



Planning Rationale in Support of an Application for Plan of Subdivision and Zoning By-Law Amendment

**“The Kilmore Development”
21 Withrow Avenue
City of Ottawa**

**Prepared by:
Holzman Consultants Inc.
Land Development Consultants**

November 1, 2017

TABLE OF CONTENTS

1.0 Introduction	1
2.0 Site Overview	1
3.0 Description of Proposed Development	2
4.0 Planning Context	5
4.1 Conformity with the Provincial Policy Statement	5
4.2 Conformity with the City of Ottawa Official Plan	6
4.3 Conformity with the City of Ottawa Comprehensive Zoning By-law No. 2008-250	8
4.4 Committee of Adjustment Applications for Phase 1	10
5.0 Technical Studies	13
6.0 Summary and Conclusions	14

LIST OF EXHIBITS

Exhibit 'A' - Aerial Photo	1
Exhibit 'B' – Google Earth 3D Aerial Rendering	2
Exhibit 'C' – Concept Plan	3
Exhibit 'D' - Draft Reference Plan	4
Exhibit 'E' - Draft Plan of Subdivision	5
Exhibit 'F' – Zoning Map	8
Exhibit 'G' – Proposed Consent Lots	13

1.0 Introduction

Holzman Consultants Inc. has been retained by Theberge Homes to prepare a planning rationale in support of an application for Plan of Subdivision and Zoning By-Law Amendment at 21 Withrow Avenue in the College Ward of the City of Ottawa (the “Subject Property”). The purpose of the subdivision and zoning by-law amendment applications are to facilitate the development of 9 new single detached homes on a presently oversized parcel of land within an established neighbourhood. Concurrent minor variance and consent applications are being filed to the Committee of Adjustment to further advance 4 additional lots for a total of 13 new dwellings. The subdivision application will also include a lot for the existing dwelling that will remain.

This report provides a description of the existing conditions and proposed development and contains a review of the applicable land use planning policies, including the Provincial Policy Statement (PPS), the Official Plan (OP) policies, and Zoning By-law provisions. The summary and conclusions indicate that the proposed applications are supported by the PPS, OP and Zoning By-law and represent good planning.

2.0 Site Overview



Exhibit 'A' - Aerial Photo (Subject Property shaded in blue)

The Subject Property consists of a parcel of land located at 21 Withrow Avenue in the neighbourhood of Crestview-Meadowlands. The Subject Property is occupied by a designated heritage structure (ca. 1840s) referred to as Kilmore. A garage and screened porch were added to the property in the 1970s. The property includes prominent vegetation along the perimeter and numerous trees throughout the interior of the lot.

