

2024-04-12



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

PLANNING, REAL ESTATE AND ECONOMIC DEVELOPMENT DEPARTMENT

Site Address: 814 and 820 High Street
 Legal Description: Lot 19 and Part of Lot 18 Registered Plan 199 City of Ottawa
 File No.: D08-01-23/B-00244, D08-02-23/A-00232 and
 D08-02-23/A-00233
 Report Date: April 11, 2023
 Hearing Date: April 16, 2023
 Planner: Samantha Gatchene
 Official Plan Designation: Outer Urban Transect, Neighbourhood
 Zoning: R4N

At its hearing on November 14, 2023, the Committee of Adjustment adjourned the application to allow the Applicant time to address staff's concerns related to tree retention and soft landscaping on the site. These concerns have been addressed.

Variances D on the Notices incorrectly reference relief for *reduced rear yard* landscaping areas. The relief required is for *reduced total landscaping*, per Section 161(8). Staff note that these references are similar and have no concern with the Committee reflecting the correct wording in the decision without requiring further adjournment.

Address	Variances D - April 16, 2024 Notice	Variances D – Correct Relief Required
814 High Street	To permit a reduced rear yard soft landscaping area of 26.9% (49.3 square metres) of the rear yard, whereas the By-law requires rear yard landscape area of 30% (183 square metres) of the rear yard.	To permit a reduced total landscaped area of 26.1% (171 square metres), whereas the By-law requires a total landscaped area of 30% (196.2 square metres) of the lot.
820 High Street	To permit a reduced rear yard landscape area of 27.4% (50.2 square metres) of the rear yard, whereas the By-law requires a rear	To permit a reduced total landscaped area of 25.0% (162.4 square metres), whereas the By-law requires a total landscaped

	yard landscape area of 30% (183.3 square metres) of the rear yard.	area of 30% (194.8 square metres) of the lot.
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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 lot line adjustment. The lot line adjustment will result in the creation of two more equally sized lots for development.

The applications also seek to establish easements over the shared driveway for vehicle and pedestrian access. Staff do not have concerns with these easements.

The site is zoned R4N and designated Neighbourhood under the Official Plan. 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.

Staff do not have concerns with the requested variances.

Reduced Lot Widths (Variances A)

Staff do not have concerns with the variances to reduce the minimum lot width from 18 metres to 17.9 metres at 814 High Street and to 17.1 metres at 820 High Street. The reduced lot widths result in two appropriately sized lots for development.

Reduced Front Yard Setbacks (Variances B)

Staff do not have concerns with the variances to reduce the minimum front yard setback from 4.7 metres to 3.0 metres at both 814 and 820 High Street. The reduced setbacks meet the purpose of the provision, which is to ensure adequate separation between the street and the building wall while providing space for a functional front yard. The reduced setbacks are limited to the first storeys of the dwellings, above-which the setback increases to 4.0 metres. Therefore, minimal impacts are expected.

Reduced Rear Yard Setbacks (Variances C)

Staff do not have concerns with the requested variances to reduce the minimum rear yard setbacks. The variances meet the intent of the provisions by maintaining appropriate building separation and are not expected to result in negative impacts on the abutting properties.

Reduced Total Landscaped Area (Variances E)

Correction is noted above.

That said, staff do not have concerns with the variances for reduced total landscaped area. The variances meet the intended purpose of the provision, which is to ensure that the lot area is not dominated by the footprints of either buildings or accessory structures.

Reduced Resident and Visitor Parking (Variance F and G)

Staff do not have concerns with the requested variances to reduce the minimum number of required resident parking spaces from 10 spaces to 8 spaces; and to reduce the minimum number of required visitor spaces from 2 spaces to 1 space. The properties are within 5 minutes walking distance to public transit stops along Carling Avenue and Richmond Road. The properties are in proximity to recreational facilities and commercial along Carling Avenue. Overall staff consider the variances to be minor in nature and are not forecast to have negative impacts on the surrounding neighbourhood.

ADDITIONAL COMMENTS

Planning Forestry

Since the original application significant changes have been made to the site plan to reduce the amount of paving and provide more soft landscaping area for new trees to replace those being lost to development. With the revised plan, 2 protected trees will require removal, and will be replaced with 7 new trees, which will contribute to the future canopy cover of the site and improve the streetscape. There are no tree-related concerns with the minor variances requested or the site plans proposed, but it is requested to tie the decision to the plans provided.

Right of Way Management

The Right-of-Way Management Department has no concerns with the proposed Consent and Minor Variance Application, however, there are requested changes to the private approaches/driveways. The Owner shall be made aware that a private approach permit is required to construct any new entrance, as well as to close any existing entrance.

The Owner, or any subsequent owners, should obtain a private approach permit to remove the redundant private approaches at 814 and 820 High St in accordance with and shall comply with the City's Private Approach By-Law No. 2003-447, as amended, subject to approval of the Right-of-Way, Heritage, and Urban Design Department.

The Owner, or any subsequent owners, should obtain a private approach permit to construct a new private approach/driveway, for the proposed eight-unit stacked dwelling along High St. The shared private approach will need to be designed, located, and comply with the City's Private Approach By-Law No. 2003-447, as amended and be subject to approval of the Right-of-Way, Heritage, and Urban Design Department. Please contact the ROW Department for any additional information at rowadmin@ottawa.ca.

