

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: 153 Sanford Avenue

Legal Description: Lot 40, Registered Plan 512; City of Ottawa

File No.: D08-01-23/B-00080 to D08-01-23/B-00082

Date: April 14, 2023

Hearing Date: April 19, 2023

Planner: Siobhan Kelly

Official Plan Designation: Outer Urban Transect, Neighbourhood

Zoning: R3F

DEPARTMENT COMMENTS

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

DISCUSSION AND RATIONALE

The property is located at the corner of Sanford Avenue and Morley Boulevard. Existing development in the area consists predominantly of single and semi-detached dwellings. As proposed, the applicant is applying to sever the property into three lots for three townhouse dwellings. The applicant also proposes to establish easements for pedestrian access.

The Official Plan designates the property Neighbourhood in the Outer Urban Transect, which is characterized by low- to mid-density development. The Official Plan provides direction that Neighbourhoods located in the Outer Urban area shall accommodate residential growth to meet the Growth Management Strategy. The property is also designated Neighbourhood Low-Rise in the Carleton Heights Secondary Plan. The Carleton Heights Secondary Plan permits a built form of four full storeys in the Neighbourhood Low-Rise designation. As proposed, the severance application will create three lots for townhouse dwellings, a low rise-built form contemplated in the Outer Urban Transect and Carleton Heights Secondary Plan area.

The property is zoned Residential Third Density Subzone F (R3F). The purpose of the R3F zone is to allow a mix of residential building forms ranging from detached to townhouse dwellings, provide additional housing choices, and regulate development in a manner that is compatible with existing land use patterns. As proposed, the lots exceed the minimum lot size requirements for townhouse dwellings in the R3F zone. The Zoning By-law prescribes a minimum lot width of 6 metres and minimum lot area of 180 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 has no concerns with the proposed severance applications. The size and shape of the lots are suitable for the proposed townhouse



dwellings, a permitted dwelling type. The lots front onto established municipal roads with municipal water and sanitary services. Appropriate stormwater management will be determined with the preparation of a stormwater management brief.

ADDITIONAL COMMENTS

Stormwater Management

At the October 27, 2021, City Council meeting, Councillor Brockington presented motion PLC-ARAC 2021-5-53 to impose stormwater management requirements on infill development in areas where the existing ditch systems are underperforming. This motion was subsequently carried by Council and as such, the City recommends the inclusion of a stormwater management condition on all applications in areas with known drainage issues. The Carleton Heights Secondary Plan also provides policy direction to prevent creating further demands on existing stormwater management facilities. Section 3.1.2 outlines that no new driveways and/or widenings of existing driveways are permitted on lots within the Neighbourhood Low-Rise designation.

To address the proposed increase in the lot coverage and maintain the intent of the Carleton Heights Secondary Plan policies, staff recommend that the Committee of Adjustment impose Condition 2 requiring a Stormwater Management Brief.

Forestry Comments:

The proposed development requires the removal of 2 of the 4 protected trees due to the building footprint and services. Forestry staff note that the applicant will retain 2 City trees. The applicant must plant 3 of the 4 required compensation trees on site and the remainder must be paid to Forestry with the tree removal permit application. New services must be installed, and existing services must be capped outside of the Critical Root Zones of the retained trees.

Right-of-Way Management Comments:

The Right-of-Way Management Department has no concerns with the proposed development. A private approach permit is required to remove the current private approach on Sanford Avenue. Private approach permits are also required to construct the new private approaches on Morley Boulevard and Sanford Avenue.

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

CONDITIONS OF APPROVAL

If approved, the Planning, Real Estate and Economic Development Department requests



that the following conditions be imposed on the consent applications:

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.

Stormwater Management Brief

2. That the Owner(s) submit a Stormwater Management Brief prepared by a Professional Civil Engineer licensed in the Province of Ontario, for approval by 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, demonstrating a design for post-development stormwater peak flows that are controlled to pre-development peak flows for all stormwater events up to and including the 100 year storm event.

The Owner(s) acknowledges and agrees to enter into a Development Agreement with the City to construct the required stormwater system, including posting required securities. A copy of the Agreement and written confirmation from City Legal Services that it was registered on title shall be forwarded to the Committee of Adjustment.

If applicable, the Owner(s) shall obtain an Environmental Compliance Approval from the Ontario Ministry of Environment, Conservation and Parks.

The Owner(s) acknowledges and agrees that should the stormwater management system cross property lines or access to the system be over multiple properties, that the owner shall obtain approval of the Committee to grant easement(s) for access and maintenance of the stormwater system or register a Joint Use and Maintenance Agreement on title of the properties, all at the owner(s) costs.

Tree Protection and Compensation

3. a) The Owners agree that the location of the proposed services and structures, including the driveways, retaining walls, projections, etc. shown on the Grading & Servicing Plan, will be determined based on the least impact to protected trees and tree cover as detailed in the Tree Information Report prepared by Dendron Forestry Services on January 17, 2023. 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 South Branch within the Planning, Real Estate and Economic Development Department, or his/her designate.



b) The Owner(s) agrees to provide proof 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, that the tree protection fencing around the Critical Root Zone of the protected tree is installed as shown in the Tree Information Report, prior to capping of services, to prevent any excavation within this zone. The sanitary and storm services, if present, must be abandoned and capped outside of the Critical Root Zone of the City tree as clearly demonstrated on the Grading & Servicing Plan.

4. That the Owner(s) provide evidence (servicing plan), 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 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.

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 the existing dwelling has been removed, that the existing sewer services are capped at the sewer and that the existing water service is blanked at the watermain.

Grading and Drainage Plan

5. 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 General Manager of the Planning, Infrastructure 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.

Demolition

6. That the Owner(s) provide evidence to 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 existing structure straddling the proposed severance line has been demolished



in accordance with the demolition permit or relocated in conformity with the Zoning By-law.

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 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 City Legal Services and the Development Review Manager of the South Branch within Planning, Real Estate and Economic Development Department, or his/her designate. The Committee requires written confirmation that the Agreement is satisfactory to Planning, Real Estate and Economic Development Department 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.

Noise Warning Clause

8. 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 South 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

9. That the Owner convey a 3 m x 3 m corner sight triangle located at the intersection of Sanford Ave. and Morley Blvd. 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.

A handwritten signature in cursive script that reads "Skelly".

Siobhan Kelly
Planner I
Development Review, South Branch
Planning, Real Estate and Economic
Development Department

A handwritten signature in cursive script that reads "Stream Shen".

Stream Shen, MCIP, RPP
Planner III
Development Review, South Branch
Planning, Real Estate and Economic
Development Department