

2023-09-14



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

PLANNING, REAL ESTATE AND ECONOMIC DEVELOPMENT DEPARTMENT

Site Address: 284 Dovercourt Avenue
Legal Description: Lot 23, Registered Plan 310
File No.: D08-01-23/B-00194 & D08-01-23/B-00220
Report Date: September 14, 2023
Hearing Date: September 20, 2023
Planner: Margot Linker
Official Plan Designation: Inner Urban Transect, Neighbourhood, Evolving Neighbourhood Overlay
Zoning: R3S (Residential Third Density, Subzone S)

DEPARTMENT COMMENTS

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

DISCUSSION AND RATIONALE

The subject site is located within the Inner Urban Transect Policy Area on Schedule A and designated Neighbourhood within the Evolving Neighbourhood Overlay within Schedule B2 in the Official Plan, which is generally planned for providing a full range of context-sensitive low-rise housing options. The severance of the land to accommodate separate ownership of an existing long semi-detached dwelling is consistent with Section 11.5 Policy 4 in the Official Plan by creating lots with appropriate lot patterns and dimensions in support of ground-oriented residential development that is consistent with the planned context.

The subject site is zoned R3S (Residential Third Density, Subzone S), which allows for a mix of residential building forms ranging from detached to townhouse dwellings.

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. It appears that the severance will allow for separate ownership of the existing front and rear units, and the easement will allow for access to the secondary dwelling unit entrances for the rear unit as well as for access and legal interior yard

parking for the front unit. In addition, it appears that the existing pole width is adequate to provide separate servicing to the rear unit.

ADDITIONAL COMMENTS

Planning Forestry

Planning Forestry does not have concerns with the consent application proposed.

Tree removal permits were issued for this property through the building permit process. Conditions of the permit were to plant replacement trees on the property. Photos were provided by the applicant's agent on August 9th, 2023, showing the compensation trees have been planted on the property.

Right of Way Management

The Right-of-Way Management Department has no concerns with the proposed Consent Application. There are no planned changes to the Private Approach and easements are being created to provide access across the Parts. The Applicant is required to apply for a private approach permit to formalize the entrance as outlined in the approved grading plan from the permit application A21-000976 and Building Permit 2103421.

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 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.
2. 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 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 Dovercourt Avenue, 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 **Development Review 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 **Development Review 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.

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.

4. That the Owner 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:

“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 Agreement 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**. The Committee requires a copy of the Agreement and written confirmation from **City Legal Services** that it has been registered on title. (Within 500m of Highway 417).



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