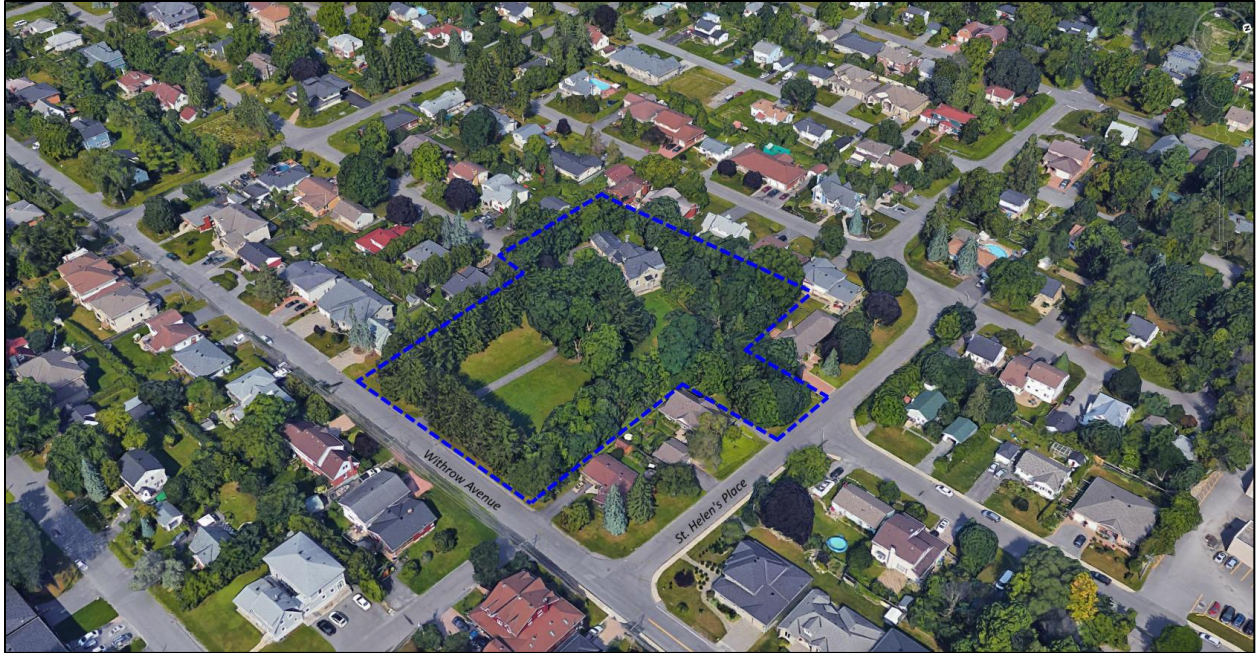


Exhibit 'B' – Google Earth 3D Aerial Rendering (Looking NW)

The Subject Property is irregular in shape; approximately 8187.6m² in size with about 62m of frontage on Withrow Avenue and approximately 105m of depth. The site is surrounded by the following land uses:

- North: Detached residential
- East: Detached residential
- South: Detached residential
- West: Detached residential

The Subject Property is legally described as PLAN 375 LOT 407 TO 413 PT; LOT 414, 608 TO 614, LOT 657; TO 664 E PT PT LANE PT ST. HELENS PLAN. It is denoted by PIN 046890025.

3.0 Description of Proposed Development

The proposed development includes the construction of 13 new single detached residential dwellings. Four are intended to front onto Withrow Avenue. The remaining 9 along with the existing heritage home which will be retained and incorporated into the development, will front onto a private street originating from St. Helen's Place. The proposed lots will generally have 15.24m (50ft) frontages with front yard setbacks typically of 6m and rear yard setbacks of 7.5m or more. Refer to the Site Plan attached as Exhibit 'C' for further information.

The development should be considered as two separate Phases:

Phase 1: This will include the creation of the 4 lots along Withrow Avenue; which will be handled through a consent and minor variance application process at the

Committee of Adjustment. Minor variances are required to address the minimum required lot width and minimum required lot area; whereas the building footprint will remain sufficiently within all yard setbacks, respect the maximum permitted building height, and all other zoning provisions. The four tests associated with the variances are discussed further in this report. These 4 lots are shown on the attached draft Reference Plan included as Exhibit 'D'

Phase 2: This will encompass the development of the remainder of the homes on the private approach originating from St. Helen's Place by way of Plan of Subdivision attached as Exhibit 'E'. Phase 2 will also include a Zoning By-Law Amendment to accommodate site specific nuances of the proposal. A small private park near the entrance from St. Helen's Place is included along with a private roadway. Both of these elements will be owned in common by the 10 lot owners within the subdivision.

