

INFILL IN KITCHISSIPPI WARD FAQ

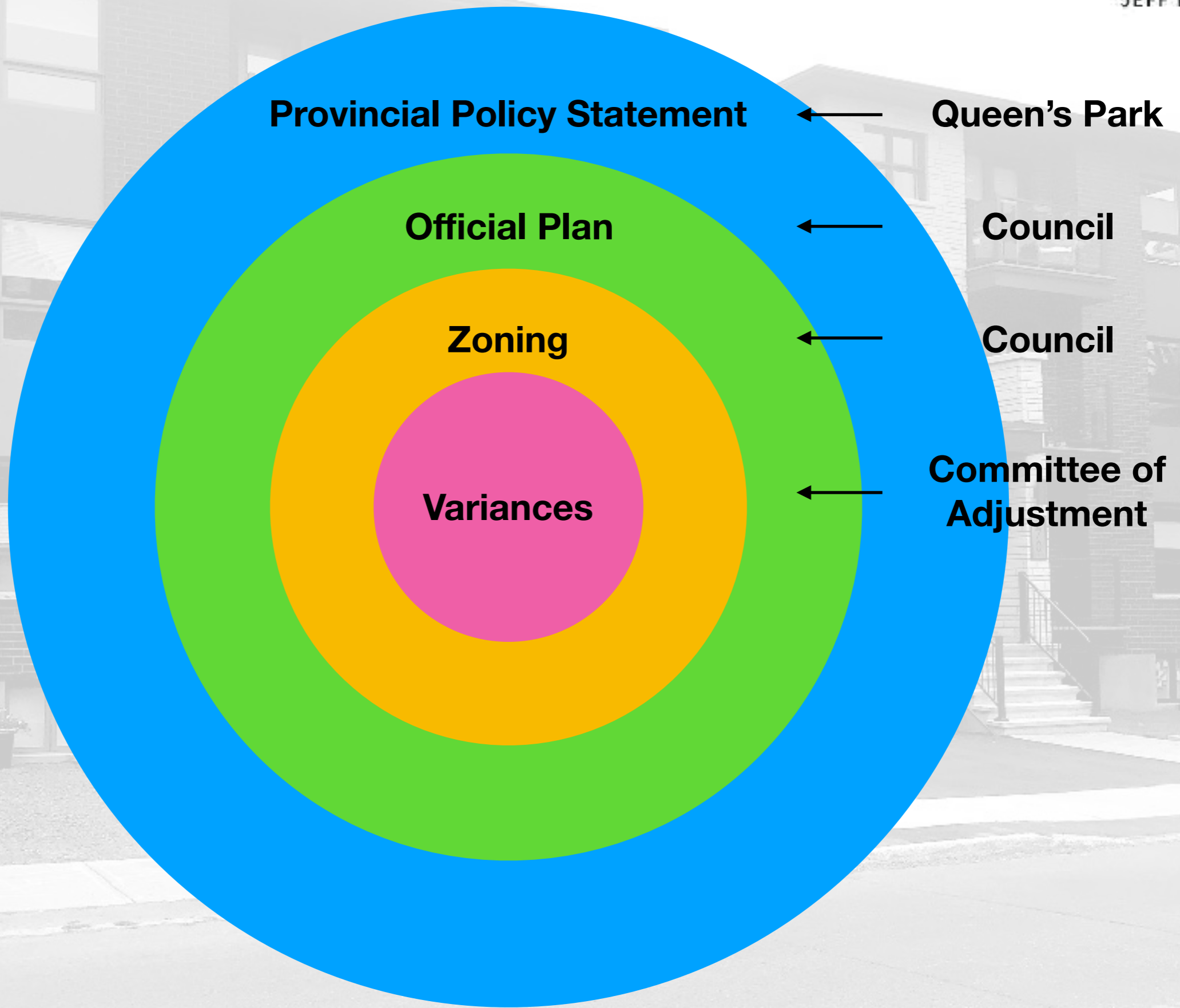


Infill is transforming our streets. The houses are bigger, parking issues are being exacerbated, trees are being lost, construction practices cause residents significant stress. The high level benefits of intensification don't seem to be following the construction starts, and residents are frustrated.

This presentation is intended to help me talk with residents about why infill is happening, what the planning and legal frameworks are in which it is occurring, and what might change, and what probably won't, in order to achieve a better balance.

Variances and re-zoning





The most common infill in the ward occurs when a single home is demolished and replaced with one or more new homes. Zoning determines what's allowed. Any property owner has the right to ask for changes to the zoning, or minor variances from it.

