

2024-10-09



**CONSENT APPLICATION
COMMENTS TO THE COMMITTEE OF ADJUSTMENT
PANEL 1**

PLANNING, DEVELOPMENT AND BUILDING SERVICES DEPARTMENT

Site Address: 52 – 54 Grosvenor Avenue
Legal Description: Part of Lot 1, Registered Plan 36, W/S Grosvenor Avenue
File No.: D08-01-24/B-00180-00181
Report Date: October 9, 2024
Hearing Date: October 17, 2024
Planner: Elizabeth King
Official Plan Designation: Inner Urban Transect, Neighbourhood
Zoning: R3Q [487]

DEPARTMENT COMMENTS

The 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 no concerns with the proposed consent as it will allow for separate ownership of the existing dwellings. Staff note that the current parking and driveway configuration does not reflect the plans submitted. However, the applicant has confirmed that the pathway and soft scaping will be re-instated in accordance with the plans submitted by Flynn Architect dated October 26, 2023.

ADDITIONAL COMMENTS

Planning Forestry

There are no tree-related impacts associated with the requested severance.

CONDITIONS

If approved, the Planning, Development, and Building Services Department requests that the Committee of Adjustment impose the following conditions on the application:

1. That the Owner(s) provide evidence to the satisfaction of the Chief Building Official, or designate, that the party wall meets the Ontario Building Code, O Reg. 332/12 as amended, which requires a 1-hour fire separation from the basement through to the underside of the roof. Verification from the Building Inspector is required. If necessary, a building permit shall be obtained from Building Code Services for any required alterations.
2. That the Owner(s) provide evidence to the satisfaction of both the Chief Building Official and Development Review Manager of All Wards, 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.
3. That the Owner(s) enter into 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 Development Review All Wards Manager within Planning, Development and Building Services Department, or their designate, or City Legal Services. The Committee requires written confirmation that the Agreement is satisfactory to Development Review All Wards Manager within Planning, Development and Building Services Department, or their designate, or 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.

4. 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;

- a. "The property is located next to lands that have an existing source of environmental noise (collector road) and may therefore be subject to noise and other activities associated with that use"
 - b. The Agreement shall be to the satisfaction of Development Review All Wards Manager 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.
5. 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 Development Review All Wards Manager 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 Development Review All Wards Manager within Planning, Development and Building Services Department, or their designate.
6. That the Owner(s) shall provide evidence that the pathway and soft landscaping has been re-instated at 54 Grosvenor as per the drawing submitted by Flynn Architect dated October 26, 2023 to the satisfaction of Development Review All Wards Manager within Planning, Development and Building Services Department, or their designate.



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