

August 21, 2025

1

**Ms. Monique Ouellet**

Clerk  
Committee of Adjustment  
City of Clarence-Rockland  
1560 Laurier Street,  
Rockland, ON K4K 1P7

**RE: Application for Consent and Minor Variance  
2440 Albert Street, Clarence-Rockland**

Dear Ms. Ouellet,

Fotenn Planning + Design ("Fotenn") has been retained on behalf of the owner to submit a Consent and Minor Variance application for the property known municipally as 2440 Albert Street in Clarence-Rockland ("subject site").

The purpose of these applications is to facilitate the development of six (6) townhouse dwellings, with the intention of establishing two (2) Secondary Dwelling Units (SDUs) per primary townhouse dwelling unit. To facilitate the legal establishment of the SDUs, the proposed Consent applications seek to sever the subject site in order to create five (5) new lots alongside one (1) retained lots, with a shared parking lot.

This application seeks to address several zoning deficiencies related to the proposed development.

Please do not hesitate to reach out to the undersigned at [ouseley@fotenn.com](mailto:ouseley@fotenn.com) and [bolduc@fotenn.com](mailto:bolduc@fotenn.com) if you have any questions.

Sincerely,



Mark Ouseley, MES  
Planner



Jacob Bolduc, RPP MCIP  
Associate

**Ottawa**

420 O'Connor Street  
Ottawa, ON K2P 1W4  
613.730.5709

**Kingston**

The Woolen Mill  
4 Cataraqui Street, Suite 315  
Kingston, ON K7K 1Z7  
613.542.5454

**Toronto**

174 Spadina Avenue, Suite 304  
Toronto, ON M5T 2C2  
416.789.4530

[fotenn.com](http://fotenn.com)

## 1.0 Introduction

Fotenn Consultants Inc. ("Fotenn") has been retained to prepare this Planning Rationale in support of Consent to sever and Minor Variance applications for the property known municipally as 2440 Albert Street ("the subject site") in Clarence-Rockland.

The intent of this Planning Rationale is to assess the proposed Consent and Minor Variances against the applicable policy and regulatory framework and to demonstrate how the proposed applications are appropriate for the subject site and compatible with surrounding land uses and existing infrastructure.

### 1.1 Purpose of Application

The purpose of these applications is to facilitate the development of six (6) townhouse dwellings, with the intention of establishing two (2) Secondary Dwelling Units (SDUs) per primary townhouse dwelling unit. To facilitate the legal establishment of the SDUs, the proposed Consent applications seek to sever the subject site in order to create five (5) new lots alongside one (1) retained lot. The proposed Minor Variance application seeks to address several areas of zoning deficiency across the proposed development, including minimum lot frontage, minimum landscape coverage, minimum parking requirements, minimum driveway width and the number of attached dwelling units in a Townhouse Dwelling Block.

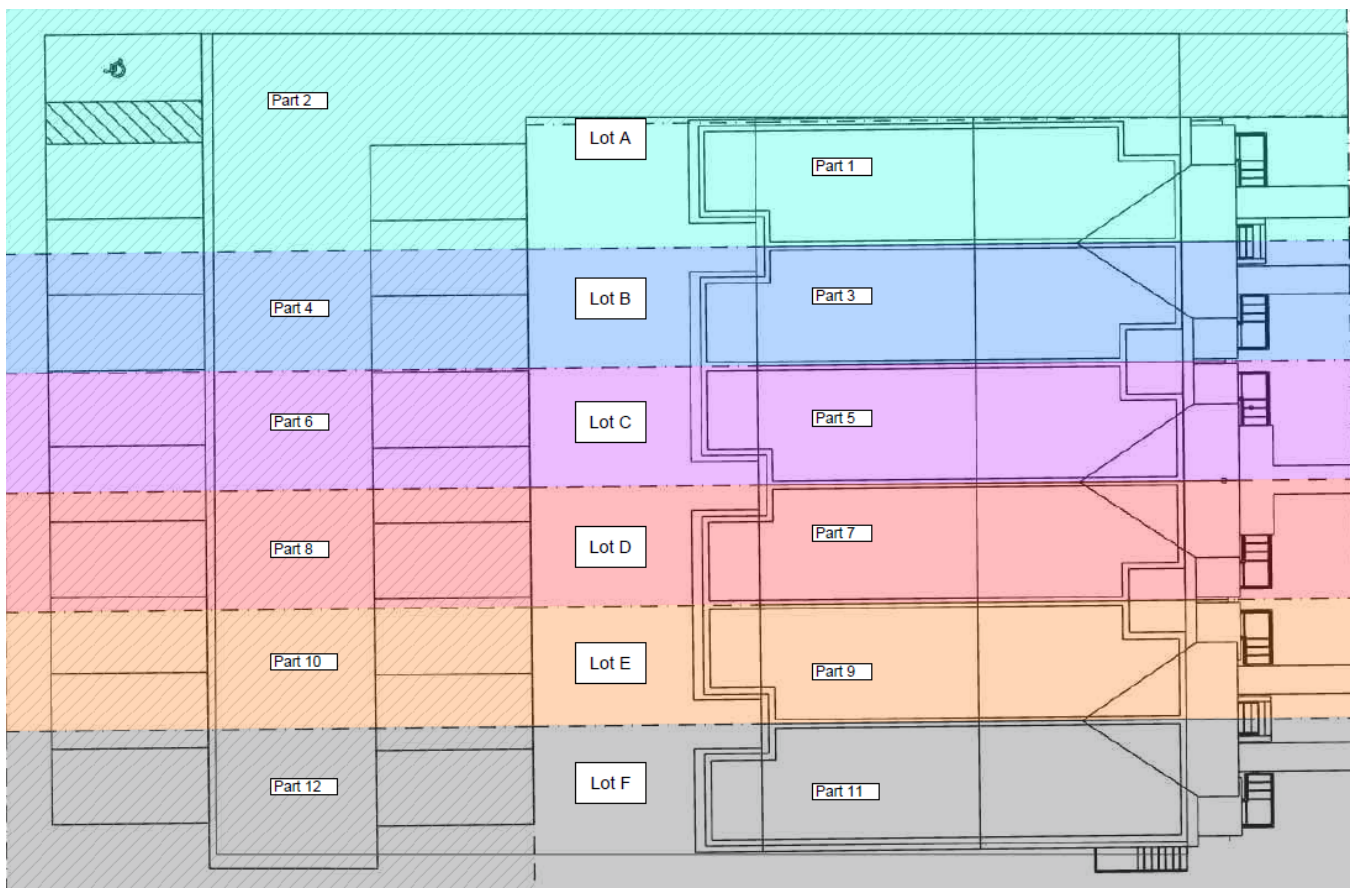


Figure 1: Proposed severance scheme.

## 2.0 Site Context and Surrounding Area

### 2.1 Subject Site

The subject site, municipally known as 2440 Albert Street, is located in Clarence-Rockland. The subject site has a total area of 1486.2 square metres, a width of 31.30 metres and a depth of 47.46 metres. The site is currently developed with a two-storey detached dwelling and detached garage.



Figure 2: Surrounding context.

### 2.2 Surrounding Area

The subject site is located along Albert Street and the surrounding neighbourhood is characterized by residential uses.

**North:** The subject site abuts two low-rise residential apartments at the rear. Further north is an area of undeveloped land and Highway 17.

**East:** The subject site abuts a detached dwelling to the east. Further east is a surface parking lot and additional detached dwellings.

**South:** To the south of the subject site is a residential neighbourhood, characterized by a range of low-rise residential dwelling types including single-detached, duplex and townhouse dwellings.

**West:** The subject site abuts a detached dwelling to the west. Further west along Albert Street are additional low-rise residential dwellings including single-detached, planned unit development and a low-rise apartment building with associated surface parking.