Zoning regulates the type of housing permitted (single detached, semi, triplex, apartment etc.) as well as how large the new building can be, among other things.

“Minor” exceptions to zoning are called minor variances, and go to a body called the Committee of Adjustment. The Committee is appointed by council for each term for a period of four years, and is made up of members of the public with various backgrounds such as planners, lawyers, architects, engineers, etc. The Committee is independent of City Council, and its decisions can be appealed to the Ontario Municipal Board

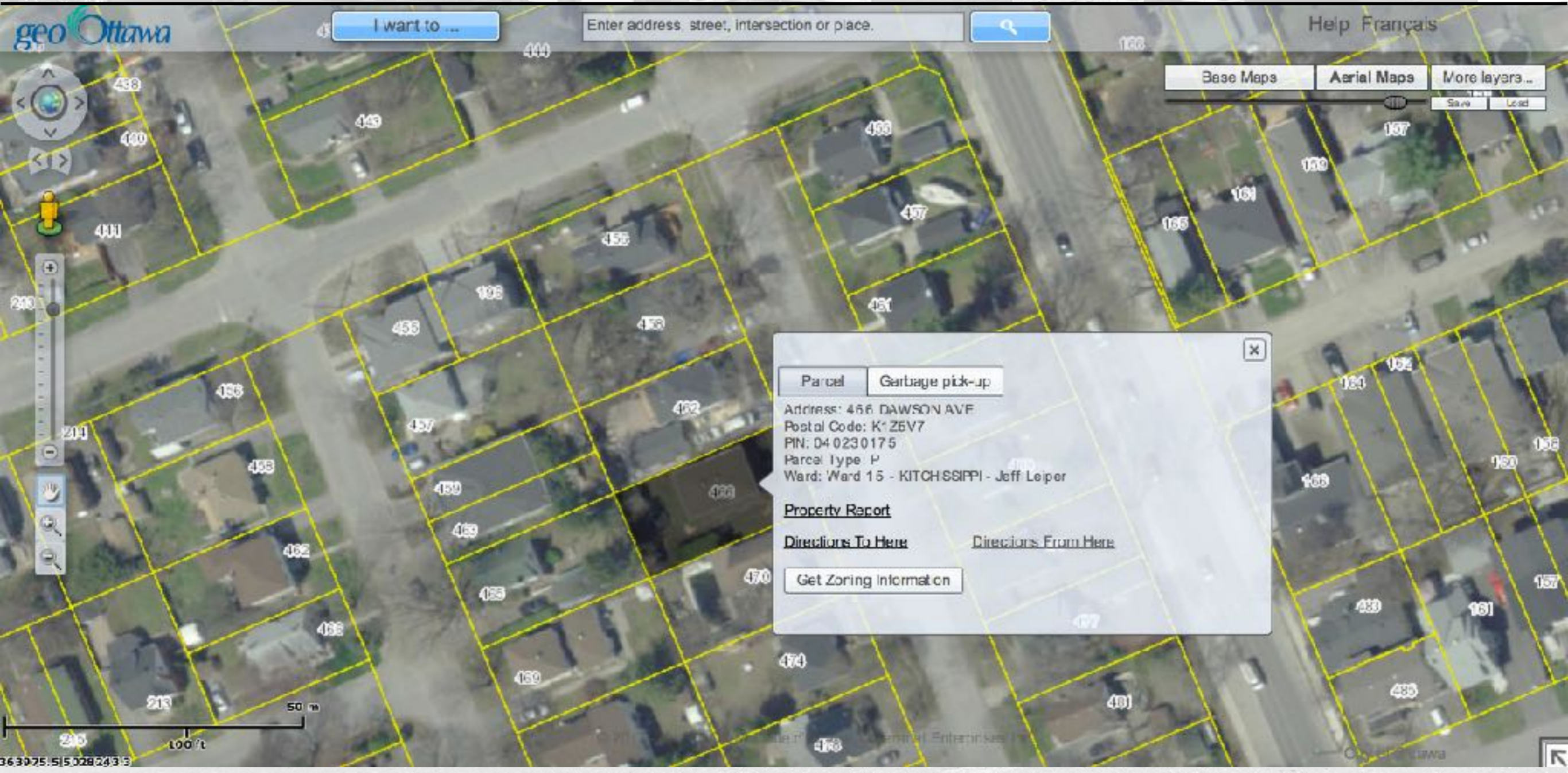
Minor variances might include changing the minimum required lot width, greater height, reduced setbacks from the property line, or changes from what parking is allowed, among other things.

More substantial changes require a re-zoning, and are voted on by City Council.

