

2025-04-10



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

PLANNING, DEVELOPMENT AND BUILDING SERVICES DEPARTMENT

Site Address: 123-125 Carruthers Avenue
Legal Description: Part of Lot 16, Registered Plan 35
File No.: D08-01-25/B-00040, D08-01-25/B-00041, D08-02-25/A-00057
Report Date: April 10, 2025
Hearing Date: April 16, 2025
Planner: Penelope Horn
Official Plan Designation: Inner Urban Transect, Neighbourhood Designation, Scott Street Secondary Plan
Zoning: R4UD

DEPARTMENT COMMENTS

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

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 variances meet the “four tests”.

ADDITIONAL COMMENTS

Planning Forestry

There are no tree-related concerns with the severance or variance given that the site has already been constructed.

At the time of development, 2 tree planting deposits were paid; it has been confirmed that one tree has been planted. The applicant should work with Forestry Services regarding the refund process.

Right of Way Management

The Right-of-Way Management Department has **no concerns** with the proposed Consents and Minor Variance. From the plans, there is no existing private approach/driveway from Curruthers and the parking off the rear lane is not being modified so no concerns from Private Approach By-law. The parking space for 123 Curruthers is being captured as an easement - Over PART 6 in favor of PART 3, for access, maintenance, and parking.

Transportation Engineering

The site is located within 300 m of the O-Train Line 1 rail corridor. The City of Ottawa will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way.

CONDITIONS

If approved, the Planning, Real Estate and Economic Development Department requests that the Committee of Adjustment impose the following conditions on the application:

1. That the Owner(s) provide evidence, to the satisfaction of both the Chief Building Official and the Manager of Development Review All Wards Branch within Planning, Development and Building Services Department, or their designates, that both severed and retained parcels have their own independent water, sanitary and storm connection as appropriate, 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.
2. 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.
3. 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.



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