

2023-08-31



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

PLANNING, REAL ESTATE AND ECONOMIC DEVELOPMENT DEPARTMENT

Site Address: 304 Olmstead Street & 204 Lévis Avenue
Legal Description: Lots 33 and 34, Registered Plan 121
File No.: D08-01-23/B-00106 to D08-01-23/B-00108 and
D08-02-23/A-00090 & D08-02-23/A-00091
Report Date: August 29, 2023
Hearing Date: September 5, 2023
Planner: Cass Sclauzero
Official Plan Designation: Inner Urban Transect, Neighbourhood, Evolving
Neighbourhood Overlay
Zoning: R4UA and R4UA-c

DEPARTMENT COMMENTS

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

With respect to the requested minor variances to permit single driveways on the Olmstead Street parcels, staff determined that the requested variances are not required. Section 139, Table 139 (3) of the Zoning By-law permits single driveways up to 2.6 metres wide on lots that are greater than 6 metres to less than 7.5 metres wide. The proposed lots in question are between 6 and 7.5 metres wide; therefore, a single driveway of up to 2.6 metres is permitted on each without the need for a minor variance.

With respect to the requested minor variances to permit reduced lot area for the three interior lots fronting onto Olmstead Street, staff have no concerns. The reduction in lot area is minor and the proposed dwellings are zoning compliant with respect to required setbacks, rear yard area, and landscaping requirements.

ADDITIONAL COMMENTS

At its hearing on June 6, 2023, the Committee adjourned the application so that the applicant could revise their site plan for clarity and to request additional variances related to lot area. At that time, staff noted that the requested variances to permit a single-lane driveway on a lot less than 6 metres wide were not necessary given that the proposed lots are not less than 6 metres wide.

On August 28, staff requested that the applicant provide to staff and the Committee a revised site plan and draft reference plan showing a 5-metre x 5-metre corner sight triangle. The corner sight triangle is shown as Part 6 on the original draft reference plan submitted with the application.

Infrastructure Engineering

1. The Planning, Real Estate and Economic Development Department will do a complete review of grading and servicing during the building permit process.
2. At the time of building permit application, a grading/servicing plan prepared by a Professional Engineer, Ontario Land surveyor or a Certified Engineering Technologist will be required.
3. Any proposed works to be located within the road allowance requires prior written approval from the Infrastructure Services Department.
4. In accordance with the Tree Protection By-law, all City owned trees are to be protected and compensation will be required if any tree is damaged or lost.
5. The Tree Protection By-law is in effect and a permit is required to remove any protected trees (30 cm or greater in the urban area and 50 cm or greater in the suburban area) located on private property. The surface storm water runoff including the roof water must be self-contained and directed to the City Right-of-Way, not onto abutting private properties as approved by Planning, Real Estate and Economic Development Department.
6. A private approach permit is required for any access off of the City street.
7. Existing grading and drainage patterns must not be altered.
8. Existing services are to be blanked at the owner's expense.
9. Asphalt overlay would be required if three or more road-cuts proposed on City Right of way. This includes the road cut for blanking of existing services, and any other required utility cuts (i.e., gas, hydro, etc.).
10. Existing Catch Basin is not to be located within the driveway.
11. This property does not have frontage on a storm sewer.
12. The Planning, Real Estate and Economic Development Department requires proof that the Rideau Valley Conservative Authorities have granted their approval due to development being located within the regulatory limit.

13. Service lateral spacing shall be as specified in City of Ottawa Standard S11.3.
14. In accordance with the Sewer Connection By-Law a minimum spacing of 1.0m is required between service laterals and the foundation face.
15. Existing street sign to be relocated at the owner's expense.
16. Encroachment on or alteration to any easement is not permitted without authorization from easement owner(s).

Planning Forestry

There are four protected trees on the property, one of them being City-owned, all planned for removal. Trees 1, 2 and 4 fall within the footprint of the new building and tree 3 (City-owned) is a tree in fair health and that is impacted by a proposed driveway. An infill tree removal application must be made for each tree prior to removal. Approval is not granted until a tree removal permit has been issued.

Through discussions with the applicant, 10 trees are being incorporated within the front and rear yards of the proposed parcels, pending the Committee's decision on the consent application.

An updated planting plan has been provided showing the location of these trees. A mixture of large and small canopy trees can be incorporated on the property which will satisfy the tree removal permit conditions and is in line with the Official Plan policy related to protecting and enhancing the urban forest canopy.