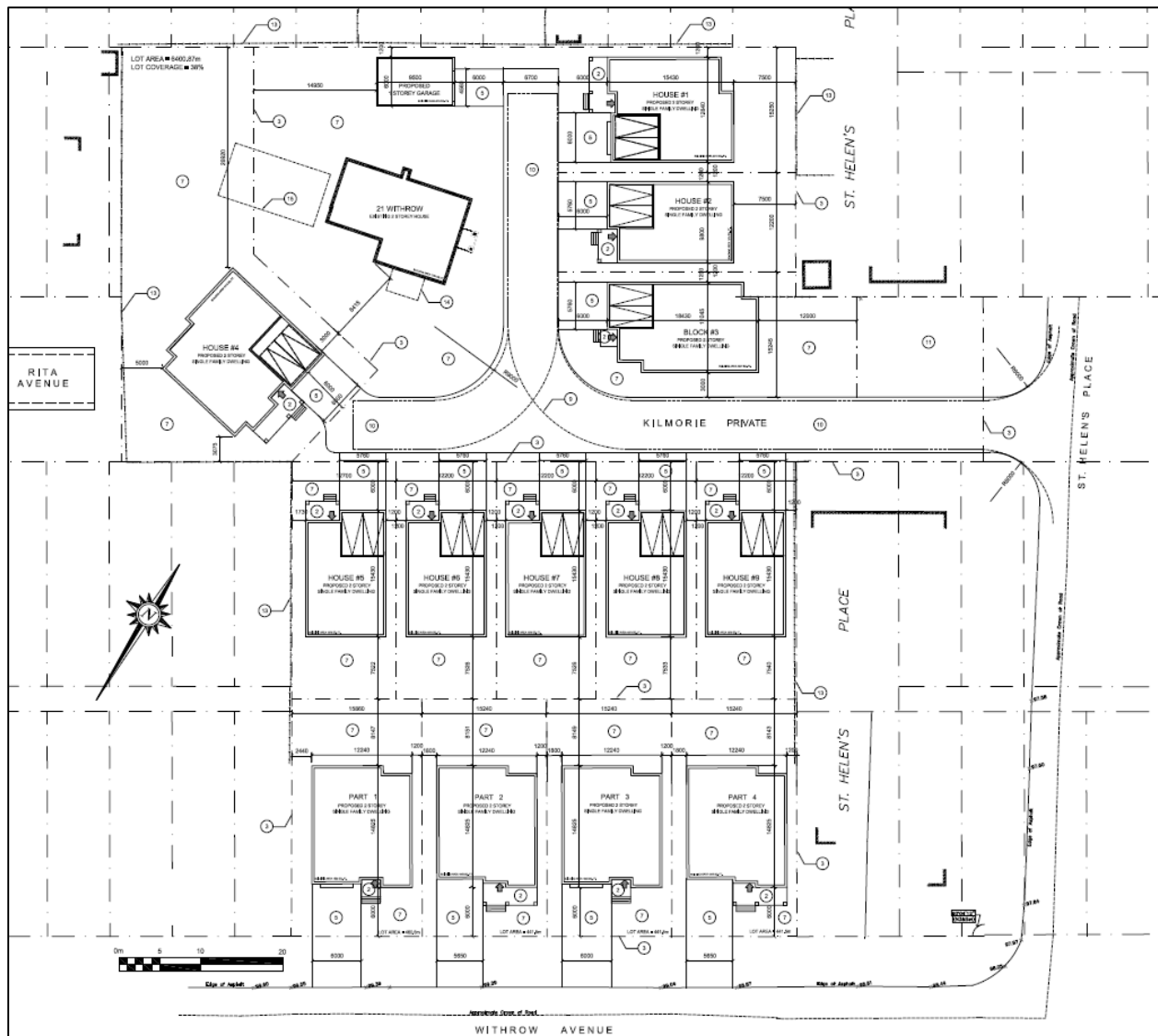
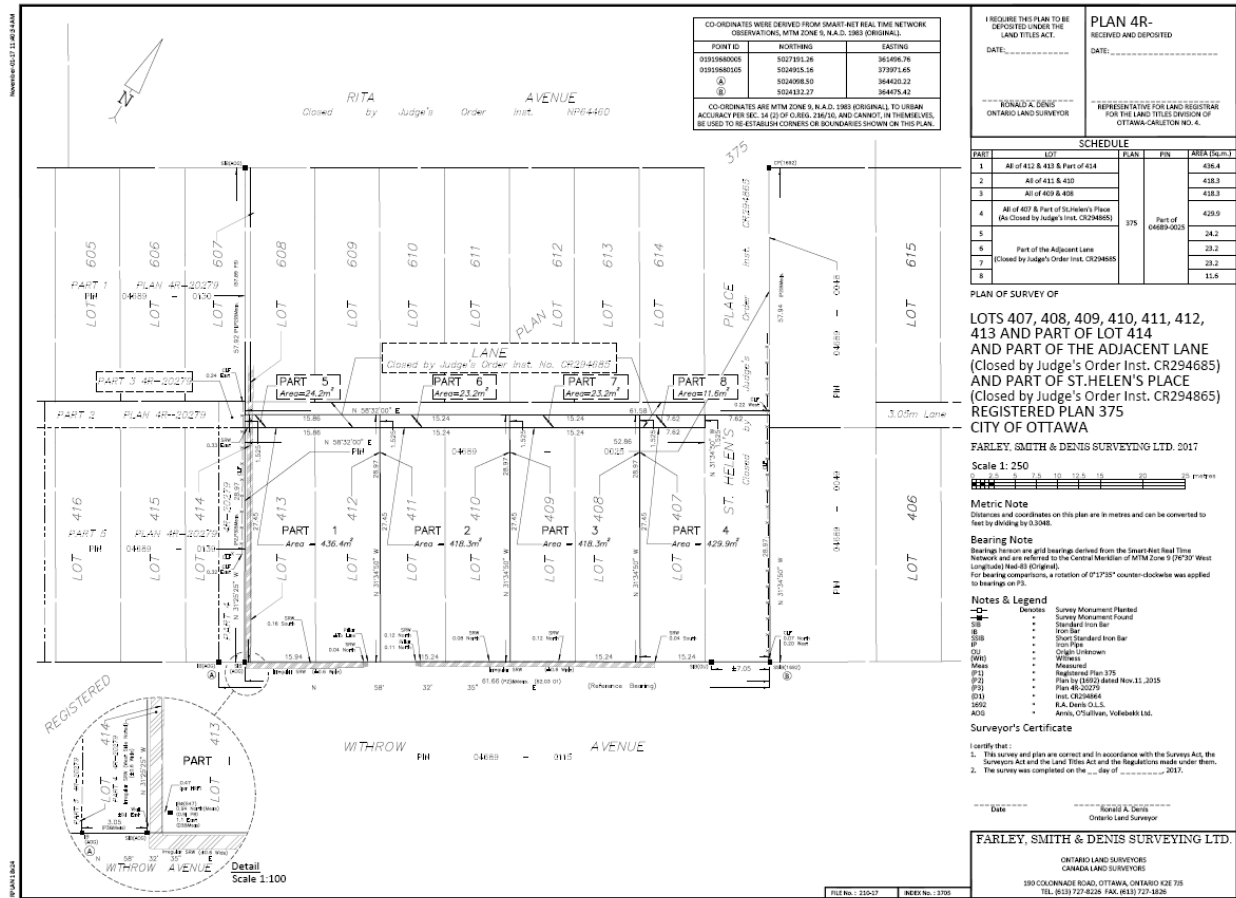


