

2023-09-28



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

PLANNING, REAL ESTATE AND ECONOMIC DEVELOPMENT DEPARTMENT

Site Address: 25 Pennard Way
Legal Description: Part of Block 13, Registered Plan 4M-997
File No.: D08-01-23/B-00057, D08-01-23/B-00058 & D08-02-23/A-00110
Report Date: September 28, 2023
Hearing Date: October 3, 2023
Planner: Justin Grift
Official Plan Designation: Neighbourhood in the Outer Urban Transect
Zoning: R4S [923]

DEPARTMENT COMMENTS

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

BACKGROUND

The subject applications were adjourned sine die at the June 6th, 2023 hearing, due to additional zoning deficiencies that were identified. The applicant has modified their plans and variances that are being sought reflect the plans seen today.

DISCUSSION AND RATIONALE

The Official Plan designates the subject property as Neighbourhood in the Outer Urban Transect. The policies pertaining to this designation support a wide variety of housing types with a focus on lower density missing-middle housing that reflects the built form context of the neighbourhood.

The property is zoned *Residential Fourth Density, Subzone S and Exception 923 (R4S [923])*. The purpose of this zone is to allow a mix of residential buildings forms ranging from detached to low-rise apartment dwellings, as well as regulate development in a manner that is compatible with existing land use patterns so that the character of a neighbourhood is maintained or enhanced. As seen on the Draft 4R, the severed and retained parcels meet the minimum lot size requirements in the *R4S [923] zone* for detached and semi-detached dwellings.

With respect to the criteria for the subdivision of land listed in Section 51(24) of the Planning Act, R.S.O. 1990, Staff has no concerns with the proposed severance and its conformity with the minimum lot size requirements. The severance will facilitate the development of several dwellings and result in three lots that have frontage on established municipal roads connected to municipal services.

Front and Rear Yard Setback on Part 3 (Variances a and b)

Staff has no concerns with variances a and b, to allow the front and rear yard setback to be reduced from 5 to 3 metres for the detached dwelling. The intent of a front yard setback is to maintain a consistent front yard along a street and ensure there is an adequate buffer between buildings and the right-of-way. The intent of a rear yard setback is to maintain a buffer between adjacent properties and buildings. Staff is of the opinion that with the shape of the lot and the sharp bend of the property lines along the corner, that the placement of the dwelling will remain consistent with the setback of the existing dwellings along Pennard Way and Inverkip Avenue. Staff notes that the applicant is also meeting the minimum required aggregate front and corner side yard landscaping required in the Zoning By-law. Thus, Staff is satisfied that the subject variances are minor and desirable for the proposed detached dwelling.

ADDITIONAL COMMENTS

Forestry

There are 7 City owned trees surrounding the subject property. Two trees (2 and 5), that are in fair health, are proposed for removal because of conflicts with proposed driveways. An application for an infill tree removal must be made for each tree. Removal of these trees is not approved until permits are obtained. Compensation in the form of monetary payment, tree planting, or both will be required. Selecting large canopy trees where appropriate as replacement plantings is a priority to contribute to the city's 40% urban canopy cover target.

The Official Plan, section 4.8.2, policy 3(e) states that planning and development review processes shall support the goals and effective implementation of the Tree Protection By-law, including early consideration of trees in application and business processes. Adequately planning and designing around protected trees is the best approach to retaining healthy trees and protecting the City's tree canopy. Securities will be held for four City owned trees (# 1,3,4, 6 and 7) being retained to ensure they will be protected throughout construction.

Right-of-Way

The Right-of-Way Management Department has no concerns with the proposed Consent & Minor Variance Applications. However, the Owner shall be made aware that a private approach permit is required to construct the newly created driveway/approach.

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):

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.

Trees

2. Prior to the issuance of a building permit, the Owner/Applicant(s) shall prepare a Letter of Undertaking (LOU) 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 the mitigation measures outlined in the approved Tree Information Report, prepared by Dendron Forestry Services, dated March 27, 2023, and associated security for tree protection. The Development Agreement shall be 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.
 - a. The Owner(s) agree to provide securities for a period of 2 years following the final occupancy permit, which is equivalent to the value of the trees to be protected (tree #s 1,3,4, 6 and 7). The Owner(s) agree that the security shall be returned to the owner only upon the City having received a report from an arborist or appropriate professional confirming trees # 1,3,4,6 that they are in good health and condition and remain structurally stable. The Owner(s) acknowledge and agree that if, in the opinion of the City Forester and/or the General Manager, Planning, Infrastructure, and Economic Development, the report indicates that trees # 1,3,4, 6 or 7 is declining and must be removed, the Security, will be forfeited for the relevant tree(s).
 - b. That the Owners agree 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 tree cover. 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 relevant Branch within the

Planning, Real Estate and Economic Development Department, or his/her designate.

Servicing

1. That the Owner(s) provide evidence to the satisfaction of both the Chief Building Official and Development Review Manager, Planning, Real Estate and Economic Development Department, or designates, that both severed and retained parcels have their own independent water, sanitary and storm connection as appropriate, and that these services do not cross the proposed severance line and are connected directly to City infrastructure. Further, the Owner(s) shall comply with 7.1.5.4(1) of the Ontario Building Code, O. Reg. 332/12 as amended. If necessary, a plumbing permit shall be obtained from Building Code Services for any required alterations.

In the case of a vacant parcel being created, the Owner(s) shall provide evidence (servicing plan), to the satisfaction of the Development Review Manager of the Select Branch within Planning, Infrastructure and Economic Development Department, or his/her designate, to be confirmed in writing from the Department to the Committee, that the parcel has access to sufficient services with adequate capacity.

2. 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 Lily Xu of the South Branch within Planning, Infrastructure 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 Lily Xu of the South Branch within Planning, Infrastructure and Economic Development Department, or his/her designate.

Asphalt Overlay

3. That the Owner(s) enter into a Development Agreement with the City, at the expense of the Owner(s) and to the satisfaction of Lily Xu of the South Branch within Planning, Infrastructure and Economic Development Department, or his/her designate, to require that an asphalt overlay will be installed, at the Owner(s) expense, on Pennard Way, 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 Lily Xu of the South Branch within Planning, Infrastructure 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 Lily Xu of the South Branch within Planning, Infrastructure 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.

Joint Use, Maintenance and Common Element

4. That the Owner(s) enter into Joint Use, Maintenance and Common Element, 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 South Branch within Planning, Infrastructure and Economic Development Department, or his/her designate, and City Legal Services. The Committee requires written confirmation that the Agreement is satisfactory to Select Manager of the Select Branch within Planning, Infrastructure 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.

Noise

5. 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.”

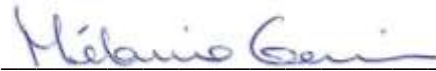
The Committee requires a copy of the Agreement and written confirmation from City Legal Services that it has been registered on title.

Corner Sight Triangle

6. That the Owner convey a 3m x 3m corner sight triangle located at the intersection of Inverkip Ave and Pennard Way 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.



Justin Grift
Planner I, Development Review, South
Planning, Real Estate and Economic
Development Department



Mélanie Gervais, MCIP, RPP
Planner III, Development Review, South
Planning, Real Estate and Economic
Development Department