

Committee of Adjustment  
Received | Reçu le

2023-04-17

City of Ottawa | Ville d'Ottawa  
Comité de dérogation



Consent & Minor Variance

COMMENTS TO THE COMMITTEE OF ADJUSTMENT  
Panel 2

---

Site Address:	1690 Tenth Line Road
Legal Description:	Part of Lot B. Concession 11, Geographic Township of Cumberland
File No.:	D08-02-23/A-00059, D08-02-23/A-00060, D08-01-23/B-00070 & D08-01-23/B-00071
Date: April 14, 2023	Hearing Date: April 19, 2023
Planner:	Cass Scлаuzero
Official Plan Designation:	Suburban (East) Transect, Neighbourhood
Zoning:	R1U & GM21

---

## DEPARTMENT COMMENTS

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

## DISCUSSION AND RATIONALE

Section 53 (12) of the *Planning Act*, R.S.O. 1990, c.P.13 permits the criteria for the subdivision of land listed in Section 51 (24) to be considered when determining whether provisional consent may be granted. With respect to the criteria for the subdivision of land listed in Section 51 (24) of the *Planning Act*, staff have no concerns with the proposed severance.

The property is designated Neighbourhood within the Suburban (East) Transect of the Official Plan (OP). Although the zoning of the subject property continues to restrict new residential construction to detached dwellings only, Section 5.4.5 of the OP supports infill development in Neighbourhoods within Suburban Transects, with the goal of meeting or exceeding the Growth Management Strategy under Section 3. Creating two new lots from one large lot, both of which are compliant with minimum lot size requirements for the R1U zone, supports the gentle intensification target under Subsection 3.2, Table 3b, of 40 to 60 dwellings per net hectare in the Suburban Transect.

The property is zoned Residential First Density, subzone U. The increased density



resulting from the consent and minor variance applications is consistent with the intent of the R1 zone, which is to “restrict building form to detached dwellings” and “regulate development in a manner that is compatible with existing land use patterns so that the detached dwelling, residential character of [the] neighbourhood is maintained or enhanced.”

Staff have no concerns with the requested variances to reduce the front yard setbacks as many of the dwellings on Duvernay Drive observe reduced, legally non-complying setbacks equal to or less than the requested 4.5 metres. Further, staff have no concern with a reduction to the rear yard setback from 7.5 metres to 6 metres, given that several R1 zones applicable to newer subdivisions require a 6-metre rear yard setback. At approximately 20 metres deep, the severed lots are substantially shallower than surrounding residential lots. An increase to the buildable area via a reduction in the front and rear yard setbacks will allow for better building design and more orderly development while still maintaining functional front and rear yards.

#### **ADDITIONAL COMMENTS**

The severance line between Parts 1-2 and Part 3 on the draft 4R Plan does not align with the boundary between the R1U and GM21 zones. If consent to sever the lot is granted, a portion of the retained parcel containing parking spaces for the medical office will be zoned R1U. The retained parcel is permitted to enjoy legal non-conforming rights for a parking lot use in a residential zone, as this portion of the lot was previously zoned R1A (RAU), or Residential – First Density Singles with the alternative Residential – Alternative Use zone under the former City of Cumberland Zoning By-law 1-84. The R1A (RAU) zone permitted a Medical/Dental Office.

The R1A (RAU) zoning was imposed on a portion of 1690 Tenth Line Road via two site-specific Zoning By-law Amendments in 2002 and 2007. By-law 2002-140 added the R1A (RAU) zone to the eastern half of the lot currently zoned GM21, while the western half of the lot remained zoned Residential – Singles – Small Lots (R1F). By-law 2007-405 extended the R1A (RAU) zone further west, with the adjusted zone boundary corresponding with the proposed westerly boundary of Part 3 on the draft 4R Plan. The balance of the lot remained zoned R1F.

The 2008 consolidation of the former municipalities’ zoning by-laws into the current City of Ottawa Zoning By-law 2008-250 evidently neglected to capture the 2007 amendment. The R1F portion of the lot was re-zoned to R1U, and the R1A (RAU) portion was re-zoned to GM21, but the portion of the property subject to By-law



2007-405 and also zoned R1A (RAU) was incorrectly included in the R1U zone rather than the GM21 zone.

Staff have no concern with the severance as it relates to the legal non-conforming parking lot, as non-confirming rights are not impacted by the consent or minor variance applications. A re-zoning of that portion of the lot, from R1U to GM21, may be contemplated via a future omnibus report for Zoning By-law amendments.

