

Committee of Adjustment
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City of Ottawa | Ville d'Ottawa
Comité de dérogation



Consent & Minor Variances
COMMENTS TO THE COMMITTEE OF ADJUSTMENT
Panel 1

Site Address: 1044 Secord Avenue

Legal Description: Part of Lot 21, Registered Plan 527

File No.: D08-02-23/A-00078, D08-02-23/A-00079 & D08-01-23/B-00101

Date: April 28, 2023

Hearing Date: May 3, 2023

Planner: Justin Grift

Official Plan Designation: Neighbourhood, Inner Urban Transect, Evolving Neighbourhood Overlay

Zoning: R3A

DEPARTMENT COMMENTS

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

DISCUSSION AND RATIONALE

The Official Plan (2021) designates the property as a Neighbourhood in the Inner Urban Transect. The policies pertaining to this designation support a wide variety of housing types with a focus on missing-middle housing, and calls for low-rise built form with a minimum built height of 2 storeys. The property also falls within the Evolving Neighbourhood Overlay, which is an area used to signal a gradual intensification over time and allow new built forms and diverse functions of land near established corridors. In this case, the property is near Heron Road, a minor corridor. Staff also note that due to the proximity to Heron, which is an arterial road, a condition of the provisional consent is relating to noise (Condition 7).

The property is zoned *Residential Third Density Zone, Subzone A (R3A)*. The purpose of this zone is to allow various residential uses to provide additional housing choices, and to regulate development in a manner that is compatible with existing land use patterns so that the mix of dwellings and residential character of a 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. Staff notes the property also falls within Area X in the Parking Schedule 1A of the Zoning By-Law, which does not require any parking spaces for residential uses under 12 units.

Although the proposed lots do not meet minimum lot size requirements in terms of width and area nor the minimum rear yard setback, the lots would accommodate the proposed semi-detached dwelling. Further, the applicant is ensuring the soft landscaping



requirements are being met while also providing a parking space for each unit, which is not required. Therefore, staff is of the opinion the requested variances meet the general intent of the Zoning By-Law and Official Plan, and does not have significant impact on adjacent properties.

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 severance. A severance approval would facilitate the creation of two lots fronting onto an established municipal road with connection to municipal services.

ADDITIONAL COMMENTS

Engineer Comments

1. Any proposed works to be located within the road allowance requires prior written approval from the Infrastructure Services Department.
2. The surface storm water runoff including the roof water must be self-contained and directed to the City Right-of-Way, not onto abutting private properties as approved by Planning, Real Estate and Economic Development Department
3. Existing grading and drainage patterns must not be altered.
4. Existing services are to be blanked at the owner's expense.
5. Service lateral spacing shall be as specified in City of Ottawa Standard S11.3.

Right-of-Way Comments

Prior to any development or construction, the Owner, or any subsequent owners, acknowledges and agrees to obtain a private approach permit. In addition, the private approach 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 a road cut permit 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..

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

Forester Comments

There are 4 protected trees on this subject site. All trees are to be protected and retained through construction. To allow for retention of city owned tree #1, mitigation measures to reduce impacts to this tree and maximize long term survival potential, must be followed as detailed in the TIR. This includes:



- Install new services underneath driveways, or via directional boring
- Cap existing servicing as far from the critical root zone as possible. City staff can provide contacts to discuss options.
- Have arborist pre-sever roots of tree prior to driveway installation
- Do not change the grade and avoid landscaping within the protection zone
- Use the driveway locations for access and movement of materials. No equipment access or material storage is to take place in the CRZ of retained trees.

A security is being held for city owned tree #1 to ensure care is taken to working around this tree. If all the tree protection and mitigation measures are adhered to decline to the trees health is observed, the owner(s) will not be held responsible.

CONDITIONS OF APPROVAL

If approved, the Planning, Real Estate and Economic Development Department requests that the following conditions be imposed on the consent application:

Cash-in-lieu

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 Page 6 of 9 of By-law 2022-280. Information regarding the appraisal process can be obtained by contacting the Planner.

Existing dwelling

2. That the Owner(s) provide proof 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 existing dwelling/building has been removed.

Tree Protection

3. That the Owner(s) agree that the location of the proposed 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. 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 Central Branch within the Planning, Real Estate and Economic Development Department, or his/her designate.



4. The Owner(s) agree to provide proof 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 Existing Conditions, Removals, and Decommissioning plan.
5. That the Owner(s), prior to the stamping of the deed(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 Development Review Manager of the Central Branch within the Planning, Real Estate and Economic Development Department, or his/her designate. A development agreement is to be registered on Title of the property (where applicable), which will include the mitigation measures outlined in the approved Tree Information Report, prepared by Dendron Forestry Services, dated November 17, 2022, and associated security for tree protection. The securities, which will be based on the value of the trees to be protected Tree # 1 shall be retained for 2 years following completion of construction and returned to the owner only upon the City having received a report from an arborist or appropriate professional confirming that the trees identified are in good health and condition and remain structurally stable.

Servicing

6. That the Owner(s) provide a servicing plan or other evidence, 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 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.
7. 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. 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 Central Branch within Planning, Real Estate and Economic Development Department, or his/her designate.

Ashphalt Overlay

8. That the Owner(s) enter into a Development Agreement with the City, at the expense of the Owner(s) and 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 require that an asphalt overlay will be installed, at the Owner(s) expense, on Secord Avenue, 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 the 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.

If the 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.

Noise

9. The Owner(s) shall prepare a noise attenuation study in compliance with the City of Ottawa Environmental Noise Control Guidelines to the satisfaction of the General Manager, Planning, Infrastructure and Economic Development Department, or his/her designate. The Owner(s) shall enter into an agreement with the City that requires the Owner to implement any noise control attenuation measures recommended in the approved study. The Agreement will also deal with any covenants/notices recommended in the approved study, that shall be registered on the land title and bind future owners on subsequent transfers, warning purchasers and/or tenants of expected noise levels due to the existing source of environmental noise (arterial, highway, airport, etc.). The Agreement shall be to the satisfaction of the General Manager, Planning, Infrastructure 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.
10. That the Owner(s) enter into an Agreement with the City, at the expense of the Owner(s), which is to be registered on the Title of the property, to deal with the following covenant/notice that shall run with the land and bind future owners on subsequent transfers:

“The property is located next to lands that have an active railway line now, or may have one in the future, and may therefore be subjected to noise, vibration, and other activities associated with this use.”



The Committee requires a copy of the Agreement and written confirmation from City Legal Services that it has been registered on title .

Joint Use and Common Elements Agreement

11. 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 Central Manager of the Select 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 Central 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.

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