

2023-12-07



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

PLANNING, REAL ESTATE AND ECONOMIC DEVELOPMENT DEPARTMENT

Site Address: 304 A & B Iona Street
Legal Description: Lot 38, Registered Plan 364, City of Ottawa
File No.: D08-01-23/B-00274
R1eport Date: December 7, 2023
Hearing Date: December 13, 2023
Planner: Margot Linker
Official Plan Designation: Inner Urban Transect, Neighbourhood
Zoning: R3R (Residential Third Density, Subzone R)

DEPARTMENT COMMENTS

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

DISCUSSION AND RATIONALE

The subject site is located within the Inner Urban Transect and designated Neighbourhood on schedules A and B2 in the Official Plan. This transect is generally planned for providing a range of context-sensitive low-rise housing options. The severance of the land to accommodate separate ownership of an existing semi-detached dwelling is consistent with Section 11.5 Policy 4 in the Official Plan by creating lots with appropriate lot patterns and dimensions in support of ground-oriented residential development that is consistent with the planned context.

The Residential Third Density Subzone R zone (R3R) allows a mix of residential building forms ranging from detached to townhouse dwellings. The subject lot was granted minor variances in 2021 to facilitate the proposed development of a semi-detached dwelling. The granted consent application lapsed in August 2023.

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:

Forestry:

This site has already been constructed with a permit for removal of the City-owned tree. Tree D which was to be retained through development is now the subject of a by-law order to comply, and must be removed for safety purposes. A Landscape Plan must be provided and implemented, with 3 new 50mm caliper trees of large-growing species to adequately replace the trees lost on site.

CONDITIONS

If approved, the Planning, Real Estate and Economic Development Department requests that the Committee of Adjustment impose the following conditions on the application:

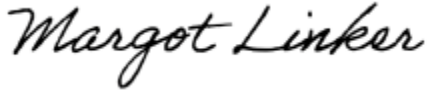
1. That the Owner(s) provide evidence to the satisfaction of both the **Chief Building Official and Development Review Manager, Planning, Real Estate and Economic Development Department, or designates**, that both severed and retained parcels have their own independent water, sanitary and storm connection 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.
2. 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 **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.

3. The Owner/Applicant(s) shall prepare and implement a tree planting plan, prepared to the satisfaction of the General Manager of the Planning,

Infrastructure, and Economic Development Department, or his/her designate, showing the location(s) of the specified number of compensation trees (50mm caliper) required under the Tree Protection By-law, assuming that all proposed tree removals are permitted.



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