A 30 centimetre reserve exists along the Duvernay Drive and des Épinettes Avenue frontages of the subject property. This is a permanent reserve imposed in October 1982 when Plan 50M-53 was registered for the adjacent subdivision. The subject property was excluded from the subdivision at the time, with the presumed intent being that the lot would be developed for a non-residential use.

Staff have imposed a condition on the provisional consent requiring that the 30 centimetre reserve be lifted along the Duvernay Drive frontage prior to the registration of the consent. Staff support the lifting of the reserve along the Duvernay Drive frontage only, to permit residential development on the proposed lots and as a means of integrating the two lots into the existing subdivision.

## **ADDITIONAL COMMENTS**

### **Forestry**

The proposed severance and minor variances are not anticipated to impact any existing trees or space to plant new trees. The City-owned spruce trees must be protected throughout development in accordance with the City's protection specifications. Following construction, one new 50 millimetre tree must be planted on each of the 3 lots, to improve the streetscape and canopy cover. Services must be installed from Duvernay Drive to limit any impacts to the City trees in the des Épinettes Avenue right of way.

### **Building Code Services**

Based on the limiting distance to the new property line, the existing office building is in compliance with the Ontario Building Code and no further action/information is required.

### **Right of Way**

The Owner, or any subsequent owners, acknowledges and agrees to obtain a private approach permit for each of the newly constructed detached dwellings. In



addition, the private 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, and shall be subject to approval of the Right-of-Way, Heritage, and Urban Design Department. Furthermore, 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.

### **CONDITIONS OF APPROVAL**

The Department further requests that the following conditions be imposed on the consent application if approved:

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 No. 2022-280, as amended. Information regarding the appraisal process can be obtained by contacting the Planner.
2. That the Owner(s) provide evidence to the satisfaction of the General Manager of the Planning, Real Estate and Economic Development Department, or his/her designate that the 0.30 metre reserve along Duvernay Drive has been lifted. The Committee requires written confirmation from City Legal Services that the reserve has been lifted and dedicated as a public highway or conveyed to the abutting property owner.
3. The Owner/Applicant(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 the property frontage or right-of-way of each lot following construction, to enhance the urban tree canopy and streetscape.
4. That the Owner(s) provide a combined Grading & Drainage Plan and Site Servicing Plan including, where applicable, the tree locations and protection recommendations from the approved Tree Information Report, to the satisfaction of the Manager of the relevant Branch of the Planning, Real Estate,



and Economic Development Department, or his/her designate. The plans can be shown on one sheet or multiple sheets, but must include the following information:

- a. The Grading and Drainage Plan must be prepared by a relevant professional: Professional Engineer (P.Eng.), Certified Engineering Technologist (CET), Ontario Land Surveyor (OLS), Professional Landscape Architect (OLA), or Professional Architect (OAA) and adhere to the following;
  - i. Minimum Grading and Servicing Plan Specifications Infill Serviced Lots
  - ii. City of Ottawa Standard Drawings, By-laws, and Guidelines, as amended.
- b. The Site Servicing Plan must be prepared by a relevant professional: Professional Engineer (P.Eng.), Certified Engineering Technologist (CET), or Ontario Land Surveyor (OLS) and adhere to the requirements as noted for the Grading & Drainage Plan.
- c. In the case of a vacant parcel being created, the plan(s) must show a conceptual building envelope to establish that the lot can be graded to a sufficient and legal outlet, has access to services with adequate capacity, and follows the recommendations of the Tree Information Report.
- d. The following information from the Tree Information Report must be included on both the Grading and Servicing Plans to ensure that these elements are designed to follow the recommendations within the TIR:
  - i. Surveyed locations of all protected trees on and adjacent to the subject site
  - ii. Location of tree protection fencing
  - iii. Measurements from the tree(s) trunks to nearest limit of excavation or grade changes
  - iv. Any notes related to excavation or grade changes within the Critical Root Zone, as recommended in the TIR (e.g. use of hydrovac, directional boring, or capping of services outside of the Critical Root Zone).
  - v. Proposed planting locations from the associated Tree Planting Plan, if provided

5. That the Owner(s) provide proof to the satisfaction of the Manager of the relevant Branch of the Planning, Real Estate, and Economic Development Department, 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.



---

Cass Schlauzero  
Planner I, Development Review



---

Michael J. Boughton, MCIP RPP  
Planner III, Development Review, East