

2023-11-09



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

PLANNING, REAL ESTATE AND ECONOMIC DEVELOPMENT DEPARTMENT

Site Address: 567 & 569 Edison Avenue
Legal Description: Part of Lots 30 and 31, Registered Plan 204
File No.: D08-01-23/B-00271
Report Date: November 06, 2023
Hearing Date: November 15, 2023
Planner: Basma Alkhatib
Official Plan Designation: Inner Urban Transect, Neighbourhood Designation,
Mature neighbourhood Overlay, Intake protection zone (8.1)
Zoning: **R4UA [2686] H (8.5) (Residential zone fourth density,
subzone UA, exception 2686, maximum height 8.5 meters)**

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.

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 proposed severance will facilitate the establishment of two separate ownership of each principal unit in the existing semi-detached, permitted use in the R4UA zone. The R4UA zone allows a mix of residential building forms ranging from detached to Planning unit development. This zone requires a minimum lot area of 180 square meters and a minimum lot width of 6 metres for semi-detached. The proposed severance will provide two lots, both with width and area that exceeds the minimum requirements by the Zoning By-law.

Since the subject site is within 38 meters of Major Collector Churchill Ave, a noise condition is added to this application to ensure consistency with the Official Plan.

The Department has **no concerns** with the proposed consent application because it adheres to the Official Plan policies for those lands designated as Inner Urban Neighbourhood. The size and shape of the proposed lots are suitable for the use of the land and the lots will front onto an established municipal road with municipal services.

ADDITIONAL COMMENTS

Planning Forestry

There are no existing protected trees on the subject property. A condition is being requested to plant one new tree planted on each lot. Planting trees contributes to urban canopy cover and the streetscape which is supported by section 4.8.2 of the Official Plan. A tree planting plan has been provided showing a large canopy tree will be planted in the City right-of-way of Part 2 and a medium sized trees will be planted in the rear yard of Part 1. There is a fire hydrant in front of Part 1 which would conflict with front yard tree planting for this dwelling. This plan is to be implemented once construction of the units is completed.

Right of Way Management

The Right-of-Way Management Department has **no concerns** with the proposed Consent to sever. However, the Owner shall be made aware that private approach permits are required to construct each of the newly created driveways/approaches and close the portion of the existing redundant private approach.

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 evidence that the 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.
2. That the Owner(s) provide evidence to the satisfaction of both the Chief Building Official and Development Review Manager of the Central Branch within 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.
3. 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.

4. That the Owner(s) enter into a Joint Use, Maintenance and Common Elements 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.

5. The Owner(s) shall:
 - a. 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 also 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. 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;
 - OR**
 - b. Design the dwelling units with the provision for adding central air conditioning at the occupant's discretion and **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, warning purchasers and/or tenants of expected noise

levels due to the existing source of environmental noise. **The following two conditions will be included in the above-noted Agreement:**

Notices-on-Title respecting noise:

i) "The Purchaser/Lessee for himself, his heirs, executors, administrators, successors and assigns acknowledges being advised that this dwelling unit has been fitted with a forced air heating system and the ducting, etc. was sized to accommodate central air conditioning. Installation of central air conditioning by the Purchaser/Lessee will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the City of Ottawa's and the Ministry of the Environment and Climate Change's noise criteria;" and

ii) "The Purchaser/Lessee for himself, his heirs, executors, administrators, successors and assigns acknowledges being advised that noise levels due to increasing roadway traffic may be of concern, occasionally interfering with some activities of the dwelling occupants as the outdoor sound level exceeds the City of Ottawa's and the Ministry of the Environment and Climate Change's noise criteria."

6. 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 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.
7. The Owner/Applicant(s) shall prepare and implement a **tree planting plan**, prepared to the satisfaction of the Development Review Manager of the Central 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 in the rear yard of Part 1 and in the right-of-way of Part 2 following construction, to enhance the urban tree canopy and streetscape.

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