



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

PLANNING, DEVELOPMENT AND BUILDING SERVICES DEPARTMENT

Site Address: 154 Sanford Avenue
Legal Description: Lot 32, Registered Plan 512
File No.: D08-01-24/B-00057-00058
D08-02-24/A-00079-00080
Report Date: May 9, 2024
Hearing Date: May 14, 2024
Planner: Samantha Gatchene
Official Plan Designation: Outer Urban Transect, Neighbourhood
Evolving Neighbourhood Overlay
Zoning: R1GG

Committee of Adjustment
Received | Reçu le
2024-05-08
City of Ottawa | Ville d'Ottawa
Comité de dérogation

DEPARTMENT COMMENTS

The Planning, Development and Building Services Department **has some 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.

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 site is zoned R1GG and designated Neighbourhood under the Official Plan. Neighbourhoods are intended to evolve through gradual development, of which this application is an example.

The proposed consent complies with the minimum required lot area. Staff do not have concerns with the variances for reduced lot width. The reduced lot widths will result in developable lots capable of complying with the setback requirements.

Staff have some concerns with the variance to reduce the number of required parking spaces on Part 2 from 1 space to 0 spaces. Staff are not satisfied that this variance meets the “four tests”. The general intent of the minimum parking provisions in the Zoning By-law is to ensure that adequate parking is provided to serve the needs of the users of the proposed the development.

The Zoning By-law permits reduced vehicle parking rates for development located within Area X by exempting the first 12 units from parking requirement when the site is in proximity to rapid transit stations. Detached dwellings are a low-density typology that require a minimum parking rate of 1 space per unit in this area, regardless of which Area they are located in. It is staff’s interpretation that the intention of the Zoning By-law is to accommodate higher instances of vehicle ownership for detached dwellings. Eliminating the required parking space does not meet this intention and it is staff’s opinion the variance is not appropriate for the proposed development.

ADDITIONAL COMMENTS

The site is located within the boundaries of the Carleton Heights Secondary Plan. Section 2(a) of the secondary plan prohibits the addition of new driveways or private approaches to prevent further demands on the stormwater management system. The proposed development would relocate the existing driveway from Sanford Avenue to Morley Boulevard, resulting in no net increase in private approaches. The Applicant has indicated that the new driveway will result in a decrease in asphalt on the property.

To ensure that the existing stormwater management situation is not exacerbated as a result of the development, submission of a Stormwater Management Brief is requested as a condition.

Planning Forestry

The proposed design would allow for the retention of healthy trees on site, aligning with the Official Plan policies in S.4.8.2. The recommendations for root pruning should be updated to ensure roots are pruned to the limit of excavation, prior to excavation work commencing on site.

There is sufficient space to accommodate a new tree within the right-of-way along Morley Boulevard. A tree planting plan should be prepared accordingly.

Infrastructure Engineering

- The Planning, Development and Building Services Department will do a complete review of grading and servicing during the building permit process.
- At the time of building permit application, a grading/servicing plan prepared by a Professional Engineer, Ontario Land surveyor or a Certified Engineering Technologist will be required.
- Any proposed works to be located within the road allowance requires prior written approval from the Infrastructure Services Department.

- All trees on City property and private trees greater than 30cm in diameter in the inner urban area are protected under the Tree Protection By-law (2020-340), and plans are to be developed to allow for their retention and long-term survival. A Tree Removal Permit and compensation are required for the removal of any protected tree.
- The surface storm water runoff including the roof water must be self contained and directed to the City Right-of-Way, not onto abutting private properties as approved by Planning, Development and Building Services Department.
- Existing grading and drainage patterns must not be altered.
- Existing services are to be blanked at the owner's expense.
- Asphalt overlay would be required if three or more road-cuts proposed on City Right of way. This includes the road cut for blanking of existing services, and any other required utility cuts (ie, gas, hydro, etc.).
- This property does not have frontage on a storm sewer.
- The Planning, Development and Building Services Department requires proof that the Rideau Valley Conservative Authorities have granted their approval due to development being located within the regulatory limit.
- Service lateral spacing shall be as specified in City of Ottawa Standard S11.3.
- In accordance with the Sewer Connection By-Law a minimum spacing of 1.0m is required between service laterals and the foundation face.
- A geotechnical memo addressing the spacing for adequate access for repair and maintenance of the services will be requested.

Right of Way Management

The Right-of-Way Management Department has no concerns with the proposed Consent Application, however, as there are requested changes to the private approach/driveway, the Owner shall be made aware that a private approach permit is required to construct a newly created entrance.

CONDITIONS

If approved, the Planning, Development and Building Services 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. The Owner/Applicant(s) shall prepare and submit a tree planting plan, to the satisfaction of the Manager Development Review All Wards Branch within the Planning, Development, and Building Services Department, or their designate(s),

showing the location(s), species/ultimate size of one new 50 mm tree to be planted on the property frontage or right-of-way of each lot following construction, to enhance the urban tree canopy and streetscape.

3. That the Owner(s) provide proof to the satisfaction of the Manager of the Development Review All Wards Branch within the Planning, Development and Building Services Department, or his/her designate, to be confirmed in writing from the Department to the Committee, that the existing dwelling/building has been removed.
4. That the Owner(s) provide evidence to the satisfaction of both the Chief Building Official and of the Manager of the Development Review All Wards Branch within the 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.
5. That the Owner(s) submit a Stormwater Management Brief prepared by a Professional Civil Engineer licensed in the Province of Ontario, demonstrating a design for controlling post-development stormwater peak flows to pre-development peak flows for all stormwater events up to the 100 year storm event, to the satisfaction of the Manager of the Development Review All Wards Branch within the Planning, Development and Building Services Department, or their designate, to be confirmed in writing from the Department to the Committee,

If the Stormwater Management Brief includes infiltration techniques, the Owner(s) must submit a supporting Geotechnical Brief prepared by a Professional Civil Engineer licensed in the Province of Ontario, for approval by the of the Manager of the Development Review All Wards Branch within the Planning, Development and Building Services Department , or their designate.

The Owner(s) acknowledges and agrees to enter into a Development Agreement with the City to construct the required stormwater system, including posting required securities. A copy of the Agreement and written confirmation from City Legal Services that it has been registered on title, shall be forwarded to the Committee of Adjustment.

If applicable, the Owner(s) shall obtain an Environmental Compliance Approval from the Ontario Ministry of Environment, Conservation and Parks.

The owners acknowledge and agree that should the stormwater management system cross property lines or access to the system be over multiple properties, that the owner will seek approval of the Committee to grant easement(s) for access and maintenance of the stormwater system or register a Joint Use and Maintenance Agreement on title of the properties, all at the owner(s) costs.

6. 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 – Prince of Wales Drive) 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 Development Review All Wards Branch within the Planning, Development and Building Services Department, or their designate. 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(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 Development Review All Wards Branch within the Planning, Development and Building Services 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 Development Review All Wards Branch within the Planning, Development and Building Services Department, or their designate.
8. That the Owner convey a 3m x 3m corner sight triangle located at the intersection of Sanford and Morley 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 Development Review All Wards Branch Planning, Development and Building Services Department, or their designate, to require that an asphalt overlay will be

installed, at the Owner(s) expense, on Sanford and Morley Street, 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 Development Review All Wards Branch within the Planning, Development and Building Services Department, or their 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 Development Review All Wards Branch within the Planning, Development and Building Services Department, or their designate determines that a Development Agreement requiring an asphalt overlay is no longer necessary, this condition shall be deemed as fulfilled.



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