Exhibit 'C' – Concept Plan

Exhibit 'D' - Draft Reference Plan





- b) accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;*
- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;*
- d) avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;*
- e) promoting cost-effective development patterns and standards to minimize land consumption and servicing costs;*
- f) improving accessibility for persons with disabilities and older persons by identifying, preventing and removing land use barriers which restrict their full participation in society;*
- g) ensuring that necessary infrastructure, electricity generation facilities and transmission and distribution systems, and public service facilities are or will be available to meet current and projected needs; and*
- h) promoting development and land use patterns that conserve biodiversity and consider the impacts of a changing climate.*

The proposed development aims to promote efficient development by making use of undeveloped land in an already established neighbourhood embedded within the City's infrastructure, both hard and soft services conveniently located within easy walking distance from the site. Therefore, it presents an opportunity to further elaborate on the existing urban low density, detached residential lot fabric. Detached residential dwellings are also a sought-after housing type in the current market, and this development will facilitate introducing more of this housing type into an already well-connected neighbourhood.

4.2 Conformity with the City of Ottawa Official Plan

The City of Ottawa Official Plan ("OP") was adopted in 2003 and provides a vision for future growth of the city and a policy framework to guide future development. The OP recently underwent a 5-year review and Official Plan Amendment (OPA) No. 150 was approved by Council in December 2013. It is the policies of OPA 150 and OPA 180 that will be analyzed with respect to the Subject Application.

The Subject Property is designated as a General Urban Area on Schedule 'B' of the Official Plan (Amendment 150). Policy 5 of Section 3.6.1 states the following with regards to properties designated as such:

The City supports intensification in the General Urban Area where it will complement the existing pattern and scale of development and planned function of the area. The predominant form of development and intensification will be semi-detached and other ground-oriented multiple unit housing.

