

2023-10-12



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

PLANNING, REAL ESTATE AND ECONOMIC DEVELOPMENT DEPARTMENT

Site Address: 4 Huron Avenue North
Legal Description: Lot 539, Registered Plan 152206
File No.: D0-01-23/B-00234 & 237 D0-02-23/A-00223
Report Date: October 10, 2023
Hearing Date: October 17, 2023
Planner: Jerrica Gilbert
Official Plan Designation: Inner Urban Transect, Neighbourhood, Evolving
Neighbourhood Overlay
Zoning: R3T, Mature Neighbourhoods Overlay

DEPARTMENT COMMENTS

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

DISCUSSION AND RATIONALE

The proposed severances will facilitate the establishment of separate ownership of each principal unit in an existing long semi-detached dwelling, constructed in 2021. Given the flag lot configuration, easements are proposed over Parts 1, 3, 5 and 6 for access, parking, recycling and compost storage.

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.

The subject site is within the Inner Urban Transect Policy Area on Schedule A and is designated Neighbourhood on Schedule B2 in the Official Plan. The Neighbourhood designation allows low-rise development in an efficient form that is compatible with existing development patterns. The property is also within the Scott Street Secondary Plan, which directs greater intensification to certain areas while maintaining the low-rise character in other locations. The subject site is designated a low-rise neighbourhood under the Scott Street Secondary Plan.

The property is zoned Residential Third Density Subzone T (R3T), which permits semi-detached dwellings. The applicant has requested that a variance of 0.75 metres be considered to reduce the minimum lot width of the pole portion for a long semi-detached dwelling severed in a flag lot configuration required by Section 145.4(b) of the Zoning By-law from 2.2 metres to 1.45 metres. The size and shape of the proposed lots are suitable for the use of the land and the consents otherwise meet all Zoning By-law requirements.

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.

Minimum pole width is regulated by the Zoning By-law for long semi-detached dwelling severances to ensure the provision of adequate space for the servicing laterals to the rear unit of the semi. In this circumstance, the semi is already constructed and the rear unit serviced. Discussions with Engineering staff found no concerns with the reduced pole width. A condition has been included to ensure that that front unit will be serviced separately from the rear unit. Staff have no concerns regarding the variance to adjust the pole width.

ADDITIONAL COMMENTS

Infrastructure Engineering

All trees on City property and private trees greater than 30cm in diameter in the inner urban area are protected under the Tree Protection By-law (2020-340), and plans are to be developed to allow for their retention and long-term survival. A Tree Removal Permit and compensation are required for the removal of any protected tree.

Existing grading and drainage patterns must not be altered.

Asphalt overlay would be required if three or more road-cuts proposed on City Right of way. This requirement includes the road cut for blanking of existing services as well as any other required utility cuts (ie, gas, hydro, etc.).

This property does not have frontage on a storm sewer. Service lateral spacing shall be as specified in City of Ottawa Standard S11.3. In accordance with the Sewer Connection By-Law a minimum spacing of 1.0m is required between service laterals and the foundation face.

Encroachment on or alteration to any easement is not permitted without authorization from easement owner(s).

Forestry

This site has already been constructed, including the permitted removal of one tree. There are no tree-related concerns with the proposed consents or minor variance. A tree planting plan is required to show the locations of the three compensation trees required under the tree permit; these trees must be planted in order to clear the condition.

Right-of-Way Management

The Right-of-Way Management Department has **no concerns** with the Consent and Minor Variance Applications as there are no requested changes to private approach.

Transportation Engineering

The site is located within 300 m of the OLRT 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 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 evidence to the satisfaction of both the Chief Building Official and Development Review Manager, Planning, Real Estate and Economic Development Department, or their 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.
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 the Development Review Manager of the Central Branch within Planning, Real Estate and Economic Development Department, or their designate, to require that an asphalt overlay will be installed, at the Owner(s) expense, on Huron Avenue North, 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 their 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 their designate determines that a Development Agreement requiring an asphalt overlay is no longer necessary, this condition shall be deemed as fulfilled.

4. That the Owner(s) enter 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 their 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 their 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.

5. 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.”

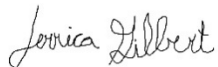
The Agreement shall be to the satisfaction of the Development Review Manager of the Central Branch within Planning, Real Estate and Economic Development Department, or their designate. The Committee requires a copy of the Agreement and written confirmation from City Legal Services that it has been registered on title.

6. 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 Agreement shall be to the satisfaction of the Development Review Manager of the Central Branch within Planning, Real Estate and Economic Development Department, or their designate. The Committee requires a copy of the Agreement and written confirmation from City Legal Services that it has been registered on title.

7. The Owner/Applicant(s) shall prepare and implement a tree planting plan, prepared to the satisfaction of the Development Review Manager of the relevant Branch within the Planning, Real Estate and Economic Development Department, or their designate, showing the location(s) of the specified number of compensation trees (50mm caliper) required under the Tree Protection By-law.



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