## 3.0 Proposed Development

### 3.1 Overview

The proposed development involves the demolition of the existing dwelling on the subject site and the construction of a residential project consisting of six (6) townhouse units. All six (6) townhouse units will front on Albert street. The development will feature three-storey townhouse forms.

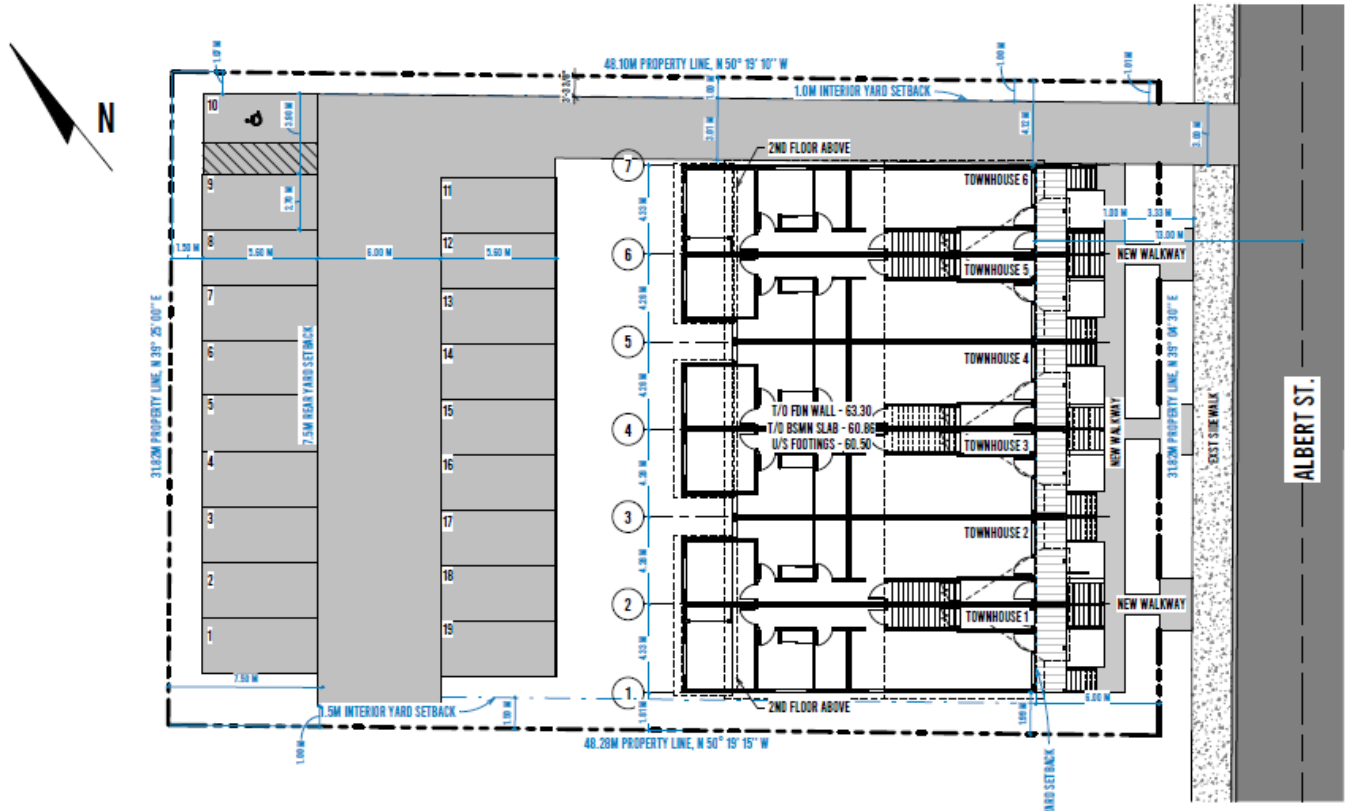


Figure 3: Proposed Site Plan.

Vehicular access is provided from Albert Street, leading to a shared surface parking lot located at the rear of the site, behind the townhouse units. This orientation supports an active, pedestrian-friendly streetscape and minimizes the visual impact of parking infrastructure.

The proposed development endeavours to contribute positively to the surrounding neighbourhood by providing ground-oriented housing featuring high-quality urban design which is context-sensitive and supportive of the residential character of the area.



Figure 4: Rendering of the proposed development.

### 3.2 Proposed Severance

As described previously, the proposed Consent to Sever applications intend to sever the subject site in a manner which would allow each individual townhouse dwelling unit to be located on a separate lot. This configuration will allow each primary dwelling unit to support two (2) SDUs, resulting in six (6) primary dwelling units and 12 SDUs across the entire development, for a total of 18 units.

The proposed development, while represented by six (6) lots, is intended to operate as a single entity for the purposes of parking, maintenance, and overall lot functionality. As described above, the proposed development features a single site access from Albert Street, in a similar location and orientation to the existing site access. The driveway provides access to the parking lot located on the interior of the site, featuring 19 parking spaces.

The proposed configuration provides for one (1) parking space per primary dwelling unit and one (1) space per SDU as well as one (1) visitor parking space. The rights to the parking are to be established through easements on the lands and managed through a Joint Use and Maintenance Agreement (JUMA) between all of the lots. These easements are also intended to address site operations such as snow storage.

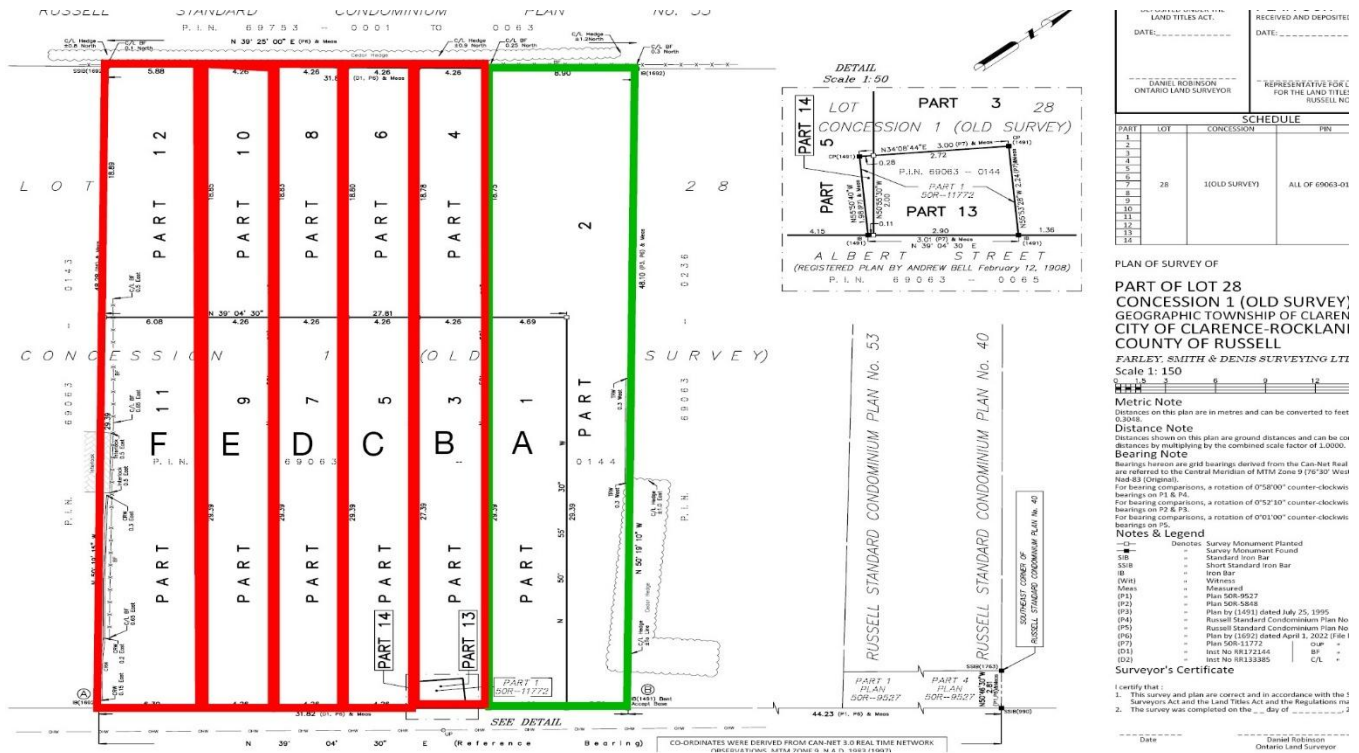


Figure 5: Proposed Severance Graphic, Lot A will be retained (green) and Lots B-F will be severed (red).

