

2023-08-31



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

PLANNING, REAL ESTATE AND ECONOMIC DEVELOPMENT DEPARTMENT

Site Address: 50 Rebecca Crescent
Legal Description: Lot 3, Judge's Plan 652
File No.: D08-02-23/A-00012 & D08-01-23/B-00014
Report Date: August 28, 2023
Hearing Date: September 5, 2023
Planner: Cass Schlauzero
Official Plan Designation: Outer Urban Transect, Neighbourhood
Zoning: R1AA

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.

Section 144 (4)(b) of the Zoning By-law permits a corner lot in an R1AA subzone within Area A of Schedule 342 to the by-law to be severed in two, where the area of each of the retained and severed lots is no less than 49 per cent of the required minimum lot area of the subzone. One detached dwelling is permitted on each of the retained and severed lots. The existing, unsevered lot is approximately 1940 square metres and the minimum required lot area in the R1AA subzone is 1390 square metres; therefore, the lot can be severed into two new lots that are each no less than 681 square metres, or 49% of 1390 square metres. The severed parcel will be 919 square metres and the retained parcel will be 1016 square metres, both exceeding the minimum required lot area per S. 144 (4)(b).

Policy 6.3.2 (4) of the Official Plan defers to the Zoning By-law to establish specific standards and policies related to residential development on corner and interior lots, in order to produce coherent site development and built form that contribute to well-

designed blocks and streetlines.

The intent of the R1 zone is to 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. Except on significantly oversized lots, severances under S. 144 (4)(b) of the by-law result in both the retained and severed lots requiring variances to permit reduced lot widths.

This consent and minor variance application was first heard by the Committee of Adjustment on February 15, 2023, where the applicant was proposing to sever the lot in an irregular configuration such that variances for lot width could be avoided; however, staff noted concerns that the proposed lot configuration was not in keeping with the intent of the R1 zone provisions. Staff had also requested that the applicant confirm the area of the at-grade amenity area required per S. 144 (4)(c)(v).

The Committee granted an adjournment of the application so that the agent could reconfigure the proposed severance line such that both the retained and severed lots were rectangular and more in keeping with the surrounding residential character of the neighbourhood.

The revised application proposes two rectangular lots that comply with the minimum lot area requirement per S. 144 (4)(b). The at-grade amenity area on the retained parcel is approximately 69.5 square metres, or 5% of the minimum required lot area in the R1AA subzone, and complies with S. 144 (4)(c)(v).

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. Staff are satisfied that the requested minor variance(s) meet(s) the “four tests” given that, as outlined above, lot creation under S. 144 (4)(b) necessitates the need for minor variances for reduced lot widths on all but significantly oversized lots.

ADDITIONAL COMMENTS

The applicant is proposing demolition of the attached carport on the retained parcel, in order to meet the at-grade amenity area requirement and avoid the need to apply for additional variances to permit reduced interior side yard and rear yard setbacks. Any future construction of an attached garage or carport will require compliance with all applicable Zoning By-law provisions, including but not limited to minimum yard requirements, required at-grade amenity area, and parking space provisions.

The definition of **front lot** line under Section 54 of the Zoning By-law is “...that lot line, not including a corner lot line, which abuts a street for the shortest distance...” and is unrelated to the location of a building or principal entrance(s). If approved by the Committee, the consent application will result in the front lot lines of both the retained and severed parcels abutting Massey Lane. The front yard of the retained parcel will become the yard between the existing and Massey Lane, extending the full width of the lot between the interior and corner side lot lines.

Per Section 5 (1) of the Fence By-law 2003-462, the maximum permitted height of a fence in a front yard is 1 metre. If consent to sever the lots is granted, the existing fence on the retained and severed parcels will no longer conform to the Fence By-law.

Planning Forestry

The proposed severance will have no direct impact to existing trees. Development on the severed parcel will impact protected trees. The development must be designed with the least impact to protected trees that are outside of the as-of-right building footprint. To ensure that the City-owned Tree 7 is adequately considered and protected during development on the severed parcel, securities for the value of the tree will be held for two years post-construction.

