

Committee of Adjustment  
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City of Ottawa | Ville d'Ottawa  
Comité de dérogation



Consent  
**COMMENTS TO THE COMMITTEE OF ADJUSTMENT**  
Panel 2

Site Address: 813 Broadview Avenue & 1781 Kerr Avenue

Legal Description: Part of Lot 1, Registered Plan 358287

File No.: D08-01-23/B-00050 & D08-01-23/B-00051

Date: March 31, 2023

Hearing Date: April 5, 2023

Planner: Justin Grift

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

Zoning: R2F

## DEPARTMENT COMMENTS

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

## DISCUSSION AND RATIONALE

The subject property is in Ward 7 – Bay, and is a corner lot on the northeastern corner of the intersection of Broadview and Kerr Avenue. The property has an existing semi-detached with two private approaches, one onto Broadview and the other onto Kerr Avenue, for each respective unit. The surrounding area is primarily residential with some commercial uses directly to the North of the property, along Carling Avenue.

The Official Plan (2021) designates the property 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 zone, which is a zone used to signal a gradual intensification over time and allow new built forms and diverse functions of land.

The property is zoned *Residential Second Density Zone with subzone F (R2F)*. The purpose of this zone is to restrict the building form to detached and two principal unit buildings, provide additional housing choices, and regulate development in a manner that is compatible with existing land use patterns. 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. As seen in the Draft 4R plan submitted, the proposed lots would have over 15 metres of frontage and greater than 300 square metres in area, which meet the minimum lot size provisions.

Staff is satisfied the proposed severance would not have significant impact on adjacent



properties as the applicant is only looking to establish separate ownership with no changes to the existing building, and the proposed lots meet the minimum lot size requirements.

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. If approved, the severances will facilitate the creation of two lots fronting onto established municipal roads with utilities and connection to municipal services.

## **ADDITIONAL COMMENTS**

### Right-of-Way Comments

The Right-of-Way Management Department has **no concerns**, as there are no proposed changes to the driveways/private approaches.

### Forester Comments

This is a severance application for an existing semi-detached dwelling. The applicant plans to install new services for each dwelling, which will be located outside of the critical root zone of retained trees. This will be verified when a copy of the Grading and Servicing Plan is provided. A planting plan must be produced showing the location of one new tree on each of the severed properties for improvement of the streetscape and urban canopy cover.

## **CONDITIONS OF APPROVAL**

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

### **Tree Protection**

1. That the Owner(s) agree, if separate services do not exist for each unit, that the location of the proposed services shown on the Grading & Servicing Plan, will be determined based on the least impact to protected trees and tree cover. The Owner(s) further acknowledges and agrees that this review may result in relocation of these structures and agrees to revise their plans accordingly to the satisfaction of the Development Review Manager of the relevant Branch within the Planning, Real Estate and Economic Development Department, or his/her designate. If separate services exist and no modifications are proposed, this condition can be waived.
2. That the Owner(s) shall prepare and submit a tree planting plan, prepared to the satisfaction of the Development Review Manager of the relevant Branch within the Planning, Real Estate and Economic Development Department, or his/her designate, showing the location of one new 50mm tree to be planted on each lot following construction, to enhance the urban tree canopy.



## Servicing

3. That the Owner(s) provide evidence (servicing plan), to the satisfaction of the Development Review Manager of the West 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.

## Noise

4. That the Owner 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;

### 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 supplied with a central air conditioning system which 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."
- ii. "The Purchaser/Lessee for himself, his heirs, executors, administrators, successors and assigns acknowledges being advised that despite the inclusion of noise control features in this development and within building units, noise levels from 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."

The Agreement shall be to the satisfaction of the Development Review Manager of the West 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.



### Corner Sight Triangle

5. That the Owner conveys a 3 m x 3 m corner sight triangle located at the intersection of Kerr and Broadview to the City, with all costs to be borne by the Owner(s), to the satisfaction of the Surveys and Mapping Branch of the City. This area will be free of all structures, plantings, etc. and will allow a proper sighting distance for motorists when performing turning movements within the intersection. The Committee must receive written confirmation from City Legal Services that the transfer of the lands to the City has been registered.

### Joint Use and Common Elements Agreement

6. That the Owner(s) enter into 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 West 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.

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