

2025-01-30



**CONSENT & MINOR VARIANCE APPLICATION
COMMENTS TO THE COMMITTEE OF ADJUSTMENT
PANEL 1**

PLANNING, DEVELOPMENT AND BUILDING SERVICES DEPARTMENT

Site Address: 451 Roosevelt Avenue
Legal Description: Part of Lot 10 (East Side Roosevelt Avenue), Registered Plan 235
File No.: D08-01-24/B-00141, D08-02-24/A-00205 & D08-02-24/A-00255
Report Date: January 30, 2024
Hearing Date: February 5, 2024
Planner: Elizabeth King
Official Plan Designation: Inner Urban Transect, Neighbourhood, Evolving Neighbourhood Overlay
Zoning: R4UA [2686] H(8.5)

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.

451 Roosevelt has legal non-complying front yard and corner side yard setbacks. The requested variances reflect the existing setbacks. Staff note that the revised plans remove the original request to reduce the 4.5 metre landscape strip in the rear yard.

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.
- Existing services are to be blanked at the owner's expense.
- 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).
- If required, existing street sign to be relocated at the owner's expense.

Planning Forestry

The proposed addition will impact 2 of the 5 protected trees on site. There are no tree-related concerns with the requested variances as they relate to the existing conditions on site and will not increase the impacts to existing trees. Through pre-consultation discussions with the applicant, it was agreed to shift the location of the walkway to unit B further from tree #6 to provide better protection and improve the growing conditions for its long term survival. An updated TIR and planting plan are required to address these changes and to show all required compensation trees.

Right of Way Management

The Right-of-Way Management Department has no concerns with the proposed application, however, the Owner shall be made aware that a private approach permit is required to construct any newly created driveway/approach, and, to modify, relocate, or to remove an existing private approach. As a result, a private approach permit will be required for the proposed driveway. Please contact the ROW Department for any additional information at rowadmin@ottawa.ca. Apply for a private approach here [Private Approach Application](#).

Transportation Engineering

Remove depressed curb at the existing driveway on Roosevelt Avenue and reinstate with full height curb and sidewalk to City standards.

Roosevelt Avenue along the site frontage is anticipated to undergo integrated road, sewer, and water renewal within the next 3-5 years. Construction coordination may be required with the City of Ottawa infrastructure project manager. Contact vanessa.black@ottawa.ca to discuss road renewal plans and coordination.

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/Applicant(s) enter into a Development Agreement or a Letter of Undertaking (LOU) with the City of Ottawa, at the expense of the Owner/Applicant(s), and to the satisfaction of the Manager of the relevant branch within Planning, Real Estate, and Economic Development Department, or their designate(s). A development agreement is to be registered on Title of the property (where applicable). The agreement will include the mitigation measures outlined in the Tree Information Report, prepared by Dendron Forestry Services, dated July 25, 2024 or an approved revision, and associated securities for tree protection. The securities, which will be based on the value of the tree(s) to be protected (Tree(s) 1, 2, 3, and 6) shall be retained for 2 years following issuance of an occupancy permit, and thereafter returned to the owner only upon the City having received a report from an arborist or appropriate professional confirming that the identified tree(s) is/are healthy, retainable, and remain(s) structurally stable. The Owner(s) acknowledge(s) and agree(s) that if, in the opinion of the City Forester and/or the Manager of the relevant Branch within Planning, Building, and Development Department, the report indicates that any tree is declining and/or must be removed due to construction-related impacts, the Security for that tree, in its entirety, will be forfeited.
3. That the Owner/Applicant(s) provide a revised site and/or grading plan with the locations of proposed elements (walkways, driveways, services, grading, etc.) designed to reduce any excavation within the Critical Root Zones of protected

trees and/or to provide sufficient soil volume to plant new trees, to the satisfaction of the Manager of the relevant Branch within the Planning, Building, and Development Department, or their designate(s). The Tree Information Report and planting plan must be revised to reflect changes to the site plan and to show the accurate tree protection areas and mitigation measures.

4. 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.
5. 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 driveways, common walkways, 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 Development Review All Wards Manager 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 Development Review All Wards 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 written confirmation that it has been registered on title.

6. 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.

7. That the Owner(s) enter into a resurfacing agreement with the City to the satisfaction of the Program Manager, Right of Way Branch within Planning, Development and Building Services Department, or their designate, and provide financial security in accordance with the Road Activity By-law, as amended, to install an asphalt overlay over the roadway surface of Roosevelt Ave and/or Ravenhill Ave, fronting the subject lands, to the limits shown on the approved Site Servicing Plan. Where the approved Site Servicing Plan demonstrates that resurfacing is not required based on the City's Road Cut Resurfacing Policy, the Development Review Manager of the All-Wards Branch within Planning, Development and Building Services Department, or their designate, shall deem this condition satisfied.



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