

2025-01-09



PERMISSION APPLICATION
COMMENTS TO THE COMMITTEE OF ADJUSTMENT
PANEL 1

PLANNING, DEVELOPMENT AND BUILDING SERVICES DEPARTMENT

Site Address: 38 Clarey Avenue
Legal Description: Lot 16, Registered Plan M-13
File No.: D08-02-24/A-00301
Report Date: January 9, 2025
Hearing Date: January 15, 2025
Planner: Penelope Horn
Official Plan Designation: Inner Urban Transect, Neighbourhood Designation, Evolving Neighbourhood Overlay
Zoning: R3Q

DEPARTMENT COMMENTS

The Planning, Real Estate and Economic Development Department **has no concerns with** the application.

DISCUSSION AND RATIONALE

The *Planning Act* subsection 45 (2) (a) permits the Committee to grant permission to either (i) “enlarge or extend” a legal non-conforming building, structure or (ii) change the legal non-conforming use of the land, building or structure to a similar and equally- or more-compatible use.

When considering an application under s. 45(2)(a)(i) to expand/extend a legally non-conforming use, the Committee should consider if the proposal is desirable for the appropriate development or use of the land, building or structure. The effect of any expansion made must always be weighed against the impact it could have upon neighbouring properties enjoying a different land use classification.

In this scenario, permission is being sought to extend the legal non-conforming low-rise apartment building. The addition will be used to bring the building into compliance with the Building Code and to accommodate an additional unit. The proposal will improve functionality on the site and is not anticipated to negatively impact surrounding properties.

While staff have no concerns regarding the proposed expansion, there appears to be non-conforming front yard parking on the site, which is labelled as the existing driveway on the submitted plans. The current application does not establish a legal parking space on the property.

ADDITIONAL COMMENTS

Heritage Planning Branch

- 38 Clarey is listed on the City of Ottawa's Heritage Register in accordance with Section 27 of the Ontario Heritage Act. There are no requirements for this proposal under the Ontario Heritage Act. A heritage permit is not required.
- The subject property, along with many of its neighbours, comprise a relatively intact group of early 20th century brick houses. Historically, it was typical for these properties to have a green front yard with a simple, linear walkway. Removing front yard parking and re-greening is strongly encouraged.
- Should there be an opportunity for revisions to the proposal, Heritage Planning staff would encourage the applicant to consider adjustments to the design and materials to reduce impacts on the primary façade and traditional gambrel roof of this historic 1902 house.

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 may be required.
- 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.
- Existing grading and drainage patterns must not be altered.

Planning Forestry

The proposed addition has already been constructed. The foundation of the front porch that remains to be built should be installed on helical piles, to minimize excavation within the Critical Root Zone of City tree 8177810. If the proposed concrete footings are to be used, the Tree Information Report should be updated accordingly.

The proposed location of the gas meters should be revised if their installation would require additional excavation in the CRZ of the City tree. Detailed plans were requested of the applicant.

Transportation Engineering

- The City of Ottawa is planning an integrated renewal (reconstruction of road, sidewalks, sewers and watermains) on Clarey Avenue between Bank Street and the dead end, which is anticipated to start construction in 2026 at the earliest. Traffic calming measures (vertical and horizontal) will be proposed to achieve a 30 km/h operating speed. Contact Carolyn Newcombe (Infrastructure & Water Services Department) for additional project information and coordination.



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