terms of access, privacy, compatibility, or in any other undue manner. The portion of land to be conveyed is located along the south boundary of the subject lands, to which only one

neighbour, 2028 Merivale Road, is adjacent. As such, the most relevant property to be considered when evaluating for potential impact is 2028 Merivale Road, which are the lands benefitting from the conveyance. As no other changes are proposed to the subject lands, and the existing single detached dwelling is to remain as is, there is no indication of any undue adverse impact on the neighbouring properties.

Further, the mathematical difference between the required minimum lot area (930 square metres) and the proposed lot area (929.1 square metres) are insignificant enough to be considered negligible. The mathematical difference between the required maximum lot coverage (25 percent) and the proposed lot coverage (27.66 percent) is also relatively small. It should also be noted that the proposed lot coverage of 27.66 percent represents a minimal increase from the existing lot coverage of 27.39 percent, for which a minor variance was previously granted for the existing dwelling in 1993. The Committee of Adjustment's decision at the time noted that the granting of the request would maintain "...the general intent and purpose of the by-law," and that "...the character of this neighbourhood would not be detrimentally affected by the granting of this application."

If one was to consider the purpose of the conveyance in evaluating potential impacts, the transfer of land will facilitate access to a proposed development at 2028 Merivale Road. Impacts relative to the 2028 Merivale Road development will be evaluated in the context of the *Planning Act* applications to be submitted for that proposal.

The proposed conveyance and the granting of the variances sought will not cause undue adverse impact; accordingly, the proposed relief is minor in nature.

#### **4.5.4 Desirable for the Appropriate Development or Use of the Land, Building or Structure**

Approval of the relief requested will not materially impact 11 Cassone Court, and will also serve to facilitate the construction of a new residential development on the neighbouring parcel. The proposal is compliant with other provisions of the By-law and is desirable for the appropriate development and use of the land.

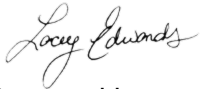
The proposed variances satisfy the requirements of Section 45(1) of the *Planning Act*.

## **5.0 CONCLUSION**

The proposal has regard for all relevant provincial planning matters and conforms to relevant City of Ottawa Official Plan policies.

The conveyance has been considered in relation to Section 51(24) of the *Planning Act* and the proposed variances have been considered based upon the "four tests" of Section 45(1): they maintain the general intent and purposes of the Official Plan and Zoning By-law; they are minor in nature; and they are desirable for the appropriate development and use of the land.

Committee's approval of the Consent and Minor Variance applications will facilitate appropriate use of the subject and adjacent property, represents good planning, and it will facilitate the advancement of a proposed residential development on the neighbouring property.



Prepared by :  
Lacey Edwards  
Planner



Reviewed by :  
Benjamin Clare, MCIP RPP  
Senior Planner



## **APPENDIX A**

### Notification Letter to Adjacent Landowners

July 24 2025

To the Neighbours of 2028 Merivale Road

**Re: Forthcoming *Planning Act* Applications  
2028 Merivale Road, Nepean, ON**

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Dear Neighbour,

I am writing on behalf of 888394 Ontario Inc., owner of 2028 Merivale Road, in relation to forthcoming Planning Act applications being submitted to the City of Ottawa. I have been retained by 888394 Ontario Inc. to serve as their planner and agent for the purposes of the applications.

### **Proposal**

My client is proposing to redevelop the subject lands with a mix of nine low-rise single-detached homes, which will front onto and have access from Cassone Court. The current development proposal is depicted on a Site Plan prepared by M. David Blakely Architect Inc., which is appended to this letter for your information.

The proposed homes, which face Cassone Court, are bungalows of either one (1) or one and a half (1.5) storeys. The homes range in area from approximately 1,250 to 2,230 square feet. Three of the homes will be accessed by way of a short private road that connects with Cassone Court.

A small 3.9 square metre conveyance from 11 Cassone Court to 2028 Merivale Road is required in order to implement the development as it is proposed. This small conveyance triggers the need to obtain zoning by-law relief to ensure 11 Cassone Court maintains lot area and lot coverage compliance.

The development proposal is consistent with and conforms to several key Provincial and local planning policies relating to intensification, the provision of a range and mix of housing types, and the establishment of compact and transit-supportive development.

### **Applications**

It is anticipated that the following *Planning Act* applications will be pursued by 888394 Ontario Inc.:

- Lot Addition / Boundary Adjustment (from 11 Cassone Court to 2028 Merivale Road)
- Minor Variance (for 11 Cassone Court)
- Zoning By-law Amendment (for 2028 Merivale Road)
- Site Plan Control (for 2028 Merivale Road)
- Consent for Lot Creation and Easements (for 2028 Merivale Road)
- Lifting of 30cm Reserve (for 2028 Merivale Road)

The proposed development and *Planning Act* applications were discussed with City of Ottawa Staff and representatives of the Glens Community Association during Pre-Consultation in December 2024.

### **Formal Public Notification and Next Steps**

Following their receipt and processing of the above applications, the City of Ottawa Planning, Real Estate & Economic Development Department and the Committee of Adjustment will issue required notifications of the applications and will identify applicable formal/statutory comment and consultation mechanisms.

The purpose of this letter is to bring my client's plans to your attention in advance of the City's circulations and to provide you with the opportunity to get in touch to ask any questions or to express any concerns you might have.

Please do not hesitate to reach out to me at 902-333-2335 or **[benjamin.clare@gemtec.ca](mailto:benjamin.clare@gemtec.ca)**.

Sincerely,



Benjamin Clare, MCIP RPP

Copy:           Glens Community Association (Attn: Ms. Agnes Warda & Mr. Brian Kelly)  
**[info@glenscommunity.ca](mailto:info@glenscommunity.ca)**

Mr. Sean Divine, Councillor for Ward 9 – Knoxdale-Merivale  
**[knoxdalemerivale@ottawa.ca](mailto:knoxdalemerivale@ottawa.ca)**

Encl.





## **APPENDIX B**

Registered Plan of Subdivision 4M-635





## **APPENDIX C**

2028 Merivale Road Site Plan  
Prepared by M. David Blakely Architect Inc.  
January 2025



experience • knowledge • integrity



civil	civil
geotechnical	géotechnique
environmental	environnement
structural	structures
field services	surveillance de chantier
materials testing	service de laboratoire des matériaux

expérience • connaissance • intégrité

