

2025-02-12

City of Ottawa | Ville d'Ottawa
Comité de dérogation



**CONSENT & MINOR VARIANCE APPLICATION
COMMENTS TO THE COMMITTEE OF ADJUSTMENT
PANEL 2**

PLANNING, DEVELOPMENT AND BUILDING SERVICES DEPARTMENT

Site Address: 23 Harris Place
Legal Description: Part of Lot 43 Registered Plan 299087
File No.: D08-01-25/B-00005 & D08-02-25/A-00011
Report Date: February 12, 2025
Hearing Date: February 18, 2025
Planner: Elizabeth King
Official Plan Designation: Outer Urban Transect, Neighbourhood
Zoning: R1FF

REQUESTED VARIANCES

- a) To permit a reduced lot area of 477.1 square metres, whereas the By-law requires a minimum lot area of 600 square metres.
- b) To permit a reduced lot width of 14.96 metres, whereas the By-law requires a minimum lot width of 19.5 metres.
- c) ~~To permit a reduced front yard setback of 5 metres, whereas the By-law requires a minimum front yard setback of 6 metres. (amended on February 5, 2025)~~

DEPARTMENT COMMENTS

The Planning, Development and Building Services Department **requests an adjournment of** the applications until a new Tree Information Report is submitted.

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”.

Staff have requested a new Tree Information Report be submitted to reflect the revised Site Plan that was submitted on February 5, 2025.

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.
- All trees on City property and private trees greater than 30cm in diameter in the inner urban area are protected under the Tree Protection By-law (2020-340), and plans are to be developed to allow for their retention and long-term survival. A Tree Removal Permit and compensation are required for the removal of any protected tree.
- 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.
- This property does not have frontage on a storm sewer.

Planning Forestry

The proposed setbacks and front yard variance have been changed since the original submission. Prior to the hearing, the TIR must be updated based on the revised lot layout and setbacks. It is currently unclear if the significant black walnut in the rear yard (well outside of the allowable footprint) would be impacted by the requested severance or variances.

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 planned construction of one new driveway, one Private Approach Permit is required. The Owner must contact the ROW Department for further information at rowadmin@ottawa.ca.

Transportation Engineering

Harris Place along the site frontage is anticipated to undergo storm water management renewal this year. Construction coordination may be required with the City of Ottawa infrastructure project manager. Contact Brittney.Mcgrath@ottawa.ca to discuss storm water management 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 proof 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 cost. The value of the 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.
2. That the Owner/Applicant(s) provide a revised site and/or grading 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.
3. That the Owner/Applicant(s) provide a survey with measurements from the trunk face to the property line to accurately determine the ownership of all adjacent or boundary trees to the satisfaction of the Manager of the applicable branch within the Planning, Building and Development Department, or their designate(s). This may require confirmation from the arborist in addition to the survey. If the identified trees are determined to be boundary or adjacent trees, they shall provide a signed letter of permission from owner(s), for the proposed removal or operations impacting the tree(s). The applicant acknowledges that a tree removal permit cannot be issued without the permission of all owners of a tree, and that the development plans must be revised to allow for the retention and protection of the adjacent or boundary trees if this letter cannot be produced.
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, Real Estate and Economic Development 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 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.

6. 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 (airport) 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 of the Development Review All Wards Branch 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.

7. 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.



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