

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: 450 Tremblay Road

Legal Description: Lots 140 & 141 and Part of Lots 139 & 937, Registered Plan 320

File No.: D08-01-23/B-00052

Date: April 28, 2023

Hearing Date: May 3, 2023

Planner: Justin Grift

Official Plan Designation: Neighbourhood, Inner Urban Transect, Evolving Neighbourhood Overlay, within the Inner East Lines 1 and 3 Stations Secondary Plan

Zoning: R3M

DEPARTMENT COMMENTS

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

DISCUSSION AND RATIONALE

The subject property is in Ward 18 – Alta Vista, and is a corner lot on the southwestern corner of the intersection of Tremblay Road and Avenue U. The property has an existing dwelling with a private approach onto Tremblay Road. The surrounding area is primarily residential, with Highway 417 to the North of the property.

The Official Plan (2021) designates the property 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 is within the Evolving Neighbourhood Overlay, which is a zone used to signal a gradual intensification over time and allow new built forms and diverse functions of land near established corridors. The property also falls within Density Area E in the Inner East Lines 1 and 3 Stations Secondary Plan, which reverts back to the density policies in Volume 1 of the Official Plan.

The property is zoned *Residential Third Density Zone with subzone M (R3M)*. The purpose of this zone is to allow a number of 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 mixed dwelling, 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 6 metres and lot area of 180 square metres for each unit. As seen in the Draft 4R plan submitted, the proposed lots (Parts 1 and 2) meet the minimum lot size requirements.



With respect to the criteria for the subdivision of land listed in Section 51(24) of the Planning Act, R.S.O. 1990, Staff is satisfied with the proposed severance. A consent approval would facilitate the creation of two lots fronting onto an established municipal road with connection to municipal services.

ADDITIONAL COMMENTS

Right-of-Way Comments

The Owner(s) will need to obtain a private approach permit for each of the newly constructed Semi-Detached Dwellings. The individual 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. Further, 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.

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

Transportation Engineering Services Comments

The site is located within 300 m of the O-Train Confederation Line (Line 1) rail corridor rail corridor. The City of Ottawa will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way.

Forester Comments

Through pre-consultation it was determined there are no tree impact concerns associated with this severance application. There is a City tree on the corner of Tremblay and Avenue U that must be protected through construction of the semi-attached dwelling. To understand prohibited construction activities in the critical root zone of this tree, please refer to the tree protection specification which can be found [here](#). Material storage, equipment access or damage to the tree would be a by-law infraction. One new tree is to be planted on each property, to enhance the urban canopy. It would be the City's preference for the tree(s) to be planted in the ROW when feasible. The Avenue U frontage would have more potential as there are no over head wire restrictions.

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 Buildings

2. That the Owner(s) provide proof to the satisfaction of the Development Review Manager of the South Branch within Planning, Infrastructure 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.
3. That the Owner(s) provide evidence to the satisfaction of the Development Review Manager of the South Branch within Planning, Infrastructure 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.

Corner Sight Triangle

4. That the Owner convey a 5 m x 5 m corner sight triangle located at the intersection of Tremblay and Avenue U 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.

Servicing

5. That the Owner(s) provide evidence to the satisfaction of both the Chief Building Official and Development Review Manager of the South Branch within the Planning, Real Estate and Economic Development Department, or designates, that both severed and retained parcels have their own independent water, sanitary and storm connection as appropriate, and that these services do not cross the proposed severance line and are connected directly to City infrastructure. Further, the Owner(s) shall comply to 7.1.5.4(1) of the Ontario Building Code, O. Reg. 332/12



as amended. If necessary, a plumbing permit shall be obtained from Building Code Services for any required alterations.

6. 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 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. 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.

Installation of Asphalt Overlay

7. 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 South 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 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.

If the Development Review Manager of the South 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 (transportation and rail)

8. The Owner(s) shall prepare a noise and vibration attenuation study in compliance with the City of Ottawa Environmental Noise Control Guidelines to the satisfaction of the Development Review Manager of the South Branch within 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 and vibration attenuation measures recommended in the approved study. The Committee requires a copy of the Agreement and written confirmation from City Legal Services that it has been registered on title.



9. That the Owner(s) enter into an Agreement with the City, at the expense of the Owner(s), 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, warning purchasers and/or tenants of expected noise levels due to the existing source of environmental noise (Major collector, etc.). The Agreement shall be to the satisfaction of the Development Review Manager of the South Branch within 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.

Tree Protection

11. That the Owner(s) shall and submit a tree planting plan, prepared 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, showing the location of one new 50mm tree to be planted on each lot following construction, preferably in the right of way, to enhance the urban tree canopy.
12. 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 South Branch within the Planning, Real Estate and Economic Development Department, or his/her designate.
13. That the Owner(s) agree to provide proof of the existing services being capped outside of the Critical Root Zone of the protected tree, as part of the demolition process. The sanitary service, and storm service if present, must be abandoned and capped outside of the Critical Root Zone of the protected tree(s), within private property. This must be clearly demonstrated on the Existing Conditions, Removals and Decommissioning Plan.



Joint Use and Common Elements Agreement

14. 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.

Justin Grift
Planner I
Development Review, South Branch
Planning, Real Estate and Economic
Development Department

Mélanie Gervais, MCIP, RPP
Planner III (A)
Development Review, South Branch
Planning, Real Estate and Economic
Development Department