The proposed application will allow for development that more appropriately reflects the local context more so than the property's current layout. The proposed lots will be similar in size and orientation to that of the surrounding context, including many of the newly created single detached lots, whereas the current lot is an estate-style property that is an outlier in this area. The Official Plan further states that:

When considering a proposal for residential intensification through infill or redevelopment in the General Urban Area, the City will:

- a. Assess the compatibility of new development as it relates to existing community character so that it enhances and builds upon desirable established patterns of built form and open spaces;*
- b. Consider its contribution to the maintenance and achievement of a balance of housing types and tenures to provide a full range of housing for a variety of demographic profiles throughout the General Urban Area.*

With regards to *a.* above, the proposal reflects an increased compatibility of the Subject Property with the existing community character and builds upon the established built form.

With regards to *b.* above, these applications will allow for a contribution to the supply of detached residential dwellings, a sought-after housing type in the current market, and the intended dwelling type for the R1 zone (discussed in greater detail below).

Heritage

The principal dwelling on this property is designated as a historic building under Part 4 of the Ontario Heritage District. A Cultural Heritage Impact Statement was undertaken by MTBA Associates in a manner consistent with the Official Plan Section 4.6.1. Their conclusions stated that, "The proposed development does not physically impact the historic asset and the impacts on the visual character of the historic asset can be mitigated...", and continue that, "If the proposed mitigations measures...are reflected in the final site plan, the level of impact on the historic asset is considered acceptable in the professional opinion of the reviewer". The mitigation measures are detailed in the report itself, which is included with this submission. It should be further noted that the detached garage and screened porch were constructed approximately 130 years after the original house and are therefore not part of the heritage asset – consequently, they will be removed.

Based on the above, the proposed development, and specifically the zoning bylaw amendment is in conformity with the Official Plan.

4.3 Conformity with the City of Ottawa Comprehensive Zoning By-law No. 2008-250



Exhibit 'F' – Zoning Map (GeoOttawa 2016, Subject Property shaded in)

As per **Exhibit 'F'** above, the property is subject to the Residential First Density, Subzone FF, Urban Exception 632 (R1FF [632]). The exception itself will be discussed at the end of this section. The relevant purposes of the R1 – Residential First Density Zone are to:

- (1) *restrict the building form to detached dwellings in areas designated as General Urban Area in the Official Plan;*
- (2) *allow a number of other residential uses to provide additional housing choices within detached dwelling residential areas;*
- ...
- (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;*
- ...

The proposed development successfully meets these intentions in that it proposes detached dwellings in a manner that enhances the neighbourhood character by making

the lot fabric more consistent and introducing high quality new single detached dwellings into the local neighbourhood.

As the lots being proposed are intended to function in parallel with the existing lots in this neighbourhood, the aspiration has been to meet or exceed the minimum zoning requirements where possible. Nonetheless, given the scale of this project, this will not be possible for every measure and as a result, minor variances and a Zoning By-law Amendment in order to facilitate the development are required.

Urban Exception 632 allows for properties within Plan 375 to utilize a portion of the rear lane to calculate lot depth, area, and setbacks. Because the Subject Property is presently an anomaly in Plan 375, this exception does not influence the development as presently proposed.

Zoning By-Law Amendment

The subdivision portion of this property (Phase 2) will be subject to a Zoning By-law Amendment to include an exception which will allow for the proposal to appropriately meet the requirements of the by-law. They are summarized in the following table:

R1FF Zone (Schedule 342) and Proposed Amendment		
Provision	Required	Exception [XXXX]
Minimum Lot Width (m)	19.5m	12.2m
Minimum Lot Area (m²)	600m ²	350m ²
Maximum Building Height (m)	8.5m from average grade due to Schedule 342 (Table 156B, endnotes 18 & 19)*	Compliant
Minimum Front Yard Setback (m)	6m	Compliant
Minimum Corner Side Yard Setback (m)	4.5m	3m
Minimum Rear Yard Setback (m)	Depth: 8.11m Area: 110.38m ² to 115.15m ² [Sec. 155(6.1)(a)(iii)]	Depth: 7.5m Area: 90m ²
Minimum Interior Side Yard Setback (m)	Total of 2.1m with one yard no less than 1.2m	Compliant
Maximum Lot Coverage	45%	Compliant

Concerning the Zoning By-law Amendment, it is also key to acknowledge that the subdivision will be, at least initially, fronting onto a private road and therefore create an issue with regard to By-law Section 59 – Frontage onto a Public Street.

