

2025-05-14



City of Ottawa | Ville d'Ottawa

Comité de dérogation

CONSENT & MINOR VARIANCE APPLICATION

COMMENTS TO THE COMMITTEE OF ADJUSTMENT

PANEL 1

PLANNING, DEVELOPMENT AND BUILDING SERVICES DEPARTMENT

Site Address: 196 Clare Street
Legal Description: Lots 19 and 20, Registered Plan 308
File No.: D08-01-25/B-00023
D08-02-25/A-00031 & D08-02-25/A-00032
Report Date: May 14, 2025
Hearing Date: May 21, 2025
Planner: Penelope Horn
Official Plan Designation: Inner Urban Transect, Neighbourhood Designation, Evolving Neighbourhood Overlay
Zoning: R3R-c

DEPARTMENT COMMENTS

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

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

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.).
- Provide a minimum of 1.5m between the proposed driveway and the utility pole.
- 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 deemed required after review by the Manager of Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate, and there is sufficient justification, the Owner(s) must obtain the approval of the Committee to grant easement(s) as required for drainage, on the title of the property, all at their own costs.

Planning Forestry

Through pre-consultation discussions it was determined that the condition of the existing City tree does not warrant efforts to design for its retention. There are no tree-related concerns with the severance or variances. The servicing plan must be designed to provide maximum unencumbered soil volume to allow for the planting of all required compensation trees.

Right of Way Management

The Right-of-Way Management Department has no concerns with the proposed Consent and Minor Variance Applications. However, the Owner shall be made aware that two

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private approach permits (259A Westhaven Crescent and 259B Westhaven Crescent) are required for the creation of the new entrance ways. Please contact the ROW Department for further information at rowadmin@ottawa.ca

Transportation Engineering

Clare Street along the site frontage is undergoing road, sewer, watermain renewal this year (CP000697). Construction coordination is required with the City of Ottawa infrastructure project manager. Contact Stephen.Gallagher@ottawa.ca to discuss renewal plans and coordination.

CONDITIONS

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

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 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.
3. 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.
4. 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 Westhaven Crescent, 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.

5. The Owner(s) shall:
prepare a Noise Control Study, in compliance with the City of Ottawa Environmental Noise Control Guidelines, to the satisfaction of the Manager of Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate. The Owner(s) shall enter into an agreement with the City, at the expense of the Owner(s), that requires the Owner(s) to implement any noise control attenuation measures recommended in the approved study. The Agreement shall also deal with any covenants/notices, recommended in the approved study, that shall run with the land and bind future owners on subsequent transfers, warning purchasers and/or tenants of expected noise levels due to the existing source of environmental noise (arterial, highway, airport, etc.). The Committee shall be provided a copy of the Agreement and written confirmation from City Legal Services that it has been registered on title.

or

Design the dwelling units with the provision for adding central air conditioning at the occupant's discretion and 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, warning purchasers and/or tenants of expected noise levels due to the existing source of environmental noise. The Committee requires a copy of the Agreement and written confirmation from City Legal Services that it has been registered on title. The following two conditions will be included in the above-noted Agreement:

Notices-on-Title respecting noise:

"The Purchaser/Lessee for himself, his heirs, executors, administrators, successors and assigns acknowledges being advised that this dwelling unit has been fitted with a forced air heating system and the ducting, etc. was sized to accommodate central air conditioning. Installation of central air conditioning by the Purchaser/Lessee will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the City of Ottawa's and the Ministry of the Environment and Climate Change's noise criteria;" and

“The Purchaser/Lessee for himself, his heirs, executors, administrators, successors and assigns acknowledges being advised that noise levels due to increasing roadway traffic may be of concern, occasionally interfering with some activities of the dwelling occupants as the outdoor sound level exceeds the City of Ottawa’s and the Ministry of the Environment and Climate Change’s noise criteria.”

6. 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.

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.

7. The Owner agrees to convey to the City, at no cost to the City, an unencumbered corner sight triangle, measuring 3 metres along Westhaven Crescent and 9m along Clare Street. The corner sight triangle must be determined by legal survey. The Owner shall provide a reference plan for registration, indicating the corner sight triangle, to the City Surveyor for review and approval prior to its deposit in the Land Registry Office. Such reference plan must be tied to the Horizontal Control Network in accordance with the municipal requirements and guidelines for referencing legal surveys. The Owner(s) must provide to the City Surveyor a copy of the Committee of Adjustment Decision and a draft Reference Plan that sets out the required corner sight triangle. The Committee shall be provided written confirmation from City Legal Services that the transfer of the corner sight triangle to the City has been registered. All costs shall be borne by the Owner.
8. That the Owner/Applicant(s) provide a Grading & Servicing Plan showing the locations of existing services and existing protected trees. New services, if required, must be located based on the least impact to protected trees and tree cover to the satisfaction of the Manager of the relevant Branch within the Planning, Real Estate and Economic Development Department, or their designate(s).

9. 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.



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