### 3.3 Severance & Easement Details

The details of the proposed Consent application are identified in the table below:

	Lot A (Retained)	Lot B (Severed)	Lot C (Severed)	Lot D (Severed)	Lot E (Severed)	Lot F (Severed)
Parts on Survey	Parts 1,2	Parts 3,4 & 13	Parts 5, 6 & 14	Parts 7 & 8	Parts 9 & 10	Parts 11 & 12

These applications also seek to establish reciprocal easements to address site access, parking, as well as other site operational elements between all of the proposed lots. Through these applications easements shall be established over the proposed parking lot and site access in order to allow for the unencumbered use of the parking spaces associated with each of the proposed dwelling units, in accordance with the proposed development as described above. The proposed easements shall grant access to three (3) spaces for each of the proposed lots, with the intention of managing their distribution through an accompanying JUMA.

## 4.0 Policy & Regulatory Framework

### 4.1 Provincial Planning Statement (2024)

The Provincial Planning Statement (PPS) provides direction on matters of provincial interest related to land use planning and development. The Planning Act requires that decisions affecting planning matters “shall be consistent with” policy statements issued under the Act, which includes the PPS.

The PPS came into effect October 20, 2024, and consolidates the Provincial Policy Statement, 2020 and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) into a more streamlined land-use planning policy for the Province of Ontario. The PPS provides policy direction for housing supply in the province, supporting development and alignment with infrastructure, among other goals.

The following PPS policies are applicable to the subject site, among others:

#### Planning for People and Homes

2.1.6 Planning authorities should support the achievement of complete communities by:

- / accommodating an appropriate range and mix of land uses, housing options, transportation options with multimodal access, employment, public service facilities and other institutional uses (including schools and associated child care facilities, long-term care facilities, places of worship and cemeteries), recreation, parks and open space, and other uses to meet long-term needs;

#### Housing

2.2.1 Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected needs of current and future residents of the regional market area by:

- b) permitting and facilitating:
  1. all housing options required to meet the social, health, economic and wellbeing requirements of current and future residents, including additional needs housing and needs arising from demographic changes and employment opportunities; and
  2. all types of residential intensification, including the development and redevelopment of underutilized commercial and institutional sites (e.g., shopping malls and plazas) for residential use, development and introduction of new housing options within previously developed areas, and redevelopment, which results in a net increase in residential units in accordance with policy 2.3.1.3.

#### Settlement Areas and Settlement Area Boundary Expansions

2.3.1.2 Land use patterns within settlement areas should be based on densities and a mix of land uses which:

- a) efficiently use land and resources;
- b) optimize existing and planned infrastructure and public service facilities;
- c) support active transportation;
- d) are transit-supportive, as appropriate [...]

**The proposed severance, minor variances and proposed development aligns with the policies and direction provided by the Provincial Planning Statement (2024). This proposal seeks to facilitate the development of six (6) townhouses with 12**

additional secondary dwelling units. The proposed development supports the goals and direction provided by the PPS as it relates to residential intensification and growth within a settlement area. The proposed development represents the intensification of a municipally-serviced lot, promoting the efficient development of land within Clarence-Rockland's urban boundary. Therefore, the proposed variances conform to the relevant policies of the PPS.

## 4.2 The Official Plan of the United Counties of Prescott and Russell (2022)

The Official Plan of the United Counties of Prescott and Russell (UCPR) provides the policy framework for land use within its boundaries, including the City of Clarence-Rockland.

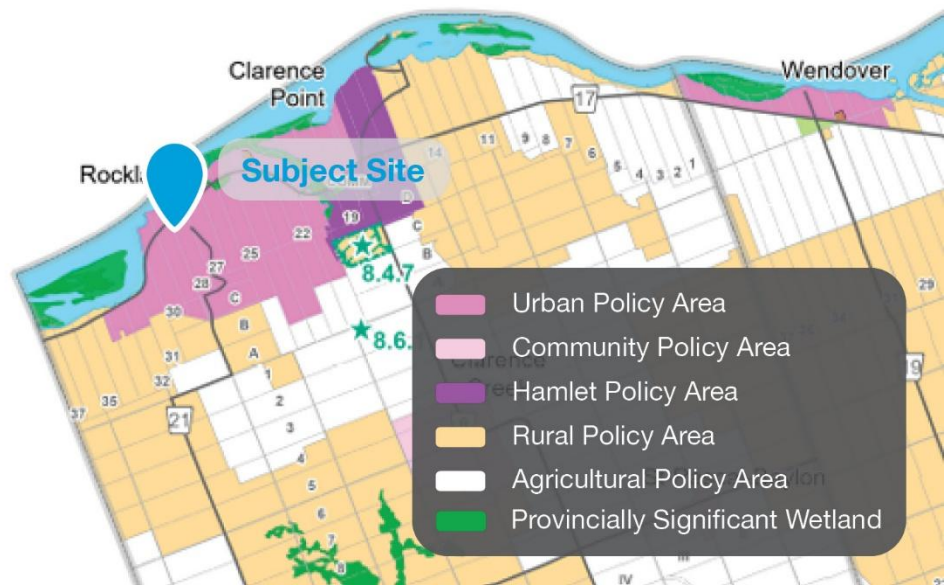


Figure 6: Schedule A2 - Land Use Designation, The Official Plan of the United Counties of Prescott and Russell.

The following policies of the UCPR Official Plan are applicable to the subject sites and their context:

### 4.2.1 Residential Intensification

- / Policy 1 of Section 2.1.2.1 - A portion of the Counties' future housing needs shall be provided through residential intensification, which may include, among others:
  - a) Infill development and residential development of vacant land or underutilized land in the Urban Policy Area's delineated built-up areas; or
  - b) Modest intensification in stable residential areas. Stable residential areas are considered to be established areas generally consisting of predominantly low-density housing on local roads within the delineated built-up areas.

- / Policy 3 of Section 2.1.2.1 – The local municipality shall consider applications for infill development, intensification and redevelopment of sites based on criteria including, among others:
  - a) The proposed development lands are appropriately suited for intensification in the context of the physical environment and is compatible with the surrounding land uses;
  - b) The multimodal transportation system can accommodate the traffic generated of the proposed development;
  - c) The proposed development respects and reinforces the existing character of the streetscapes, parks and open space areas;
  - d) The proposed development provides heights, massing and scale appropriate to the site;
  - e) The proposed development provides adequate privacy, sunlight and views of the sky for existing and new residents;
  - f) The proposed development identifies means to mitigate the effects of intensification on existing residential areas, including consideration of transitional densities, built form, and land uses;
  - g) The proposed development screens loading and service areas;
  - h) The proposed development complies with the appropriate urban design and built form policies of the applicable Official Plans.
  
- / Policy 4 of Section 2.1.2.1 - The local municipality shall ensure that a proposed development of residential intensification can be satisfactorily integrated with the physical characteristics of residential and commercial areas and proper health and safety standards are maintained. Land use compatibility and urban design assessments may be required as a component of the planning rationale report accompanying development applications where the land is adjacent to non-residential uses.
  
