



**CONSENT APPLICATION
COMMENTS TO THE COMMITTEE OF ADJUSTMENT
PANEL 2
PLANNING, REAL ESTATE AND ECONOMIC DEVELOPMENT DEPARTMENT**

Site Address: 1377 St. Jean Street
Legal Description: Part of Lots 3 and 4 (South of St. Joseph Boulevard),
Registered Plan 10
File No.: D08-01-23/B-00142
Report Date: June 28, 2023
Hearing Date: July 04, 2023
Planner: Evode Rwagasore
Official Plan Designation: Suburban Transect, Neighbourhood,
subject to Evolving Neighbourhood
Zoning: R2N

Committee of Adjustment
Received | Reçu le
2023-06-29
City of Ottawa | Ville d'Ottawa
Comité de dérogation

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.

ADDITIONAL COMMENTS

The Applicant was asked to submit a picture taken in front of the property, and a corresponding site plan showing the as-built conditions on the site in order to verify if the driveways comply with the Zoning By-law. Planning Staff did not receive the requested document by report deadline.

Building Code Services

No conditions are necessary, as the party wall has been reviewed via the building permit application process; however, it is note that the final inspection remains outstanding (occupancy previously granted as per cover letter provided).

Planning Forestry

This consent to sever application has no tree impacts. There are no existing trees on the property. In this scenario, a standard condition is applied to severance applications to plant one tree per lot to contribute to the urban forest canopy. This applicant proactively has planted two maple trees, one in the rear yard of each property (pending severance approval) in June 2023. Photos of the planted trees were provided by the applicant.

Overhead wires do restrict planting space in the front yard of this property. The City recommends that if the applicant would like a tree in right of way of each property (if the severance is approved), they apply to the Trees in Trust program. Through this program the City will plant a tree in the right of way and maintain it for the extent of its life. The homeowner is asked to water the trees to help them establish for the first few years after planting.

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 provides evidence to the satisfaction of the Development Review Manager of the East Branch within Planning, Real Estate and Economic Development Department, or his/her designate that a new driveway leading to a legal parking space has been established in conformity with the Zoning By-law. A site plan with the proposed driveway dimensions should be provided to Planning Staff and servicing plans should be reviewed by Engineering Staff prior to the Owner obtaining a Private Approach Permit, which is required to alter/close/establish a driveway.
2. 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.
3. That the Owner(s) enter a Joint Use, Maintenance and Common Elements Agreement, 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 the **Manager of the East 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 the **Manager of the East 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.



Evode Rwagasore, RPP, MCIP
Planner I, Development Review, East
Planning, Real Estate and Economic
Development Department



Michael Boughton, RPP, MCIP
Planner III, Development Review, East
Planning, Real Estate and Economic
Development Department