It is acknowledged by City staff that creating single detached lots on a private road has been undertaken in the recent past. Urban Exception 2352 is an existing example of provisions for a subdivided area fronting onto a private street. The relevant provisions to consider are as follows:

- *Despite Section 59, a residential use building is considered to have frontage where the land on which it is located abuts a private way that serves as a driveway leading to a public street.*
- *The property line that abuts the private way is considered to be the front lot line, and when more than one property line abuts a private way, the shortest property line is considered to be the front lot line, and the other is considered a side lot line that abuts a street.*
- *For the purposes of Part 4, the private way is considered a public street.*

Through the proposed Zoning By-law Amendment, we request that similar measures be undertaken, in a way that is appropriate for the development as we have proposed it. Doing so would permit a development that is otherwise desirable from a PPS and OP perspective.

4.4 Committee of Adjustment Applications for Phase 1

As discussed earlier, Phase 1 will make use of consents and minor variances to legalize the proposed lot fabric from the original plan of subdivision to permit the development of the 4 proposed lots along Withrow Avenue. The minor variances sought are summarized in the table below. The Planning Act requires an examination of 4 tests to determine if a minor variance is warranted. The following is the rationale and justification for the reduced lot area and reduce lot width for the Withrow-fronting lots.

	Width	Area
By-law Requirement	19.5m	600m ²
Lot on Reference Plan		
Part 1	15.86m	460.6m ²
Part 2	15.24m	441.5m ²
Part 3	15.24m	441.5m ²
Part 4	15.24m	441.5m ²

It is our professional land use planning opinion that it can be sufficiently demonstrated that the required variances meet the intent and purpose of the Official Plan, the intent and purpose of the Zoning By-Law, and can be viewed as minor and desirable.

Test #1: General Intent and Purpose of the Official Plan (OP)

The following policies of the OP are relevant to the proposed development:

- Section 2.2.2 – Managing Intensification in the Urban Area: This section contains statement that support intensification within the urban areas of Ottawa, targeting specific centres with growth targets. For established residential neighbourhoods, the OP requires that the built form continue to be low rise residential. The City specifically

supports intensification and redevelopment within established neighbourhoods which complements the area's pattern of built form and open space, and which will encourage its long-term renewal.

- The proposed development is within an established residential neighbourhood in the urban area and will be in the form of low-rise residential. It will also complement the area's built form and support the long-term renewal of the neighbourhood.
- Section 2.5.1 – Designing Ottawa and Section 4.11 – Urban Design and Compatible Development: This section contains policies concerning urban design and compatibility with the surrounding community. The OP promotes design and built form which is both compatible and complementary to the area, while also allowing for architectural diversity.
 - The proposed development requests variances for lot frontage and lot area. The lot area and frontage requirements of the existing zoning by-law permit a very large building footprint as-of-right. This proposal seeks to permit development of new dwellings that will respect the required height, front yard setbacks, side yard setbacks and rear yard setbacks. Given that these can be respected, the proposal to permit smaller lot frontages and areas is suitable and appropriate.
- Section 3.6.1 – General Urban Area: The Subject Property is designated 'General Urban Area' on Schedule 'B', the Urban Policy Plan of the OP. This designation permits many types and densities of housing; however, the predominant form will be detached, semi-detached and other ground-oriented multiple unit forms of housing.
 - The proposed development consists of ground-oriented, single detached dwellings, and is in line with this designation.
- The Urban Design Guidelines for Low-Rise Infill Housing are also considered alongside the OP. The purpose of these guidelines is to ensure that new developments for infill housing are a good 'fit' for the neighbourhood, achieve good design, and respect positive established neighbourhood characteristics. The proposed development incorporates good design in several ways.
 - The design of the proposed dwellings contributes to the quality of the streetscape, in line with Policy 4.2.1 by introducing high-quality, but context-sensitive character.

It is our opinion that the variances being sought will address the policies of the Official Plan, assist in the implementation of same, and thus maintain the general intent and purpose of the Plan.

