

2023-05-12



Consent & Minor Variance
COMMENTS TO THE COMMITTEE OF ADJUSTMENT
Panel 3

Site Address: 102 Lanigan

Legal Description: Lot 28, Registered Plan 683

No.: D08-01-23/B-00095, D08-02-23/A-00072 & D08-02-23/A-00073

Date: May 12, 2023

Hearing Date: May 17, 2023

Planner: Jack Graham

Transect Policy Area: Suburban

Official Plan Designation: Neighbourhood

Zoning: R1D – Residential First Density Subzone D

DEPARTMENT COMMENTS

The Planning, Real Estate, and Economic Development Department has **No Concerns** with the application as submitted subject to the following requested conditions.

DISCUSSION AND RATIONALE

The subject property is a lot with frontage on Lanigan Crescent. The property currently contains one single-storey detached dwelling.

The Official Plan designates the property Neighbourhood within the Suburban (West) Transect on Schedule B2. The Official Plan provides policy direction that development in Neighbourhoods shall be low-rise. The proposed severance application will facilitate the development of two detached dwellings, which aligns with the policy direction of the Official Plan. If approved, the severance application will create two lots that do not conform to the Zoning By-law, and as such concurrent Minor Variance applications have been submitted.

The subject property is zoned as R1D – Residential First Density, Subzone D. The intent of the R1D zone is to restrict the building form to detached dwellings and to regulate development in a manner that is compatible with existing built form patterns. The minimum lot width in the R1D Zone is 20 metres. The applicant is requesting a



Minor Variance for each of the proposed lots to permit a lot width of 16.065 metres. This variance is minor in nature and is not out of keeping with the surrounding neighbourhood. It is desirable for the property and is in keeping with the general intent of the Zoning By-law and Official Plan.

Forestry Comments

This project as proposed will directly impact 2 protected trees; a 3rd tree is recommended for removal in the TIR, but this is unrelated to development and will be evaluated by Forestry Services. It is strongly recommended to consider a design with a single-width driveway to allow for the retention of tree #1 to minimize impact on the streetscape and canopy cover of the site. There are several trees under 50cm diameter (not protected under the by-law) on site, some of which appear to be on or very close to the shared property line, and their ownership must be confirmed and permission given by any shared owners if they are to be impacted. It is strongly recommended to retain as many of the undersized trees on the property through as possible to maintain some of the existing canopy cover. If the 3 requested trees are permitted for removal, 9 compensation trees are required and must be shown on a planting plan; the plan submitted shows only 5.

CONCLUSION

The Department has no concerns with the application.

ADDITIONAL INFORMATION

The proposed severed lot(s) do not currently contain a driveway/private approach. The applicant will need to design and locate the private approach in accordance with the City of Ottawa's Private Approach By-law in place at the time of construction. The applicant will need to apply for a Private Approach Permit and Road Cut Permit(s) in accordance with the said by-law and pay any associated application fees. The current Private Approach By-law and associated application information can be found here:

<https://ottawa.ca/en/planning-development-and-construction/construction-right-way/driveways>

CONDITIONS OF APPROVAL

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, as amended. Information regarding the appraisal process can be obtained by contacting the Planner.

2. That the Owner(s) provide plans, drawings or reports as may be required to demonstrate, to the satisfaction of the **Manager, Right-of-Way, Heritage, and Urban Design Department or his/her designate** that a private approach that conforms with the Private Approach By-law (2003-447) can reasonably be established on the severed lands, to be confirmed in writing from the Department to the Committee.
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 the existing dwelling/building has been removed.
4. 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 new 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.
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 **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. 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 West Branch within Planning, Real Estate and Economic Development Department, or his/her designate.
6. That the Owner(s) enter into a Development Agreement with the City, at the expense of the Owner(s) and to the satisfaction of **Review Manager of the West Branch within Planning, Real Estate and Economic Development**



Department, or his/her designate, to require that an asphalt overlay will be installed, at the Owner(s) expense, on Lanigan Street, fronting the subject lands, over the entire public driving surface area within the limits of the overlay, if the approved Site Servicing Plan shows three or more cuts within the pavement surface. The overlay must be carried out to the satisfaction of **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.

If the **Review Manager of the West Branch within Planning, Real Estate and Economic Development Department, or his/her designate** determines that a Development Agreement requiring an asphalt overlay is no longer necessary, this condition shall be deemed as fulfilled.

7. That the Owner(s) provide evidence, 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 Branch to the Committee, that all outstanding Local Improvement charges (i.e. water, sewer, road) and all outstanding water frontage fees (at a rate of \$190/m) applicable to both the severed and retained parcels have been paid in full. Payment shall be made to the Infrastructure Management Division. A copy of proof of payment must be provided to the satisfaction of Select Manager of the Select Branch within Planning, Real Estate and Economic Development Department, or his/her designate.
8. The Owner/Applicant(s) shall prepare and submit a tree planting plan, prepared to the satisfaction of the **Development Review Manager of the West Branch within the Planning, Real Estate and Economic Development Department, or his/her designate**, showing the location(s) of the specified number of compensation trees (50mm caliper) required under the Tree Protection By-law, assuming that all proposed tree removals are permitted.



A handwritten signature in black ink, appearing to read "Jack Graham".

Jack Graham
Planner I, Development Review Rural,
PRED Dept.

A handwritten signature in blue ink, appearing to read "Lisa Stern".

Lisa Stern, MCIP, RPP
Planner III, Development Review West,
PRED Dept.