Infrastructure Engineering

- The Planning, Real Estate and Economic Development 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, Real Estate and Economic Development Department.
- A private approach permit is required for any access off of the City street.
- 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.
- Provide a minimum of 1.5m between the proposed driveway and the utility pole.
- 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.
- Encroachment on or alteration to any easement is not permitted without authorization from easement owner(s).

CONDITIONS

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

Lot Line Adjustment

1. That the owner(s) file with the Secretary-Treasurer of the Committee of Adjustment the following:
 - a. A copy of the reference plan and/or legal description of the severed land and the deed or instrument conveying the severed land to the owner of the abutting property, known municipally as 814 High Street, so that no new lot is being created, in accordance with paragraph (b) below

- b. A Certificate of Official attached to the deed/transfer required by paragraph (a) above containing the following endorsement:

“The lands to be severed are for the purpose of a lot addition only to the abutting lands owned by (*insert name*) described as PIN (*insert property identification number*) being Part(s) (*insert numbers*) on Plan (*insert plan number*), not for the creation of a new lot, and any subsequent transfer, charge or other transaction involving the lands to be severed shall be subject to compliance with Section 50(3) or Section 50(5) of the Planning Act, as applicable. Neither the lands to be severed nor the abutting lands are to be transferred, charged, or otherwise re-conveyed in the future without the other parcel unless a further consent is obtained.

The owner(s) shall cause the lands to be severed to be consolidated on title with the abutting lands and for this condition to be entered on the parcel register for the consolidated parcel as a restriction.”

- c. An undertaking from a solicitor authorized to practice law in the Province of Ontario, and in good standing with the Law Society of Upper Canada, as follows:

“In consideration of, and notwithstanding the issuance of the Certificate under Section 50(12) of the Planning Act in respect to the subject Application for Consent, I undertake on behalf of the Owner, within **30 days** of the registration on title of the transfer document containing the endorsement set out in the Certificate of Official issued by the Committee of Adjustment, to file an Application to Consolidate Parcels including the severed land (Part of PIN (*insert number*) and the abutting land (PIN *insert number*). This PIN consolidation is intended to reinforce the Planning Act stipulation in the condition outlined above that both parcels have merged on Title and cannot be conveyed separately in the future. I further undertake to forward a copy of the registered Application to Consolidate Parcels and a copy of the Consolidated Parcel abstract page(s) to the Committee office within 21 days of the registration of the Application to Consolidate Parcels”.

- d. Where the parcel consolidation stipulated in paragraph (b) and the solicitor’s undertaking in paragraph (c) above cannot be completed because the parcels of land to be merged have different estate qualifiers, an application to annex restrictive covenant under Section 118 of the *Land Titles Act* must be registered on the title of both the severed lands and on the abutting parcel that is to be merged. The covenant, which is to be to the satisfaction of the

Secretary-Treasurer of the Committee of Adjustment, shall advise all future purchasers that the parcels must be dealt with together and not separately, and contain wording set out below or similar wording acceptable to the Secretary-Treasurer of the Committee of Adjustment:

“These lands have been merged and may not be dealt with separately, without applying for a consent of the Committee of Adjustment.”

In lieu of the undertaking provided in paragraph (c), a replacement undertaking by the solicitor must be filed undertaking on behalf of the owner(s) to register the restrictive covenant on both property titles within 30 days of the registration of the transfer document containing the endorsement of the Certificate of Official issued by the Committee of Adjustment for this application and to file a copy of the registered restrictive covenant with the Committee of Adjustment within 21 days of the registration of the document.

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 the Manager of Development Review West in the Planning, Real Estate and Economic Development Department, or their designate, and City Legal Services. The Committee requires written confirmation that the Agreement is satisfactory to the Manager of Development Review West in the Planning, Real Estate and Economic Development Department, or their 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(s) enter into an Infrastructure Agreement with the City of Ottawa to extend the municipal services on High Street at his/her own costs and post the necessary securities for the work on the City Right-of-Way to the satisfaction of the City's Planning, Real Estate and Economic Development Department's Infrastructural Approvals Branch and to the satisfaction of City Legal Services. The Owner(s) must also receive the approval of the Ontario Ministry of the

Environment Conservation and Parks for the extension of the municipal services. The Committee requires a copy of the Agreement and written confirmation from City Legal Services that it has been registered on title.

4. 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 the Manager of Development Review West in the Planning, Real Estate and Economic Development Department, or their 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 Development Review West in the Planning, Real Estate and Economic Development Department, or their designate.
5. That the Owner(s) provide a servicing plan or other evidence, to the satisfaction of the Manager of Development Review West in the Planning, Real Estate and Economic Development Department, or their designate, 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.
6. 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 Development Review West in the Planning, Real Estate and Economic Development Department, or their designate, or his/her designate, to require that an asphalt overlay will be installed, at the Owner(s) expense, on High 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 Development Review West in the Planning, Real Estate and Economic Development 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 Development Review West in the Planning, Real Estate and Economic Development Department, or their designate determines that a Development Agreement requiring an asphalt overlay is no longer necessary, this condition shall be deemed as fulfilled.

7. The Owner(s) shall prepare a noise attenuation study in compliance with the City of Ottawa Environmental Noise Control Guidelines to the satisfaction of the

Manager of Development Review West in the Planning, Real Estate and Economic Development Department, or their designate. The Owner(s) shall enter into an agreement with the City that requires the Owner to implement any noise control (and vibration if applicable) attenuation measures recommended in the approved study. 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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