

Committee of Adjustment  
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2023-05-12

City of Ottawa | Ville d'Ottawa  
Comité de dérogation



Consent  
COMMENTS TO THE COMMITTEE OF ADJUSTMENT  
Panel 2

Site Address: 621 Kochar Drive

Legal Description: Lot 187 Registered Plan 4M-1258

File No.: D08-01-23/B-00097 & D08-01-23/B-00114

Date: May 12, 2023

Hearing Date: May 17, 2023

Planner: Justin Grift

Official Plan Designation: Neighbourhood, Outer Urban Transect, Carleton Heights  
Secondary Plan

Zoning: R2S [1194]

### SYNOPSIS OF APPLICATION

The applicant is looking to sever 621 Kochar Drive into Parts 1 and 2, as shown on the Plan of Survey and consolidate each part with adjacent lots (623 and 619 Kochar Drive, respectively).

### DEPARTMENT COMMENTS

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

### DISCUSSION AND RATIONALE

The Official Plan (2021) designates the property as Neighbourhood in the Outer Urban Transect. The policies pertaining to this designation support a wide variety of housing types with a focus on lower density missing-middle housing that reflects the built form context of the neighbourhood. The property also falls within the Carleton Heights Secondary Plan, where it is designated as Neighbourhood Low-Rise which features predominately single-detached and semi-detached dwellings. In this designation, the Secondary Plan also has a policy that prohibits new driveways and private approaches as a means to avoid creating further demand on existing stormwater management facilities in the area. However, Staff has communicated with its internal Policy Team to confirm the existing lots on Kochar Drive are existing lots of record and were approved along with their respective driveways in a Plan of Subdivision registered in March 2005. Therefore, the proposal with two driveways for each lot, as opposed to the three existing lots, does not conflict with the intent of the policy in the Secondary Plan.

The property is zoned *Residential Second Density Zone, Subzone S with Exception 1194 (R2S [1194])*. The purpose of this zone is to restrict the building form to detached and two principal dwelling unit buildings, and to regulate development in a manner that is



compatible with existing land use patterns so that the residential character of a neighbourhood is maintained or enhanced. The Zoning By-law prescribes a minimum required lot width of 9 metres and lot area of 270 square metres for detached dwellings and a minimum required lot width of 10 metres and 300 square metres for long semi-detached dwellings.

As seen in the Plan of Survey, the three existing lots already meet minimum lot size requirements. Therefore, the consolidation of the middle lot onto the two adjacent will also meet the lot size requirements in the Zoning By-law. Staff is of the opinion the requested conveyance meets the general intent of the Zoning By-Law and Official Plan and would 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 consent application, as it would facilitate the conveyance of three lots into two which are on an established municipal road with connection to municipal services.

Staff note that the lot line adjustment will not create a separate lot provided that Part 1 on the submitted 4R-35299 Plan merges in title with Lot 188 on the on the registered 4M-1258 Plan, and Part 2 on the submitted 4R-35299 Plan merges in title with Lot 186 on the registered 4M-1258.

## **ADDITIONAL COMMENTS**

The applicants submitted a preliminary site plan as part of the consent application. Staff note that the development will be reviewed for conformity with the Zoning By-law at the building permit stage and that the dwellings will be subject to the provisions of the R2S zone and Section 139, which regulate setbacks, driveways, walkways, and garages.

### Right-of-Way Comments

The Right-of-Way Management Department has **no concerns** with the proposed Consent Applications, as the owner is simply severing 621 Kochar Drive and conjoin it with 623 and 619 Kochar Drive. However, the cover letter has indicated that, once completed, it's the owners desire to construction two new single-family home on the two vacant parcels. In light of this, the Right-of-Way Management Department is requesting that condition 2 be imposed.

Please contact the ROW Department for any additional information at [rowadmin@ottawa.ca](mailto:rowadmin@ottawa.ca)

### Forester Comments

The TIR found one existing City tree in front of the subject sites; it is not impacted by the proposed development, so the permit application will be evaluated by Forestry Services at the time of the building permit application. The tree planting plan is based on the subdivision design with 3 properties and must be revised to account for the revised plan with 2 properties.



## 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.

### Lot Line Adjustment

2. That the Owner file with the Secretary-Treasurer of the Committee of Adjustment the following:
  - a. A copy of the Reference Plan and/or legal description of the severed lands and the deed or Instrument conveying the severed lands to the owner of the abutting properties to the west and east, known municipally as 623 and 619 Kochar Drive, so that no new lot is being created, in accordance with paragraph (b) below
  - b. A Certificate of Official attached to the deed/transfer required by paragraph (a) above containing the following endorsement:

“The lands to be severed are for the purpose of a lot addition only to the abutting lands owned by *(insert name)* described as PIN *(insert property identification number)* being Part(s) *(insert numbers)* on Plan *(insert plan number)*, not for the creation of a new lot, and any subsequent transfer, charge or other transaction involving the lands to be severed shall be subject to compliance with Section 50(3) or Section 50(5) of the Planning Act, as applicable. Neither the lands to be severed nor the abutting lands are to be transferred, charged, or otherwise re-conveyed in the future without the other parcel unless a further consent is obtained.

The Owner shall cause the lands to be severed to be consolidated on title with the abutting lands and for this condition to be entered on the parcel register for the consolidated parcel as a restriction.”



- c. An Undertaking from a solicitor authorized to practice law in the Province of Ontario, and in good standing with the Law Society of Upper Canada, as follows:

“In consideration of, and notwithstanding the issuance of the Certificate under Section 50(12) of the Planning Act in respect to the subject Application for Consent, I undertake on behalf of the Owner, within **30 days** of the registration on title of the transfer document containing the endorsement set out in the Certificate of Official issued by the Committee of Adjustment, to file an Application to Consolidate Parcels including the severed land (Part of PIN (*insert number*) and the abutting land (PIN *insert number*). This PIN consolidation is intended to reinforce the Planning Act stipulation in the condition outlined above that both parcels have merged on Title and cannot be conveyed separately in the future. I further undertake to forward a copy of the registered Application to Consolidate Parcels and a copy of the Consolidated Parcel abstract page(s) to the Committee office within 21 days of the registration of the Application to Consolidate Parcels”.

- d. Where the parcel consolidation stipulated in paragraph (b) and the solicitor's Undertaking in paragraph (c) above cannot be completed because the parcels of land to be merged have different estate qualifiers, an Application to Annex Restrictive Covenant under Section 118 of the Land Titles Act must be registered on the Title of both the severed lands and on the abutting parcel that is to be merged. The Covenant, which is to be to the satisfaction of the Secretary-Treasurer of the Committee, shall advise all future purchasers that the parcels must be dealt with together and not separately, and contain wording set out below or similar wording acceptable to the Secretary-Treasurer of the Committee:

“These lands have been merged and may not be dealt with separately, without applying for a Consent of the Committee of Adjustment.”

In lieu of the Undertaking provided in paragraph (c), a replacement Undertaking by the solicitor must be filed undertaking on behalf of the Owner to register the Restrictive Covenant on both property Titles within 30 days of the registration of the transfer document containing the endorsement of the Certificate of Official issued by the Committee of Adjustment for this application and to file a copy of the registered Restrictive Covenant with the Committee within 21 days of the registration of the document.

## Trees

3. The Owner/Applicant(s) shall prepare and submit/implement 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.



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