

Committee of Adjustment

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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: 255 Marier Avenue
Legal Description: Part of Lot 5, Concession Junction Gore, Geographic Township of Gloucester
File No.: D08-01-24/B-00142 & D08-02-24/A-00206
Report Date: September 12, 2024
Hearing Date: September 17, 2024
Planner: Elizabeth King
Official Plan Designation: Inner Urban, Neighbourhood, Evolving Neighbourhood Overlay
Zoning: R4UA-c

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”.

255 Marier is zoned Residential Fourth Density Subzone UA Commercial Suffix, the intent of this zone is to allow a wide mix of residential building forms ranging from detached to low rise apartment dwellings and regulating development 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 and consider them minor, and the proposed lot creation and the proposal of stacked dwelling is consistent with the neighbourhood land pattern.

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.
- 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.
- Encroachment on or alteration to any easement is not permitted without authorization from easement owner(s).

Planning Forestry

While the arborist letter confirms no distinctive trees were present on site, imagery shows several trees bordering the parcel to be severed that would be impacted by the proposed plans.

In keeping with Official Plan section 4.8.2, policy 3, development must maintain the urban forest canopy and its ecosystem services and provide space for mature, healthy trees on private and public property. A planting plan should be provided, showing new trees in the front and rear yard, and prioritizing large-growing trees.

Right of Way Management

110 Laurier Avenue West, Ottawa ON K1P 1J1 Mail code: 01-14
110, av. Laurier Ouest, Ottawa (Ontario) K1P 1J1 Courrier interne : 01-14

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The Right-of-Way Management Department has **no concerns** with the proposed Consent and Minor Variance Applications 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.

Transportation Engineering

Provide a 3m x 3m corner triangle for Part 2 of the subdivided property per Policy 2.1.1 (e) of Schedule C16 of the Official Plan. Dedicate the corner triangle to the City of Ottawa road right of way.

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) provide evidence to the satisfaction of the Development Review Manager of All Wards within Planning, Development and Building Services Department, or their designate, to be confirmed in writing from the Department to the Committee, that the accessory structure has been demolished in accordance with the demolition permit or relocated in conformity with the Zoning By-law.
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 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) 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.
6. That the Owner convey a 3 m x 3 m corner sight triangle located at the intersection of Deschamps Avenue and Marier Avenue 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.
7. That the Owner/Applicant(s) provide a tree planting plan, prepared to the satisfaction of the Development Review All Wards Manager within the Planning, Real Estate and Economic Development 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.



Elizabeth King
Planner I, Development Review All Wards

Planning, Development and Building
Services Department



Wendy Tse
Planner III (A), Development Review All
Wards

Planning, Development and Building
Services Department