Re-zonings would be required to allow a type of housing that isn't permitted (townhouses in a zone that only allows single-detached or duplex/semi-detached, for instance). Very large deviations from the allowed building size would also require a re-zoning. Changes in permitted use - for example from residential to commercial - are often re-zonings as well.

Most infill in the ward is accomplished by minor variance, not re-zonings.

Zoning information for a property is publicly available using the City's GeoOttawa tool (maps.ottawa.ca)



The infill process



When a property owner seeks to build an infill, they will generally hire an architect and possibly a planning consultant.

If no changes from the zoning are needed (“as-of-right”), most small-scale infill only requires a building permit (that must be displayed during construction) and demolition permit. A demolition permit isn’t generally extended until there is an approved building plan.

Public consultation is required for any infill that requires minor variances or re-zoning, or in some cases site plan control.

If the proposal doesn't fit within the zoning, City planning staff will require that the owner seek either the necessary minor variances or a re-zoning before the building plan is approved and a permit issued.

If the owner requires minor variances, they will file an application with the Committee of Adjustment. Notice will be delivered to nearby homes (within 60m) as well as the local community association. A sign with the date when the application will be heard will be posted on the property.

The Committee's agendas are publicized online on the City's eAgenda tool (image below). To the extent possible, new applications are also advertised in the weekly ward newsletter.

The screenshot shows a web browser window with the URL `app05.ottawa.ca/sirepub/agendaminutes/Index_en.aspx`. The browser's address bar and tabs are visible, including 'Ward15', 'geoOttawa', and 'Overview - Analytics'. The page header features the 'Ottawa' logo and 'Service Ottawa' branding. The main content area is titled 'Council and Committee Meetings' and includes a search interface with a 'Search Meetings' section. This section contains a search box with the text 'Search Terms', a dropdown menu set to 'Any Word', and a 'Select Meeting Types to Search' dropdown. A calendar for July 2017 is displayed on the right, with dates 10, 11, 12, and 13 highlighted in blue. The bottom of the page shows a date range selector with 'From' and 'To' fields, both containing the date 'www-MMM-d 25'.

Residents and stakeholders are invited to provide feedback on the proposal directly to the Committee of Adjustment. The City's planning department will also provide comments and recommend conditions (where applicable), but rarely take a position in support or opposition, and generally speak to items of concern.

For the most part, Councillors respect the non-political nature of the Committee, but will on some rare occasions provide comments to either the City's planners or directly to the Committee.

It is good practice, but not required, that the applicant consult with neighbours and the councillor. Many consult with the community association, as well, who often takes the lead in negotiating changes before a final proposal goes to the Committee.

The Committee is authorized to grant a minor variance if all of the following criteria, commonly referred to as the “four tests,” are met:

- The variance is minor;**
- The variance is desirable for the appropriate development or use of the property;**
- The general intent and purpose of the Zoning By-law is maintained;**
- The general intent and purpose of the Official Plan is maintained.**

Generally, decisions from the Committee are verbally immediately following the application hearing. Sometimes the Committee will reserve making a decision until they can discuss and consider it further.

Once a written decision is rendered, generally within one week of the hearing, parties to the application have 20 days to file an appeal with the Ontario Municipal Board.

While many variances are granted by the Committee, many are not. It is not a rubber stamp.

Construction



Infill construction is disruptive, and the most common issues associated with it fall under a variety of rules. The Province and City, as well as courts, all have a role to play in dealing with challenges.

The most important step to take is to establish communications with the builder, be patient, and be prepared for the issues that will often crop up. When development is happening near your home, take pictures of your property before, during and after construction. Any damages claim is a civil matter.

Among the City's responsibilities during an infill construction are:

- **The enforcement of noise by-laws;**
- **The enforcement of parking by-laws;**
- **The enforcement of tree preservation by-laws where applicable;**
- **Property standards during the construction.**

Various Provincial bodies will be responsible for other aspects of construction:

- **Environmental regulations;**
- **Workplace safety**

Some challenges that crop up can only be sorted out by the courts as a matter between property-owners;

- **Damage to property;**
- **Survey and property line disputes**

Though very rare as an issue, issues of trespassing are dealt with by police.



Infill is a fact of life in Kitchissippi. Provincial policies and the City's Official Plan both encourage it to accomplish a sustainable Ottawa. The shape of it is constrained by general zoning laws and infill specific rules passed in this term of Council. Those rules will be reviewed to see how effective they have been at achieving a balance between community and other needs.

Planning laws in Ontario permit changes to those rules. Hopefully this presentation is helpful to understand that process.

Questions?