- / Policy 5 of Section 2.1.2.1 – Small-scale intensification shall be permitted in all Urban Policy Areas, except where infrastructure is inadequate or there are significant physical constraints.

#### **4.2.2 Urban Policy Area**

Section 2.3 of the UCPR Official Plan states that the Urban Policy Area designation applies to City, Towns and Villages with populations of 1,000 or more and which have been developed primarily on the basis of municipal water and sewer systems. The Urban Policy Area is intended to absorb a significant part of future growth in the Counties. The subject site is designated Urban Policy Area and is subject to the policies of the Official Plan, as follows:

- / Policy 1 of Section 2.3.3 - Council's objectives respecting residential development in the Urban Policy Area include, among others:
  - b) To provide for a range and mix of low-, medium- and high-density housing types to accommodate an appropriate affordable and market-based range and mix of residential types including single-detached dwellings, semi-detached dwelling units, row housing units, additional residential units, multi-unit housing, affordable housing and housing for older persons;
  - g) To manage the rate of growth and the amount of residential development within the urban centre in order to maintain and enhance the small-town character;
  - h) To encourage residential developments which incorporate innovative and appropriate design principles which contribute to public safety, affordability, energy conservation and that protect, enhance and properly manage the natural environment;

- / Policy 4 of Section 2.3.3 – Identifies the necessity of providing varied housing within the Urban Policy Area, as follows:
  - In order to meet the varied housing requirements of the Counties’ residents and to provide for orderly residential development, it is the policy of this Plan that, subject to the availability of water and waste water services, zoning regulations be designed to provide for a mix of 70% low-density residential development, 20% medium density residential development and 10% high density residential development in the Urban Policy Area.
- / Policy 2 of Section 3.3.12 notes that new developments will need to be designed to be walkable and bike-friendly by including trails, sidewalks, cycling lanes and/or paved shoulders, where appropriate to integrate with the overall complete transportation system.

**The proposed development represents a compatible form of medium-density development within the Clarence-Rockland Urban Policy Area. The proposed applications seek to facilitate the proposed development of the subject site in a manner which encourages a range of unit types and tenures as a result. The subject site represents an ideal location as it relates to opportunities for growth and intensification within an existing urban area, served by readily-available services and resources.**

#### **4.2.3 Consents (Section 7.4.2)**

Section 7.4.2 of the Official Plan outlines the specific policies relating to Consents within the County. The policies applicable to the proposed development are as follows:

3. The consent granting authority will ensure that there is sufficient capacity in existing water and waste water services prior to granting a consent to create a new lot on full or partial municipal services;
4. All lots created shall have frontage on a year-round publicly maintained road with at least one side of the lot which physically abuts the public road;
5. The proposed lot shall be compatible with adjacent land uses and shall not result in a traffic hazard as a result of limited sight lines on curves or grades.
10. The consent approval authority will ensure that the development of the proposed and retained lots can occur in accordance with the natural heritage and natural hazard policies of this Plan. No development will be permitted on provincially significant wetlands or the significant habitat of endangered or threatened species, in keeping with the relevant policies of this Plan. Development on other natural heritage features and areas addressed in Part 5 of this Plan, lands adjacent to such features, or lands adjacent to provincially significant wetlands or the significant habitat of endangered or threatened species can occur only where an Environmental Impact Study conducted in keeping with Section 5.6 of this Plan shows there will be no negative effects on the natural heritage feature or area and its ecological function. The Environmental Impact Study is to accompany the application submission.
13. The lot being severed and the lot being retained shall conform to the provisions of this Plan and the implementing Zoning By-law.
14. A maximum of one new lot may be created per consent application. A request to stamp the retained lot may be requested at the time of submission of a consent application.
16. In considering a consent, regard shall be had to, among other matters, the criteria of Section 51 (24) of the Planning Act, R.S.O. 1990 with necessary modifications.

**The proposed development is shown to represent orderly development, in line with the policies of Section 7.4.2, particularly as it relates to the assurance that the proposed severances shall not result in impacts on any identified natural heritage, transportation networks, and safety. The proposed Consents also recognize the necessary servicing**

requirements and therefore, the proposed development is intended to not place an unnecessary strain on existing municipal servicing capacity in Clarence-Rockland.

The proposed Consent applications therefore conform to the relevant policies of the UCPR Official Plan.

### 4.3 The Official Plan of the Urban Area of the City of Clarence-Rockland (2021)

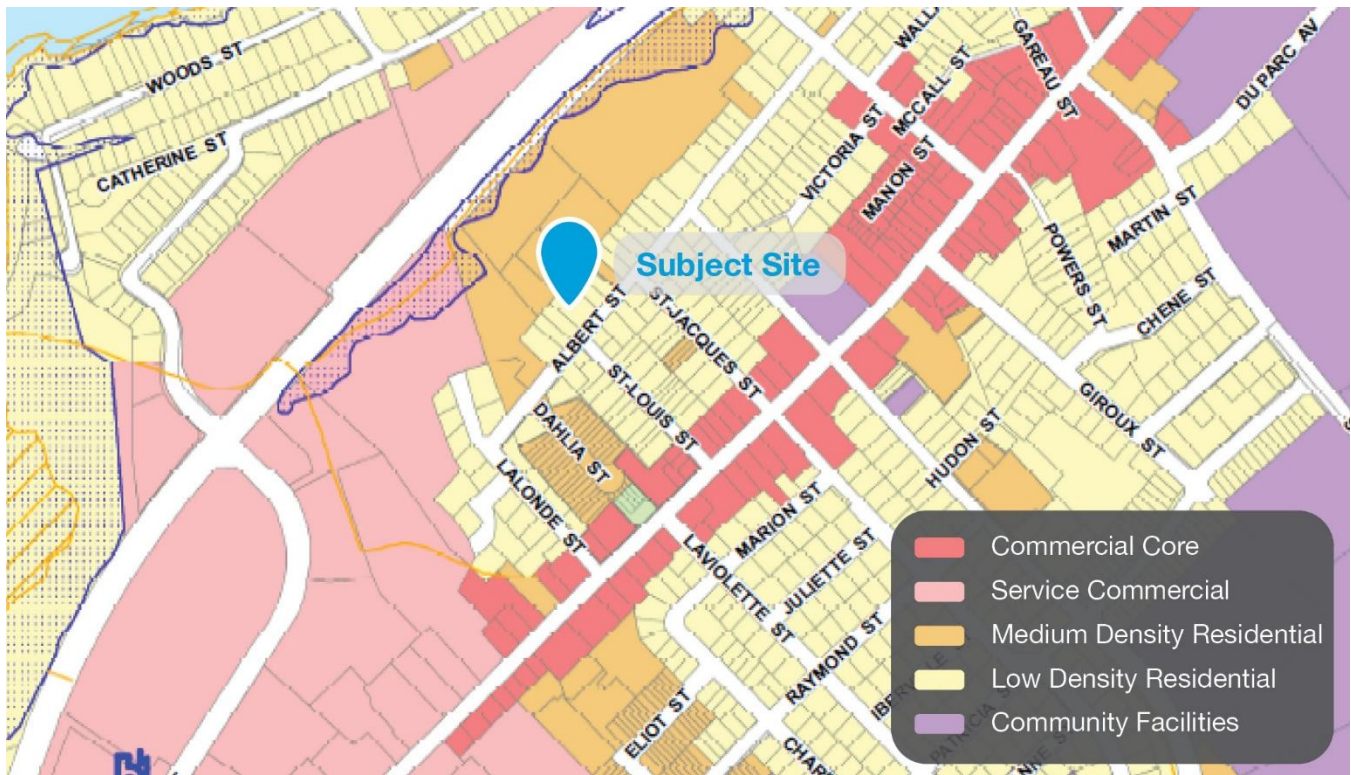


Figure 7: Schedule A, Official Plan of the Urban Area of the City of Clarence-Rockland.

