

2023-04-28



Consent
COMMENTS TO THE COMMITTEE OF ADJUSTMENT
Panel 1

Site Address: 574 Edison Avenue

Legal Description: Part of Lots 31 (West Edison Avenue), Registered Plan 204

File Nos.: D08-01-23/B-00104 & D08-01-23/B-00105

Date: April 25, 2023

Hearing Date: May 3, 2023

Planner: Basma Alkhatib

Official Plan Designation: Inner Urban Transect, Neighbourhood

Zoning: R3R[2687] H(8.5) (Residential third density Zone, subzone R, exception 2
687, maximum height 8.5 metres)

DEPARTMENT COMMENTS

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

DISCUSSION AND RATIONALE

The New Official Plan designates the property as a Neighbourhood within the Inner Urban Transect. The Inner Urban Transect comprises of those lands immediately surrounding the Downtown Core intended to accommodate a mix of uses and enhance those areas with an existing built form. Policy 5.2.1 states that development shall be encouraged to move towards an urban built form pattern. These areas are encouraged to be developed with a focus on multi-modal transportation methods, particularly walking and cycling. Neighbourhoods are anticipated to maintain their low-rise nature unless otherwise stated in Zoning or applicable Secondary Plans.

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 requested severance. The severance will facilitate the establishment of separate ownership of each principal unit in the semi-detached dwelling, a permitted use in the R3R zone. The R3R zone allows a mix of residential building forms ranging from detached to townhouse dwellings in areas designated as General Urban Area in the current Official Plan. This zone requires a minimum lot area of 180 square meters and a minimum lot width of 6 metres for semi-detached dwellings. The proposed severance will provide 2 lots with width and area that exceeds the minimum requirements by the Zoning By-law.

The proposed consent application aligns with the existing multi-family dwelling, adhering to the Official Plan policies for those lands designated as Inner Urban Neighbourhood. The size and shape of the proposed lots are suitable for the use of the land and the lots will front onto an established municipal road with municipal services. The proposed



development reduced interior yard setback was granted by the Committee of Adjustment on September 16, 2022, through a minor variance application which make the development Zoning By-law compliant.

The Planning, Real Estate and Economic Development Department further requests that the following conditions be imposed on the consent if approved:

1. 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.
2. That the Owner(s) provide proof to the satisfaction of **the Development Review Manager of the Select 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.
3. That the Owner(s) provide evidence to the satisfaction of **the Development Review Manager of the Select 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 accessory structure has been demolished in accordance with the demolition permit or relocated in conformity with the Zoning By-law.
4. 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 Central 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 Owner(s) provide a servicing plan or other evidence, to the satisfaction of **the Development Review Manager the Central 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 building and/or unit on the severed and retained parcels has its own independent water, sanitary and sewer connection, as appropriate, that are directly connected to City infrastructure and do not cross the proposed severance line.
5. That the Owner(s) enter into a Development Agreement with the City, at the expense of the Owner(s) and to the satisfaction of Development Review Manager of **the Central 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 Edison 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 **Development Review Manager of the Central 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.

6. If **Development Review Manager of the Central 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) enter into a Joint Use, Maintenance and Common Elements 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 Review Manager of the Central 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 Central 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.
8. The Owner, or any subsequent owners, acknowledges and agrees to obtain a private approach permit for each side of the newly constructed Semi-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**.
9. 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.



Forestry Services Comments:

1. Through pre-consultation it was determined that the City Amur maple was in decline and could be removed and replaced with one tree per lot. The planting plan shows 2 very small trees on private property; the City's priority is to plant trees which will provide canopy cover to work toward the Official Plan target of 40% canopy cover in the urban area. As such, medium-growing trees are preferred if the appropriate setbacks from hydro are achievable, otherwise the trees should be planted in the Right of Way.

Additional Comments:

1. In viewing the plans, the Right-of-Way Management Department has **no concerns** with the proposed Consent Applications. However, the Department would like to note that **no private approach permits** have been issued for the semi-detached dwelling with secondary dwelling units, which are currently under construction.
2. Please contact the ROW Department for any additional information at rowadmin@ottawa.ca
3. Through pre-consultation it was determined that the City Amur maple was in decline and could be removed and replaced with one tree per lot. The planting plan shows 2 very small trees on private property; the City's priority is to plant trees which will provide canopy cover to work toward the Official Plan target of 40% canopy cover in the urban area. As such, medium-growing trees are preferred if the appropriate setbacks from hydro are achievable, otherwise the trees should be planted in the Right of Way.

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