

2023-07-13



**CONSENT & MINOR VARIANCE APPLICATIONS  
COMMENTS TO THE COMMITTEE OF ADJUSTMENT  
PANEL 2**

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

Site Address: 469 Edgeworth Avenue  
Legal Description: Lot 87, Registered Plan 324  
File No.: D08-01-23/B-00164, D08-01-23/B-00165,  
D08-02-23/A-00149 and D08-02-23/A-00150  
Report Date: July 13, 2023  
Hearing Date: July 18, 2023  
Planner: Samantha Gatchene  
Official Plan Designation: Inner Urban Transect, Neighbourhood  
Evolving Neighbourhood Overlay  
Zoning: R2F, Mature Neighbourhoods Overlay

**DEPARTMENT COMMENTS**

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

**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.

The property is designated Neighbourhood within the Inner Urban Transect of the Official Plan (OP). The Evolving Neighbourhood Overlay applies. 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 property is within the boundaries of the Mature Neighbourhood Overlay (MNO). The purpose of the MNO is to regulate the character of low-rise residential development in order to recognize and reflect the established character of the streetscapes within the area of the Overlay.

Staff have reviewed the subject minor variance application against the “four tests” as outlined in Section 45 (1) of the *Planning Act*, R.S.O. 1990 c. P.13, as amended.

### **Reduced Lot Width and Area (Variance A, B, D and E)**

Staff have no concerns with the variances to permit reduced lot widths and areas are indeed minor in nature and would provide for appropriate development a semi-detached dwelling on each lot. Within the surrounding neighbourhood several other lots have been severed for the creation of two new lots comparable in size to those proposed under this consent application.

### **Front-Facing Attached Garage (Variances C and F)**

Staff have concerns with variances C and F to permit front-facing attached garages for both semi-detached dwelling unit. The intent of Section 140 is to ensure new development is consistent with the dominant streetscape character. The dominant character for this portion of Edgeworth Avenue is no front facing attached garages. Of the 21 properties surveyed, 12 properties did not feature front-facing attached garages. As per the Official Plan, the built form characteristics for Neighbourhoods in the Inner Urban Area consists of no automobile parking or limited parking concealed from the street.

The applicant could revise the proposal to feature a permitted parking configuration. Alternatively, the applicant could remove the driveways as the Zoning By-law does not require parking for the development.

## **ADDITIONAL COMMENTS**

### **Planning Forestry**

Through pre-consultation it was determined that the proposed design would allow for the retention of 1 of the 3 existing trees along the frontage of the property. The 2 trees on City property are in fair condition due to poor pruning practices, and it is preferred to replace them with larger-growing species. A planting plan has been provided showing 2 new trees in the Right of Way. Tree permits will be required with the building permit application and tree protection must be installed around tree 1 for the full duration of construction.

### **Right of Way Management**

The Right-of-Way Management Department has no concerns with the proposed Consent Application or the proposed Minor Variance Application. However, the owner shall be

made aware that a private approach permit is required to establish each of the proposed driveways/approaches to provide access to the newly constructed Semi-Detached Dwellings.

### **Transportation Engineering**

The site is located within 300 m of the OLRT 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.

Please note that in the 2023 Transportation Master Plan update, there is a pedestrian project to add a sidewalk along Edgeworth Avenue between Carling Avenue and Richmond Road. This comment is for information only. No action required.

### **CONDITIONS**

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

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

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.

#### **Forestry**

2. The Owner(s) agree to provide proof 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, that the tree protection fencing around the Critical Root Zone of the protected tree is installed as shown in the Tree Information Report, prior to capping of services, to prevent any excavation within this zone. The sanitary and storm services if present, must be abandoned and capped outside of the Critical Root Zone of the City tree as clearly demonstrated on the Existing Conditions, Removals, and Decommissioning plan.
3. The Owners agree to provide a Grading and Servicing Plan showing that proposed structures such as services, retaining walls, projections, etc. will be designed to allow for the retention and protection of existing trees, as detailed in the Tree Information Report prepared by Dendron Forestry Services on Mar 6, 2023.

## **Servicing**

4. 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.

## **Grading**

5. 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 West Manager of the within the 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 West Branch within Planning, Real Estate and Economic Development Department, or his/her designate.

## **Joint Use and Maintenance Agreement**

6. 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 of 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.

### 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 West 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 Edgeworth Ave, fronting the subject lands, over the entire public driving surface area within the limits of the overlay, as shown on the approved Site Grading and Servicing Plan. The overlay must be carried out to the satisfaction of the Development Review Manager of the West 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.

### Railroad Warning Clause

6. 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:

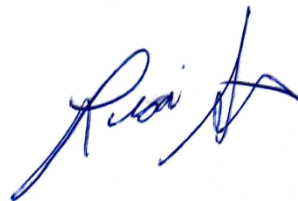
“The property is located next to lands that have an active railway line now, or may have one in the future, and may therefore be subjected to noise, vibration, and other activities associated with this use.”

The Committee requires a copy of the Agreement and written confirmation from City Legal Services that it has been registered on title.



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