

2024-10-10

City of Ottawa | Ville d'Ottawa  
Comité de dérogation



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

**PLANNING, DEVELOPMENT AND BUILDING SERVICES DEPARTMENT**

Site Address: 259 Bradley Avenue  
Legal Description: Lots 100 & 101, Registered Plan 246  
File No.: D08-01-24/B-00174 & 08-01-24/B-00175 and D08-02-24/A-00240 & D08-02-24/A-00241  
Report Date: October 10, 2024  
Hearing Date: October 16, 2024  
Planner: Penelope Horn  
Official Plan Designation: Inner Urban Transect, Neighborhood, Evolving Overlay  
Zoning: R4UA

**DEPARTMENT COMMENTS**

The Planning, Real Estate and Economic Development 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 variances meet the “four tests”.

**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
- Please note slopes in excess of 6% require heating on private property only.
  - The portion of the driveway within the right-of-way must have a positive slope towards the street.
  - Please note a slope stability study is required for the additional loading resulting from the proposed parking area on the existing retaining wall. The study should also comment on the existing/current conditions of the retaining wall.
  - Please note that the space between proposed buildings must be a minimum of 3.4m wide to accommodate the servicing as per City standards.
  - Please note the sanitary manhole may interfere with the servicing of the rear units. The owner may be required to relocate the manhole at their own cost.

## Planning Forestry

The proposed development would require the removal of three private, distinctive trees, and one municipal street tree. Two of the privately-owned distinctive trees are shared with the property at 261 Bradley and will require written consent from the property owner for their removal.

Tree removal permits will be required for the removal of three private trees and one municipal tree, and a total of nine replacement trees will be required, in addition to the payment of compensation for the value of the existing street tree.

As proposed, the development will have a significant impact on the local canopy cover and provides little space for new trees. The rear yard design should be changed, to

provide space large-growing trees, following construction. An updated TIR and planting plan will be required.

## Right of Way Management

The Right-of-Way Management Department has **no concerns** with the proposed application, however, the Owner shall be made aware that a private approach permit is required to construct any newly created driveway/approach, and, to modify, relocate, or to remove an existing private approach. As a result, a private approach permit will be required for the proposed driveway. **Please contact the ROW Department for any additional information at [rowadmin@ottawa.ca](mailto:rowadmin@ottawa.ca). Apply for a private approach here [Private Approach Application](#) .**

Please note: The proposed plan does not show a grading percentage in the ROW. Private Approach (By-law No. 2003-447) | City of Ottawa Section 25 (t) - No person shall construct a private approach serving a parking area with less than 50 parking spaces, with a grade exceeding 2% within the private property for a distance of 6 metres from the highway line or future highway line.

## 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. That the Owner(s) provide proof to the satisfaction of the Development Review 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.
3. 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 with 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.

4. 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.
5. That the Owner(s) enter into Joint Use, Maintenance and Common, 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.

6. That the Owner(s) 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, warning purchasers and/or tenants that the property may be susceptible to flooding due to the reverse slope driveway and the City will not take responsibility for flooding claims in the future. The Agreement shall be to the satisfaction of the Development Review All Wards Manager, 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.

7. 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 All Wards Branch within Planning, Development and Building Services Department , or their designate and to the to be confirmed in writing from Department to the Committee, demonstrating that all parcels to be created by this application are, or can be made, suitable for residential purposes.
8. That the Owner/Applicant(s) provide a signed letter of permission from the owner(s) of identified adjacent or boundary tree(s), for the proposed removal or operations impacting the tree(s). The owner/applicant(s) acknowledge(s) that a tree removal permit cannot be issued without the permission of all owners of a tree, and that the development plan must be revised to allow for the retention and protection of the adjacent or boundary trees if this letter cannot be produced.
9. That the Owner/Applicant(s) provide a tree planting plan, **to the satisfaction of the Manager of Development Review All Wards Branch within the Planning, Development and Building Services Department, or their designate(s)**, showing the location(s), species/ultimate size of one new 50 mm tree to be planted on the property frontage or right-of-way of each lot / on each lot following construction, to enhance the urban tree canopy and streetscape.
10. That the Owner/Applicant(s) provide a tree planting plan, prepared **to the satisfaction of the Manager** Development Review All Wards **Branch within the Planning, Development and Building Services Department, or their designate(s)**, showing the location(s) and species or ultimate size of all compensation trees required under the Tree Protection By-law and/or one new tree (50 mm caliper) per lot.



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Penelope Horn  
Planner I, Development Review All Wards



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Wendy Tse  
Planner III (A), Development Review All Wards

Planning, Development and Building  
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