Aggregated soft landscaping should be maintained wherever possible on the property, especially in the front yard. Utilities should be installed under the proposed driveways if feasible, to leave unencumbered space for tree roots to establish.

CONDITIONS

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

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 proof to the satisfaction of the Chief Building Official, or his/her designate, that the existing dwelling/buildings have been removed.
3. That the Owner(s) provide evidence to the satisfaction of the Chief Building Official, or his/her designate, that the accessory structure has been demolished in accordance with the demolition permit or relocated in conformity with the Zoning By-law.

4. That the Owner(s) provide a servicing plan or other 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 each existing building and/or unit on the severed and retained parcels has its own independent water, sanitary and sewer connection, as appropriate, that are directly connected to City infrastructure and do not cross the proposed severance line.
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 Central 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. The grading and drainage plan shall delineate existing and proposed grades for both the severed and retained properties, to the satisfaction of the Central Manager of the Central Branch within Planning, Real Estate and Economic Development Department, or his/her designate.
6. That the Owner(s) convey a 5m x 5m corner sight triangle located at the intersection of Lévis Avenue and Olmstead Street to the City, with all costs to be borne by the Owner(s), to the satisfaction of the Surveys and Mapping Branch of the City. This area will be free of all structures, plantings, etc. and will allow a proper sighting distance for motorists when performing turning movements within the intersection. The Committee must receive written confirmation from City Legal Services that the transfer of the lands to the City has been registered.
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 Central Manager of the Central 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 Lévis Avenue and Olmstead Street, fronting the subject lands, over the entire public driving surface area within the limits of the overlay, if the approved Site Servicing Plan shows three or more cuts within the pavement surface. The overlay must be carried out to the satisfaction of the Central Manager of the Central 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.

If the Central Manager of the Central Branch within Planning, Real Estate and Economic Development Department, or his/her designate determines that a Development Agreement requiring an asphalt overlay is no longer necessary, this condition shall be deemed as fulfilled.

8. The Owner(s) shall:

- a. Prepare a noise attenuation study in compliance with the City of Ottawa Environmental Noise Control Guidelines to the satisfaction of the Central Manager of the Central Branch within Planning, Real Estate and Economic Development Department, or his/her designate. The Owner(s) shall also enter into an agreement with the City that requires the Owner to implement any noise control attenuation measures recommended in the approved study. The Agreement will also deal with any covenants/notices recommended in the approved study, that shall be registered on the land title and bind future owners on subsequent transfers, warning purchasers and/or tenants of expected noise levels due to the existing source of environmental noise. The Agreement shall be to the satisfaction of the Central Manager of the Central 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;

or

- b. Design the dwelling units with the provision for adding central air conditioning at the occupant's discretion and enter into an Agreement with the City, at the expense of the Owner, 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, warning purchasers and/or tenants of expected noise levels due to the existing source of environmental noise. The following two conditions will be included in the above-noted Agreement:

Notices-on-Title respecting noise:

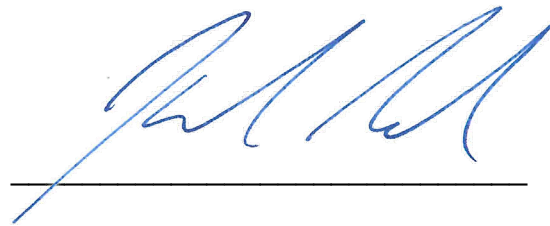
- i) "The Purchaser/Lessee for himself, his heirs, executors, administrators, successors and assigns acknowledges being advised that this dwelling unit has been fitted with a forced air heating system and the ducting, etc. was sized to accommodate central air conditioning. Installation of central air conditioning by the Purchaser/Lessee 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;" and
- ii) "The Purchaser/Lessee for himself, his heirs, executors, administrators, successors and assigns acknowledges being advised that noise levels due to 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."

9. The Owner(s) agrees that the location of the proposed structures, including the driveways, retaining walls, services, projections, etc. shown on the Grading &

Servicing Plan, will be determined based on the least impact to protected trees and future trees. The Owner(s) further acknowledges and agrees that this review may result in relocation of these structures and agrees to revise their plans accordingly to the satisfaction of the Development Review Manager of the Central Branch within the Planning, Real Estate and Economic Development Department, or his/her designate.



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