The Official Plan of the Urban Area of the City of Clarence-Rockland Official Plan was prepared to ensure sufficient land is available to accommodate an appropriate range and mix of land uses to meet projected needs to 2035. The Plan outlines the desired pattern of growth within the City, and delineates the desired character evolution of the area through new development, redevelopment, and intensification.

#### 4.3.1 Residential Policies (Section 2.6)

Section 2.6 of the Official Plan outlines the overarching strategy related to residential growth within the City of Clarence-Rockland. The Plan outlines the fact that row and apartment-style dwellings have become more prevalent due to the market demand for more affordable and age-friendly unit styles, capturing a range of residents who may not be able to, or would prefer not to, take up other forms of housing. The Council indicates their desire to see residential growth through intensification and redevelopment, including greater building heights and densities, encouraging a more compact built form. In line with the policies of the UCPR Official Plan, the City of Clarence-Rockland recognizes the desired unit mix for new development, particularly, encouraging approximately 20% of new development in the form of medium-density housing (up to 55 units per net hectare).

The proposed development is shown to align with the policies of Section 4.4.1 and 4.4.2 as it relates to the proposed lot dimensions and configuration, as well as the capability of existing municipal services to support the proposed development. As discussed throughout this report, the proposed Consent application presents a lot fabric which recognizes the proposed function of the lands and provides an opportunity to facilitate the construction of additional housing units within a context-sensitive built form. The proposed severances, facilitated by the concurrent Minor Variance applications, are intended to reflect an appropriate lot fabric, result in minimal impacts on adjacent properties, and ensure that an unnecessary extension of servicing is necessary in order to facilitate the development.

The proposed development, and accompanying variances, represent the intended establishment of medium-density housing within the Commercial Core area, contributing to the growth strategy highlighted through the Official Plan.

#### **4.3.2 Low Density Residential (Section 5.6.2)**

The policies of Section 5.6.2 of the Official Plan, relating to the proposed development, are as follows:

Permitted uses per section 5.6.2.1 include:

1. Low Density development permits single detached dwellings, semi-detached dwellings, doubles and duplex dwellings to a maximum of 35 units per net hectare;
2. Small-scale commercial, park, school, place of worship and/or community facilities serving a local residential area;
3. Medium density residential, according to Section 5.6.3

Per Section 5.6.2.2.4 Within the built-up area of the Low-Density Residential designation, Council may amend the zoning to permit medium density residential, without amending this Plan, if the following criteria are met:

- a) The building is no more than four storeys in height to a maximum of 45 units per net hectare;
- b) If the site has frontage or direct access to a "Collector" street, the number of units per site shall not exceed twelve, for any or all the permitted uses as listed on Section 5.6.3.1.1 and the proposal must conform to the normal requirements of the Zoning By-law without requiring an exception to reduce the zone provisions. An exception can, however, limit the number of units; or
- c) If the site does not have frontage or direct access to a "Collector" street, the number of units shall not exceed eight, for any or all the permitted uses as listed on Section 5.6.3.1.1, and the proposal must conform to the normal requirements of the Zoning By-law without requiring an exception to reduce the zone provisions. An exception can, however, limit the number of units and maximum height.

#### **4.3.3 Medium Density Residential (Section 5.6.3)**

Permitted uses per section 5.6.3.1 include:

1. Semi-detached dwellings, duplex dwellings, linked dwellings, multiple unit residential uses such as townhouses, or back-to-back townhouses to a minimum density of 35 units per net hectare and a maximum of 55 units per net hectare and stacked dwellings and low-rise apartment buildings no more than five storeys in height to a maximum of 65 units per net hectare.

The proposed development represents the intended establishment of medium-density housing within the Low Density Residential area, contributing to the growth strategy highlighted through the Official Plan. The applicable Official Plan policies promote the proposed densities given their location and access to existing municipal servicing and amenities.

The site layout and design, seek to enhance the character along Albert Street, while recognizing the planned function of the street and providing parking and other operational site elements away from the street.

Finally, regarding the proposed density, only primary units are considered in the density calculation to ensure consistency across all designations and areas of the City despite recent changes to the provincial planning framework which permit three (3) units per lot. As such, when calculated at 6 primary units, the site has a total density of 40.38 units per net hectare, which is under the maximum of 45 units per net hectare permitted in the Low Density Residential Area.

The proposed variances, and development as a whole, therefore aligns with the relevant policies and direction of the Official Plan of the Urban Area of the City of Clarence-Rockland.

#### 4.4 City of Clarence-Rockland Zoning By-law (2016-10)

The subject site is zoned Urban Residential Third Density Zone, Exception 13 (R3-13) in the City of Clarence-Rockland Zoning By-law (Figure 8).

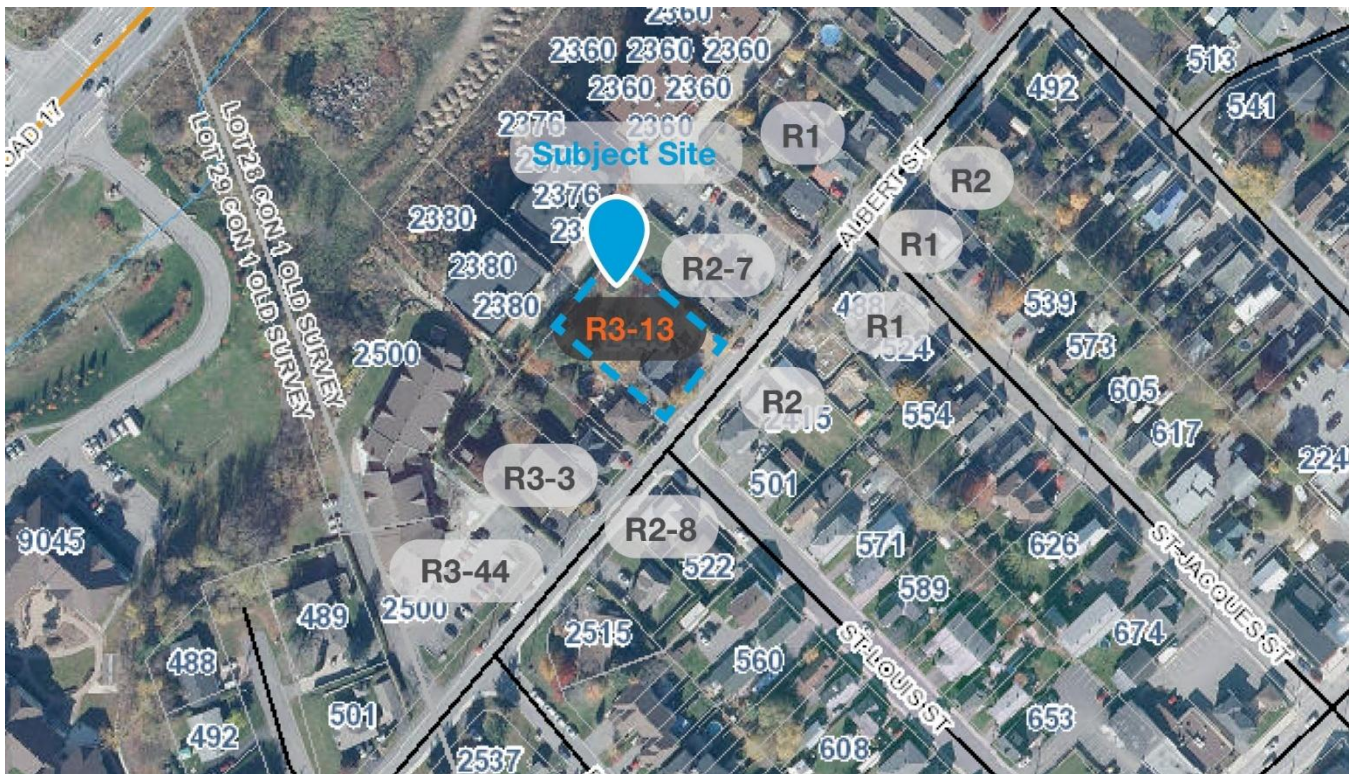


Figure 8: Zoning Map.

