

2025-05-01



CONSENT APPLICATION

COMMENTS TO THE COMMITTEE OF ADJUSTMENT

PANEL 1

PLANNING, DEVELOPMENT AND BUILDING SERVICES DEPARTMENT

Site Address: 256 Northwestern Avenue
Legal Description: Part of Lot 1, Registered Plan 331
File No.: D08-01-25/B-00022
Report Date: May 1, 2025
Hearing Date: May 7, 2025
Planner: Dylan Geldart
Official Plan Designation: Inner Urban Transect, Neighborhood Designation, Evolving
Neighborhood Overlay
Zoning: R2D [2159]

DEPARTMENT COMMENTS

The Planning, Development and Building Services Department **requests an adjournment of** the application as an additional variance was identified for the lot width for Part 1 on the submitted survey plan.

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.

That being said, Staff are requesting an adjournment of the application as an additional variance was identified with respect to the lot width of the most northerly unit.

In May 2022, the owners submitted a minor variance application to permit the demolition of an existing detached dwelling and the construction of a new semi-detached dwelling (File No. D08-02-21/A-00212). The Committee of Adjustment approved the application, including four variances related to reduced lot widths and permissions for front-facing garages, as outlined below:

- a) To permit a reduced lot width of 7.62 metres, whereas the Zoning By-Law requires a minimum lot width of 9 metres (northerly unit)

- b) To permit a front facing garage, whereas the Zoning By-Law does not permit a front facing garage based on the conclusions of a Streetscape Character Analysis (northerly unit).
- c) To permit a reduced lot width of 7.62 metres, whereas the Zoning By-Law requires a minimum lot width of 9 metres (southerly unit)
- d) To permit a front facing garage, whereas the Zoning By-Law does not permit a front facing garage based on the conclusions of a Streetscape Character Analysis (southerly unit)

Upon further review of the consent application and associated survey, staff determined the proposed lot width for Part 1 (northerly unit) is 7.53 metres, which is 0.09 metres less than the previously approved variance. As a result, a new minor variance will be required to reflect the updated lot width.

To ensure all necessary permissions are in place and to avoid premature consideration of the application, staff are recommending the Committee adjourn the consent application to allow the applicant time to submit the required variance application and have it considered concurrently.

ADDITIONAL COMMENTS

Planning Forestry

Site has been previously approved and constructed, retaining 3 trees which were proposed for removal in the TIR. A minimum of one new 50mm tree per lot is required with the severance, to improve the streetscape and future canopy cover of the site. A planting plan must be provided and implemented as a condition of severance. Given the limited frontage it would be acceptable to plant one of the required trees in the Northwestern median.

Right of Way Management

The Right-of-Way Management Department has no concerns with the proposed Consent Application. However, the owner shall be made aware that Private Approach permits are required to establish new entrances for 256 and 258 Northwestern Avenue, as well as to modify or close an existing entrance that becomes redundant. No permits have been applied for or secured at the time of writing this report. Please contact the Right-of-Way Department for further information at rowadmin@ottawa.ca

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, Development, and Building Services Department requests that the Committee of Adjustment impose the following conditions on the application:

1. That the Owner(s) enter into an Agreement with the City, at the expense of the Owner(s), which is to be registered on title to deal with the following covenant/notice 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 (arterial road) and may therefore be subject to noise and other activities associated with that use.”

“The property is located next to lands that have an active railway line now, or may have one in the future, and may therefore be subjected to noise, vibration, and other activities associated with this use.”

The Committee shall be provided a copy of the Agreement and written confirmation from City Legal Services that it has been registered on title.

2. 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, foundations, common areas, common driveways and common landscaping.

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.

3. That the Owner/Applicant(s) provide and implement a tree planting plan, 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), species/ultimate size of one new 50 mm tree per lot, to be planted on the property frontage or median following construction, to enhance the urban tree canopy and streetscape.



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