

2024-04-24

City of Ottawa | Ville d'Ottawa
Comité de dérogation



CONSENT APPLICATION

COMMENTS TO THE COMMITTEE OF ADJUSTMENT
PANEL 2

PLANNING, DEVELOPMENT AND BUILDING SERVICES DEPARTMENT

Site Address: 132 and 134 Viewmount Drive
Legal Description: LT 442, Registered Plan 401392
File No.: D08-01-24/B-00052
Report Date: April 25, 2024
Hearing Date: April 30, 2024
Planner: Samantha Gatchene
Official Plan Designation: Outer Urban Transect, Neighbourhood
Zoning: R2M

DEPARTMENT COMMENTS

The Planning, Development and Building Services 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 site is zoned R2M and designated Neighbourhood under the Official Plan. The proposed consent aligns with the requirements of the Zoning By-law for lot area and width. Neighbourhoods are intended to evolve through gradual development, of which this application is an example.

ADDITIONAL COMMENTS

Planning Forestry

Through preconsultation it was determined that there are no existing trees on site and no construction proposed. There are no tree-related concerns with the severance, but it is strongly recommended to plant one new 50mm in front of each lot to improve the streetscape and canopy cover. An application may be made to the City's Trees In Trust program to have trees planted at no cost.

Transportation Engineering

Please note that Viewmount Drive is designated as a protected right of way and requires a 24m ROW be maintained as per Schedule C16 of the Official Plan. ROW dedication will be required as part of this application.

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, Development and Building Services 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 Relevant Manager of the Relevant Branch within Planning, Development and Building Services Department, or his/her designate, and City Legal Services. The Committee requires written confirmation that the Agreement is satisfactory to Relevant Manager of the Relevant Branch within Planning, Development and Building Services 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 (collector road – Viewmount Drive) and may therefore be subject to noise and other activities associated with that use”

The Agreement shall be to the satisfaction of Relevant Manager of the Relevant Branch within Planning, Development and Building Services 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.

4.

- 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 (a) 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, Development and Building Services Department.



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