

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: 1245 Prince of Wales Drive

Legal Description: Part of Lot 2, Registered Plan 352066 and Part of Lot 4, Registered Plan 32

File No.: D08-01-22/B-00315 & D08-01-22/B-00316

Date: April 14, 2023

Hearing Date: April 19, 2023

Planner: Justin Grift

Official Plan Designation: Corridor – Minor and Neighbourhood Designation with the Outer Urban Transect, Evolving Neighbourhood

Zoning: R1GG

## SYNOPSIS OF APPLICATION

The applicant is proposing to subdivide the subject property, known as 1245 Prince of Wales, into two separate parcels:

- Parcel 1: Parts 1 and 3 on the Draft 4R Plan, Part 1 includes the existing detached dwelling that is set to remain, Part 3 is for an easement and right of way to be used to access future development at the rear of the property
- Parcel 2: Part 2 on the Draft 4R, the retained parcel for a new proposed detached dwelling

## DEPARTMENT COMMENTS

The Planning, Real Estate and Economic Development Department has **no concerns** with the consent application, subject to condition 2.

## DISCUSSION AND RATIONALE

The subject property is an interior lot on Prince of Wales Drive in Ward 16 – River. The property is approximately 4608 square metres and has an existing dwelling and several accessory buildings. The surrounding area is primarily residential with a couple religious facilities in nearby proximity.

The Official Plan (2021) designates the property Neighbourhood in the Outer Urban Transect. The policies pertaining to this designation include, supporting a wide variety of housing types with a focus on lower density missing-middle housing that reflects the existing built form context of the neighbourhood. Prince of Wales is also designated a Minor Corridor and the properties that run along it fall within the Evolving Overlay zone. In



the Official Plan, intensification and allowing new building forms and residential typologies are encouraged within these two areas. In addition, the property falls within the Carleton Heights Secondary Plan, where it is designated Neighbourhood Low-Rise. This designation encourages a built form of up to four-storeys but predominately features single-detached and semi-detached dwellings. It also encourages greater densities and non-residential uses along Minor Corridors.

The property is zoned *Residential First Density, Subzone GG (R1GG)*, where detached dwellings and secondary dwelling units are permitted. The Zoning By-law prescribes a minimum lot width of 18 metres and a minimum lot area of 665 square metres. As seen in the Draft 4R plan, both proposed lots respect the minimum lot size requirements.

In addition, Section 55 (1) of the Zoning By-law does not permit an accessory structure on a lot where there is no principal use. A condition of the provisional consent is that the accessory structures on Part 2 of the Draft 4R plan be demolished or relocated onto Part 1, the same Part as the existing dwelling, or that the applicant enter into a Development Agreement with the City (Condition 2).

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 severances. Staff is satisfied that both lots meet the minimum lot size requirements and conform with the policies in the Official Plan. If approved, the severances will facilitate the creation of two lots each fronting onto an established municipal road with adequate space to connect to municipal water and sewer. The size and shape of the resulting lots are suitable for the existing and proposed detached dwellings on either lot.

## ADDITIONAL COMMENTS

- Section 3.1.2 in the Carleton Heights Secondary Plan states no new driveways and/or widening of existing driveways are permitted on lots that are within the Neighbourhood Low-Rise designation, which includes 1245 Prince of Wales Drive. This policy is to prevent further demands on the existing stormwater facilities. Staff note there are already two established driveways at 1245 Prince of Wales that would provide access to each proposed lot. Therefore, this policy is respected if the driveways are to remain unchanged.

### Right-of-Way

The Right-of-Way Management Department has **no concerns** with the proposed severance. However, if the owner is proposing to provide access to the newly created lot via the existing driveway/access; it is highly recommended that both properties enter into a Joint Use and Maintenance Agreement (JUMA), as well as establish the appropriate access easements.

### Forester



The proposed severance and new dwelling will have no impact on existing trees, provided that all tree protection fencing is installed as shown in the TIR. A grading and servicing plan is required to confirm that retention of trees as shown in the TIR is feasible. Any changes to the proposed concept plan would require a revised TIR to show any associated impacts, compensation, and mitigation requirements.

## **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 of Parkland Dedication**

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 of By-law 2022-280. Information regarding the appraisal process can be obtained by contacting the Planner.

### **Accessory Buildings**

2. That the Owner(s) EITHER provide evidence to the satisfaction of the Development Review Manager of the South 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 structures on Part 2 of the Draft 4R Plan have been demolished in accordance with the demolition permit or relocated in conformity with the Zoning By-law, OR enter into an Agreement with the City to the satisfaction of the said Development Review Manager, at the expense of the Owner, which is to be registered on title, which provides that a building permit shall be obtained for a detached dwelling principal to the accessory structures on Part 2 of the Draft 4R plan within two (2) years of this consent approval, failing which the said accessory structures shall be so demolished or relocated. The said agreement, if required, shall also provide for securities and a right-of-entry to the satisfaction of the said Development Review Manager.

### **Servicing**

3. That the Owner(s) provide proof, to the satisfaction of the Development Review Manager of the South 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 each existing parcel has its own independent storm, sanitary and water services connected to City infrastructure and that these services do not cross the proposed severance line. If they do cross or are not



independent, the Owner(s) will be required to relocate the existing services or construct new services from the City sewers/watermain, at his/her own cost.

### **Grading**

4. 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 South 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 South Branch within Planning, Real Estate and Economic Development Department, or his/her designate.

### **Noise (Transportation)**

5. The Owner(s) shall prepare a noise attenuation study (or noise and vibration attenuation study if applicable) in compliance with the City of Ottawa Environmental Noise Control Guidelines to the satisfaction of to the satisfaction of Development Review Manager of the South Branch within Planning, Infrastructure and Economic Development Department, or his/her designate. The Owner(s) shall enter into an agreement with the City that requires the Owner to implement any noise control (and vibration if applicable) attenuation measures recommended in the approved study. The Committee requires a copy of the Agreement and written confirmation from City Legal Services that it has been registered on title.
6. 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, warning purchasers and/or tenants of expected noise levels due to the existing source of environmental noise (arterial, etc.). The Agreement shall be to the satisfaction to the satisfaction of the Development Review Manager of the South Branch within Planning, Infrastructure 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.

### **Joint Use and Common Elements Agreement**

7. 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 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 South 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.

### Trees

8. The Owners agree to provide a Grading and Servicing Plan showing that proposed structures such as services, retaining walls, projections, etc. will be designed to allow for the retention and protection of existing trees, as detailed in the Tree Information Report prepared by Dendron Forestry Services on February 7, 2023.

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