

2023-07-13



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

PLANNING, REAL ESTATE AND ECONOMIC DEVELOPMENT DEPARTMENT

Site Address:	379 Cooper Avenue
Legal Description:	Part of Lot 37, Registered Plan 12281
File No.:	D08-02-23/A-00141
Report Date:	July 4, 2023
Hearing Date:	July 19, 2023
Planner:	Basma Alkhatib
Official Plan Designation:	Downtown Core, Hub, Evolving Neighbourhood, Heritage Overlay, Centretown and Minto Park Heritage Conservation District Plan, Central and East Downtown Core Secondary Plan
Zoning:	R5B [482] H (37) (Residential fifth density, subzone B, exception 482, maximum height 37 metres)

DEPARTMENT COMMENTS

The Planning, Real Estate and Economic Development Department **requests an adjournment of** the application.

DISCUSSION AND RATIONALE

Staff are satisfied that the requested minor variances meet 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 within Downtown Core Transect Policy Area shown in Schedule B1 of the Official Plan and designated as Hub in Schedule A. Section 5 of the Official Plan states that the Downtown Core shall continue to develop as healthy 15-minute neighbourhoods within a highly mixed-use environment, where Hubs and a dense network of Corridors provide a full range of services. The Downtown Core is planned for higher-density, urban development forms where prioritize walking, cycling and transit over motor vehicles. The planned function of Hubs is to concentrate a diversity of functions, a higher density of development, a greater degree of mixed uses and a higher level of public transit connectivity than the areas abutting and surrounding the Hub.

Schedule C1 identifies the Protected Major Transit Station Areas, which are the areas for future increase of development density around transit. All neighbourhoods in Centretown

can accommodate growth to varying degrees. Most of the growth will be directed to the northern area where high-density development already exists and to the Catherine Street corridor.

On June 26, 2023, the City issued an order to comply due to construction occurring without a required building permit and necessary planning approvals (Site Plan and Heritage permit). To date, Staff have no record of receiving a Site Plan Control Application for the subject property.

Staff have communicated with the agent to discuss the history of the site and the process required prior to proceeding with construction, which include a Heritage Permit for alterations to the front façade, and a Site Plan Control Application to legalize the units and address any site and/or servicing related deficiencies. Staff suggest that the Applicant complete at minimum the Phase 2 of the Site Plan Pre-consultation process prior to seeking a minor variance in the event that further variances are required.

The **Department requests adjournment** for the proposed Application as the Applicant is not following the appropriate procedure to obtain their building permit. Staff is of the opinion that proceeding with this Application puts the Applicant at risk of needing to apply for further minor variances based on the outcome of the Site Plan review.

ADDITIONAL COMMENTS

Building Code Services

Heritage Planning Branch

379 Cooper Street is a property designated under Part V of the *Ontario Heritage Act* and is subject to the [Centretown & Minto Park Heritage Conservation District Plan](#) which came into force under By-law 2022-278. Exterior alterations to this contributing property require a heritage permit. As of July 12, 2023, no heritage permit applications were received or issued by the City for 379 Cooper St.

The applicant is encouraged to revise the proposal to align with the policies and guidelines outlined in the Centretown & Minto Park Heritage Conservation District Plan. Heritage Planning requirements, including compliance with the *Ontario Heritage Act*, can be further discussed through [Pre-Consultation](#).

Infrastructure Engineering

1. Planning, Real Estate and Economic Development Department will do a complete review of grading and servicing during the building permit process.
2. 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.

3. 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.
4. 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.
5. Existing grading and drainage patterns must not be altered.
6. Existing services are to be blanked at the owner's expense.
7. 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.).
8. This property does not have frontage on a storm sewer.
9. Provide a minimum of 1.5m between the proposed driveway and the utility pole.
10. The Planning, Real Estate and Economic Development Department requires proof that the Rideau Valley Conservative Authorities have granted their approval due to development being located within the regulatory limit.
11. Service lateral spacing shall be as specified in City of Ottawa Standard S11.3.
12. In accordance with the Sewer Connection By-Law a minimum spacing of 1.0m is required between service laterals and the foundation face.
13. A geotechnical memo addressing the spacing for adequate access for repair and maintenance of the services will be requested.
14. Encroachment on or alteration to any easement is not permitted without authorization from easement owner(s).

Planning Forestry

There are currently no trees on this property. If soft landscaping isn't reinstated in the rear yard to be compliant with the zoning by-law, the applicant should plant a small tree in the front yard. The applicant can submit an application to the City's free tree planting program, called Trees in Trust to see if they are eligible. More information on the Trees in Trust program can be found here: <https://ottawa.ca/en/living-ottawa/environment-conservation-and-climate/public-spaces-and-environmental-programs/tree-planting/trees-trust>

Right of Way Management

The Right-of-Way Management Department has **no concerns** with the proposed Minor Variance Application, as there are no requested changes to the driveway/private approach.

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Basma Alkhatib

Planner I, Development Review, Central
Planning, Real Estate and Economic
Development Department

A handwritten signature in blue ink that reads 'John Bernier'.

John Bernier, RPP, MCIP

Planner II, Development Review, Central
Planning, Real Estate and Economic
Development Department