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March 13, 2024  
File: 160410418

**Attention: Marie-Eve Belanger, Manager of Development**

City of Clarence-Rockland  
Infrastructure and Planning Department  
1560 Laurier Street  
Rockland, Ontario K4K 1P7

Dear Ms. Belanger,

**Reference: 105 Darquise Street (Block 1 on 50M-378, Clement Cove Subdivision) Minor Variance Application**

Stantec Consulting Ltd. has been retained by CH Clement Construction Ltd. to prepare the following letter in support of a Minor Variance application for their property at 105 Darquise Street (Massicotte Land). The owner is seeking relief from provisions of the Zoning By-law relating to Block 1 on Plan 50M-378 to permit a reduced corner side yard setback abutting Caron Street. The reduced corner side yard setback is requested to permit construction of eight freehold townhouses on Block 1.

The property is municipally known as 105 Darquise Street, *Block 1 on Plan 50M-378 Part of Part 1 on Plan 50R-6650, Part of Lot 23, Concession 1 (O.S.), City of Clarence Rockland, United Counties of Prescott Russell*. The parcel is one of eight development blocks created through the subdivision of 1401 Caron Street, otherwise known as the Clement Cove subdivision. In August 2022, concurrent Draft Plan of Subdivision and Zoning By-law Amendment applications were submitted, proposing to develop the vacant site for residential purposes. The proposal included a combination of 41 townhouses (Blocks 2 to 7) and 28 stacked townhouse condominiums (Blocks 1 and 8).

The Zoning By-law Amendment was approved by the City in November 2022, The modification changed the property's zoning to "Urban Residential Third Density – Exception 54 (R3-54) Zone" ([By-law 2022-109](#)). The subdivision received Draft Plan approval in December 2022, and subsequently registered in December 2023.

The owner is now proposing to develop 105 Darquise Street as eight freehold townhomes instead of as a condominium building of 12 stacked townhouse dwellings. The change will allow the owner to develop dwellings which have been positively received by the City's housing market. Concurrent servicing and utility design adjustments are being undertaken by the owner and Egis Group (formerly McIntosh Perry Engineering Consultants Ltd.).

This letter will introduce the proposed development and site context, summarize the requested variance from Zoning By-law 2016-10, and demonstrate that the variance meets the 'four tests' outlined in Section 45 of the *Planning Act*.

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## SITE CONTEXT

The site is located at the corner of Caron Street and Darquise Street- a newly constructed local street. The site has approximately 46.3 m of frontage on Caron Street, including sight triangle, and 48.7 m of frontage on Darquise Street. The Block has an area of approximately 2357.8 m<sup>2</sup>.

The following uses surround the property:

**North:** Lands immediately north of the site are occupied by a newly completed townhouse subdivision, previously known as the Dion Lands and developed by CH Clement Construction, is of similar density and typology to the proposed development.

**East:** Lands to the east are occupied by a six-unit freehold townhome current under construction and fronting on Dion Street.

**South:** A detached dwelling fronting on Caron Street, 1433 Caron, is located to the south on the opposite side of Darquise Street.

**West:** Caron Street, a two-lane major collector road with a posted speed limit of 50 km/h, bounds the site to the west. A 30 cm reserve block separates the subject property from Caron Street and is intended to prohibit access to the street from the property. Caron Street contains an off-street multi-use pathway along its east side. Across from Caron Street to the west is a single-detached residential neighbourhood with rear yard privacy fences backing onto Caron Street



Figure 1: Aerial of property and surrounding context.

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The site is within the UAOP policy area and is designated 'Medium Density Residential' on Schedule A (City of Clarence-Rockland Urban Area Official Plan adopted in 2013).

### MINOR VARIANCE

The owner is seeking to construct a townhouse on the property with eight freehold dwellings. The townhouse would be similar to others currently under construction in the same subdivision.

The requested minor variance is:

- a) Permit a revised setback of reduced corner side yard setback of Block One abutting Caron Street for the purpose of accommodating freehold townhomes. The minor variance seeks a setback reduction from the required 3.5m minimum to 2.6m.

