



**COMMITTEE OF ADJUSTMENT
OF THE CITY OF OTTAWA**

**DECISION
CONSENT**

(Section 53 of the *Planning Act*)

File Nos.: D08-01-21/B-00340 & D08-01-21/B-00341
Owner(s): Domenic Cambareri
Location: 1697 & (1693) Ortona Avenue
Ward: 16 - River
Legal Description: Part of Lot 15, Registered Plan 291190
Zoning: R1GG
Zoning By-law: 2008-250

Notice was given and a Public Hearing was held on **November 3, 2021**, as required by the *Planning Act*.

PURPOSE OF THE APPLICATION:

The Owner wants to subdivide its property into two separate parcels of land. It is proposed to demolish the existing detached dwelling and construct two new detached dwellings, with one on each of the newly created parcels.

CONSENT IS REQUIRED FOR THE FOLLOWING:

The Owner requires the Consent of the Committee for Conveyances. The subject property is shown as Parts 1 to 4 on the Draft 4R-Plan filed with the applications and the separate parcels will be as follows:

File No.	Frontage	Depth	Area	Part Nos.	Municipal Address
B-00340	15.47 m	39.16 m	589.6 sq. m	1 & 2	(1693) Ortona Avenue (proposed detached dwelling)
B-00341	15.48 m	41.92 m	631.0 sq. m	3 & 4	1697 Ortona Avenue (proposed detached dwelling)

The applications indicate that there are existing easements over Parts 2 & 3 in favour of Hydro Ottawa.

Approval of these applications will have the effect of creating two separate parcels of land. The newly created parcels will not be in conformity with the requirements of the Zoning By-law and therefore, Minor Variance Applications (D08-02-21/A-00295 & D08-02-21/A-00296) have been filed and will be heard concurrently with these applications.

PUBLIC HEARING:

The Chair administered an oath to Jeff Kelly, Agent for the Owner, who confirmed that the statutory notice posting requirements were satisfied. Mr. Kelly provided the Committee with a detailed presentation, with reference to a location plan, Draft 4R-Plan, and architectural elevations. He also presented a lot fabric plan showing comparable parcels throughout the neighbourhood.

The Committee noted that the legal description set out in the Public Notice should be amended to read as follows: Part of Lot 15, Registered Plan 291190; **Part 2 on 4R-1028.**

The Committee also heard from Nicole Charron of 1328 Normandy Crescent and James Simpson of 1066 Stormont Street, representing several area residents in opposition to the applications. The objections and concerns raised by area residents were numerous and outlined in detail in their written correspondence on file. In summary the concerns raised included the compatibility of the proposed lots with the surrounding context, the loss of greenspace, the potential size and setbacks of future development, as well as its impact on traffic and pedestrian safety.

Lucy Ramirez of the City's Planning, Infrastructure and Economic Development Department (PIEDD) was also in attendance. Ms. Ramirez summarized the revisions to the proposed conditions, specifically those related to the tree planting requirements. Mr. Chown, also acting as Agent for the Owner, indicated that he has no concerns with the revised conditions.

DECISION AND REASONS OF THE COMMITTEE: APPLICATIONS GRANTED

The Committee considered any written and oral submissions relating to the applications in making its Decision.

The Committee notes that the PIEDD report raises "no concerns" regarding the applications.

Based on the evidence, the Committee is satisfied that the proposal is consistent with the Provincial Policy Statement that promotes efficient land use and development as well as intensification and redevelopment within built-up areas, based on local conditions. The Committee is also satisfied that a plan of subdivision of the land is not

necessary for the proper and orderly development of the municipality. In addition, the Committee is satisfied that the proposal has adequate regard for the criteria specified under subsection 51(24) of the *Planning Act* and is in the public interest.

The Committee therefore grants the provisional consent, subject to the following conditions, **which must be fulfilled within a one-year period from the date of this Decision:**

1. That the Owners provide evidence that the accompanying Minor Variance applications (D08-02-21/A-00295 & D08-02-21/A-00296) have been approved, with all levels of appeal exhausted.
2. That the Owner(s) provide proof to the satisfaction of the **Development Review Manager of the South Branch within Planning, Infrastructure and Economic Development Department, or his/her designate**, to be confirmed in writing from the Department to the Committee, that the existing dwelling has been removed, that the existing sewer services are capped at the sewer and that the existing water service is blanked at the watermain.
3. That the Owner(s) provide evidence (servicing plan), to the satisfaction of the **Development Review Manager of the South Branch within Planning, Infrastructure and Economic Development Department, or his/her designate**, to be confirmed in writing from the Department to the Committee, that both the severed and retained parcels have their own independent water, sanitary and sewer connection, as appropriate, and that these services do not cross the proposed severance line and are connected directly to City infrastructure. If they do cross the proposed severance line, or they are not independent, the Owner(s) will be required to relocate or construct new services from the city sewers and/or watermain at his/her own costs.
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 of the **Development Review Manager of the South Branch within Planning, Infrastructure 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 South Branch within Planning, Infrastructure and Economic Development Department, or his/her designate**.
5. That the Owner(s) agrees to:

- a. Prepare and submit a tree planting plan, prepared to the satisfaction of the **Development Review Manager of the South Branch within Planning, Infrastructure and Economic Development Department, or his/her designate**, showing the location of one new 50mm 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.
 - b. The Owner shall EITHER:
 - i. Provide a paid planting contract to the Department as confirmation that trees will be planted, as specified, following construction, OR
 - ii. 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 South Branch within Planning, Infrastructure and Economic Development Department, or his/her designate**, which is to be registered on title of the property, agreeing to implement the tree planting plan (landscape plan). The Committee requires a copy of the Agreement and written confirmation from City Legal Services that it has been registered on title.
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 **Development Review Manager of the South Branch within Planning, Infrastructure and Economic Development Department, or his/her designate**, to require that an asphalt overlay will be installed, at the Owner(s) expense, on Ortona Avenue, fronting the subject lands, over the entire public driving surface area within the limits of the overlay, as shown on the approved Site Grading and Servicing Plan. The overlay must be carried out to the satisfaction of the **Development Review Manager of the South Branch within Planning, Infrastructure 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 South Branch within Planning, Infrastructure 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.

