

Committee of Adjustment
Received | Reçu le

2023-03-31

City of Ottawa | Ville d'Ottawa
Comité de dérogation



Consent
COMMENTS TO THE COMMITTEE OF ADJUSTMENT
Panel 2

Site Address: 1133 Secord Avenue

Legal Description: Part of Lot 22, Registered Plan 527

File No.: D08-02-23/A-00032, D08-02-23/A-00052 & D08-01-23/B-00040

Date: March 31, 2023

Hearing Date: April 5, 2023

Planner: Justin Grift

Official Plan Designation: Neighbourhood, Inner Urban Transect, Evolving Neighbourhood Overlay

Zoning: R3A

DEPARTMENT COMMENTS

The Planning, Real Estate and Economic Development Department has **no concerns** with the consent and minor variance applications.

DISCUSSION AND RATIONALE

The Official Plan (2021) designates the property as a Neighbourhood in the Inner Urban Transect. The policies pertaining to this designation support a wide variety of housing types with a focus on missing-middle housing, and calls for low-rise built form with a minimum built height of 2 storeys. The property also falls within the Evolving Neighbourhood Overlay, which is an area used to signal a gradual intensification over time and allow new built forms and diverse functions of land near established corridors. In this case, the property is near the intersection of Heron Road and Bank Street, both minor and mainstreet corridors, respectively. Staff note that due to the proximity to Heron Road, an arterial road, a condition of the provisional consent is relating to noise (Condition 7).

The property is zoned *Residential Third Density Zone, Subzone A (R3A)*. The purpose of this zone is to allow various residential uses to provide additional housing choices, and to regulate development in a manner that is compatible with existing land use patterns so that the mix of dwellings and residential character of a neighbourhood is maintained or enhanced. The Zoning By-law does permit semi-detached dwellings in this zone and prescribes a minimum required lot width of 9 metres and lot area of 270 square metres for each unit. Staff notes the property also falls within Area X in the Parking Schedule 1A of the Zoning By-Law, which does not require any parking spaces for residential uses under 12 units.

Although the proposed lots would not meet minimum lot size requirements in terms of width and area; the lots would accommodate the proposed semi-detached dwelling, which also complies with the required setbacks of the R3A zone. Further, the applicant is



ensuring the soft landscaping requirements are being met while also providing a parking space for each unit, which is not required. Therefore, staff is of the opinion the requested variances meet the general intent of the Zoning By-Law and Official Plan, and do not have significant impacts on adjacent properties.

With respect to the criteria for the subdivision of land listed in Section 51(24) of the Planning Act, R.S.O. 1990, Staff has no concerns with the proposed severance. A severance approval would facilitate the creation of two lots fronting onto an established municipal road with connection to municipal services.

ADDITIONAL COMMENTS

Engineer Comments

1. Any proposed works to be located within the road allowance requires prior written approval from the Infrastructure Services Department.
2. The surface storm water runoff including the roof water must be self-contained and directed to the City Right-of-Way, not onto abutting private properties as approved by Planning, Real Estate and Economic Development Department
3. Existing grading and drainage patterns must not be altered.
4. Existing services are to be blanked at the owner's expense.
5. Service lateral spacing shall be as specified in City of Ottawa Standard S11.3.

Right-of-Way Comments

The Owner(s) will need to obtain a private approach permit for each of the newly constructed Semi-Detached Dwellings. The individual approaches shall be designed and located in accordance with and shall comply with the City's Private Approach By-Law, being By-law No. 2003-447, as amended. Further, any works required to be done by the Owner(s) on the City Road allowances shall be according to the specifications and by-laws of the City. The Owner, or its contractor, shall be required to obtain all the necessary permits for road cuts prior to the disruption of the City Road allowance and it is further understood and agreed that the aforementioned cuts shall be reinstated to the satisfaction of the Director, Infrastructure Services.

Please contact the ROW Department for any additional information at rowadmin@ottawa.ca

Forester Comments

There is a conflict between the existing City owned sugar maple and the proposed driveway of Part 1. The TIR indicates that this tree should be removed and replaced because of its poor and declining condition. The Infill Forestry Inspector supports this recommendation. A tree removal permit for this tree and compensation in the form of tree planting are required. A tree replacement plan showing the location of three newly planted



medium canopy trees was provided. The City would prefer at least one large canopy species be planted. The tree replacement plan must be updated to reflect this.

The TIR suggests retention of Tree #2 in the rear yard. As mentioned, this tree is not protected under the by-law, but the applicant should strongly consider installing tree protection to ensure this tree is retained.

CONDITIONS OF APPROVAL

If approved, the Planning, Real Estate and Economic Development Department requests that the following conditions be imposed on the consent application:

Cash-in-lieu

1. That the Owner(s) provide evidence that payment has been made to the City of Ottawa for cash-in-lieu of the conveyance of land for park or other public recreational purposes, plus applicable appraisal costs. The value of land otherwise required to be conveyed shall be determined by the City of Ottawa in accordance with the provisions Page 6 of 9 of By-law 2022-280. Information regarding the appraisal process can be obtained by contacting the Planner.

