

2025-02-12



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

PLANNING, DEVELOPMENT AND BUILDING SERVICES DEPARTMENT

Site Address:	48 Nelson Street
Legal Description:	Part of Lot 12, North Clarence Street, Registered Plan 43586
File No.:	D08-02-24/A-00066
Report Date:	February 12, 2025
Hearing Date:	February 19, 2025
Planner:	Penelope Horn
Official Plan Designation:	Downtown Transect, Neighbourhood Designation, Evolving Neighbourhood Overlay
Zoning:	R4UD-c

DEPARTMENT COMMENTS

The Planning, Real Estate and Economic Development Department **requests an adjournment of** the application. The property is subject to the Heritage Overlay in Section 60 of the Zoning By-law. A variance is required to permit a low-rise apartment building whereas the By-law prohibits new construction that does not maintain the same character and at the same scale, massing, volume, floor area and in the same location as existed prior to it's the removal or destruction of the building.

DISCUSSION AND RATIONALE

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. More information is required to determine if the minor variances satisfy the four tests. Staff anticipate that information regarding waste storage and bike parking will be included on updated plans, along with an updated cover letter which demonstrates how the variance to Section 60 meets 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 plan prepared by a Professional Engineer, Ontario Land surveyor or a Certified Engineering Technologist may be required.
- A Grading Plan, prepared by a relevant professional, is required for any proposal that requires a permit if the proposed works, including hard landscaping are less than 1.2 metres from a property line.
- 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.
- Encroachment on or alteration to any easement is not permitted without authorization from easement owner(s).

Planning Forestry

There are no tree-related impacts associated with the requested variances.

Based on pre-consultation, tree permit 102190967 appears to have been issued to the owner of 291/293 Clarence St in support of the proposed development and is subject to an outstanding planting requirement for one replacement tree at 291/293 Clarence. If tree replacement can't be accommodated on site, payment of cash-in-lieu will be required.

Right of Way Management

The Right-of-Way Management Department has no concerns with the proposed Minor Variance Application. 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 planned removal of the existing driveway, one Private Approach Permit is required. **The Owner must contact the ROW Department for further information at rowadmin@ottawa.ca.**



Penelope Horn
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Services Department

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