The permitted uses in the Urban Residential Third Density Zone, as they relate to the proposed development, are as follows:

##### Residential Uses

- / Apartment dwelling, low-rise
- / Apartment dwelling, mid-high rise

- / Back-to-back townhouse dwelling
- / Three unit dwelling
- / **Townhouse dwelling**
- / Stacked townhouse dwelling
- / Group home
- / Long term care facility
- / Retirement home

Below is a table identifying the applicable Zoning provisions for the subject site as they relate to the proposed development – identifying the areas of non-compliance:

Table 1: Zoning Provisions for R3-13 Townhouse Dwellings

Provision	Required	Lot A	Lot B	Lot C	Lot D	Lot E	Lot F	Compliance
<b>Minimum Lot Area</b> [Table 6.4.2a]	185.0 square metres per DU	416.03 square metres	205.27 square metres	205.24 square metres	205.34 square metres	205.47 square metres	296.08 square metres	Yes
<b>Minimum Lot Frontage</b> [Table 6.4.2a]	5.5 metres per DU	8.39 metres	4.26 metres	4.26 metres	4.26 metres	4.26 metres	6.39 metres	No
<b>Minimum Front Yard</b> [Table 6.4.2a]	6.0 metres	6.0 metres	6.0 metres	6.0 metres	6.0 metres	6.0 metres	6.0 metres	Yes
<b>Minimum Interior Side Yard</b> [Table 6.4.2a]	1.5 metres	3.0 metres	N/A	N/A	N/A	N/A	1.81 metres	Yes
<b>Minimum Separation Distance Between Buildings Containing Dwelling Units</b> [Table 6.4.2a]	3.0 metres	N/A	N/A	N/A	N/A	N/A	N/A	Yes
<b>Minimum Rear Yard</b> [Table 6.4.2a]	7.5 metres	7.5 metres	7.5 metres	7.5 metres	7.5 metres	7.5 metres	7.5 metres	Yes
<b>Maximum Number of Storeys</b> [Table 6.4.2a]	3	3	3	3	3	3	3	Yes

Provision	Required	Lot A	Lot B	Lot C	Lot D	Lot E	Lot F	Compliance
<b>Maximum Building Height</b> [Table 6.4.2a and 6.4.3m]	12.0 metres but 10.5 metres for R3-13	10.5 metres	10.5 metres	10.5 metres	10.5 metres	10.5 metres	10.5 metres	Yes
<b>Minimum Landscape Coverage</b> [Table 6.4.2a]	30%	29.47%	29.47%	29.47%	29.47%	29.47%	29.47%	No
<b>Parking Requirement – Dwelling, Townhouse</b> [Table 5.2.1]	2.0 spaces per dwelling	1 space	1 space	1 space	1 space	1 space	1 space	No
<b>Parking Requirement – Second Unit</b> [Table 5.2.1]	1.0 space	2 spaces	2 spaces	2 spaces	2 spaces	2 spaces	2 spaces	Yes
<b>Accessible Parking Spaces</b> [Table 5.3.2]	1.0 space; 3.4 metres x 5.6 metres	3.9 metres x 5.6 metres	N/A	N/A	N/A	N/A	N/A	Yes
<b>Parking Space Dimensions</b> [5.2.3]	2.7 metres x 5.6 metres	2.7 metres x 5.6 metres	2.7 metres x 5.6 metres	2.7 metres x 5.6 metres	2.7 metres x 5.6 metres	2.7 metres x 5.6 metres	2.7 metres x 5.6 metres	Yes
<b>Minimum Drive Aisle Width</b> [5.7]	6.0 metres	6.0 metres	6.0 metres	6.0 metres	6.0 metres	6.0 metres	6.0 metres	Yes
<b>Minimum Driveway Width</b> [5.7]	6.0 metres	3.0 metres	3.0 metres	3.0 metres	3.0 metres	3.0 metres	3.0 metres	No
<b>Required Widths of Landscaping</b> [5.9.1b]	1.0 metres	1.0 metres	1.5 metres	1.5 metres	1.5 metres	1.5 metres	1.0 metres	Yes

Exception 13 adds the following additional provisions:

Notwithstanding the provisions of this By-law to the contrary, the lands zoned R3-13 shall be used in accordance with the following provision(s):

- i) Number of Dwelling Units (maximum): 8
- ii) Building Height (maximum): 10.5 m

#### 4.4.1 Maximum Number of Attached Dwelling Units in a Townhouse Dwelling Block (Section 4.25)

The Zoning By-law stipulates that no more than eight (8) dwelling units are permitted in a townhouse block.

In the case of the proposed development, while only six (6) primary townhouse dwellings are proposed, this provision does not specifically exclude, nor consider the implications of SDUs. As a result, in an abundance of caution, this application is seeking relief from this provision of the Zoning By-law in order to permit 18 units in a townhouse dwelling block.

#### 4.4.2 Areas of Zoning Non-Conformity

Table 2: Non-compliant zoning performance standards for the proposed building on both the retained and severed lots.

Zoning Provision	Required	Proposed	Applicable Lots
Minimum Lot Frontage	5.5 metres	4.26 metres	Lots B,C,D & E
Minimum Landscape Coverage	30%	29.47%	All Lots
Parking Requirement – Dwelling Townhouse	2.0 spaces per dwelling	1 space	All Lots
Minimum Driveway Width	6.0 metres	3.0 metres	All Lots
Maximum Number of Attached Dwelling Units in a Townhouse Dwelling Block	8 units	Six (6) Primary Units; 12 Secondary Units	All Lots

## 5.0 Ontario Planning Act – Consents

### 5.1 Legislative Authority

Section 53(1) of the Ontario Planning Act pertains to Consents and Plans of Subdivision. It states that an owner:

*“may apply for a consent as defined in subsection 50 (1) and the council or the Minister, as the case may be, may, subject to this subsection, give a consent if satisfied that a plan of subdivision of the land is not necessary for the proper and orderly development of the municipality.”*

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

*“shall have regard to the matters under subsection 51(24) and has the same powers as the approval authority has under subsection 51(25) with respect to the approval of a plan of subdivision and subsections 51(26) and (27) and section 51.1 apply with necessary modifications to the granting of a provisional consent”.*

### 5.2 Consent Criteria

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

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

- a) The effect of development of the proposed subdivision on matters of provincial interest (as referred to in section 2)  
**The proposed Consent application is consistent with the matters of provincial interest under Section 2 of the Planning Act as the proposal seeks the orderly development of safe and healthy communities, the adequate provision of a full range of housing, and the promotion of built form that is well-designed.**
- b) Whether the proposed subdivision is premature or in the public interest  
**The proposed Consents would ensure development remains viable on both the severed and retained lots, creating six (6) lots capable of supporting six (6) townhouse dwellings where only one (1) currently exists. The increased density seeks to contribute to the growth targets established through the Official Plan.**
- c) Whether the plan conforms to the official plan and adjacent plans of subdivision, if any  
**The proposed Consent conforms to both the policies of the Official Plan of the United Counties of Prescott and Russell, as well as the Official Plan of the Urban Area of the City of Clarence-Rockland Official Plan as it maintains the low-rise built form of the neighbourhood while providing for increased density through infill intensification, as encouraged by both plans.**
- d) The suitability of the land for the purposes for which it is to be subdivided  
**The proposed Consent result in six (6) lots which are compliant with all applicable Zoning By-law provisions, notwithstanding those to be addressed through the concurrent Minor Variance application. The lots provide for adequate street frontage, lot depth, lot area, and servicing capabilities, supportive of the proposed development on the site.**

