

2024-09-12



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: 97 MacLaren Street
Legal Description: Lot 63 (North Side MacLaren Street), Registered Plan No. 15558
File No.: D08-01-23/B-00328 & D08-01-23/B-00329
D08-02-23/A-00301
Report Date: September 12, 2024
Hearing Date: September 18, 2024
Planner: Penelope Horn
Official Plan Designation: Downtown Core, Evolving Neighbourhood Overlay
Zoning: R4UC [478]

DEPARTMENT COMMENTS

The Planning, Real Estate and Economic Development 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 variances meet the “four tests”. The requested variance to the minimum interior side yard setback, will legalize the placement of the existing building. The reduced lot widths are minor in nature, the Downtown Core is characterized by a diverse mix of lot patterns and widths. Staff are of the opinion that the requested variances are appropriate since the severed vacant lot meets the Zoning By-law requirements and the variances allow the existing building to remain.

Parking is not permitted in the R4UC Zone for low rise apartment buildings on lots under 450 square metres. The intent of this provision is to ensure that parking is not provided at the expense of soft landscaping and adequate garbage storage. If the applicant demonstrates that waste storage and bike parking can be accommodated on-site while maintaining intensive soft landscaping, Staff have no concerns with the proposal to provide one parking space. Given the current conditions on site, the proposed consent will eventually improve the existing situation, which is a large surface parking lot. The proposed site plan demonstrates intensive soft landscaping in the front and rear yard.

ADDITIONAL COMMENTS

Heritage Planning Branch

97 MacLaren St is a non-designated property listed on the City of Ottawa's Heritage Register under Section 27 of the Ontario Heritage Act. Heritage Planning staff reviewed the application and do not have concerns with the proposed severance.

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.
- 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.

Planning Forestry

There is an existing City tree in front of 97 MacLaren (Part 4 on the survey). This tree must be protected in accordance with the City's Tree Protection Specifications through construction of the adjacent (new) lot. A grading plan must be provided showing the

location of protected trees, protection fencing, and with all services, located to minimize impacts to protected trees. A planting plan must also be provided, showing one new tree to be planted in front of the new lot following construction, to enhance the streetscape and canopy cover of the site, and one new tree to be planted in the rear of the retained lot to balance the need for canopy cover and parking.

Right of Way Management

The Right-of-Way Management Department has no concerns with the proposed Consent and Minor Variance Applications, however, there are requested changes to private approaches/driveways. The Owner shall be made aware that a private approach permit is required to construct a newly created entrance, as well as to modify or close any existing entrance. The current proposal requires two private approach permits as a result, one to modify the existing private approach on the retained lands, and another to convert the private approach to a temporary access on the severed lands. **Please contact the ROW Department for any additional information at rowadmin@ottawa.ca.**

Transportation Engineering

CONDITIONS

If approved, the Planning, Real Estate and Economic Development Department requests that the Committee of Adjustment impose the following conditions on the applications:

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 Agreement, 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.

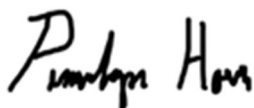
3. That the Owner enter into an Agreement with the City, at the expense of the Owner, which is to be registered on Title to deal with the covenants/notices that shall run with the land and bind future owners on subsequent transfers;

“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.

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 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.
5. That the Owner(s) provide(s) a Grading and Servicing Plan/Site Plan including the locations of existing protected trees, and with the locations of proposed structures (driveways, retaining walls, services, etc.) determined based on the least impact to protected trees and tree cover, to the satisfaction of the Manager of the relevant Branch within the Planning, Real Estate and Economic Development Department, or their designate(s).

6. The Owner/Applicant(s) shall prepare and submit a tree planting plan, to the satisfaction of the Manager of the relevant Branch within the Planning, Real Estate and Economic Development 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 the new lot following construction, to enhance the urban tree canopy and streetscape, and one new 50mm tree to be planted in the rear yard of the retained property to balance canopy cover and parking.



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