

2024-02-16



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

PLANNING, REAL ESTATE AND ECONOMIC DEVELOPMENT DEPARTMENT

Site Address: 263 St. Laurent Blvd
Legal Description: Lot 105, Plan 344
File No.: D08-01-23/B-00350, D08-01-23/B-00353, D08-02-23/A-00323, D08-02-23/A-00326
Report Date: February 15, 2024
Hearing Date: February 21, 2024
Planner: Margot Linker
Official Plan Designation: Inner Urban Transect, Corridor
Zoning: R3B (Residential Third Density, Subzone B)

DEPARTMENT COMMENTS

The Planning, Real Estate and Economic Development Department **requests an adjournment of** the applications.

DISCUSSION AND RATIONALE

Regarding the Adjournment Request:

Upon review of the application, it was identified that there was a zoning deficiency with respect to the rear yard setback. The zoning provisions for a townhouse dwelling requires that the minimum rear yard setback be 4m, whereas the applicant is proposing a rear yard setback of 3.82m for Units #2 and #3. Additionally, more information on tree preservation measures is needed.

An adjournment is requested to allow the applicant time to address the zoning deficiency and to continue discussions with the Forestry department.

Regarding the Requested Minor Variance:

The subject site is located in the Inner Urban Transect and is designated as a Corridor, as per Schedules A and B2 of the Official Plan. The transect is characterized by both urban and suburban characteristics, but its intended pattern is urban (5.2.1). The subject site abuts St. Laurent Blvd, a minor corridor. Within this corridor, the Official Plan permits a mix of uses, which intend to support residential uses and the evolution towards a 15-minute neighbourhood (6.2.2(2)). Additionally, buildings with the highest heights and densities are encouraged to be located closer toward the Corridor (6.2.1(2)).

The subject site is located within the R3B (Residential Third Density, Subzone B) zone, which allows for a mix of residential building forms ranging from detached to townhouse dwellings.

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. It follows the direction of the Official Plan to achieve more growth by intensification and remains consistent with the neighbourhood's lot patterns. Staff have no concerns with the proposed easements as they provide the interior units necessary access to their rear yards.

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.

When reviewing minor variances to permit a reduced lot size, planning staff consider if all elements associated with introducing townhouses can be adequately accommodated on site. Staff have no concerns with the proposed development as it is still able to meet the minimum requirements for setbacks and landscaping. The proposed height remains consistent with what is permitted along minor corridors, as per 5.2.3(3)(a) of the Official Plan.

ADDITIONAL COMMENTS

Infrastructure Engineering

1. **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. Service lateral spacing shall be as specified in City of Ottawa Standard S11.3.
7. Existing street sign to be relocated at the owner's expense.

Planning Forestry

The proposed removal of two (2) distinctive trees due to conflicts with construction would require the planting of four (4) replacement trees. Impacts to two street trees to be retained (Trees 11 and 14) will require the collection of securities to ensure they are protected through construction.

There appears to be adequate space to plant new trees in the rear yard following construction; the owner should consider planting trees in the rear yard on private

property, to enhance the property and contribute towards the City's 40% canopy goal, as per the Official Plan's policies to enhance and protect the urban forest canopy through growth and intensification (S. 4.8.2).

The proposed location of Unit 1 appears to severely impact Tree 1. Injury or removal of an adjacent tree requires consent from the neighbouring property owner. The applicant was contacted to ensure they have consulted with the neighbour and to request more information on tree preservation measures.

Transportation Engineering

1. The new preferred corner triangle dimensions for collector and local streets is a 3m x 9m triangle with 3m on the local street and 9m on the collector street. Please adjust corner triangle.
2. On street parking is encouraged along local streets to minimize off-street surface parking as per section 5.0, Policy 4 of the Manor Park North and South Secondary Plan.