- d.1) If any affordable housing units are being proposed, the suitability of the proposed units for affordable housing  
**This application is not considering any affordable housing on the subject site. However, an increase in the availability and type of housing units in the area does contribute to housing affordability overall.**
- e) The number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them  
**The subject site is accessed via Albert Street, which is identified as a Local Road in the Clarence-Rockland Official Plan (2022). The sole proposed site access intends to provide access to the shared parking lot at the rear of the site.**
- f) The dimensions and shapes of the proposed lots  
**The shape and dimensions of the proposed lots are generally rectangular. Due to the nature of the proposed development, the proposed severance lines align with the intended purpose of the lands, and through the proposed JUMA (to be established as part of these Consents), these lands shall continue to function as a singular operational unit.**
- g) The restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structure proposed to be erected on it and the restrictions, if any, on adjoining land  
**The subject site is subject to a concurrent Minor Variance application, which is proposing to apply new zoning standards to enable the ultimate development on both the proposed retained and severed lots.**
- h) Conservation of natural resources and flood control  
**The subject site is not located in a sensitive ecological area or in a floodplain. No adverse impacts are anticipated on natural resources and flood control as a result of the proposed Consent application.**
- i) The adequacy of utilities and municipal services  
**The subject site is municipally serviced and is not anticipated to place undue strain on the existing servicing capacity for the area.**
- j) The adequacy of school sites  
**The subject site is within proximity to existing public school sites.**
- k) The area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes  
**The extent of any right-of-way dedications shall be established through the Consent process, but any potential dedications are not anticipated to negatively affect the developability of the subject site.**
- l) The extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy  
**The building proposed on the subject site as a result of this proposed Consent will be subject to the energy usage directives outlined in Provincial legislation and the Ontario Building Code in order to receive a building permit.**
- m) The interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act or subsection 114 (2) of the *City of Toronto Act, 2006*. 1994, c. 23, s. 30; 2001, c. 32, s. 31 (2); 2006, c. 23, s. 22 (3, 4); 2016, c. 25, Sched. 4, s. 8 (2)

**The scale of development proposed on the subject site does not meet the threshold to require Site Plan Control approval.**

**The proposed Consent has proper regard to the criteria found in Section 51(24) of the Planning Act.**

## 6.0

# Four Tests of the Planning Act

### 6.1 Overview

Section 45 (1) of the Planning Act (R.S.O. 1990, c. P.13) outlines the “four tests” for determining the suitability of a proposed Minor Variance. If all four tests are met, the Committee of Adjustment is authorized to grant a variance.

There are a total of five (5) variances being sought through this Minor Variance application, should the concurrent Consent applications be approved. Each variance is only applicable to the proposed lots, as described above. The variances are outlined in further detail below:

*I. Minimum Lot Frontage:*

- *Minimum: 5.5 metres*

**The proposed development, as it pertains to the proposed Lots B,C,D and E, feature a lot frontage of 4.26 metres.**

*II. Minimum Landscape Coverage:*

- *Minimum: 30%*

**The proposed development, as it pertains to the proposed Lots features a minimum landscape coverage of 29.47%.**

*III. Minimum Parking Requirement – Dwelling, Townhouse:*

- *Minimum: Two (2) spaces per unit*

**The proposed development features six (6) primary townhouse dwellings, in which one (1) space is provided per unit.**

*IV. Minimum Driveway Width*

- *Minimum: 6.0 metres*

**The proposed development features a single access driveway 3.0 metres in width.**

*V. Maximum Number of Attached Dwelling Units in a Townhouse Dwelling Block:*

- *Maximum: Eight (8) units*

**The proposed development features six (6) primary Townhouse Dwelling Units and 12 SDUs, resulting in a total of 18 dwelling units within the proposed townhouse block.**

### 6.2 Evaluation Criteria

#### 1) The variances are minor in nature

##### **I: Lot Frontage**

The proposed reduction in lot frontage of 4.26 metres compared to the required 5.5 metres for Lots B,C,D and E represents a minor deviation from the prescribed requirement. The variance is required for the interior townhouse units which do not feature side yards as the two end units are compliant with the By-law. The average frontage across all lots of 5.30 metres is only nominally less than the required 5.5 metres. The reduced lot widths will not generate undue negative impacts on adjacent lands or those in the area and accommodates the built form of the townhouses proposed for the subject site.

**The proposed variance is not expected to generate any undue adverse impacts on neighbouring properties and the proposed variance is minor in nature.**

## **II: Landscape Coverage**

The proposed reduction in minimum landscape coverage of 29.47% across all proposed lots compared to the required minimum landscape coverage of 30% represents a minor deviation from the prescribed amount. When combined with the landscaped area from the lot line to the sidewalk, the total landscape coverage for the lot becomes 31.49%. Thus, when viewing the landscaping from the street the reduction in landscape coverage of the subject site will be imperceptible.

**The proposed variance is minor in nature.**

## **III: Minimum Parking**

The proposed reduction in the parking requirements for this project reflect the type and tenure of the units, including both the primary and secondary units. While townhouses are typically required to provide two (2) parking spaces per unit, the inclusion of SDUs introduces a configuration more akin to small-scale apartment dwellings. Given the proximity of the site to Laurier Street's commercial core and the walkability of the surrounding area, it is reasonable to assume that not all units will require two personal vehicles. The development represents an opportunity to broaden the types of units available in the area to those whose needs may be met with the amenities provided as part of this project.

Additionally, given the proximity of the site to the mainstreet area along Laurier Street, the proposed development benefits from an increased proximity to services by means of walking or other active transportation modes, further inducing those looking to reduce their car dependency.

**Given the unit types generated through this proposal, and the transportation demand management strategies implemented through this development, the proposed parking is anticipated to be appropriate and adequate for future residents and is unlikely to result in undue impacts as a result. These variances are therefore considered minor in nature.**

## **IV: Minimum Driveway Width**

The proposed reduction in driveway width from 6.0 metres to 3.0 metres represents an acceptable deviation from the prescribed requirement. The reduced driveway width facilitates the desired built form of six (6) townhouse dwellings which efficiently uses site. The driveway permits resident access to a compliant drive-aisle at the rear of the property. The subject site is located close to the Urban Core Area along Laurier Street where a 3.0 driveway is permitted under the by-law.

**The proposed variance is minor in nature.**

## **V: Number of Attached Townhouse Units**

As described previously, the proposed variance related to the maximum number of townhouse units within a townhouse block has been proposed in an abundance of caution. While it is understood that only six (6) primary townhouse dwellings are proposed through this application, the implications of this zoning provision as it relates to SDUs is unclear. The addition of SDUs does not alter the physical scale of the block or the number of attached units in the conventional sense, and through the permissions granted by the Planning Act as it relates to legally establishing SDUs, the proposed development should therefore not result in any undue impacts beyond those anticipated as-of-right.

**As no change to the built form or building length results from this interpretation, the variance is considered technical in nature and minor.**

## **2) The variances are considered desirable for the development and use of the property**

### **I: Lot Frontage**

The reduced lot frontage facilitates for Lots B,C,D and E facilitates the development of the land with a townhouse built form which represents an efficient use of the property and an intensification of residential development. The proposed low-rise townhouse development is compatible with the surrounding streetscape which features a low-rise built form and apartment built forms. The creation of townhouse dwellings featuring SDUs supports the intensification goals of the Official Plan of the United Counties of Prescott and Russell and the Official Plan of the Urban Area of the City of Clarence-Rockland.

**The variance therefore contributes to the desirable development and use of the lands.**

### **II: Landscape Coverage**

The reduced minimum landscape coverage supports the plan for the development of six (6) townhouses with 12 SDUs. The reduction in landscaped area accommodates important site elements such as a desirable building footprint, on-site parking and access points and walkways for each of the proposed 18 units on the site. The variance allows for a more compact and efficient site layout that maximizes the use of the property for residential development.

