

2024-09-25

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: 130 Kenilworth Street & 372A Holland Avenue
Legal Description: Part of Lots 250 & 251, Registered Plan 207509
File No.: D08-01-24/B-00111, D08-01-24/B-00112,
D08-02-24/A-00161 & D08-02-24/A-00192
Report Date: September 25, 2024
Hearing Date: October 2, 2024
Planner: Elizabeth King
Official Plan Designation: Inner Urban Transect, Neighbourhood
Zoning: R3I, Mature Neighbourhood Overlay

DEPARTMENT COMMENTS

The Planning, Development and Building Services Department **has no 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”.

130 Kenilworth and 372A Holland are zoned Residential Third Density Zone Subzone I, and the intent of this zone is to allow residential uses to provide additional housing choices and regulating development that is compatible with the existing land use patterns. The proposed applications will sever an existing semi-detached dwelling to allow for individual ownership, which maintains the intent of Zoning By-law. Staff have no concerns with the proposed variances regarding the location of parking and the driveway as these are existing conditions of the site, with no alterations proposed.

ADDITIONAL COMMENTS

Planning Forestry

Through pre-consultation it was determined that no construction is proposed with this application, however it is yet to be determined whether separate services exist to each unit. If it is found through development of a servicing plan that new services are required, a TIR will be required if there is any proposed excavation within the CRZ of existing protected trees.

Right of Way Management

The Right-of-Way Management Department has no concerns with the proposed consent and minor variation application. However, the Owner shall be made aware that a Private Approach Permit is required to modify an existing private approach or to construct any new driveway/private approach.

Transportation Engineering

Please note that Holland Avenue is designated as a protected Right of Way (ROW) and requires a 26m ROW be maintained as per Schedule C16 of the Official Plan. The proponent shall dedicate to the City any land within the protected ROW to the City. The new property line is likely consistent with the property line of 376 Holland Avenue. The proponent shall dedicate a 3m x 9m corner triangle at the intersection of Kenilworth Street and Holland Avenue as required by Policy 2.1.1 (e) of Schedule C16 of the OP. The corner triangle shall be measured from the new property line after ROW widening. It is noted that the 3m will be along Kenilworth Street and the 9m will be along Holland Avenue.

CONDITIONS

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

1. That the Owner(s) provide evidence to the satisfaction of both the **Chief Building Official and Development Review Manager, 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 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.

2. That the Owner(s) agree to provide a Servicing Plan showing the locations of existing services and existing protected trees. New services, if required, must be located based on the least impact to protected trees and tree cover to the satisfaction of the **Manager of the Development Review All Wards Branch, or their designate**. A Tree Information Report is required if proposed services are within the Critical Root Zone of a protected tree.
3. That the Owner(s) enter into a Joint Use, Maintenance and Operating Agreement, at the expense of the Owner(s), setting forth the obligations between the Owner(s) and the proposed future owners.

Joint Use, Maintenance and Operating 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 **Manager of the Development Review All Wards Branch** 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 the **Manager of the Development Review All Wards Branch 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 confirmation that it has been or will be 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;

“The property is located next to lands that have an existing source of environmental noise (major collector) 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 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.

5. That the Owner convey a 3 m x 9 m corner sight triangle located at the intersection of Kenilworth St. and Holland Ave. to the City, with all costs to be

borne by the Owner(s), to the satisfaction of the Surveys and Mapping Branch of the City. This area will be free of all structures, plantings, etc. and will allow a proper sighting distance for motorists when performing turning movements within the intersection. The Committee must receive written confirmation from **City Legal Services** that the transfer of the lands to the City has been registered.

6. That the Owner acknowledges and agrees to convey to the City, at no cost to the City, an unencumbered road widening across the complete frontage of the lands, measuring 13 meters from the existing centerline of pavement/the abutting right-of-way along Holland Avenue, pursuant to Section 50.1(25)(c) of the Planning Act and Schedule C16 of the City's new Official Plan, if required. The exact widening must be determined by legal survey. The Owner shall provide a reference plan for registration, indicating the widening, to the City Surveyor for review and approval prior to its deposit in the Land Registry Office. Such reference plan must be tied to the Horizontal Control Network in accordance with the municipal requirements and guidelines for referencing legal surveys. The Owner(s) must provide to the City Surveyor a copy of the Committee of Adjustment Decision and a draft Reference Plan that sets out the required widening. The Committee requires written confirmation from **City Legal Services** that the transfer of the widening to the City has been registered. All costs shall be borne by the Owner.



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