

2024-02-14



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

PLANNING, REAL ESTATE AND ECONOMIC DEVELOPMENT DEPARTMENT

Site Address: 2023 Merivale Road
Legal Description: Part of Lot 25, Concession A, Township of Nepean;
Parts 1 to 3 on Registered Plan 5R-13723
File No.: D08-01-24/B-00006 & D08-01-24/B-00007
Report Date: February 15, 2024
Hearing Date: February 20, 2024
Planner: Samantha Gatchene
Official Plan Designation: Outer Urban, Mainstreet Corridor
Evolving Neighbourhood Overlay
Zoning: R1F

DEPARTMENT COMMENTS

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

DISCUSSION AND RATIONALE

The Official Plan designates the property as Mainstreet Corridor within the Outer Urban transect. The property is also within the Evolving Neighbourhoods Overlay. The Official Plan provides policy direction that development along Mainstreet Corridors in the Outer Urban Transect shall permit a mix of uses, including residential, and shall provide suitable transition to abutting low-rise areas. Where a lot is too small to provide such a transition, only low-rise development is permitted. Section 4.6.6 further outlines that low-rise buildings shall include areas for soft landscaping, main entrances at-grade, and front porches, where appropriate. The existing detached dwelling proposed to be retained features a front yard with soft landscaping and front porch main entrance.

The property is zoned Residential First Density Subzone F (R1F). As proposed, the severed and retained lots both comply with the minimum lot width of 19.5 m and the minimum lot area of 600 m².

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 for the subdivision of land listed in Section 51(24) of the Planning Act, R.S.O. 1990, c.P.13, staff have no concerns with the proposed severance. The severance will facilitate the development of a detached dwelling, which conforms with the policies of the Official Plan and is a permitted use in the R1F zone. The size and shape of the resulting lots are suitable for the proposed building form and the lots front onto an established municipal road with municipal services.

ADDITIONAL COMMENTS

Planning Forestry

In order to evaluate the tree impacts of the proposed severance, an updated TIR is required, with a plan including the as-of-right footprint established through Zoning. Future plans must be designed with the least impact to existing protected trees. A tree planting plan must be prepared showing a minimum of one new tree on the ROW or frontage of the new lot to improve the streetscape and canopy cover.

Right of Way Management

The Right-of-Way Management Department has no concerns with the proposed Application. However, the Owner shall be made aware that private approach permits are required to construct the newly created driveway/approaches on the newly severed lands.

That the Owner, or any subsequent owners, at its expense acknowledges and agrees to obtain a private approach permit to establish the required new approach or remove the now redundant approach. No person shall construct, relocate, alter or close a private approach without first obtaining a private approach permit from the General Manager in accordance with the provisions of the City's Private Approach By-law, being By-law No. 2003-447 and a road cut permit in accordance with the provisions of By-law No. 2003-445 being the City's Road Activity By-law or a successor by-law thereto.

Transportation Engineering

Please note that Merivale Road has a 37.5m right-of-way projection per Schedule C16 of the Official Plan. Dedicate the protected right-of-way to the City of Ottawa as part of this application.

The 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 provide the required corner triangle. The corner triangle should be measured from the new property line after widening of the Merivale Road right-of-way.

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 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(s) a revised site plan and Tree Information Report to the satisfaction of the Manager of the relevant Branch within the Planning, Real Estate and Economic Development Department, or their designate(s). This report shall be prepared by an Arborist, identifying all trees protected under the City's Tree Protection by-law, and meeting the standards of the City's Tree Information Report Guidelines, including an assessment of impacts related to the as-of-right building envelope and specific mitigation measures where work is proposed within the Critical Root Zone of a protected tree.
3. That the Owner(s) provide(s) a Grading and Servicing Plan and Site Plan with the locations of proposed structures (driveways, retaining walls, projections, etc.) determined based on the least impact to protected trees and tree cover, as identified in the Tree Information Report, to the satisfaction of the Manager of the relevant Branch within the Planning, Real Estate and Economic Development Department, or their designate(s).
4. 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 location(s), species/ultimate size of one new 50 mm tree to be planted on the new lot following construction, to enhance the urban tree canopy.
5. That the Owner(s) provide evidence (servicing plan), to the satisfaction of the Development Review Manager of the West 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 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.
6. 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 Manager of the West Branch within Planning, Real Estate 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.

7. 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, highway, airport, etc.) and may therefore be subject to noise and other activities associated with that use." The Agreement shall be to the satisfaction of the Manager of the West 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.

8. That the Owner(s) enter into an Agreement with the City, at the expense of the Owner(s), which is to be registered on the Title of the property, to deal with the following covenant/notice that shall run with the land and bind future owners on subsequent transfers:

"The property is located next to lands that have an active railway line now, or may have one in the future, and may therefore be subjected to noise, vibration, and activities associated with this use."

The Agreement shall be to the satisfaction of the Manager of the West 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.

9. 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 Manager of the West 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 Manager of the West Branch within Planning, Real Estate and Economic Development Department, or his/her designate.

10. That the Owner convey a 9m x 3m corner sight triangle located at the intersection of Merivale Rd. and Brookdale 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.

11. That the Owner(s) convey, if required, at no charge to the City of Ottawa, sufficient frontage across the severed and retained lands to provide for a road right-of-way measuring 18.75 meters from the centreline of Merivale Rd. 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. If the Owner's Surveyor determines that the widening condition has already been satisfied, it must be indicated on the Draft Reference Plan and submitted to the City Surveyor for approval. The Committee requires written confirmation from the City Surveyor confirming that the widening is not required. Preferred Conditions for ROW widening (a and b below)
 - a. Pursuant to Section 50.1(25)(c) of the Planning Act and Schedule C16 of the 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 frontage of the lands, measuring 18.75 metres from the existing centreline 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.
 - b. The Owner is advised that the required road widening described in 1a above may be reduced or waived under certain situations, as described in Schedule C16 s.2.1.1 (c) of the Official Plan or where the right-of-way requirement exceeds the front yard setback or corner side yard setback, or where an existing building or structure encroaches into the required road widening, as of the day the Consent to Sever application was deemed complete, as applicable, and determined by the Director, Transportation Planning, Planning, Real Estate and Economic Development Department.

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