

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**

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Site Address:	7025 Notre-Dame Street
Legal Description:	Part of Lot 24 Registered Plan 86
File No.:	D08-01-23B-00083 & D08-01-23B-00094
Date: <b>May 2, 2023</b>	Hearing Date: May 3, 2023
Planner:	Evode Rwagasore
Official Plan Designation:	Suburban Transect, Neighbourhood, subject to Evolving Neighbourhood <b>Overlay</b>
Zoning:	R2N

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## DEPARTMENT COMMENTS

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

## DISCUSSION AND RATIONALE

Section 53 (12) of the Planning Act, R.S.O. 1990, c.P.13 permits the criteria for the subdivision of land listed in Section 51 (24) to be considered when determining whether provisional consent may be granted. Based on the criteria under S. 51 (24), staff have no concerns with the proposed severance.

The property is designated Evolving Neighbourhood within the Suburban (East) Transect per Schedule B8 of the new Official Plan (2022) and is subject to the Evolving Neighbourhood overlay.

The property is zoned Residential Second Density Zone, Subzone N (R2N). The consent application is consistent with the intent of the residential second density zone, which is, among others, to “restrict the building form to detached and two principal unit buildings” and “regulate development in a manner that is compatible with existing land use patterns so that the detached and two principle dwelling, residential character of a neighbourhood is maintained or enhanced.”

The Owner submitted applications to sever one lot into two and create a right-of-



way over a proposed shared driveway. The property is shown as Parts 1 to 4 on the draft Plan of Survey filed with the applications.

The lot, with the existing building, identified as Part 1 and 3, will remain, whereas the new lot will be identified as Part 2 and 4. The resulting lots will be compliant in terms of lot area and lot width with sufficient space for either a detached dwelling or a long semi-detached dwelling and parking in the rear.

In addition to the lot severance, the Owner wants to establish the following reciprocal rights-of-way over a driveway shared between the proposed lot and existing lot, and leading to parking in the rear yard of Part 1.

- A right-of-way over Part 3 in favour of Parts 2 and 4.
- A right-of-way over Part 4 in favour of Parts 1 and 3.

The reciprocal rights-of-way will each measure 1.3 metres in width to meet the minimum required width of 2.6 metres for a single lane driveway. Staff have no concerns with the reciprocal rights-of-way.

In 2021, a Building Permit was issued to renovate the existing dwelling or the construction of a secondary dwelling unit with rear basement access. The renovations included the removal of the attached garage.

## ADDITIONAL COMMENTS

### Forestry comments:

There are no trees planned for removal on this site. Although trees <50 cm in diameter in the suburban area are not protected under the Tree Protection By-law, retention of healthy trees outside of the as-of-right building footprint is strongly encouraged. There is a reciprocal driveway proposed which will lead to parking in the rear yard of Part 1, as stated in the cover letter provided. **The applicant is encouraged to design around their neighbour's tree (Tree 1) if eventually a parking space is built in the rear yard of Part 2. Tree 1 in the Tree Information Report (TIR) is protected under the by-law and is the neighbour's asset.**

~~The reciprocal driveway itself does not have protected tree impacts, but consideration early on to the tree impacts of an associated parking space for Part 2 is supported by the intent of the Official Plan. Section 4.8.2 of the Official Plan states planning and development review processes shall support the goals and effective implementation of the Tree Protection By-law, including early consideration of trees in application and business processes. If the placement of a new parking space were to be left until the building permit application stage, it~~



~~would be too late to request an alternative parking spot location if there were adjacent protected tree impacts. A condition has been applied to address this point.~~

~~There are no trees in the front yard of the retained lot and there is space to plant a tree on the severed lot. Planting a tree per lot post construction will benefit the urban canopy significantly.~~

Section 4.8.2 of the Official Plan states that growth, development and intensification shall maintain the urban forest canopy. The Official Plan has also set a target to reach 40% canopy cover. Where space allows, the applicant is asked to plant one tree (50 mm) per lot to enhance the urban canopy and contribute to the canopy cover target. Please contact Planning Forestry if you have questions about the requirements of a planting plan.

### **Right-of-Way comments:**

**A Private Approach Permit is required prior to the construction, relocation, or alteration of a private approach.**

~~The Right of Way Department has **no concerns** with the proposed Consent Applications. However, the Department would like to point out that modifications have been undertaken to the driveway/private approach, which has established illegal front yard parking on the property. A condition has been imposed to address this matter.~~

### **CONDITIONS OF APPROVAL**

The Department further requests that the following conditions be imposed on the consent application if approved:

#### **Building Code Services**

1. That the Owner(s) satisfy the **Chief Building Official, or designate**, by providing design drawings or other documentation prepared by a qualified designer, that as a result of the proposed severance the existing building on Part 1 and 3 on Draft 4R PLAN 86 shall comply with the Ontario Building Code, O. Reg. 332/12 as amended, in regard to the limiting distance along the West property line. If necessary, a building permit shall be obtained from Building Code Services for any required alterations.



