

2024-10-10

City of Ottawa | Ville d'Ottawa
Comité de dérogation



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

PLANNING, DEVELOPMENT AND BUILDING SERVICES DEPARTMENT

Site Address: 2725 Rowatt Street
Legal Description: Part Road Allowance between Lots 20 & 21, Concession 1 (OF) Geographic Township of Nepean
File No.: D08-01-24/B-00171 & D08-01-24/B-00172
D08-02-24/A-00232 & D08-02-24/A-00233
Report Date: October 10, 2024
Hearing Date: October 15, 2024
Planner: Elizabeth King
Official Plan Designation: Inner Urban, Neighbourhood,
Zoning: R1O

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.

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 intent of the existing zoning is to restrict the building form to detached dwelling, to provide additional housing choices, and to regulate development in a manner that is compatible with existing land use patterns so that the residential character of a neighbourhood is maintained or enhanced.

Staff have no concerns with the variances to reduce the lot width and area, and interior side yard setbacks and increased height for the coach house dwellings. The increased

height of 6.1 metres meets the policies Section 4.2.1(e) of the Official Plan to consider variances to coach houses.

However, Staff have **some concerns** with the site functionality relating to accessing the parking spaces within the coach house and turning radii of vehicles from the driveway. Staff note that additional space would be needed to facilitate a safe turning space from the shared driveway to either the northerly or southerly parking spaces within the coach houses. The main units are required to provide parking, however the coach houses do not.

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.
- 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.
- A private approach permit is required for any access off of the City street.
- 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.).
- This property does not have frontage on a storm and sanitary sewer.
- 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.
- A geotechnical memo addressing the spacing for adequate access for repair and maintenance of the services will be requested.
- Encroachment on or alteration to any easement is not permitted without authorization from easement owner(s).

Planning Forestry

There are no tree-related concerns with the requested variances.

The proposed development will require the removal of all 3 protected trees from site, the most significant of which is tree #3, which provides canopy cover to several adjoining properties; this tree is within the footprint of one of the primary units and would be difficult to design around.

The planting plan shows all 8 required compensation trees on site, limited to medium species due to the large combined footprint of the buildings. Consideration could be given to planting large-growing trees on adjacent properties (with their permission) to re-establish the canopy cover and privacy lost here.

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, one private approach permit will be required for the proposed shared laneway along Rowatt St. **Please contact the ROW Department for further information at rowadmin@ottawa.ca.**

Transportation Engineering

Improve the functionality of vehicle access to/from the proposed rear yard garages. Consider utilizing AutoTURN software to confirm the standard TAC vehicle can access the garages.

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 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 an Infrastructure Agreement with the City of Ottawa to extend the municipal services on Rowatt Street at their own costs and post the necessary securities for the work on the City Right-of-Way to the satisfaction of the City's Planning, Development and Building Services 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.
4. 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 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.

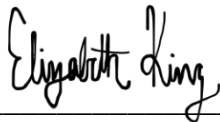
5. That the Owner enter into an Agreement with the City, at the expense of the Owner, which is to be registered on Title to deal with the covenants/notices that shall run with the land and bind future owners on subsequent transfers;

"The property is located next to lands that have an existing source of environmental noise (Collector road) and may therefore be subject to noise and other activities associated with that use"

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.

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 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.

7. That the Owner(s) submit a Site Servicing Brief prepared by a Professional Civil Engineer licensed in the Province of Ontario, for approval by the 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, outlining the municipal servicing requirements for each unit and indicating, if required, that capacity exists within existing City infrastructure.



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