

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: 1427 & 1429 Bellamy Street

Legal Description: Lot 74, Registered Plan 451233

File No.: D08-01-22/B-00317, D08-01-22/B-00318, D08-02-23A-00066 & D08-02-23/A-00067

Date: April 14, 2023

Hearing Date: April 19, 2023

Planner: Justin Grift

Official Plan Designation: Neighbourhood, Outer Urban Transect

Zoning: R2F

## DEPARTMENT COMMENTS

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

## DISCUSSION AND RATIONALE

The subject property is an interior lot on Bellamy Street in Ward 16 - River. The property has an existing semi-detached dwelling with a private approach for each respective unit. The surrounding area is primarily residential with Rideauview Park directly behind the property.

The Official Plan (2021) designates the property Neighbourhood in the Outer Urban Transect. The policies pertaining to this designation allow low-rise residential within Neighbourhoods and along Minor Corridors, and support a wide variety of housing types with a focus on lower density missing-middle that reflects the existing built form context of the specific neighbourhood. The property also falls within the Carleton Heights Secondary Plan, where it is designated mid-rise and would allow a built form of up to six storeys, townhouses, multi-units and apartments.

The property is zoned *Residential Second Density Zone with Subzone F (R2F)*. The purpose of this zone is to provide additional housing choices within the second density residential areas, and regulate development in a manner that is compatible with existing land use patterns so the residential character of the neighbourhood is maintained or enhanced. 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 approximately 7.6 metres of frontage and 232 square metres in area, which do not meet the lot size provisions. However, staff is satisfied the minor variance requests are minor in nature and meet the intent of the Zoning By-law, as the semi-detached dwelling is existing and connected to municipal services with no proposed changes to the building.

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. If approved, the severances will facilitate the creation of two lots fronting onto an established municipal road with utilities and connection to municipal services. Staff is of the opinion the proposed size and shape of the lots are suitable for their existing use.

## **ADDITIONAL COMMENTS**

### Forester comments

There are no anticipated tree impacts resulting from this severance application, provided that no new services must be installed. If new services are required, a TIR must be provided to determine any tree impacts or mitigation requirements.

### Right of Way comments

The Right-of-Way Management Department has **no concerns** with the proposed Consents or Minor Variance Applications.

## **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. If separate services do not exist for each unit, the Owner(s) agrees 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.

### **Servicing**

2. 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.

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

3. 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 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.



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