

2024-05-30



**CONSENT & MINOR VARIANCE APPLICATION
COMMENTS TO THE COMMITTEE OF ADJUSTMENT
PANEL 2**

PLANNING, DEVELOPMENT AND BUILDING SERVICES DEPARTMENT

Site Address: 786 McKellar Avenue
Legal Description: Lot 13, Registered Plan M-98
File No.: D08-01-24/B-00083 to D08-01-24/B-00086
D08-02-24/A-00106 to D08-02-23/A-00109
Report Date: May 30, 2024
Hearing Date: June 04, 2024
Planner: Penelope Horn
Official Plan Designation: Inner Urban Transect, Neighbourhood Designation, Evolving Neighbourhood Overlay
Zoning: R3A

DEPARTMENT COMMENTS

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.

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. Staff are satisfied that the requested minor variance(s) meet(s) the “four tests”. The proposed lot width reflects the diversity of lot sizes in the surrounding area and Inner Urban Transect. The reduced front setback allows parking to be accommodated in the rear yard, which reduces the prominence of automobiles on the streetscape. The intent of the balcony provisions in the Zoning By-law are to limit overlook on neighbouring properties. However, given the site context, the proposed balconies are not expected to impact the privacy of surrounding properties. The proposed townhouses represent desirable development and gentle intensification, which is supported by the policies of the Official Plan.

ADDITIONAL COMMENTS

Infrastructure Engineering

- The Planning, Development and Building Services Department will do a complete review of grading and servicing during the building permit process.
- 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.
- Any proposed works to be located within the road allowance requires prior written approval from the Infrastructure Services Department.
- 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, Development and Building Services Department.
- A private approach permit is required for any access off of the City street.
- Existing grading and drainage patterns must not be altered.
- Existing services are to be blanked at the owner's expense.
- 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.).
- Service lateral spacing shall be as specified in City of Ottawa Standard S11.3.
- In accordance with the Sewer Connection By-Law a minimum spacing of 1.0m is required between service laterals and the foundation face.
- Encroachment on or alteration to any easement is not permitted without authorization from easement owner(s).

Planning Forestry

The plans proposed require the removal of one existing tree, which is noted to be in poor condition. Compensation and replacement of this tree must be addressed during the Building Permit process.

The survey plans do not match the tree locations shown in the TIR, and they also show an additional protected tree in the rear yard. Confirmation of the tree locations in relation to the proposed reduced front yard setbacks must be confirmed, and will require either an updated TIR and/or site plan to ensure there are no tree impacts related to the requested variances. If it is not possible to provide this update prior to the hearing, an adjournment is recommended as the discrepancy relates directly to the requested variance to the front yard setback.

A planting plan must be provided showing the locations and species of one new tree per lot, to be planted following construction to enhance the streetscape and canopy cover of the site.

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 one new 50 mm tree to be planted in the ROW or frontage of each lot following construction, to enhance the urban tree canopy.
3. That the Owner(s) provide proof to the satisfaction of the Manager of the Development Review All Wards Branch within Planning, Development and Building Services Department, or their 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 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.
5. That the Owner(s) enter into an Infrastructure Agreement with the City of Ottawa to extend the municipal services on McKellar Avenue at their own costs and post the necessary securities for the work on the City Right-of-Way to the satisfaction of the City's Planning, Development and Building Services Department's Infrastructure Approvals Branch and to the satisfaction of City Legal Services. The Owner(s) must also receive the approval of the Ontario Ministry of the Environment Conservation and Parks for the extension of the municipal services. 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 Joint Use, Maintenance and Common Elements, 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- the Manager of Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate, and City Legal Services. The Committee requires written confirmation that the Agreement is satisfactory to the Manager of the Development Review All Wards Branch within Planning, Development and Building Services Department, or their 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.

7. 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;

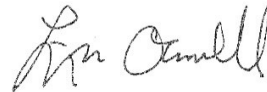
“The property is located next to lands that have an existing source of environmental noise (arterial road, highway, airport, etc) and may therefore be subject to noise and other activities associated with that use”

The Agreement shall be to the satisfaction of the Manager of Development Review All Wards Branch within 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.

8. 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 Manager of the Development Review All Wards Branch within Planning, Development and Building Services Department, or their 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 Manager of Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate.
9. That the Owner convey a 3m x 3m corner sight triangle located at the intersection of McKellar Avenue and Bromley Road to the City, with all costs to be borne by the Owner(s), to the satisfaction of the Surveys and Mapping Branch of the City. This area will be free of all structures, plantings, etc. and will allow a proper sighting distance for motorists when performing turning movements within the intersection. The Committee must receive written confirmation from City Legal Services that the transfer of the lands to the City has been registered.

10. 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 Manager of Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate, to require that an asphalt overlay will be installed, at the Owner(s) expense, on McKellar 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 the Manager of the Development Review All Wards Branch within 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.

If the Manager of the Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate determines that a Development Agreement requiring an asphalt overlay is no longer necessary, this condition shall be deemed as fulfilled.



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