2. That the Owner(s) provide evidence to the satisfaction of the **Chief Building Official, or designate**, that the accessory structure(s) has been demolished or relocated under the authority of a building permit.

### **Cash-in-lieu of Parkland Dedication**

3. That the Owner(s) provide evidence (payment receipt) to the Committee that payment has been made to the City of Ottawa of cash-in-lieu of the conveyance of land for park or other public recreational purposes, plus applicable appraisal costs. The value of the land otherwise required to be conveyed shall be determined by the City of Ottawa in accordance with the provisions of By-Law No. 2009-95, as amended. Information regarding the appraisal process can be obtained by contacting the Planner.

### **Driveway**

4. That the Owner provides evidence to the satisfaction of the Development Review Manager of the East Branch within Planning, Real Estate and Economic Development Department, or his/her designate that a new driveway leading to legal parking space has been established in conformity with the Zoning By-law. A site plan with the proposed driveway dimensions should be provided to Planning Staff and servicing plans should be reviewed by Engineering Staff prior to the Owner obtaining a Private Approach Permit, which is required to alter/close/establish a driveway.
5. **That the Owner(s) provide evidence to the satisfaction of the Development Review Manager of the East Branch within Planning, Real Estate and Economic Development Department, or his/her designate, that the portion of the driveway between the front wall of the dwelling and the street has been removed or reinstated using non-vegetative materials such as brick, pavers, rock, stone, concrete, tile and wood, excluding monolithic concrete and asphalt, and that the width of the reinstated area does not exceed 1.8 metres.**

### **Engineering**

6. That the Owner(s) provide a combined **Grading and Drainage Plan** and **Site Servicing Plan** including, where applicable, the tree locations and protection recommendations from the approved **Tree Information Report**, to the satisfaction of the Manager of the East Branch within Planning, Real Estate, and Economic Development, or his/her designate, the plans can be shown on one sheet or multiple sheets, but must include the following information:



- a. The Grading and Drainage Plan must be prepared by a relevant professional: Professional Engineer (P.Eng.), Certified Engineering Technologist (CET), Ontario Land Surveyor (OLS), Professional Landscape Architect (OLA), or Professional Architect (OAA) and adhere to the following;
    - i. Minimum Grading and Servicing Plan Specifications Infill Serviced Lots
    - ii. City of Ottawa Standard Drawings, By-laws, and Guidelines, as amended.
  - b. The Site Servicing Plan must be prepared by a relevant professional: Professional Engineer (P.Eng.), Certified Engineering Technologist (CET), or Ontario Land Surveyor (OLS) and adhere to the requirements as noted for the Grading & Drainage Plan.
  - c. In the case of a vacant parcel being created, the plan(s) must show a conceptual building envelope to establish that the lot can be graded to a sufficient and legal outlet, has access to services with adequate capacity, and follows the recommendations of the Tree Information Report.
  - d. The following information from the Tree Information Report must be included on both the Grading and Servicing Plans to ensure that these elements are designed to follow the recommendations within the TIR:
    - i. Surveyed locations of all protected trees on and adjacent to the subject site
    - ii. Location of tree protection fencing
    - iii. Measurements from the tree(s) trunks to nearest limit of excavation or grade changes
    - iv. Any notes related to excavation or grade changes within the Critical Root Zone, as recommended in the TIR (e.g. use of hydrovac, directional boring, or capping of services outside of the Critical Root Zone).
    - v. Proposed planting locations from the associated Tree Planting Plan, if provided.
7. That the Owner(s) provide proof to the satisfaction of **the Development Review Manager of the East 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.

8. 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 East 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 East Branch within Planning, Real Estate and Economic Development Department, or his/her designate**.

### Forestry

- ~~9. That the Owners agree that the location of the proposed structures, including the driveways, retaining walls, projections, etc., shown on the Grading and 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.~~
9. That the Owner(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 per lot following construction, to enhance the urban tree canopy.

### Joint Use, Maintenance and Common Elements Agreement

10. 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 driveway.





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 Manager of the East 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 Manager of the East 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.

### Right of Way

#### Retained parcel existing dwelling (7025 Notre-Dame):

11. That the Owner(s) shall bring the private approach/driveway for **7025 Notre-Dame Street** into conformity 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**.

#### Severed Parcel proposed (7027 Notre-Dame)

12. The Owner, or any subsequent owners, shall demonstrate that a private approach can be established for the newly constructed dwelling. 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 with 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**.



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Evode Rwagasore, RPP, MCIP  
Planner I, Development Review

A handwritten signature in black ink, appearing to read "Michael Boughton".

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Michael Boughton, MCIP RPP  
Planner III, Development Review