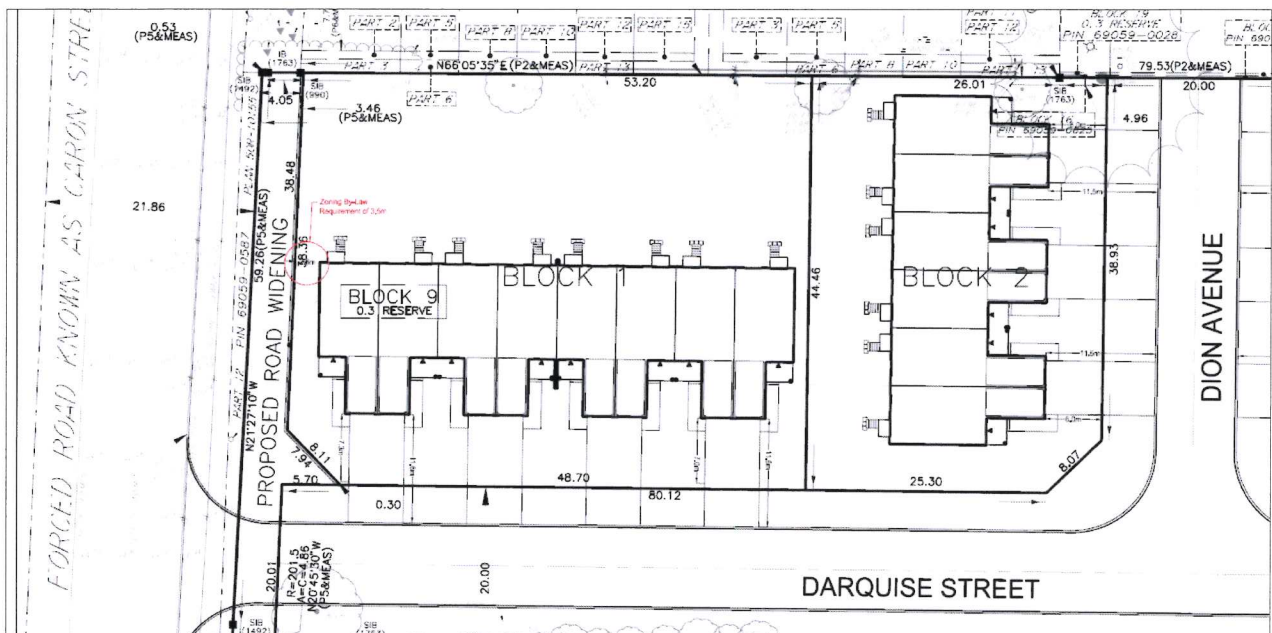


Figure 2: Block One is proposed for an eight-unit freehold townhouse block. To permit the townhomes, a variance is required for a reduced corner side yard abutting Caron Street (red above).

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## **RATIONALE FOR MINOR VARIANCES**

Section 45 of the *Planning Act* outlines the powers of the Committee of Adjustment to permit minor variances from a Zoning By-law as described in Section 34 of the Act. The Act lays out four tests which must be met for the Committee to grant a variance; these are that the variance must:

1. Meet the general intent and purpose of the Official Plan
2. Meet the general intent and purpose of the Zoning By-law
3. Be desirable for the appropriate development or use of the land
4. Be minor in nature

### **OFFICIAL PLAN**

The first test is that the requested variance maintains the intent and purpose of the Official Plan.

The site is within the UAOP policy area and is designated 'Medium Density Residential' on Schedule A (City of Clarence-Rockland Urban Area Official Plan adopted in 2013).

Section 5.6.3 outlines policies for development within the Medium Density Residential designation. The designation permits Multiple unit residential uses such as townhouses and low-rise apartment buildings no more than five storeys in height to a maximum of 55 units per net hectare.

The proposal meets the intent of the Official Plan by supporting and providing residential dwellings in a more urban and compact form that introduces townhouses. With a proposed net residential density of 43 dwellings per net hectare, the proposed development is most appropriately designated as Medium Density Residential.

The proposed development meets the intent and purpose of the Official Plan.

### **ZONING BY-LAW 2022-109**

The second test is that the requested variance maintains the intent and purpose of the Zoning By-law.

The property is zoned Urban Residential Third Density (R3) Zone by Zoning By-law 2022-109 with Special Exception R3-54. The R3 zone permits more medium density residential uses, including townhouse dwellings, stacked townhouse dwellings, and apartment dwellings. The Special Exception Zone (R3-54) states that main buildings' spacing will be 3m.

Within the R3 Zone, the minimum exterior side yard for stacked townhouse dwellings is 3.5m. The proposed plan seeks to amend the zoning provision to allow for the minimum exterior side yard to 2.6m.

The intent of a minimum exterior side yard setback is to provide space for landscaping between a building façade and abutting public rights-of-way, such as Caron Street. In certain circumstances, setbacks from public streets are also used to ensure that development will not preclude or hinder the widening of collector or arterial roads. A reduction of the minimum corner side yard setback of 0.9m will continue to maintain a sufficient landscape area between Caron Street and the building façade. A widening of over 4.5 m was provided to the City at the time of subdivision registration.

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The proposed variance meets the intent and purpose of the Zoning By-law.

### **DESIRABLE FOR ORDERLY DEVELOPMENT**

The third test is that the requested variances are desirable for the orderly development and use of the land.

The layout of Block One is consistent and has regard for the surrounding lot fabric and built form. The requested minor variance supports the intensification of the wider development while having regard for existing uses, built form, and lot fabric of the street and surrounding neighbourhood. The requested minor variance is compatible with the existing patterns of residential development along Caron Street.

### **MINOR IN NATURE**

The fourth test is that the requested variances are minor in nature.

The requested variance seeks to amend the minimum corner side yard distance from 3.5m to 2.6m, which can be considered negligible in difference when considered in addition to the large, landscaped boulevard within the Caron Street right-of-way. It should also be noted that the proposed corner side yard setback of Block One abuts a collector road and is not proposed in a yard that would have the affect of moving the building envelope closer to existing or proposed abutting development.

The proposed variance is minor in nature.

### **CONCLUSION**

The proposed development in the context of the area poses no adverse impacts to existing residents or visitors to the area, respects the general intent of the Official Plan and Zoning By-law, is minor in nature, and allows for desirable development of the property in an evolving residential neighbourhood. The proposed variance meets the four tests under the *Planning Act* and will be a positive addition to the neighbourhood.

Respectfully,

**Stantec Consulting Ltd.**



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