Test #2: General Intent and Purpose of the Zoning Bylaw

The subject property is zoned R1FF[632] (First Density Residential) and is subject to the Infill II By-law No. 2015-228. The First Density Residential zone restricts the building form to detached dwellings.

Table 156A of the by-law requires a minimum lot width of 19.5 metres and lot area of 600m², while the proposed developments include lot widths of roughly 15.4 metres and lot areas of roughly 446m² (see table above). The intention of minimum lot sizes and widths is to ensure that suitable dwellings of various sizes can be constructed, while also allowing for outdoor amenity space and parking. These existing requirements are generous, as can be seen by the size of nearby infill developments that have maximized building footprints to construct much larger homes than are proposed in this development.

The required lot widths and areas also help to maintain neighbourhood fabric. However, in the subject neighbourhood, the fabric is diverse and eclectic. There is a diversity of new builds and mid-century housing throughout the Cityview neighbourhood. There are other comparable examples throughout the neighbourhood of lots with smaller widths or areas than the by-law permits. We would also argue that the subject property is an ideal example of a candidate lot for infill residential development. As noted previously, the current size of the lot frontage is quite generous, permitting a dwelling that could be larger and more overwhelming than those being proposed.

Finally, the proposed development of each of these four lots will still respect the required minimum building setbacks from all lot lines and be within the maximum permitted building height while still resulting in a generous sized two storey house with internal garage.

Test #3: Minor

The requested variances are minor in impact and effect on surrounding land uses.

With respect to the lot frontages and areas, the proposed variances would be in keeping with similar developments in the neighbourhood. The reductions in lot width and lot area would also still permit the proposed developments to maintain the required heights, frontages and side yard setbacks, which are a key urban design consideration and could have a greater impact on abutting properties. No additional shadowing or noise would be created by the smaller and narrow lots as a larger house with the same setbacks and building height could be constructed on complying lots.

Test #4: Desirable

The proposed developments are desirable in nature. They provide an appropriate level of infill development on a property that is currently maintains an outlier in its considerably large area. The surrounding community offers several services and employment opportunities for residents, and the existing infrastructure making the subject property ideal for infill development while reducing the need and expense of a similar development in a suburban community.

Despite the smaller lot sizes and widths, the developments would meet the required front yard setbacks and side yard setbacks, and maintain the existing pattern of two-storey building heights.

In summary, it is our professional planning opinion that all four tests are met with the applications for minor variance on the proposed lots.

The aforementioned consent applications are required to add half of the rear lane of each property to lots from the originally established plan of subdivision (No. 375). Additionally, for Part 4 on the reference plan, it is required to combine the closed road allowance and the pre-established subdivision lot. See **Exhibit 'G'** below.

