



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

PLANNING, DEVELOPMENT AND BUILDING SERVICES DEPARTMENT

Committee of Adjustment
Received | Reçu le
2024-05-08
City of Ottawa | Ville d'Ottawa
Comité de dérogation

Site Address: 274 Compton Avenue
Legal Description: Lot 26, Registered Plan 446
File No.: D08-01-24/B-00072 and B-00073,
D08-02-24/A-00093 and A-00094
Report Date: May 9, 2024
Hearing Date: May 14, 2024
Planner: Samantha Gatchene
Official Plan Designation: Inner Urban Transect, Neighbourhood
Evolving Overlay
Zoning: R2F

DEPARTMENT COMMENTS

The Planning, Development and Building Services Department **has some concerns with** the applications.

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.

The site is zoned R2F and designated Neighbourhood under the Official Plan. Neighbourhoods are intended to evolve through gradual development, of which this application is an example.

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 do not have concerns with the requested variances for reduced lot width, reduced lot area or reduced interior side yard setbacks. The variances will result in developable parcels with lot dimensions consistent with other lots containing semi-detached dwellings in the surrounding area. The reduced interior side yard setbacks will maintain adequate

separation from the abutting properties while enable access through the interior side yards.

Staff have concerns regarding the compatibility of the variance seeking to permit a front facing garage. The result of the Streetscape Character Analysis demonstrated that front facing attached garages are not a dominant characteristic of the area surrounding the site. Front-facing attached garages often push the livable floor area of the dwelling upwards and/or towards the rear yard, resulting in a break of character for the streetscape. These infill developments enhance the dominance of the automobile, and render the principle entranceway less important than the car's storage. This elevates the presence of automobiles in neighbourhoods that were built prior to the mass-commercialization of the automobile. With the addition of these garages, future Streetscape Character Analysis results could tip the scales in favour of front-facing garages. This would be inconsistent with the direction of policy in this area.

ADDITIONAL COMMENTS

Planning Forestry

There are no tree-related concerns with the variances or severance proposed. The design will not require removal of any protected trees, though one is proposed for removal due to its condition. There are existing hedges on 3 property lines which are not protected under the Tree By-law and are not addressed in the TIR; ownership must be determined and permission obtained from all owners (if shared) prior to removal or impact. As replacement trees will be limited in size due to the overhead wires, it is preferred to plant them in the Right of Way, if space allows.

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.
- 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.
- 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.
- Existing grading and drainage patterns must not be altered.
- Existing services are to be blanked at the owner's expense.

- 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.

Right of Way Management

The Right-of-Way Management Department has no concerns with the proposed Consent Application, however, as there are requested changes to the private approach/driveway, the Owner shall be made aware that a private approach permit is required to construct a newly created entrance.

CONDITIONS

If approved, the Planning, Development and Building Services 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 Development Review All Wards Branch within the Planning, Development and Building Services Department, or their designate(s), showing the location(s), species or ultimate size of one new tree per lot or 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 Manager of the Development Review All Wards Branch within the 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 the Manager of the Development Review All Wards Branch within the 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 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 the Development Review All Wards Branch within the 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 the Manager of the Development Review All Wards Branch within the 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.

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 the Manager of the Development Review All Wards Branch within the 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 the Development Review All Wards Branch within the Planning, Development and Building Services Department, or their designate.
7. 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 the Development Review All Wards Branch within the 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 Compton 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 the 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 the Manager of the Development Review All Wards Branch within the 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.



Samantha Gatchene, MCIP, RPP
Planner I
Development Review, All Wards
Planning, Development and Building
Services Department

Erin O'Connell, MCIP, RPP
Planner III
Development Review, All Wards
Planning, Development and Building
Services Department