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/Applicant(s) enter into a Development Agreement or a Letter of Undertaking (LOU) with the City of Ottawa, at the expense of the Owner/Applicant(s), and **to the satisfaction of the Manager of the relevant branch within Planning, Real Estate, and Economic Development Department, or their designate(s)**. A development agreement is to be registered on Title of the property (where applicable). The agreement will include the mitigation measures outlined in the approved Tree Information Report, prepared by IFS associates, dated Nov. 7th, 2023, and associated securities for tree protection. The securities, which will be based on the value of the tree(s) to be protected (**Trees 11, and 14**) shall be retained for two (2) years following issuance of an occupancy permit, and thereafter returned to the owner only upon the City having received a report from an arborist or appropriate professional confirming that the identified trees are healthy, retainable, and remain structurally stable. The Owner(s) acknowledge(s) and agree(s) that **if, in the opinion of the City Forester and/or the Manager of the relevant Branch within Planning, Real Estate, and Economic Development, the report indicates that any tree is**

declining and must be removed, the Security for that tree, in its entirety, will be forfeited.

3. The Owner/Applicant(s) shall prepare and submit a tree planting plan, prepared to **the satisfaction of the Manager of the relevant Branch within the Planning, Real Estate and Economic Development Department, or their designate(s)**, showing the locations, and species or size class (small, medium, large) of the specified number of compensation trees (50 mm caliper) required under the Tree Protection By-law, assuming that all proposed tree removals are permitted.
4. That the Owner/Applicant(s) provide(s) a Grading and Servicing Plan showing that proposed structures such as services, retaining walls, projections, etc. will be designed to allow for the retention and protection of existing trees, as detailed in the Tree Information Report prepared by IFS Associates, dated Nov. 7th, 2023. This plan will be **to the satisfaction of the Manager of the relevant Branch within the Planning, Real Estate and Economic Development Department, or their designate(s)**.
5. The Owner, or any subsequent owners, at its expense acknowledges and agrees to obtain a private approach permit to remove the now redundant approach along **Mart Circle** from the property. In addition, the removal shall be completed in accordance with and shall comply with the City's Private Approach By-Law, being By-law No. 2003-447, as amended, and shall be subject to approval of the **Right-of-Way, Heritage, and Urban Design Department**.

Please contact the ROW Department for any additional information at rowadmin@ottawa.ca

6. 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.
7. 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 to 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.
8. That the Owner(s) submit a Site Servicing Brief prepared by a Professional Civil Engineer licensed in the Province of Ontario, for approval by **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, outlining the municipal servicing requirements for each unit and indicating, if required, that capacity exists within existing City infrastructure.

9. That the Owner(s) enter into an Infrastructure Agreement with the City of Ottawa to extend the municipal services on Mart Circle Street at his/her own costs and post the necessary securities for the work on the City Right-of-Way to the satisfaction of the **City's Planning, Real Estate and Economic Development Department's Infrastructural Approvals Branch** and to the satisfaction of **City Legal Services**. The Owner(s) must also receive the approval of the Ontario Ministry of the Environment Conservation and Parks for the extension of the municipal services. The Committee requires a copy of the Agreement and written confirmation from City Legal Services that it has been registered on title.
10. 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 (garage) has been demolished in accordance with the demolition permit or relocated in conformity with the Zoning By-law.
11. 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 existing structure (shed) straddling the proposed severance line has been demolished in accordance with the demolition permit or relocated in conformity with the Zoning By-law.
12. 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 **Central 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 **Central Manager of the Central Branch within Planning, Real Estate and Economic Development Department, or his/her designate**.
13. That the Owner convey a 3 m x 9 m corner sight triangle located at the intersection of St-Laurent Blvd. and Mart Circle 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.

14. That the Owner(s) enter into a Development Agreement with the City, at the expense of the Owner(s) and to the satisfaction of **Central 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 Mart Circle Street, 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 **Central 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 **Central 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.

15. That the Owner(s) enter into a Joint Use, Maintenance and Operating 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 **Central 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 **Central 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.

16. 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 (Collector St-Laurent Blvd.) and may therefore be subject to noise and other activities associated with that use.”

The Agreement shall be to the satisfaction of **Central 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.



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