

2024-02-02



**CONSENT & MINOR VARIANCE APPLICATION  
COMMENTS TO THE COMMITTEE OF ADJUSTMENT  
PANEL 2**

**PLANNING, REAL ESTATE AND ECONOMIC DEVELOPMENT DEPARTMENT**

---

Site Address: 95 Rita Avenue  
Legal Description: Lots 723, 724, 725, 726 on Registered Plan 375;  
City of Ottawa  
File No.: D08-01-23/B-00347 & D08-01-23/B-00348  
D08-02-23/A-00319 & D08-02-23/A-00320  
Report Date: February 2, 2024  
Hearing Date: February 6, 2024  
Planner: Samantha Gatchene  
Official Plan Designation: Outer Urban Transect, Neighbourhood  
Zoning: R1FF[632]

---

**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 property is designated Neighbourhood within the Outer Urban Transect of the Official Plan (OP). Although the zoning continues to restrict new residential development to detached dwellings only, Section 5.3 of the OP encourages increased density in Neighbourhoods. Creating two new lots 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 FF. The requested minor variances are consistent with the intent of the R1FF 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”.

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. The requested variances to permit reduced lot widths and areas are indeed minor in nature and would still provide for an appropriate area for a detached dwelling on each lot.

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.

## **ADDITIONAL COMMENTS**

### **Planning Forestry**

The proposed application will force removal of City tree #1 but will allow for retention of 4 remaining City trees ( #2,3,4,5). As a condition of their tree permit application for tree #1, the owner will be required to provide monetary compensation for tree #1, as well as a replanting plan for a new tree in the Right of Way (as per schedule B of the Tree Protection By-law).

Existing services must be capped outside of the critical root zone of all City trees. If alternative options need to be explored for the capping location to avoid impacting City trees, contact the Infill Forestry Inspector ([forestry@ottawa.ca](mailto:forestry@ottawa.ca)). A servicing plan must be provided showing the location where services are to be capped (outside of the City trees' critical root zones). A grading plan must also be provided to show that the lots can meet grading requirements with least impacts to existing trees. Securities will be held for the 4 City trees (#2,3,4,5) to ensure future development on the site accounts for and designs around these trees. This is supported by Section 4.8.2, policy 6 of the Official Plan which states: “Approvals granted by Council or Committee of Adjustment may include conditions to support tree protection, removal and replanting”.

As per the provided TIR - prepared by Dendron Forestry Services and dated Nov. 14th, 2023 - the Owner should request pruning of City-owned tree #5, by submitting a service request to 311.

### **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 and close redundant approaches.

### **Transportation Engineering**

- Provide a 3 x 9 m corner triangle along Rita Avenue and Cordova Street per policy 2.1.1 (e) of Schedule C16 of the Official 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) shall 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 West 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 Dendron Forestry Services, dated Nov. 14th, 2023, and associated securities for tree protection. The securities, which will be based on the value of the tree(s) to be protected (Trees 2, 3, 4, & 5) shall be retained for 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 tree(s) is/are healthy, retainable, and remain(s) 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 West 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. That the Owner(s) provide(s) a Grading and Servicing Plan/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 well as a Tree Information Report reflecting these changes to the satisfaction of the Manager of the relevant Branch within the Planning, Real Estate and Economic Development Department, or their designate(s).
4. That the Owner(s) provide a Grading and Servicing Plan or Existing Conditions, Removals, and Decommissioning plan showing the existing services and the capping location, to be determined based on the least impact to existing protected trees, to the satisfaction of the Manager of the West Branch within the Planning, Real Estate and Economic Development Department, or their designate.

5. That the Owner(s) provide proof 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 the existing dwelling has been removed, that the existing sewer services are capped at the sewer and that the existing water service is blanked at the watermain.
6. 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.
7. 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.
8. That the Owner convey a 3m x 9 m corner sight triangle located at the intersection of Rita Ave and Cordova Street 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.
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 Manager of the West 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 Rita Ave and Cordova St, 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 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.

If the Manager of the West 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.

10. 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 12 meters from the centreline of Cordova Street. 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 12 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.

11. That the Owner(s) agree to reinstate the Rita Avenue roadside ditch fronting the proposed development(s) designed to receive drainage from the proposed properties, the roadway, and the upstream tributary area. The design is to be prepared by a Professional Civil Engineer licensed in the Province of Ontario, and for approval by the Development Review Manager of the West Branch within Planning, Real Estate and Economic Development Department, or his/her designate.



---

Samantha Gatchene, MCIP, RPP  
Planner I, Development Review, West  
Planning, Real Estate and Economic  
Development Department



---

Stream Shen, MCIP, RPP  
Planner III, Development Review, West  
Planning, Real Estate and Economic  
Development Department