

2023-12-07



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

PLANNING, REAL ESTATE AND ECONOMIC DEVELOPMENT DEPARTMENT

Site Address: 209 Montfort Street
Legal Description: Part of Lot 180 and Lot 181, Registered Plan 240
File No.: D08-01-23/B-00281
Report Date: December 7, 2023
Hearing Date: December 13, 2023
Planner: Basma Alkhatib
Official Plan Designation: Inner Urban Transect, Neighbourhood Designation, Evolving Neighbourhood Overlay, Richmond Cultural Heritage Character
Zoning: R4UA (Residential zone fourth density, subzone UA)

DEPARTMENT COMMENTS

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

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 subject site is within the Inner Urban Transect Policy Area on Schedule A and is designated Neighbourhood on Schedule B2 in the Official Plan. The Neighbourhood designation allows low-rise development in an efficient form that is compatible with existing development patterns.

The proposed severance will facilitate the establishment of two separate ownership of each principal unit in the existing semi-detached, permitted use in the R4UA zone. The R4UA zone allows a mix of residential building forms ranging from detached to Planning unit development. This zone requires a minimum lot area of 180 square meters and a minimum lot width of 6 metres for semi-detached. The proposed severance will provide two lots, both with width and area that exceeds the minimum requirements by the Zoning By-law.

The Department has **no concerns** with the proposed consent application because it adheres to the Official Plan policies for those lands designated as Inner Urban Neighbourhood. The applicant obtained the Construction Permit in November 2022 and the size and shape of the proposed lots are suitable for the use of the land and the lots will front onto an established municipal road with municipal services.

ADDITIONAL COMMENTS

Planning Forestry

This site has already been constructed including a permit to remove one protected tree. There is a condition in place on the tree removal permit to plant 2 replacement trees within the ROW. Completion of this planting must be confirmed.

Right of Way Management

The Right-of-Way Management Department has **no concerns** with the proposed Consent Application. However, the Owner shall be made aware that private approach permits, as outlined on the approved grading plan for Building Application A22-006414, are required to construct each of the newly created approaches.

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 to the satisfaction of the Chief Building Official, or designate, that the party wall meets the Ontario Building Code, O Reg. 332/12 as amended, which requires a 1-hour fire separation from the basement through to the underside of the roof. Verification from the Building Inspector is required. If necessary, a building permit shall be obtained from Building Code Services for any required alterations.
2. The Owner/Applicant(s) agrees to implement the tree protection and planting plans in accordance with the Tree Planting Plan submitted to the City, prepared by Dendron Forestry Services, Inc., dated August 10, 2022. A paid planting contract or a Letter of Undertaking are acceptable if planting cannot be completed prior to the sale of the property.
3. That the Owner(s) provide a servicing plan or other 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 each existing building and/or unit on the severed and retained parcels has its own independent water, sanitary and sewer connection, as appropriate, that are directly connected to City infrastructure and do not cross the proposed severance line.

4. 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. 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 (Major Collector Marier Street) 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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