

2023-11-09



**CONSENT APPLICATION
COMMENTS TO THE COMMITTEE OF ADJUSTMENT
PANEL 2**

PLANNING, REAL ESTATE AND ECONOMIC DEVELOPMENT DEPARTMENT

Site Address: 2199 Boyer Road
Legal Description: Part of Lot 4 Concession 2 (Ottawa Front), Geographic Township of Gloucester
File No.: D08-01-23/B-00203 and D08-01-23/B-00262
Report Date: November 9, 2023
Hearing Date: November 14, 2023
Planner: Jerrica Gilbert
Official Plan Designation: Suburban Transect, Neighbourhood Designation
Zoning: R2N

DEPARTMENT COMMENTS

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

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.

The proposed severed and retained parcels meet the requirements of both the Official Plan and the Zoning By-law.

ADDITIONAL COMMENTS

Planning staff had initial concerns during the application's review due to the proposed development containing a stairwell that will be used for shared access for the building's Accessory Dwelling Units (ADUs). Part 5 as identified on the reference plan contains the stairwell. Part 5 will be owned entirely by the front unit of the long semi-detached structure (Parts 1, 2 and 5). The existence of a common stairwell subject to an easement

is unusual in a long semi-detached dwelling. Planning staff had concerns that the proposed development did not meet the Zoning By-law's definition of a long semi-detached dwelling. The applicant's justification for the staircase is that the shared entrance for the ADUs will result in space being used more efficiently within the building.

After conferring with staff in Policy Planning, Building Code Services, and Legal Services, City staff are satisfied that as long as the property line falls on the common wall, the structure meets the definition of a long semi-detached dwelling and that a Joint Use, Maintenance and Common Elements Agreement can adequately deal with 2199 Boyer's common staircase.

It has been noted to the applicant that if there are Additional Dwelling Units installed on the second storey of the building, then a second mode of egress will need to be provided to the units as per the requirements of the Ontario Building Code.

Infrastructure Engineering

Each half of the semi-detached dwelling must have its own services. Easements for drainage and services, if required, must be shown on the grading and servicing plans required as a condition of the consent.

Planning Forestry

A Tree Information Report (TIR) was not required for this site as the only tree on the property is under 50cm in diameter. The site plan has been revised since pre-consultation to reduce the amount of hard surface area in the rear yard, leaving ample soft landscaping both in the front and rear yards. A tree planting plan must be provided showing a minimum of one new 50mm tree (large-growing species are a priority) in the front and rear yards to improve both the streetscape and canopy cover.

CONDITIONS

If approved, the Planning, Real Estate and Economic Development Department requests that the Committee of Adjustment impose the following conditions on the applications:

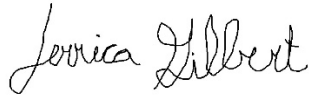
1. That the Owner(s) provide evidence that payment has been made to the City of Ottawa for cash-in-lieu of the conveyance of land for park or other public recreational purposes, plus applicable appraisal costs. The value of land otherwise required to be conveyed shall be determined by the City of Ottawa 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 a combined Grading and Drainage Plan and Site Servicing Plan to the satisfaction of the Manager of the relevant branch of the Planning, Real Estate, and Economic Development Department, or their designates. The plans can be shown on one sheet or multiple sheets, but must include the following information.

- a. The Grading and Drainage Plan must be prepared by a relevant professional (Professional Engineer (P.Eng.), Certified Engineering Technologist (CET), Ontario Land Surveyor (OLS), Professional Landscape Architect (OLA), or Professional Architect (OAA)) and must adhere to the following:
 - i. Minimum Grading and Servicing Plan Specifications Infill Serviced Lots; and
 - ii. City of Ottawa Standard Drawings, By-laws, and Guidelines, as amended.
 - b. The Site Servicing Plan must be prepared by a relevant professional (Professional Engineer (P.Eng.), Certified Engineering Technologist (CET), or Ontario Land Surveyor (OLS)) and adhere to the same requirements as noted for the Grading & Drainage Plan.
 - c. In the case of a vacant parcel being created, the plan(s) must show a conceptual building envelope to establish that the lot can be graded to a sufficient and legal outlet and has access to services with adequate capacity.
 - d. The Grading and Servicing Plans must show the proposed planting locations from the associated Tree Planting Plan to be prepared as a condition of the severance.
3. 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 Agreement shall be to the satisfaction of the Manager of the East Branch within the Planning, Real Estate and Economic Development Department, or their designate, and City Legal Services.

The Owner shall ensure that the Agreement is binding upon all the unit owners and successors in title. The Committee requires written confirmation that the Agreement is satisfactory to the Manager of the East Branch within the 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.

4. The Owner/Applicant(s) shall prepare and submit 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 his/her designate, showing the location of one new 50mm tree to be planted on each lot following construction, to enhance the urban tree canopy and/or streetscape.



Jerrica Gilbert, RPP, MCIP
Planner I, Development Review, East
Planning, Real Estate and Economic
Development Department



Michael J. Boughton, RPP, MCIP
Planner III, Development Review, East
Planning, Real Estate and Economic
Development Department