

2024-05-09



CONSENT & MINOR VARIANCE APPLICATION  
COMMENTS TO THE COMMITTEE OF ADJUSTMENT  
PANEL 1

PLANNING, DEVELOPMENT AND BUILDING SERVICES DEPARTMENT

Site Address: 282 Loretta Avenue South  
Legal Description: Lot 11 (West Loretta Avenue), Registered Plan 146  
File No.: D08-01-24/B-00062 to D08-01-24/B-00064  
D08-02-24/A-00083 to D08-02-24/A-00085  
Report Date: May 9, 2024  
Hearing Date: May 15, 2024  
Planner: Margot Linker  
Official Plan Designation: Inner Urban Transect, Neighbourhood, Evolving Overlay  
Zoning: R2R (Residential Second Density, Subzone R)

DEPARTMENT COMMENTS

The Planning, Real Estate and Economic Development Department **has no concerns with** the applications.

DISCUSSION AND RATIONALE

The subject site is located within the Inner Urban Transect and designated Neighbourhood within the Evolving Overlay on Schedules A and B2 in the Official Plan, and is zoned R2R. This area is identified as one that will gradually evolve through intensification to a more urban built form.

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.

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. Due to the unique site context, Planning Staff have no concerns regarding the requested variances.

Staff do not believe there are any negative impacts from the reduced lot sizes, which are similar to the existing surrounding lot fabric.

The proposed building heights appears to be generally in line with the surrounding properties, and are also mitigated through the large set back of the main portion of the buildings.

The dominant character, determined by the Streetscape Character Analysis, was no front-facing attached garage, no driveway, and principal entrance facing the street. The majority of the lots on this block that were included in the analysis, have front yard parking that exists today; however, whether those had been established legally was not possible to confirm. Therefore, the majority of the lots were marked as no driveway as it couldn't be determined if they lead to a legal parking space.

Due to the existing grading of the site, interior side yard and rear yard parking is not possible. While no parking is required for this area in the city, the proposed driveways and garages will remove the existing front yard parking and introduce more soft landscaping along Loretta. The proposal also include a terrace above the garage with a canopy to emphasize the second storey and activate the streetscape.

While the principal entrance of each unit is located further back due to the slope of the site, they are visually emphasized with canopies. There are also entrances within the front wall that lead to the units which are oriented to interact with the public realm to mimic the intent of the principal entrance. The proposed projections reduce the visual impact of the front-facing attached garages.

## **ADDITIONAL COMMENTS**

### **Infrastructure Engineering**

1. The Planning, Real Estate and Economic Development Department will do a complete review of grading and servicing during the building permit process.
2. Any proposed works to be located within the road allowance requires prior written approval from the Infrastructure Services Department.
3. 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.
4. A private approach permit is required for any access off of the City street.
5. Existing grading and drainage patterns must not be altered.
6. Existing services are to be blanked at the owner's expense.
7. Existing Catch Basin is not to be located within the driveway.
8. A report addressing the stability of slopes, prepared by a qualified geotechnical engineer licensed in the Province of Ontario, should be provided wherever a site has slopes (existing or proposed) steeper than 5 horizontal to 1 vertical and/or more than 2 metres in height.
9. Service lateral spacing shall be as specified in City of Ottawa Standard S11.3.
10. In accordance with the Sewer Connection By-Law a minimum spacing of 1.0m is required between service laterals and the foundation face.

### **Planning Forestry**

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While the TIR recommends the removal of all trees on site, which is not generally acceptable, the only trees located outside of the buildable footprint are in a condition where long term survival is questionable. As such, there are no tree-related concerns with the severance or minor variances, provided that a planting plan is provided with the required compensation trees and that sufficient space is maintained between the driveways and services to plant new trees, as large as possible, in the Right of Way to improve the streetscape and canopy cover of the site.

### **Right of Way Management**

The grade on any part of a private approach, excluding the public sidewalk, shall be between 2-6%, per Section 26(g) of the Private Approach By-law.

### **Transportation Engineering**

The site is located within 300 m of the OLRT rail corridor (Line 1). The City of Ottawa will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way.

### **CONDITIONS**

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

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. The Owner/Applicant(s) shall prepare and submit a tree planting plan, prepared to the satisfaction of the Manager of the relevant Branch within the Planning, Real Estate and Economic Development Department, or their designate(s), showing the location(s), species or ultimate size of the specified number of compensation trees (50 mm caliper) required under the Tree Protection By-law, assuming that all proposed tree removals are permitted.
3. That the Owner(s) provide proof to the satisfaction of the Development Review Manager of the Relevant Branch within Planning, Development and Building Services Department, or his/her designate, to be confirmed in writing from the Department to the Committee, that the existing dwelling/building has been removed.
4. That the Owner(s) provide evidence to the satisfaction of the Development Review Manager of the Relevant Branch within Planning, Development and

Building Services Department, or his/her designate, to be confirmed in writing from the Department to the Committee, that the accessory structure has been demolished in accordance with the demolition permit or relocated in conformity with the Zoning By-law.

5. That the Owner(s) provide evidence to the satisfaction of both the Chief Building Official and Development Review Manager, Planning, Development and Building Services Department, or 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.
6. 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 Relevant Manager of the Relevant Branch within Planning, Development and Building Services 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 Relevant Manager of the Relevant Branch within Planning, Development and Building Services Department, or his/her designate.
7. That the Owner(s) enter into a Joint Use, Maintenance and Common Elements Agreement, 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 Relevant Manager of the Relevant Branch within Planning, Development and Building Services Department, or his/her designate, and City Legal Services. The Committee requires written confirmation that the Agreement is satisfactory to Relevant Manager of the Relevant Branch within Planning, Development and Building Services Department, or his/her 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.

If the Relevant Manager of the Relevant Branch within Planning, Development and Building Services Department, or his/her designate determines that the Easement Agreement satisfies the above and a Joint Use, Maintenance and Common Elements Agreement is no longer necessary, this condition shall be deemed as fulfilled.

8. The Owner(s) shall prepare a noise attenuation study in compliance with the City of Ottawa Environmental Noise Control Guidelines to the satisfaction of Relevant Manager of the Relevant Branch within Planning, Development and Building Services Department, or his/her 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.
9. That the Owner(s) enter into a Development Agreement with the City, at the expense of the Owner(s) and to the satisfaction of Relevant Manager of the Relevant Branch within Planning, Development and Building Services Department, or his/her designate, to require that an asphalt overlay will be installed, at the Owner(s) expense, on Loretta 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 Relevant Manager of the Relevant Branch within Planning, Development and Building Services 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 Relevant Manager of the Relevant Branch within Planning, Development and Building Services 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.

10. That the Owner provide a Slope Stability Report prepared by a Professional Geotechnical Engineer currently licensed in the Province of Ontario, that is satisfactory to Development Review Manager of the Relevant Branch within Planning, Development and Building Services Department, demonstrating that all parcels to be created by this application are, or can be made, suitable for residential purposes.

*Margot Linker*

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