

2025-02-13



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

PLANNING, DEVELOPMENT AND BUILDING SERVICES DEPARTMENT

Site Address: 120 Queen Mary Street
 Legal Description: Part of Lots 112, 113, & 114, Registered Plan 341
 File No.: D08-01-25/B-00001 & D08-01-25/B-00002
 D08-02-25/A-00005 to D08-02-25/A00007
 Report Date: February 12, 2025
 Hearing Date: February 19, 2025
 Planner: Nivethini Jekku Einkaran
 Official Plan Designation: Inner Urban Transect, Neighbourhood
 Zoning: R3M

DEPARTMENT COMMENTS

The Planning, Development and Building Services Department **has no concerns with** the application(s).

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”.

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.
- If required, existing street sign to be relocated at the owner's expense.

Planning Forestry

Tree 1 is outside the as-of-right building envelope for the site and as such, is a priority for retention. The proposed development must be designed to prioritize tree retention and provide adequate space for future plantings, in keeping with Official Plan Section 4.8.2 policy 3:

- a) Preserve and provide space for mature, healthy trees on private and public property, including the provision of adequate volumes of high-quality soil as recommended by a Landscape Architect; and
- d) When considering impacts on individual trees, planning and development decisions, including Committee of Adjustment decisions, shall give priority to the retention and protection of large, healthy trees over replacement plantings and compensation.

Future services for the proposed townhouses should be installed in such a way as to maximize the available softscape for new trees in the Queen Mary frontage.

The TIR & plans provided show limited space for new trees in the frontage along Queen Mary Street, which would limit replanting to small trees at the front of the proposed development. Large-growing trees should be planted in the rear yards of the townhomes to compensate for the loss of existing trees on and contribute towards the city's canopy cover target of 40%.

Right of Way Management

The Right-of-Way Management Department has no concerns with the proposed Consent

and Minor Variance Applications. The Owner shall be made aware however, that a private approach permit is required to construct any new entrance, as well as to modify or close an existing entrance that becomes redundant. As a result of the newly planned driveways, three Private Approach Permits are required, one for each new driveway. **The Owner must contact the ROW Department for further information at rowadmin@ottawa.ca.**

Transportation Engineering

The distance between driveways is less than 3 metres (approximately 2.8 to 2.9 metres) and the City of Ottawa standard drawings SC13 and SC13.1 requires that the vehicle access ramp (i.e., curb depression) be continuous across and in-between all three driveways. This is an issue because the existing curb inlet catch basin located in front of 120 Queen Mary Street must be installed in a full height curb. A stormwater infrastructure engineer at the City of Ottawa should be consulted to determine whether the catch basin can be modified to accommodate the continuous depressed curb of the proposed driveway configuration. Otherwise, the development concept and associated driveway configuration must be altered to not impact stormwater infrastructure on Queen Mary Street.

CONDITIONS

If approved, the Planning, Development, and Building Services Department requests that the Committee of Adjustment impose the following condition(s) on the application(s):

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 the **Chief Building Official, or designate**, that the existing dwelling has been demolished or relocated under the authority of a building permit.
3. That the Owner/Applicant(s) provide a revised grading & servicing plan with the locations of proposed elements (buildings, 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, Real Estate and Economic Development Department, or their designate(s). The Tree Information Report 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/Applicant(s) provide a tree planting plan, prepared to the satisfaction of the Manager of the relevant Branch within the Planning, Development and Building Services Department, or their designate(s), showing the location(s) and species or ultimate size of at least one new tree (50 mm caliper) per lot, in addition to any compensation trees required under the Tree Protection By-law.
5. That the Owner(s) provide evidence, to the satisfaction of the Manager of Development Review All Wards, Planning, Development and Building Services Department, or their designate, that each existing parcel has its own independent storm, sanitary and water services connected to City infrastructure and that these services do not cross the proposed severance line. If they do cross or are not independent, the Owner(s) will be required, at their own cost, to relocate the existing services or construct new services from the City sewers/watermain. Notice shall be provided in writing to the Committee from the Department confirming this condition has been fulfilled.
6. That the Owner(s) provide proof 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, delineating the existing and proposed grades for both the severed and retained lands has been provided to the satisfaction of the Manager of Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate.
7. That the Owner(s) enter into a Joint Use and Maintenance Agreement, at the expense of the Owner(s), setting forth the obligations between the Owner(s) and the proposed future owners with respect to 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 and foundations.

The Owner shall ensure that the Agreement is binding upon all unit owners and successors in title and shall be to the satisfaction of Manager of Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate, or City Legal Services. The Committee shall be provided written confirmation that the Agreement is satisfactory to the Manager of 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 confirmation that it has been registered on title.

8. That the Owner(s) enter into a Resurfacing Agreement with the City, to the satisfaction of the Program Manager, Right of Way Branch within the 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 Queen Mary Street, fronting the subject lands, to the limits shown on the approved Site Servicing Plan. Where the approved Site Servicing Plan demonstrates the resurfacing is not required, based on the City's Road Cut Resurfacing Policy, the Manager of Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate, shall deem this condition satisfied.



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