**The variance therefore contributes to the desirable development and use of the lands.**

### **III: Minimum Parking**

The proposed parking provisions seek to reflect the intended operational necessities of the units due to their configuration and make-up. The reduction in provided parking intends to contemplate the needs of future residents, acknowledging the necessity of car ownership in the context of Clarence-Rockland, while also recognizing the needs of those seeking to leverage other forms of transportation. In proposing a reduction in the parking allowance per unit, the proposed development can more efficiently deliver dwelling units without the requirement of additional surface parking, or cost-prohibitive underground parking. This comprehensive vision for site can therefore more effectively deliver the densities anticipated for the site, recognizing the locational characteristics of the property and the proximity of existing resources and community services.

**The variance therefore contributes to the desirable development and use of the lands.**

### **IV: Minimum Driveway Width**

The proposed reduction in driveway width facilitates the desired built form of six (6) townhouse dwellings which efficiently uses site to increase residential density. The reduction in driveway width facilitates the allocation of space on the subject site for the creation of six (6) townhouses. The creation of townhouse dwellings featuring SDUs supports the intensification goals of the Official Plan of the United Counties of Prescott and Russell and the Official Plan of the Urban Area of the City of Clarence-Rockland.

**The proposed variance therefore reflects a desirable use of the property.**

### **V: Number of Attached Townhouse Units**

The establishment of a block of townhouses containing six (6) primary units, alongside 12 SDUs represents an innovative building form and unit typology mix within the existing urban area of Clarence-Rockland. While the *Planning Act* secures the legal rights to establish SDUs within each of the freehold townhouse buildings, the proposed variance seeks to further

legalize the arrangement and ensure that the proposed establishment and operation of the project can proceed as envisioned.

**The proposed variance therefore reflects a desirable use of the property.**

### **3) The variance maintains the intent and purpose of the Official Plan**

The policies of the Clarence-Rockland Official Plan establish a framework which strongly emphasizes and promotes a range of compatible, yet innovative, housing forms within the urban area as well as in the surrounding areas. The policies highlight the growing role of intensification in accommodating new residents, through diversified housing and unit types throughout the City. Greater heights and densities are anticipated through the Plan, though an emphasis on good urban design principles is maintained throughout, as well as recognizing the contextual character of the different areas of the City. The policies outline specific growth objectives, including the target of 15% of new growth through intensification, in order to ensure an adequate variety of units are available to existing and new residents at various levels of affordability.

The City's projected growth is envisioned to occur through various levels of density, dependent on the context and availability of municipal services and amenities. The subject site presents an opportunity to establish an evolving built form. Through this Minor Variance application, a comprehensive development scheme can be achieved which provides for adequate parking tailored to the proposed unit typologies, adequate buffering and interface towards the neighbouring properties – all of which aligning with the operational and aesthetic considerations of the relevant Official Plan policies.

A new townhouse development with secondary dwelling units, including those requiring variances for lot frontage, minimum landscape coverage and parking align with the policy objectives for this area of the City. The Plan also explicitly encourages such flexibility through permitting "alternative development standards" and innovative multi-unit housing forms, supporting accessory units and modest deviations from the as-of-right zoning for the purposes of accommodating new unit typologies. Likewise, the requested parking relief can be justified by the active transportation objectives of the Plan – policies favouring reducing auto dependency in the Core. In summary, through providing compact, ground-oriented units at a higher density directly advances the Official Plan's goals for housing intensification, innovation, and a vibrant pedestrian-oriented Urban Area.

**The proposed development through this Minor Variance application intends to establish a compatible built form for the purposes of providing housing units as part of a comprehensive development strategy, in line with the applicable policies of the Official Plan. The proposed development therefore conforms to and maintains the intent and purpose of both Official Plans and their applicable policies.**

### **4) The variance maintains the intent and purpose of the Zoning By-law**

#### **I: Lot Frontage**

The reduced lot frontage for Lots B,C,D & E facilitates the creation of four interior townhouses between two end-unit lots that feature compliant frontage. The general intent and purpose of the lot frontage requirement is to establish consistency of lot fabric and ensure the viability of the resultant built form within each zone. The surrounding lot fabric is diverse and features low-rise apartment typologies. The reduction in frontage for Lots B,C,D & E facilitates the creation of a Townhouse development, a permitted use in the R3-13 Zone, which makes efficient use of the subject site. The overall development features a collective frontage that is compatible with the By-law and this variance is sought due to the technical nature of the development which creates a lot for each townhouse unit.

**The proposed variance maintains the general intent and purpose of the Zoning By-law.**

## **II: Landscape Coverage**

The proposed landscape coverage represents a minute deviation from the requirement specified by the Zoning by-law. The general intent and purpose of minimum landscape coverage is to ensure the provision of greenspace on a site allowing for the infiltration of rainwater and to strike a balance between soft landscaping and hard surfaces. As previously mentioned, due to the presence of a landscaped area between the front lot line and the sidewalk, the reduction in landscaping will be imperceptible when viewed from the street.

**The proposed variance maintains the general intent and purpose of the Zoning By-law.**

## **III: Minimum Parking**

The minimum parking requirements applicable to townhouse dwellings generally anticipate a built form and unit type which does not apply to the proposed development. While the built form is characterized as a “townhouse”, the unit mix, provided by the addition of SDUs, represents a unique configuration more closely resembling an apartment building. The individual units therefore do not rely on the same operational requirements of a townhouse and should not be subject to those standards as they are generally interpreted.

As Identified in Table 5.2.1 of the Zoning By-law, the minimum parking requirement for mid-high rise apartment dwellings is 1.0 space where the units are smaller than 75m<sup>2</sup>. While the proposed development does not represent an apartment dwelling, the provisions highlight the fact that smaller units, if considered at the time of development, may be supported by only one (1) parking space. Under this assumption, through the establishment of smaller units, the operational requirements for the units can be reduced without resulting in impacts on the surrounding area.

**Given the recognition from the Zoning By-law which clearly identifies a relationship between unit sizes and flexibility in terms of parking requirements, alongside the transportation management strategies implemented as part of the proposed development, the proposed variance therefore meets the general intent and purpose of the Zoning By-law.**

## **IV: Minimum Driveway Width**

The proposed reduction in driveway width from 6.0 metres to 3.0 metres represents an acceptable deviation from the requirement specified by the Zoning by-law. The 3.0 metre wide driveway permits resident access to a compliant drive-aisle at the rear of the property which facilitates access to the 19 parking spaces provided on the interior of the subject site. The 3.0 metre driveway is consistent with the widths of driveways of surrounding residential properties. The subject site is located close to the Urban Core Area along Laurier Street where a 3.0 driveway is permitted under the by-law.

**The proposed variance therefore maintains the intent and purpose of the Zoning By-law.**

## **V: Number of Attached Townhouse Units**

The Zoning By-law was written prior to the enactment of Bill 23 by the Province of Ontario. As a result, the provisions of the Zoning By-law do not adequately address the implications as it relates to the minimum number of units within a townhouse building, on a freehold lot. Through the design of the buildings as well as the operational planning which has taken place, the units proposed as part of this development represent the viable and legal establishment of SDUs on the proposed lots and are not anticipated to result in a lot fabric or functionality not anticipated through the Zoning By-law.

**The proposed variance therefore maintains the intent and purpose of the Zoning By-law.**

## 7.0 Conclusion

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

Please do not hesitate to reach out to the undersigned at [ouseley@fotenn.com](mailto:ouseley@fotenn.com) and [bolduc@fotenn.com](mailto:bolduc@fotenn.com) if you have any questions.

Sincerely,



Mark Ouseley, MES  
Planner



Jacob Bolduc, RPP MCIP  
Associate