

2023-10-26



**CONSENT & MINOR VARIANCE APPLICATION  
COMMENTS TO THE COMMITTEE OF ADJUSTMENT  
PANEL 1**

**PLANNING, REAL ESTATE AND ECONOMIC DEVELOPMENT DEPARTMENT**

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Site Address: 60 Lees Avenue  
Legal Description: Part of Lot 8, Registered Plan 28  
File No.: D08-01-23/B-00204, D08-01-23/B-00205 & D08-02-23/A-00196, D08-01-23/A-00197  
Report Date: October 26, 2023  
Hearing Date: November 1, 2023  
Planner: Margot Linker  
Official Plan Designation: Inner Urban Transect, Minor Corridor, Evolving Neighbourhood Overlay  
Zoning: R3P (Residential Third Density, Subzone P)

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**DEPARTMENT COMMENTS**

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

**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.

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 and have no concerns with the requested minor variances.

The subject site is located within the Inner Urban Transect Policy Area in Schedule A and is designated Minor Corridor within the Evolving Neighbourhood Overlay in Schedule B2 in the Official Plan. Minor Corridors within the Inner Urban Transect should have building heights that are context-sensitive and emphasizes having active entrances facing the Minor Corridor. The subject site is also located within the Old Ottawa East Secondary Plan. Low-rise neighbourhoods in this plan are anticipated to maintain the general character as expressed by the existing zoning, with more intensification primarily closer to arterial and collector roads.

The subject site is located within the R3P (Residential Third Density, Subzone P) zone, which allows a mix of residential building forms ranging from detached to townhouse dwellings in areas designated as General Urban Area in the Official Plan.

Staff have no concerns with the minor variances for reduced lot area and lot width. Minimum lot sizes are prescribed to ensure that all elements associated with the introduction of long semi-detached dwellings can be adequately accommodated on site. The site plan demonstrates that the proposal will comply with all other provisions in the Zoning By-law.

### **ADDITIONAL COMMENTS**

This proposal may be subject to a stormwater management review at the Building Permit stage.

### **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. Any proposed works to be located within the road allowance requires prior written approval from the Infrastructure Services Department.
3. 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**.
4. Existing grading and drainage patterns must not be altered.
5. Existing services are to be blanked at the owner's expense.
6. 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 (ie, gas, hydro, etc.).
7. Provide a minimum of 1.5m between the proposed driveway and the utility pole.
8. Service lateral spacing shall be as specified in **City of Ottawa Standard S11.3**.
9. In accordance with the Sewer Connection By-Law a **minimum spacing of 1.0m is required between service laterals and the foundation face**.
10. A geotechnical memo addressing the spacing for adequate access for repair and maintenance of the services may be requested.

### **Planning Forestry**

Planning Forestry does not have concerns with the severance application.

The TIR has identified one protected tree on the subject property. Tree # 1 conflicts with the as of right building footprint. An infill tree removal permit must be applied for through the City of Ottawa website. Compensation in the form of planting two trees on the subject property will be required as a condition of the permit. The TIR suggests burr oak, a large canopy species, be planted on the property post construction. A planting plan must be approved by the Infill Forestry Inspector before a tree removal permit would be issued.

### **Right of Way Management**

The Right-of-Way Management Department has no concerns with the proposed Consent and Minor Variance Applications. However, the Owner shall be made aware that a private approach permit is required to provide reciprocal access over Parts 1&2 and Parts 3&4. In addition, the Owner shall be further made aware that a private approach permit is required to remove the redundant approach and reinstated to soft landscaping.

### Transportation Engineering

1. Please note that Lees Avenue is a designated cycling spine route.
2. Please note that Lees Avenue has a protected right of way of 18.5m per Schedule C16 of the Official Plan. A right of way widening/dedication is required as part of this application.

### 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 **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 the existing dwelling/building has been removed.
3. 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.
4. That the Owner(s) provide 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 the accessory structure has been demolished in accordance with the demolition permit or relocated in conformity with the Zoning By-law.
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 **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. The grading and drainage plan shall delineate existing and proposed grades for both the severed and retained properties, to the satisfaction of the **Development Review Manager of the Central Branch within Planning, Real Estate and Economic Development Department, or his/her designate**.

6. 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 Lees 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.
7. Pursuant to Section 50.1(25)(c) of the Planning Act and Schedule C16 of the City's new Official Plan, the Owner acknowledges and agrees to convey to the City, at no cost to the City, an unencumbered road widening across the complete **16.15m frontage** of the lands, measuring **9.25 meters** from the existing centerline of pavement/the abutting right-of-way. The exact widening must be determined by legal survey. The Owner shall provide a reference plan for registration, indicating the widening, to the City Surveyor for review and approval prior to its deposit in the Land Registry Office. Such reference plan must be tied to the Horizontal Control Network in accordance with the municipal requirements and guidelines for referencing legal surveys. The Owner(s) must provide to the City Surveyor a copy of the Committee of Adjustment Decision and a draft Reference Plan that sets out the required widening. The Committee requires written confirmation from City Legal Services that the transfer of the widening to the City has been registered. All costs shall be borne by the Owner.
8. 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.

9. The Owner(s) shall prepare a noise attenuation study in compliance with the City of Ottawa Environmental Noise Control Guidelines to the satisfaction of the **General Manager, Planning, Infrastructure and Economic Development Department, or his/her designate**. The Owner(s) shall 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 (arterial, highway, airport, etc.). The Agreement shall be to the satisfaction of the **General Manager, 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. (Within 10m of a 2-lane arterial road (Lees Avenue) and within 500m of Highway 417).

*Margot Linker*

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