

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: 2800 St. Stephen's Street

Legal Description: Part of Lot 20, Concession 2, Geographic Township of Nepean

File No.: D08-01-23/B-00089

Date: April 14, 2023

Hearing Date: April 19, 2023

Planner: Samantha Gatchene

Official Plan Designation: Inner Urban Transect, Neighbourhood

Zoning: R2G

### DEPARTMENT COMMENTS

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

### DISCUSSION AND RATIONALE

The Official Plan designates the property Neighbourhood within the Inner Urban Transect. The Official Plan provides policy direction that Neighbourhoods located in the Inner Urban Transect shall accommodate residential growth to meet the City's Growth Management Framework and that new development should include urban built form and site design attributes. Section 4.6.6 further outlines that low-rise buildings shall include areas for soft landscaping, main entrances at-grade, and front porches, where appropriate. As proposed the semi-detached dwelling features front yards with soft landscaping and entrances with front porches.

The property is zoned Residential Second Density Subzone G (R2G). As proposed, the severed and retained lots exceed the lot size requirements of the zone, which require a minimum lot width of 7.5 metres and minimum lot area of 225 square metres.

With respect to the criteria for the subdivision of land listed in Section 51(24) of the Planning Act, R.S.O. 1990, c.P.13, staff have no concerns with the proposed severance. The severance will facilitate the development of a semi-detached dwelling, which conforms with the policies of the Official Plan and is a permitted use in the R2G zone. The size and shape of the resulting lots are suitable for the proposed building form and the lots front onto an established municipal road with municipal services.

### ADDITIONAL COMMENTS

#### Forestry:

The Tree Information Report confirms that no existing trees are to be removed as a result



of this application, but that excavation for the driveway is within the Critical Root Zone of a City-owned tree. The TIR must be updated to show the locations of all tree protection fencing and to address any impacts from the proposed retaining wall within the CRZ of tree #1. Securities will be retained for the protection of the City tree (#1 in the TIR). One new 50mm tree must be planted on each lot to improve the streetscape and 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(s):

### **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.

### **Tree Protection**

2. Prior to the issuance of a building permit, the Owner/Applicant(s) shall enter into a Development Agreement or a Letter of Undertaking (LOU) with the City of Ottawa, at the expense of the Owner/Applicant(s), and to the satisfaction of the General Manager of the Planning, Real Estate, and Economic Development Department, or his/her designate. A development agreement is to be registered on Title of the property.
  - a) The Owners agree to provide a revised grading plan and tree information report 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. This report shall be prepared by an Arborist, identifying all trees protected under the City's Tree Protection by-law, and meeting the standards of the City's Tree Information Report Guidelines, including specific mitigation measures where work is proposed within the Critical Root Zone of a protected tree.
  - b) The Owner(s) agree to provide securities for a period of 2 years following the completion of construction, which is equivalent to the value of the tree(s) to be protected (tree #1). The Owner(s) agree that the security shall be returned to the owner only upon the City having received a report from an arborist or appropriate professional confirming that tree #1 is in good health and condition, and remains structurally stable. The Owner(s) acknowledge and agree that if, in the opinion of the City Forester and/or the Development Review Manager of the relevant Branch within Planning, Real



Estate, and Economic Development, the report indicates that tree #1 is declining and must be removed, the Security for that tree, will be forfeited.

- c) 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 each lot following construction, to enhance the urban tree canopy and/or streetscape where adequate soil volume can be provided.

### **Servicing**

3. That the Owner(s) provide proof 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 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.
4. 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 Development Manager of the West Branch within Planning, Real Estate and Economic Development Department, or his/her designate, and City Legal Services. The Committee requires written confirmation that the Agreement is satisfactory to the Development Review Manager of the West Branch within Planning, Real Estate and Economic Development Department, or his/her designate, and is satisfactory to City Legal Services, as well as a copy of the Agreement and written confirmation from City Legal Services that it has been registered on title.

5. 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;



"The property is located next to lands that have an existing source of environmental noise (arterial road, highway, airport, etc) and may therefore be subject to noise and other activities associated with that use"

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.

A handwritten signature in blue ink that reads "Samantha Gatchene".

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Samantha Gatchene, MCIP, RPP  
Planner I  
Development Review, West Branch  
Planning Real Estate and Economic  
Development Department

A handwritten signature in blue ink that reads "Lisa Stern".

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Lisa Stern, MCIP, RPP  
Planner III  
Development Review, West Branch  
Planning Real Estate and Economic  
Development Department