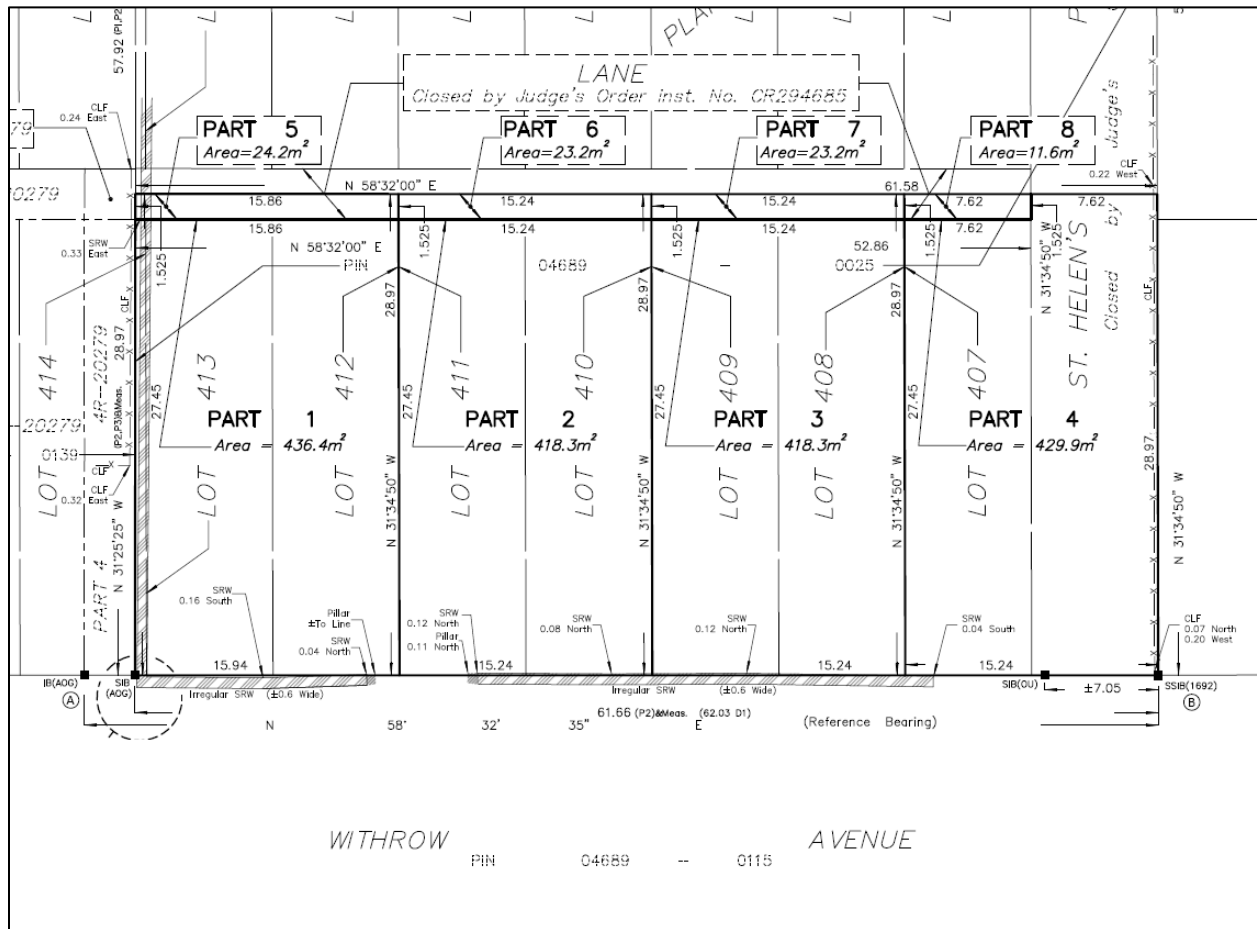


Exhibit 'G' – Proposed Consent Lots

As illustrated by the rationale provided throughout the entirety of this report, in addition to the justification for the minor variances noted above, it is our view that consents are the most appropriate method to sever the Phase 1 lots fronting onto Withrow Avenue since there is no new public road or services that need to be extended to these four lots.

5.0 Technical Studies

Along with this Planning Rationale, the following technical studies that have been prepared in support of the applications associated with the subject property:

1. Site Servicing Study
2. Geotechnical Study
3. Erosion and Sediment Control Brief
4. Storm water Management Report
5. Noise Study
6. Cultural Heritage Impact Statement
7. Phase 1 Environmental Site Assessment
8. Tree Conservation Report
9. Scoped Environmental Impact Statement

6.0 Summary and Conclusions

1. The application for Plan of Subdivision to allow for intensification in a suitable area in adherence to the policies laid out in the Provincial Policy Statement.
2. The application is consistent with the aspirations and intentions of the Official Plan and the General Urban Area designation.
3. The preservation of the heritage structure within this proposal is feasible and appropriate to its context.
4. The proposed development will generally adhere to the intentions and provisions of the R1FF zoning designation. Minor variances will be sought where appropriate to facilitate compliance issues with the severed lots fronting onto Withrow Avenue.
5. A Zoning By-law Amendment is an appropriate tool to create an exception for the purposes of the subdivision, both in reference to performance provisions and issues with fronting onto a public street.

Based on the above noted rationale, the application for Plan of Subdivision, Zoning By-Law Amendment, and the associated consent and minor variance applications are appropriate and represent sound land use planning.

Furthermore as described above, the applications for minor variance meet the four tests in the Planning Act.

Prepared by;

William S. Holzman, MCIP, RPP
President
Holzman Consultants Inc.

November 1, 2017