

**CONSENT APPLICATION  
COMMENTS TO THE COMMITTEE OF ADJUSTMENT  
PANEL 2**

**PLANNING, REAL ESTATE AND ECONOMIC DEVELOPMENT DEPARTMENT**

Site Address: 6817 Notre-Dame Street  
Legal Description: Part of Lot 3 Concession 1 (Ottawa Front) former Geographic Township of Gloucester  
File No.: D08-02-23B/00136  
Report Date: June 12, 2023  
Hearing Date: June 20, 2023  
Official Plan Designation: Suburban (East) Transect, Neighbourhood, Evolving Neighbourhood Overlay  
Zoning: R2N

**DEPARTMENT COMMENTS**

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

**DISCUSSION AND RATIONALE**

Section 53 (12) of the *Planning Act*, R.S.O. 1990, c .P.13, as amended, permits the criteria for the subdivision of land listed in Section 51 (24) to be considered when determining whether provisional consent may be granted by a committee of adjustment. With respect to the criteria listed in Section 51 (24), staff have no concerns with the proposed consent.

**ADDITIONAL COMMENTS**

The draft reference plan submitted as part of the application shows that Part 2 has a frontage of 8.60 metres but does not indicate the lot width. The minimum required lot width for a semi-detached dwelling in the R2N subzone is 9 metres.

Upon request, the applicant provided a revised reference plan marked with the lot width of Part 2, measured per the definition of **lot width** under Section 54 of the Zoning By-law. The revised plan indicates that the lot width of Part 2 is 9.07 metres and is therefore compliant with the minimum required lot width for a semi-detached dwelling in the R2N subzone.

**Building Code Services**

A building permit has been issued for the construction of the semi-detached buildings, review, and inspection of the fire separation wall as fire-rated on the lot line will form part of the current building permit process.

## Planning Forestry

This file is already under construction, with two tree removal permits already issued. The tree permits on file required compensation planting of four new 50-mm trees on site, provided that several undersized trees were retained through the development. Forestry has now confirmed that no trees were retained on the property, and as such the planting plan must provide all six of the required compensation trees.

A planting plan must be provided showing the proposed planting locations and details, and with at least two of the required trees planted in the right of way to improve the streetscape and canopy cover.

## Right of Way

The Right-of-Way Management Department has **no concerns** with the consent application.

## CONDITIONS

If approved, the Planning, Real Estate and Economic Development Department requests that the Committee of Adjustment impose the following conditions on the application:

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 of By-Law No. 2022-280, as amended. Information regarding the appraisal process can be obtained by contacting the Planner.
2. That the Owner(s) provide plans, drawings or reports as may be required to demonstrate, to the satisfaction of the **Manager, Right-of-Way, Heritage, and Urban Design Department or his/her designate** that a private approach that conforms with the Private Approach By-law (2003-447) can reasonably be established for each half of the semi-detached dwelling, to be confirmed in writing from the Department to the Committee.
3. 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 **Manager of the East Branch within the 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 the 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.

4. 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:

“The property is located next to lands that have an existing source of environmental noise (arterial road, highway, airport, etc.) and may therefore be subject to noise and other activities associated with that use” “The Purchaser/Lessee for himself, his heirs, executors, administrators, successors and assigns acknowledges being advised that this dwelling unit has been supplied with a central air conditioning system which will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the City of Ottawa’s and the Ministry of the Environment and Climate Change’s noise criteria.

“The Purchaser/Lessee for himself, his heirs, executors, administrators, successors and assigns acknowledges being advised that despite the inclusion of noise control features in this development and within building units, noise levels from increasing roadway traffic may be of concern, occasionally interfering with some activities of the dwelling occupants as the outdoor sound level exceeds the City of Ottawa’s and the Ministry of the Environment and Climate Change’s noise criteria.

“The Purchaser/Lessee for himself, his heirs, executors, administrators, successors and assigns acknowledges being advised that this dwelling unit has been supplied with a central air conditioning system which will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the City of Ottawa’s and the Ministry of the Environment and Climate Change’s noise criteria.”

The Agreement shall be to the satisfaction of the **Manager of the East 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.

5. The Owner/Applicant(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(s) of six compensation trees (50-millimetre caliper) required under the Tree Protection By-law, assuming that all proposed tree removals are permitted.



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