

2023-09-14



**CONSENT & MINOR VARIANCE APPLICATION
COMMENTS TO THE COMMITTEE OF ADJUSTMENT
PANEL 1**

PLANNING, REAL ESTATE AND ECONOMIC DEVELOPMENT DEPARTMENT

Site Address: 280 Queen Mary Street
Legal Description: Lot 654 and 655, Registered Plan 342
File No.: D08-01-23/B-00210 to D08-01-23/B-00212
Report Date: September 14, 2023
Hearing Date: September 20, 2023
Planner: Margot Linker
Official Plan Designation: Inner Urban Transect, Neighbourhood
Zoning: R4UC (Residential Fourth Density, Subzone UC)

DEPARTMENT COMMENTS

The Planning, Real Estate and Economic Development Department **has no 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. The consent application will create regular-shaped lots with necessary easements for rear yard access.

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 subject site is located within the Inner Urban Transect policy area on Schedule A and designated Neighbourhood on Schedule B2 of the Official Plan. This area is generally planned for mid- to high-density development in a low-rise building form, supporting a wide variety of housing types with a focus on missing-middle housing. Neighbourhoods within the Inner Urban Transect reflect urban built form characteristics, including having principal entrances at grade with direct relationship to the public realm (Table 6).

The subject site is located within the R4UC (Residential Fourth Density, Subzone UC) zone, which allows for a wide mix of residential building forms ranging from detached to low-rise apartment dwellings.

Staff have no concerns with the minor variances to permit the additional dwelling units. The mandated province-wide legislation permitting up to two additional units for all lands serviced by municipal services has triggered the need to modify the Zoning By-law in line with this requirement to respond to critical issues of interpretation. Therefore, staff believe variances a), b), c), d), e), f), i), j), and k) would not be required. However, until the Zoning By-law Amendment is approved by Council, many of the current zoning provisions still apply. Staff believe that the subject site is able to support all functions and services for the principal dwelling unit, which the two additional dwelling units will be subsidiary to. The Official Plan supports providing active entrances on the front wall of the dwelling.

Staff have no concerns with the reduced lot width and lot area for 280A Queen Mary (Part 2). Minimum lot sizes ensure that all elements associated with introducing the townhouse dwelling unit can be accommodated on site. It appears that the lot will have sufficient soft landscaping and will have access to the rear yard through an easement.

ADDITIONAL COMMENTS

Infrastructure Engineering

1. The **Planning, Real Estate and Economic Development Department** will do a complete review of grading and servicing during the building permit process.
2. Any proposed works to be located within the road allowance requires prior written approval from the Infrastructure Services Department.
3. 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, Real Estate and Economic Development Department**.
4. Existing grading and drainage patterns must not be altered.
5. Existing services are to be blanked at the owner's expense.
6. 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.).
7. This property does not have frontage on a storm sewer.
8. Service lateral spacing shall be as specified in City of Ottawa Standard S11.3

Planning Forestry

Based on the consent application proposed, Planning Forestry would like to better understand how the site is being designed to account for tree planting compensation requirements. A tree planting plan is being requested to show where trees can be appropriately incorporated on the site with the application proposed as all existing trees are planned for removal.

There are 6 protected trees identified on this property. The Tree Information Report recommends removal of all 6 trees based on health and conflicts with the development footprint or the extent of excavation. Section 4.8.2 of the Official Plan, policy 3, states that growth, development, and intensification shall maintain the urban forest canopy. On these sites, space must be preserved and provided for mature, healthy trees including adequate soil volumes. Removal of 6 trees on the property will have an impact on the urban canopy. The compensation planting required for the proposed removals would be 12 trees. The applicant must provide a design that ensures tree planting can be accommodated on the property, maximizing canopy cover where feasible. Planting large canopy trees where space is available is the City's preference. It appears that the rear yards would be able to accommodate this size of tree. Cash in lieu can be provided for the trees that cannot be incorporated back into the site at \$400.00 each.

Right of Way Management

The Right-of-Way Management Department has no concerns with the proposed Minor Variance Applications. However, the Owner shall be made aware that a private approach permit is required to remove the redundant approach and reinstate to soft landscaping.

Transportation Engineering

1. Remove existing driveway depressed curb and reinstate with full height curb and sidewalk to City standards.

CONDITIONS

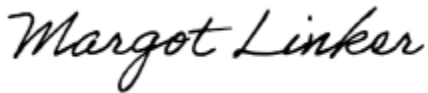
If approved, the Planning, Real Estate and Economic Development Department requests that the Committee of Adjustment impose the following conditions on the applications:

1. That the Owner(s) provide evidence 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, prepared to the satisfaction of the Development Review Manager of the relevant Branch within the Planning, Real Estate 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.
3. That the Owner(s) provide proof 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 the existing dwelling/building has been removed.

4. 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.
5. That the Owner(s) provide 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 the accessory structure has been demolished in accordance with the demolition permit or relocated in conformity with the Zoning By-law.
6. 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 **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. The grading and drainage plan shall delineate existing and proposed grades for both the severed and retained properties, to the satisfaction of **the Development Review Manager of the Central Branch within Planning, Real Estate and Economic Development Department, or his/her designate**.
7. 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 Development Review Manager of the Central Branch within Planning, Real Estate and Economic Development Department, or his/her designate**, to require that an asphalt overlay will be installed, at the Owner(s) expense, on Queen Mary 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 **Development Review 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.
If the **Development Review Manager of the Central Branch within Planning, Real Estate and Economic Development Department, or his/her designate** determines that a Development Agreement requiring an asphalt overlay is no longer necessary, this condition shall be deemed as fulfilled.
8. That the Owner(s) enter into 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 **Development Review 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 the **Development Review 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.



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