

2024-10-31



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

PLANNING, DEVELOPMENT AND BUILDING SERVICES DEPARTMENT

Site Address: 1339 Mory Street
Legal Description: Part of Lot 23, Registered Plan 674
File No.: D08-01-24-B-00200-00201 & D08-02-24-A-00257-00258
Report Date: October 31, 2024
Hearing Date: November 05, 2024
Planner: Nivethini Jekku Einkaran
Official Plan Designation: Outer Urban Transect, Neighbourhood
Zoning: R1WW [637]

DEPARTMENT COMMENTS

The Planning, Development and Building Services Department **has no concerns with** the application(s).

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 subject property is zoned as R1WW [637] – Residential First Density Zone, Subzone WW with Exception 637. The property is in the Outer Urban Transect and designated as Neighbourhood, as per Schedules A and B3 of the Official Plan. This area is generally planned for low-density, low-rise development which maintains the neighbourhood character.

ADDITIONAL COMMENTS

Building Code Services

That the Owner(s) provide evidence to the satisfaction of the Chief Building Official, or designate, that the existing dwelling has been demolished or relocated under the authority of a building permit.

Infrastructure Engineering

1. The **Planning, Development and Building Services Department** will do a complete review of grading and servicing during the building permit process.
2. Any proposed works to be located within the road allowance requires prior written approval from the Infrastructure Services Department.
3. 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.
4. 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**.
5. A private approach permit is required for any access off of the City street.
6. Existing grading and drainage patterns must not be altered.
7. Existing services are to be blanked at the owner's expense.
8. 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.).
9. Existing Catch Basin is not to be located within the driveway.
10. Service lateral spacing shall be as specified in City of Ottawa Standard S11.3.

Planning Forestry

Through pre-consultation, it was determined that retention of Tree 1 through construction was not feasible. A permit will be required for the removal of Tree 1, and three replacement trees will be required as compensation.

Right of Way Management

The Right-of-Way Management Department has no concerns with the proposed Consent and Minor Variance Applications, however, the Owner shall be made aware that a private approach permit is required to construct any new entrance, as well as to close an existing entrance that becomes redundant. As a result, private approach permit(s) will be required for the proposed access changes off of Mory St. All private approaches shall be designed, located, and comply with the City's Private Approach By-Law No 2003-447, as amended, and shall be subject to approval of the Right-of-Way, Heritage, and Urban Design Department. **Please contact the ROW Department for further information at rowadmin@ottawa.ca.**

CONDITIONS

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

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/Applicant(s) provide a tree planting plan, prepared **to the satisfaction of the Manager of the relevant 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.
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 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 (airport) and may therefore be subject to noise and other activities associated with that use”

The Agreement shall be to the satisfaction of **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.

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 **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 **Manager of the Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate.**
7. That the Owner(s) enter into a resurfacing agreement with the City to the satisfaction of the **Program Manager, Right of Way Branch within Planning, Development and Building Services Department, or their designate**, and provide financial security in accordance with the Road Activity By-law, as amended, to install an asphalt overlay over the roadway surface of Mory St., fronting the subject lands, to the limits shown on the approved Site Servicing Plan. Where the approved Site Servicing Plan demonstrates that resurfacing is not required based on the City's Road Cut Resurfacing Policy, the **Development Review Manager of the All Wards Branch within Planning, Development and Building Services Department, or their designate**, shall deem this condition satisfied.



Nivethini Jekku Einkaran
Planner I, Development Review All Wards
Planning, Development and Building
Services Department



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