7. That the Owner(s) enter into an Agreement with the City, at the expense of the Owner(s), which is to be registered on the Title of the property, to deal with the following covenant/notice that shall run with the land and bind future owners on subsequent transfers:

"Purchasers/tenants are advised that due to the proximity of the airport, noise from the airport and individual aircraft may at times interfere with outdoor or indoor activities."

The Committee requires a copy of the Agreement and written confirmation from City **Legal Services** that it has been registered on title.

8. That the Owner(s) provide evidence (payment receipt) to the Committee that payment has been made to the City of Ottawa of cash-in-lieu of the conveyance of land for park or other public recreational purposes, plus applicable appraisal costs. The value of the land otherwise required to be conveyed shall be determined by the City of Ottawa in accordance with the provisions of By-Law No. 2009-95, as amended. Information regarding the appraisal process can be obtained by contacting the **Planner**.
9. That the Owner(s) file with the Committee a copy of the registered Reference Plan prepared by an Ontario Land Surveyor registered in the Province of Ontario, and signed by the Registrar, **confirming the frontage and area of the severed land. If the Registered Plan does not indicate the lot area, a letter from the Surveyor confirming the area is required.** The Registered Reference Plan must conform substantially to the Draft Reference Plan filed with the Application for Consent.
10. That upon completion of the above conditions, and **within the one-year period outlined above**, the Owner(s) file with the Committee, the "electronic registration in preparation documents" for a Conveyance for which the Consent is required.

The Consent lapses one year from the date of this Decision.

All technical studies must be submitted to Planning, Infrastructure and Economic Development Department a minimum of **40 working days** prior to lapsing date of the consent. Should a Development Agreement be required, such request should be initiated **15 working days** prior to lapsing date of the consent and should include all required documentation including the approved technical studies.

Please note that if a major change to a condition or conditions is requested, you will be entitled to receive Notice of the changes only if you have made a written request to be notified.

NOTICE OF RIGHT TO APPEAL:

To appeal this decision to the Ontario Land Tribunal (OLT), an appeal form along with a certified cheque or money order payable to the Ontario Minister of Finance must be filed with the Secretary-Treasurer of the Committee of Adjustment by **December 2, 2021**, delivered to the following address:

Secretary-Treasurer, Committee of Adjustment,
101 CentrepoinTE Drive, 4th floor, Ottawa, Ontario, K2G 5K7

The Appeal Form is available on the OLT website at <https://olt.gov.on.ca/>. The OLT has established a filing fee of \$400.00 per type of application with an additional filing fee of \$25.00 for each secondary application. If you have any questions about the appeal process, please contact the Committee of Adjustment office by calling 613-580-2436 or by email at cofa@ottawa.ca.

Only individuals, corporations and public bodies may appeal Decisions in respect of applications for consent to the OLT. A notice of appeal may not be filed by an unincorporated association or group. However, a Notice of Appeal may be filed in the name of an individual who is a Member of the Association or group on its behalf.

NOTICE TO APPLICANT:

Applicants are advised to take note of comments received from City departments and other technical agencies like Hydro Ottawa and to consult where appropriate.

**DECISION SIGNATURE PAGE
PAGE DE SIGNATURE DE LA DÉCISION**

File No. / Dossier n°: D08-01-21/B-00340 & D08-01-21/B-00341
Owner(s) / Propriétaire(s): Domenic Cambareri
Location / Emplacement: 1697 & (1693) Ortona Avenue

We, the undersigned, concur in the decision and the reasons set out by the Committee of Adjustment.

Nous, soussignés, souscrivons à la décision et aux motifs rendus par le Comité de dérogation.

"Ann M. Tremblay"

**ANN M. TREMBLAY
CHAIR / PRÉSIDENTE**

"Kathleen Willis"

**KATHLEEN WILLIS
MEMBER / MEMBRE**

"Scott Hindle"

**SCOTT HINDLE
MEMBER / MEMBRE**

"Colin White"

**COLIN WHITE
MEMBER / MEMBRE**

"Julia Markovich"

**JULIA MARKOVICH
MEMBER / MEMBRE**

I, Michel Bellemare, Secretary-Treasurer of the Committee of Adjustment for the City of Ottawa, certify that the attached is a true copy of the Decision of the Committee with respect to the application recorded.

Je, soussigné, Michel Bellemare, secrétaire-trésorier du Comité de dérogation pour la Ville d'Ottawa, confirme que l'énoncé ci-joint est une copie conforme de la décision rendue par le Comité à l'égard de la demande visée.

Date of Decision / Date de la décision
November 12, 2021 / 12 novembre 2021


Michel Bellemare
Secretary-Treasurer / Secrétaire-trésorier