

Committee of Adjustment

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City of Ottawa | Ville d'Ottawa

Comité de dérogation



Consent and Minor Variance
COMMENTS TO THE COMMITTEE OF ADJUSTMENT
Panel 2

Site Address:	303 and 305 Poulin Avenue
Legal Description:	Lot 46, Plan 427924
File No.:	D08-01-23/B-00065 and D08-02-23/A-00054
Date: April 28, 2023	Hearing Date: May 3, 2023
Planner:	Samantha Gatchene
Official Plan Designation:	Inner Urban Transect, Neighbourhood
Zoning:	R2F

DEPARTMENT COMMENTS

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

DISCUSSION AND RATIONALE

The property is designated Neighbourhood within the Inner Urban Transect of the Official Plan (OP). The Official Plan provides policy direction that Neighbourhoods located in the Inner Urban Transect shall accommodate residential growth to meet the City's Growth Management Framework and that new development should include urban built form and site design attributes. Section 4.6.6 further outlines that low-rise buildings shall include areas for soft landscaping, main entrances at-grade, and front porches, where appropriate. The existing semi-detached dwelling features front yards with soft landscaping and street-oriented entrances.

The property is zoned Residential Second Density Subzone F (R2F). The requested minor variances are consistent with the intent of the R2F zone, which are, 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 dwelling, residential character of a neighbourhood is maintained or enhanced". The variances for reduced lot area, front yard setback and rear yard setback would legalize the zoning for an existing legal non-complying dwelling. Since no changes to the existing building are proposed, negative impacts on the surrounding neighbourhood are not anticipated.

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 as the subject semi-detached dwelling is in compliance with all other provisions of the Zoning By-law. 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. Staff note that the proposed lots represent orderly development in a manner that is consistent and compatible with the pattern and scale found within the neighbourhood.

ADDITIONAL COMMENTS

Consent Application

The Owner originally owned the property at 303 Poulin Avenue. At a later date, the Owner purchased the abutting 305 Poulin Avenue. After coming under the same ownership, the two properties merged on Title. The Consent application would re-establish the previous lot fabric as two separate lots.

Minor Variance Application

A Minor variance for one half of the existing semi-detached dwelling 303 Poulin Avenue was approved in 2015 (D08-02-15/A-00083) to permit a reduction in the required lot area from 290 square metres to 227.91 square metres. The current minor variance request is for a similar reduction for the other half of the existing of the semi-detached dwelling at 305 Poulin Avenue. A lot area of 290 square metres is required whereas a lot area of 232.4 square metres is proposed.

Forestry

There are no existing trees that would be impacted by this severance application. The applicant has confirmed separate utilities exist for these dwellings, meaning no excavation will be required, impacting existing the retained tree. The city strongly suggests an application be submitted for the Trees in Trust program for 305 Poulin Ave. This city run program involves having a tree planting in the right of way of your property which will be maintained by the city over its life span. The city does ask the landowner to water the tree for the first few years to aid in establishment. Here is the link to the application page for this free program: <https://so311.serviceottawa.ca/selfserve/?reqId=2000379&lang=en>

Right-of-Way

The Right-of-Way Management Department has no concerns with the proposed Consent Applications, as it is simply to establish separate ownership for each half of the existing semi-detached dwelling.

CONDITIONS OF APPROVAL

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

Servicing

1. That the Owner(s) provide evidence (servicing plan), 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 both the severed and retained parcels have their own independent water, sanitary and sewer connection, as appropriate, and that these services do not cross the proposed severance line and are connected directly to City infrastructure. If they do cross the proposed severance line, or they are not independent, the Owner(s) will be required to relocate or construct new services from the city sewers and/or watermain at his/her own costs.
2. 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 Development Review Manager of the West 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 West 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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