



Consent & Minor Variance
COMMENTS TO THE COMMITTEE OF ADJUSTMENT
Panel 2

Site Address: 100 James Cummings Avenue
Legal Description: Part of Lot 11, Concession 1, Geographic Township of Nepean
File Nos. : D08-01-23/B-00290 & D08-01-23/B-00291
D08-02-23/A-00271 & D08-02-23/A-00272
Date: December 7th, 2023 Hearing Date: December 12th, 2023
Planner: Shahira Jalal
Official Plan Designation: Outer Urban Transect, Neighborhood Designation
Zoning: R1E

DEPARTMENT COMMENTS

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

DISCUSSION AND RATIONALE

The property is designated Neighbourhood within the Outer Urban Transect of the Official Plan (OP). Section 5.3 of the OP encourages increased density in Neighbourhoods. Creating another lot from one large lot supports this policy. Infill development within the built-up urban area is in keeping with the growth management strategy under Section 2.2.1 that includes a 60 per cent intensification target by 2046.

The property is zoned Residential First Density, subzone E (R1E). The requested consent and minor variances are consistent with the intent of the R1E zone, which are among others, to “restrict building form to detached dwellings” and “regulate development in a manner that is compatible with existing land use patterns so that the detached dwelling, residential character of a neighbourhood is maintained or enhanced. Variances to permit reduce lot width, lot area and lot coverage is indeed minor in nature and would still provide for appropriate development of one detached dwelling on each lot.

Staff note that several other R1E zoned lots in the immediate area on James Cummings Avenue and Cyrus Court share similar lot sizes and lot widths



which are comparable in size to those proposed under this consent application.

ADDITIONAL COMMENTS

HERITAGE

The subject property is listed on the City's Heritage Register. Heritage Planning has **no concerns** with the proposed Consent & Minor Variance Applications. However, the Owner shall be made aware that retention of the stone wall for 100 James Cummings is encouraged.

RIGHT-OF-WAY

The owner should remove the cedar board wall with shingle cap overhang, including pillars, that fall within the City of Ottawa Right-of-Way abutting James Cummings Ave in front of PART 2 crossing PART 1. This is a violation of the Use and Care of Roads (Bylaw No. 2003-498) as well as the Fence (By-law No. 2003-462).

In addition, the Owner shall be made aware that private approach permits are required to construct each of the newly created driveways/approaches.

BUILDING CODES

Building Code Services does not have any comments.

FORESTRY

The Tree Information Report (TIR) identified four (4) protected trees within the subject lands and City of Ottawa property. Since the applicant has no immediate plans to develop the proposed lot (PART 1), Planning Forestry requested the applicant prepare a map showing the as of right building footprint as it relates to protected trees. A plan containing this information was provided, separate to the TIR, and submitted to the Committee of Adjustment for their record. This information will be used to inform future development design decisions with the least impact to protected trees. The Official Plan Section 4.8.2 Policy 6, states that approvals granted by Council or Committee of Adjustment may include conditions to support tree protection, removal and replanting. As a result, Planning Forestry is requesting a condition be applied to the severance to hold securities for City owned tree #2, a 53 cm tree in good condition. This tree is in the Right of Way fronting James Cummings. This security would require future development to design around this tree including but not limited to locating services, driveway and other design features on the property without forcing removal of this tree (within reason).

Tree 1 is described as being in poor condition. Please contact 311 to report concerns with this trees health or public safety if warranted in the future.



TRANSPORTATION ENGINEERING SERVICES

Please note that Carling Avenue is designated as a protected right of way and requires a 44.5m ROW be maintained per Schedule C16 of the Official Plan. Lands that fall within the Carling Avenue ROW protection should be dedicated to the City of Ottawa as part of this application.

In addition, per Policy 2.1.1 (e) of Schedule C16, A 5x5 corner triangle is required at the corner of Carling Avenue and James Cummings Avenue.

CONDITIONS OF APPROVAL

The Department further requests that the following conditions be imposed on the consent application if approved:

Parks:

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.

Building Code Services:

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 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) satisfy the Chief Building Official, or designate, by providing design drawings or other documentation prepared by a qualified designer, that as a result of the proposed severance the existing building on Part 2 on the Draft 4R plan shall comply with the Ontario Building Code, O. Reg. 332/12 as amended, in regards to the limiting distance along the [North] property line. If



necessary, a building permit shall be obtained from Building Code Services for any required alterations.

4. That the Owner(s) provide evidence to the satisfaction of the Chief Building Official, or designate, that the accessory structures – Portion of the frame deck attached to the dwelling on part 2 and small cedar shingle sided garage Located in the North west corner of Part 1 have been demolished or relocated under the authority of a building permit.

Forestry:

5. Prior to the stamping of the deed(s), the Owner/Applicant(s) shall enter into a Development Agreement 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 Ottawa Tree Reports, dated October 3, 2023, and associated security for tree protection. The securities, which will be based on the value of the trees to be protected Trees 2 and 4 shall be retained for 2 years following completion of construction, and returned to the owner only upon the City having received a report from an arborist or appropriate professional confirming that the trees identified are in good health and condition and remain structurally stable.

Infrastructure Services:

6. That That the Owner(s) provide evidence (servicing plan), to the satisfaction of the Development Review Manager of the West Branch within Planning, Infrastructure and Economic Development Department, or his/her designate, to be confirmed in writing from the Department to the Committee, that both the severed and retained parcels have their own independent water, sanitary and sewer connection, as appropriate, and that these services do not cross the proposed severance line and are connected directly to City infrastructure. If they do cross the proposed severance line, or they are not independent, the Owner(s) will be required to relocate or construct new services from the city sewers and/or watermain at his/her own costs.

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 West 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.

7. That the Owner convey a 5m x 5m corner sight triangle located at the intersection of Carling Ave. and James Cummings Ave. 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.
8. 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 West 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 the Development Review Manager of the West Branch within Planning, Infrastructure and Economic Development Department, or his/her designate.
9. 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 West 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 Carling Avenue and James Cummings 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 West 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.

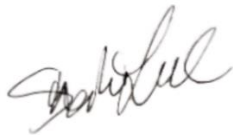
If the Development Review Manager of the West Branch within Planning, Infrastructure and Economic Development Department, or his/her designate, determines that a Development Agreement requiring an asphalt overlay is no longer necessary, this condition shall be deemed as fulfilled.

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

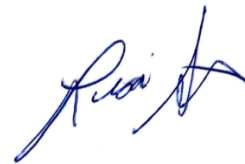
11. That the Owner enter into an Agreement with the City, at the expense of the Owner, which is to be registered on Title to deal with the covenants/notices that shall run with the land and bind future owners on subsequent transfers;

“The property is located next to lands that have an existing source of environmental noise (arterial road) and may therefore be subject to noise and other activities associated with that use”

The Agreement shall be to the satisfaction of the West 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.



Shahira Jalal
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Lisa Stern, MCIP RPP
Planner III, Development Review, West