

2024-04-11

City of Ottawa | Ville d'Ottawa  
Comité de dérogation



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

PLANNING, REAL ESTATE AND ECONOMIC DEVELOPMENT DEPARTMENT

Site Address: 255 Mackay Street  
Legal Description: Part of Lots 23 & 24, Registered Plan 42  
File No.: D08-01-24/B-00045 & D08-02-24/A-00062  
Report Date: April 11, 2024  
Hearing Date: April 17, 2024  
Planner: Margot Linker  
Official Plan Designation: Inner Urban Transect, Neighbourhood  
Zoning: R4UD[2502]

DEPARTMENT COMMENTS

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

DISCUSSION AND RATIONALE

The subject site is located within the R4UD[2502] (Residential Fourth Density, Subzone UD) zone within the Inner Urban Transect and designated Neighbourhood in the Official plan. The character of this area is not anticipated for a large evolution or change in character, and new development in this area should have regard for the local context and existing development.

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. The consent will have the effect of creating a lot large enough for a future detached or duplex dwelling. There are a few other similar-sized lots fronting on Avon Lane within the immediate vicinity.

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 have no concerns with the requested reduced rear yard setback and rear yard area. The subject site has large softly landscaped front and side yards. The agent has provided photographs of the rear façade, which demonstrate that two small windows will

overlook into the newly created lot and that the addition will be re-walled with stone. Staff believe that these windows lead to washrooms or bedrooms, resulting in minimal privacy impacts compared to primary living spaces. The applicant can confirm.

## **ADDITIONAL COMMENTS**

### **Heritage Planning Branch**

The property at 255 MacKay Street is designated under Part V of the *Ontario Heritage Act* as part of the New Edinburgh Heritage Conservation District. Given that new lots are created by processes under the *Planning Act*, a heritage permit is not required to create this new lot. The Official Plan policy 4.5.2.1 directs that new development must respect the relevant heritage conservation district plan.

The New Edinburgh Heritage Conservation District Plan contemplates severing lots, provided it meets the Official Plan and Zoning By-law and the following guideline:

*8.5.6.5: The remaining through lots from MacKay, Stanley and Crichton Streets are an important heritage attribute in the HCD. The severance of these lots to create new lots on the lanes will not be permitted.*

Despite the guideline above, heritage staff have no concerns with this application. While this property is a through lot on MacKay Street, this particular section of the heritage conservation district is unique in character. It represents an early institutional use in the community with a church and manse surrounded by a school and federal government testing facility. The lot pattern here is different than in the rest of the district, which is primarily comprised of residential through lots. In 2012, the manse (255 MacKay) was severed from MacKay United Church (257 MacKay). Until that time, the two buildings sat on one parcel, and formed the southern edge of the heritage conservation district. The severance created a new flag shaped parcel for the manse with frontage both on MacKay Street and Avon Lane. Given the irregularity of the lot fabric, and historic context, staff have no objections to the proposed severance.

As part of the Committee of Adjustment application, a Heritage Impact Assessment was completed by Juxta Architects Inc. to support the severance. Heritage staff concur with the findings of this Heritage Impact Assessment.

In order to facilitate this application, a heritage permit will be required to demolish the one-storey rear addition.

Any application for new construction on the newly severed lot will require an application under the *Ontario Heritage Act* and will be required to meet the policies and guidelines in the New Edinburgh Heritage Conservation District Plan. These guidelines speak to siting, massing, materials when constructing a new building.

### **Infrastructure Engineering**

110 Laurier Avenue West, Ottawa ON K1P 1J1

Mail code: 01-14

110, av. Laurier Ouest, Ottawa (Ontario) K1P 1J1

Courrier interne : 01-14

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- The **Planning, Real Estate and Economic Development Department** will do a complete review of grading and servicing during the building permit process.
- 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, Real Estate and Economic Development Department**.
- Existing grading and drainage patterns must not be altered.
- 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.).
- Existing Catch Basin is not to be located within the driveway.
- Provide a minimum of 1.5m between the proposed driveway and the utility pole.
- 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.

## Planning Forestry

## Right of Way Management

## Transportation Engineering

## CONDITIONS

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

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. That the Owner(s) provide evidence to the satisfaction of both the **Chief Building Official and Development Review Manager, Planning, Real Estate and Economic Development 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.
3. That the Owner(s) provide a servicing plan or other evidence, to the satisfaction of the Development Review Manager of the Relevant Branch within Planning, Real Estate and Economic Development Department, or his/her designate, to be confirmed in writing from the Department to the Committee, that each existing building and/or unit on the severed

and retained parcels has its own independent water, sanitary and sewer connection, as appropriate, that are directly connected to City infrastructure and do not cross the proposed severance line.

4. That the Owner(s) enter into an Infrastructure Agreement with the City of Ottawa to extend the municipal services on MacKay Street at his/her own costs and post the necessary securities for the work on the City Right-of-Way to the satisfaction of the **City's Planning, Real Estate and Economic Development Department's Infrastructural 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.
5. That the Owner(s) provide evidence to the satisfaction of **the Development Review Manager of the Relevant Branch within Planning, Real Estate and Economic Development Department, or his/her designate**, to be confirmed in writing from the Department to the Committee, that the existing structure straddling the proposed severance line has been demolished in accordance with the demolition permit or relocated in conformity with the Zoning By-law.
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, Real Estate 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 **Relevant Manager of the Relevant Branch within Planning, Real Estate and Economic Development Department, or his/her designate**.
7. That the Owner(s) satisfy the **Chief Building Official, or designate**, by providing design drawings or other documentation prepared by a qualified designer, that as a result of the proposed severance the existing building on [Part 1 on Draft 4R PLAN] shall comply with the Ontario Building Code, O. Reg. 332/12 as amended, in regards to the limiting distance along the [south] property line. If necessary, a building permit shall be obtained from Building Code Services for any required alterations.
8. The Owner/Applicant(s) shall prepare and submit a tree planting plan, **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/ultimate size of one new 50 mm tree to be planted in the right-of-way of each lot following construction, to enhance the urban tree canopy and streetscape.

*Margot Linker*

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Margot Linker  
Planner I, Development Review All Wards  
Planning, Real Estate and Economic  
Development Department

*Erin O'Connell*

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Erin O'Connell  
Planner III, Development Review All Wards  
Planning, Real Estate and Economic  
Development Department