

2023-08-11



**CONSENT APPLICATION
COMMENTS TO THE COMMITTEE OF ADJUSTMENT
PANEL 1**

PLANNING, REAL ESTATE AND ECONOMIC DEVELOPMENT DEPARTMENT

Site Address:	451 Roosevelt Avenue
Legal Description:	Part of Lot 10 (East Side Roosevelt Avenue) Registered Plan 235
File No.:	D08-01-23/B-00177 & D08-02-23/A-00167
Report Date:	August 3, 2023
Hearing Date:	August 19, 2023
Planner:	Basma Alkhatib
Official Plan Designation:	Inner Urban Transect, Neighbourhood Designation, Evolving Neighbourhood Overlay
Zoning:	R4UA [2686] H (8.5) (Residential fourth density zone, subzone UA, exception 2686, maximum height 8.5 meters)

DEPARTMENT COMMENTS

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

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.

Staff are satisfied that the requested minor variance meet the “four tests” as outlined in Section 45 (1) of the *Planning Act*, R.S.O. 1990 c. P.13, as amended.

The subject site is within the Inner Urban Transect Policy Area on Schedule A and is designated Neighbourhood with an Evolving Neighbourhood Overlay on Schedule B2 in the Official Plan. The intended pattern of development in the Inner Urban Transect is urban, exhibiting the characteristics outlined in Table 6 of the Official Plan. The Neighbourhood designation allows low-rise development in an efficient form that is compatible with existing development patterns and provides site design elements such as soft landscaped areas.

The proposed severance will facilitate the establishment of separate ownership of each principal unit in the existing semi-detached, permitted use in the R4UA[2686] H (8.5)

zone. The R4UA zone allows a mix of residential building forms ranging from detached to Planning unit development. The exception 2686 prohibits apartment dwelling and low rise containing more than 6 dwelling units. The maximum height in this zone is 8.5 meters. This zone requires a minimum lot area of 180 square meters and a minimum lot width of 6 metres for semi-detached. The proposed severance will provide two lots, one with width and area that exceeds the minimum requirements by the Zoning By-law and the second lot is complying with the lot width, but the lot area is lesser than 180 square meters.

Staff noted that the required minor variance to reduce the lot area from 180 square meters to 143.79 metres square is a natural result of existing semi-detached that is built closer to the corner lot line.

Section 11.5 (5) of the Official Plan explicitly states that “The Committee of Adjustment shall consider strata severance applications, for both vertical and horizontal division, as it is authorized to do according to the Planning Act. Strata severance applications shall be assessed according to planning principles applicable to severances”.

The Department has **no concerns** with the proposed consent application nor minor variance because it adheres to the Official Plan policies for those lands designated as Inner Urban Neighbourhood. 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.

ADDITIONAL COMMENTS

Planning Forestry

Through pre-consultation, the applicant’s agent informed Planning Forestry staff that servicing for the separate dwellings already existed and no new services would be required. This meant there would be no risk to existing trees associated with the consent application. Upon circulation of the file for the August 16th hearing date, the cover letter read that new services would need to be installed. The applicant has not provided a servicing plan to verify there will not be repercussions to the existing trees or not. A condition has been applied to confirm there are no conflicts between the service installation and existing trees.

Right of Way Management

The Right-of-Way Management Department has **no concerns** with the proposed Consent Application or with the proposed Minor Variance Application, as there are no requested changes to the driveways/private approaches.

Transportation Engineering

The site is located within 300 m of the OLRT Phase 2 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.

CONDITIONS

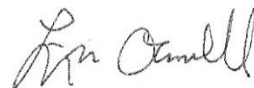
If approved, the Planning, Real Estate and Economic Development Department requests that the Committee of Adjustment impose the following conditions on the application:

1. That the Owner(s) provide proof to the satisfaction of the Development Review Manager of the Central 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.
2. That the Owner(s) provide evidence to the satisfaction of the Development Review Manager of the Central 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 **the accessory structure has been demolished in accordance with the demolition permit** or relocated in conformity with the Zoning By-law.
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 Development Review Manager of the Central 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 Central 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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