

Committee of Adjustment
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City of Ottawa | Ville d'Ottawa
Comité de dérogation



COMMENTS TO THE COMMITTEE OF ADJUSTMENT
PANEL 1
PLANNING, DEVELOPMENT AND BUILDING SERVICES DEPARTMENT

Site Address: 173 Riverdale Avenue
 Legal Description: Lot 123 Registered Plan 283252
 File No.: D08-01-24/B-00149
 Report Date: September 12, 2024
 Hearing Date: September 18, 2024
 Planner: Elizabeth King
 Official Plan Designation: Inner Urban Transect, Neighbourhood
 Zoning: R3P [487], Mature Neighbourhood Overlay

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.

Application D08-02-19/A-0013 was granted in 2019 and provided relief of the front yard setback, driveway width, and building height which addressed zoning non-compliance for the construction of the semi-detached dwellings. Staff have no concerns with the proposed consent.

ADDITIONAL COMMENTS

Planning Forestry

Through pre-consultation, it was confirmed that the original Tree Disclosure Report (prepared by IFS, dated Sept. 23, 2019) was adequate for the current severance application.

Right of Way Management

The Right-of-Way Management Department has **no concerns** with the proposed Consent Application as there appears to be no requested changes to the private approach. However, the Owner shall be made aware that a private approach permit is required to construct any newly created driveway/approach, to modify, relocate or to remove an existing private approach. **Please contact the ROW Department for any additional information at rowadmin@ottawa.ca.**

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 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.
2. 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 Relevant Manager of the Relevant 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 Relevant Manager of the Relevant 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.

3. 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 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 Development Review All Wards Manager of the Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate.
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 (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 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(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.



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