Existing buildings

2. That the Owner(s) provide proof to the satisfaction of the Development Review Manager of the Central Branch within Planning, Real Estate and Economic Development Department, or his/her designate, to be confirmed in writing from the Department to the Committee, that the existing dwelling/building has been removed.
3. That the Owner(s) provide evidence to the satisfaction of the Development Review Manager of the Central Branch within Planning, Real Estate and Economic Development Department, or his/her designate, to be confirmed in writing from the Department to the Committee, that the accessory structure has been demolished in accordance with the demolition permit or relocated in conformity with the Zoning By-law.

Tree Protection

4. That the Owner(s) shall prepare and submit a tree planting plan, prepared to the satisfaction of the Development Review Manager of the Central Branch within the Planning, Real Estate and Economic Development Department, or his/her designate, showing the location(s) of the specified number of compensation trees (50mm caliper) required under the Tree Protection By-law, assuming that all proposed tree removals are permitted.



Servicing

5. That the Owner(s) provide evidence (servicing plan), to the satisfaction of the Development Review Manager of the Central Branch within Planning, Real Estate and Economic Development Department, or his/her designate, to be confirmed in writing from the Department to the Committee, that both the severed and retained parcels have their own independent water, sanitary and sewer connection, as appropriate, and that these services do not cross the proposed severance line and are connected directly to City infrastructure. If they do cross the proposed severance line, or they are not independent, the Owner(s) will be required to relocate or construct new services from the city sewers and/or watermain at his/her own costs.
6. That the Owner(s) shall provide evidence that a grading and drainage plan, prepared by a qualified Civil Engineer licensed in the Province of Ontario, an Ontario Land Surveyor or a Certified Engineering Technologist, has been submitted to the satisfaction of the Development Review Manager of the Central Branch within Planning, Real Estate and Economic Development Department, or his/her designate to be confirmed in writing from the Department to the Committee. The grading and drainage plan shall delineate existing and proposed grades for both the severed and retained properties, to the satisfaction of the Development Review Manager of the Central Branch within Planning, Real Estate and Economic Development Department, or his/her designate.

Noise

7. The Owner(s) shall:
 - a. Prepare a noise attenuation study in compliance with the City of Ottawa Environmental Noise Control Guidelines to the satisfaction of the Development Review Manager of the Central Branch within Planning, Real Estate and Economic Development Department, or his/her designate. The Owner(s) shall also enter into an agreement with the City that requires the Owner to implement any noise control attenuation measures recommended in the approved study. The Agreement will also deal with any covenants/notices recommended in the approved study, that shall be registered on the land title and bind future owners on subsequent transfers, warning purchasers and/or tenants of expected noise levels due to the existing source of environmental noise. The Agreement shall be to the satisfaction of the Development Review Manager of the Central Branch within Planning, Real Estate and Economic Development Department, or his/her designate. The Committee requires a copy of the Agreement and written confirmation from City Legal Services that it has been registered on title;



OR

- b. Design the dwelling units with the provision for adding central air conditioning at the occupant's discretion and enter into an Agreement with the City, at the expense of the Owner, which is to be registered on title to deal with the covenants/ notices that shall run with the land and bind future owners on subsequent transfers, warning purchasers and/or tenants of expected noise levels due to the existing source of environmental noise. The following two conditions will be included in the above-noted Agreement:

Notices-on-Title respecting noise:

- i) "The Purchaser/Lessee for himself, his heirs, executors, administrators, successors and assigns acknowledges being advised that this dwelling unit has been fitted with a forced air heating system and the ducting, etc. was sized to accommodate central air conditioning. Installation of central air conditioning by the Purchaser/Lessee will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the City of Ottawa's and the Ministry of the Environment and Climate Change's noise criteria;" and
- ii) "The Purchaser/Lessee for himself, his heirs, executors, administrators, successors and assigns acknowledges being advised that noise levels due to increasing roadway traffic may be of concern, occasionally interfering with some activities of the dwelling occupants as the outdoor sound level exceeds the City of Ottawa's and the Ministry of the Environment and Climate Change's noise criteria."

Joint Use and Common Elements Agreement

8. That the Owner(s) enter a Joint Use, Maintenance and Common Elements Agreement, at the expense of the Owner(s), setting forth the obligations between the Owner(s) and the proposed future owners. The Joint Use, Maintenance and Common Elements Agreement shall set forth the joint use and maintenance of all common elements including, but not limited to, the common party walls, common structural elements such as roof, footings, soffits, foundations, common areas, common driveways and common landscaping.)



The Owner shall ensure that the Agreement is binding upon all the unit owners and successors in title and shall be to the satisfaction of the City Legal Services and the Development Review Manager of the Central Branch within the Planning, Real Estate and Economic Development Department, or his/her designate. The Committee requires written confirmation that the Agreement is satisfactory to City Legal Services and the Planning, Real Estate and Economic Development Department, as well as a copy of the Agreement and written confirmation from City Legal Services that it has been registered on title.

A handwritten signature in black ink, appearing to read "Justin Grift".

Justin Grift
Planner I
Development Review, South Branch
Planning, Real Estate and Economic
Development Department

A handwritten signature in blue ink, appearing to read "Jean-Charles Renaud".

Jean-Charles Renaud, MCIP, RPP
Planner III
Development Review, Central Branch
Planning, Real Estate and Economic
Development Department