

2024-07-02



**CONSENT APPLICATION
COMMENTS TO THE COMMITTEE OF ADJUSTMENT
PANEL 1**

PLANNING, DEVELOPMENT AND BUILDING SERVICES DEPARTMENT

Site Address: 514 Churchill Avenue North
Legal Description: Lot 21 and Part of Lot 22 (West Churchill Avenue),
Registered Plan 204
File No.: D08-01-24/B-00091
Report Date: **July 02, 2024**
Hearing Date: July 03, 2024
Planner: Luke Teeft
Official Plan Designation: Inner Urban Transect; Neighbourhood, Corridor; Evolving
Neighbourhood Overlay
Zoning: R4UD[2684]-c, Mature Neighbourhoods Overlay

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 proposed lot is in keeping with the existing size and shape of nearby lots on Churchill Avenue and other nearby streets. Planning staff have no concerns subject to the following conditions.

ADDITIONAL COMMENTS

Forestry:

- **Tree 2 is privately owned; responsibility for its maintenance and removal rests with the owner(s).**

- Tree 3 is to be protected; any future building should be designed to allow for its retention. If protection is impossible, the neighbours' informed consent must be obtained prior to application for a permit to remove the tree.
- The impact to Tree 3 described in the TIR is excessive; future revisions to the TIR may be required, identifying the limits of excavation and the tree's distance from that limit. Recommendations should be provided to limit excavation to a tolerable level of encroachment. Horizontal tree protection must be implemented where tree protection fencing is not practical, and the extent of this should be reflected on the TIR plans.

CONDITIONS

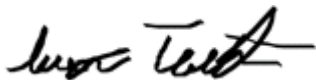
If approved, the Planning, Development and Building Services Department requests that the Committee of Adjustment impose the following conditions on the application:

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. That the Owner(s) provide evidence to the satisfaction of both the **Chief Building Official and the Manager of the Planning, Development and Building Services Department, or their 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.
3. 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 the Planning, Development and Building Services Department, or their designate**. The Owner(s) shall enter into an agreement with the City that requires the Owner to implement any noise control 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.
4. 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 (major collector road) 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 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.

5. That the Owner/Applicant(s) provide a Site Plan with the proposed elements/structures (driveways, retaining walls, projections, etc.) designed and located based on the least impact to protected trees and tree cover, as well as a revised Tree Information Report reflecting these changes **to the satisfaction of the Manager of the Planning, Development and Building Services Department, or designate**.



Luke Teeft
Planner I, Development Review, All Wards
Planning, Development and Building
Services Department



Erin O'Connell
Planner III, Development Review, All
Wards
Planning, Development and Building
Services Department