Right of Way Management

The proposed single detached dwelling has permitted access from Massey Lane. However, the submitted plans do not identify where the private approach will be established.

The Owner(s), or any subsequent Owner(s) shall provide an updated set of plans which identify the location and configuration of the proposed private approach to the satisfaction of the General Manager, Planning, Real Estate and Economic Development. The Owner(s), or any subsequent Owner(s), acknowledges and agrees to obtain a private approach permit for the proposed detached dwelling. In addition, the private approach shall be designed and located in accordance with and shall comply with the City's Private Approach By-Law, being By-law No. 2003-447, as amended, and shall be subject to approval of the General Manager, Planning, Real Estate and Economic Development.

Furthermore, any works required to be done by the Owner(s) on the City Road allowances shall be according to the specifications and by-laws of the City. The Owner, or its contractor, shall be required to obtain all the necessary permits for road cuts prior to the disruption of the City Road allowance and it is further understood and agreed that the aforementioned cuts shall be reinstated to the satisfaction of the Director, Infrastructure Services.

CONDITIONS

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

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 Development Review Manager of the East Branch within the Planning, Real Estate and Economic Development Department, or his/her designate, that the attached carport has been demolished in accordance with a demolition permit and that any required or provided parking spaces and their associated driveway(s) have been re-established in conformity with the Zoning By-law.
3. That the Owner(s) provide proof to the satisfaction of the Development Review Manager of the East Branch within the Planning, Real Estate and Economic Development Department, or his/her designate, that the accessory buildings have been demolished and/or relocated in conformity with the Zoning By-law.
4. That the Owner(s) provide proof to the satisfaction of the Development Review Manager of the East Branch within the Planning, Real Estate and Economic Development Department, or his/her designate, that the swimming pool and its enclosure have been removed and soft landscaping has been reinstated.
5. That the Owner(s) provide proof to the satisfaction of the Development Review Manager of the East Branch within the Planning, Real Estate and Economic Development Department, or his/her designate, that the fence on the proposed severed parcel is removed and the fence on the retained parcel is either removed or reinstated in conformity with the Fence By-law, or that the Owner(s) provide proof to the satisfaction of the Development Review Manager of the East Branch within the Planning, Real Estate and Economic Development Department, or his/her designate, that the Director, By-law and Regulatory Services, or his/her designate, has granted an exemption from or other special permission related to the By-law such that the fence on the retained parcel is permitted to remain.
6. That the Owner(s), prior to the issuance of a building permit, shall enter into a Development Agreement with the City of Ottawa, at the expense of the Owner/Applicant(s), and to the satisfaction of the General Manager of the Planning, Real Estate, and Economic Development Department, or his/her designate. A development agreement is to be registered on Title of the property (where applicable), which will include:
 - a. The mitigation measures outlined in the approved Tree Information Report V 2.0, prepared by Dendron Forestry Services, dated July 10, 2023, and associated security for tree protection. The securities, which will be based on the value of the trees to be protected (# 7) shall be retained for 2 years following completion of construction and returned to the owner only upon the City having received a report from an arborist or appropriate professional confirming that the trees identified are in good health and condition and remain structurally stable.
 - b. The location of the proposed structures, including the driveways, retaining walls, services, projections, etc., shown on the Grading and Servicing Plan, will be determined based on the least impact to protected trees and tree

cover. The Owner(s) further acknowledges and agrees that this review may result in relocation of these structures and agrees to revise the 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.

7. That the Owner(s) provide proof to the satisfaction of the Development Review Manager of the East Branch within the 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.
8. 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 General Manager of the East Branch 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 General Manager of the East Branch within the Planning, Real Estate and Economic Development Department, or his/her designate.
9. That the Owner(s) convey a 3m x 3m corner sight triangle located at the intersection of Rebecca Crescent and Massey Lane 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.



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