

2025-07-17

City of Ottawa | Ville d'Ottawa
Comité de dérogation



CONSENT APPLICATION
COMMENTS TO THE COMMITTEE OF ADJUSTMENT
PANEL 1

PLANNING, DEVELOPMENT AND BUILDING SERVICES DEPARTMENT

Site Address:	27 & 29 Third Avenue
Legal Description:	Lot 13, North Third Avenue, Registered Plan 35085
File No.:	D08-01-25/B-00144
Report Date:	July 17, 2025
Hearing Date:	July 23, 2025
Planner:	Luke Teeft
Official Plan Designation:	Inner Urban Transect; Neighbourhood
Zoning:	R3Q[1474]

DEPARTMENT COMMENTS

The Planning, Development and Building Services 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.

The front yards of both 29 and 27 Third Avenue have recently been replaced with river stone. Section 139 of the Zoning By-law requires a minimum of 35% soft landscaping area in the front yard for lots with a width of between 8.25 metres and 12 metres, and a minimum of 30% for lots less than 8.25 metres.

ADDITIONAL COMMENTS

Planning Forestry

There are no tree-related concerns with the proposed severance of the existing semi-detached dwelling.

The soft landscaping has recently been removed from the frontage and right-of-way along Third Ave and has been replaced by stone. Soft landscaping should be re-instated

in the front, at a minimum of 30%, particularly in the right-of-way, as per §139 of the zoning by-law (2020-289), to permit the planting of new street trees.

The owner/applicant is strongly encouraged to apply for the City's Trees in Trust program, to have a tree planted in front of the subject property at no cost to the applicant.

Right of Way Management

The Right-of-Way Management Department has no concerns with the proposed Consent Application to sever the property into 27 and 29 Third Avenue.

It is noted that an easement will be required for 27 Third Avenue to access the parking to the rear of the building.

CONDITIONS

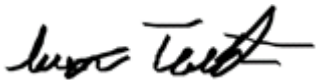
If approved, the Planning, Development and Building Services Department requests that the Committee of Adjustment impose the following conditions on the application:

1. That the Owner(s) provide evidence, to the satisfaction of both the **Chief Building Official** and the **Manager of the Development Review All Wards Branch, 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) 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 the **Manager of the Development Review All Wards Branch, or their designates**, 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(s) provide evidence to the satisfaction of the **Chief Building Official or designate**, that the existing rear addition has been demolished or relocated under the authority of a building permit.

4. That the Owner(s) provide evidence to the satisfaction of the **Chief Building Official or designate**, that the party wall meets the Ontario Building Code, O Reg. 332/12 as amended, which requires a fire separation from the basement through to the underside of the roof. Verification from the Building Inspector is required. If necessary, a building permit shall be obtained from Building Code Services for any required alterations.
5. That the Owner(s) shall provide evidence to the satisfaction of Manager of the Development Review All Wards Branch, or their designate that the illegal hardscaping in the front yards of both 27 and 29 Third Avenue has been removed and soft landscaping has been reinstated.



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