

2025-07-31

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

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| Site Address: | 27 O'Meara Avenue |
| Legal Description: | Part of Lots 12 and 13, Registered Plan 53 |
| File No.: | D08-01-25/B-00145 and D08-01-25/B-00146 |
| Report Date: | July 30, 2025 |
| Hearing Date: | August 06, 2025 |
| Planner: | Penelope Horn |
| Official Plan Designation: | Inner Urban Transect, Neighbourhood Designation, Evolving Neighbourhood Overlay, Scott Street Secondary Plan |
| Zoning: | R4UB |

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.

ADDITIONAL COMMENTS

Building Code Services

The long semi-detached was constructed with one additional dwelling unit on each side in 2021 under a building permit with inspections carried out on the party wall separating on the proposed severance line, BCS has no issue.

Planning Forestry

To enhance the streetscape and contribute towards the City's 40% canopy goal, new trees should be planted on site and/or in the right-of-way following construction, in line with the Official Plan's policies to enhance and protect the urban forest canopy through growth and intensification (§ 4.8.2).

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 a Private Approach permit is required for the alteration of the existing private approach driveway. The newly constructed private approach must maintain a 0.3m setback from the property line to obtain compliance with the Private Approach By-law (section 26 – d), unless the written consent of the owner of the adjacent private property is obtained. Please contact the ROW Department for further information at rowadmin@ottawa.ca.

Transportation Engineering

The site is located within 300 m of the O-Train Line 1/2/3 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 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. Information regarding the appraisal process can be obtained by contacting the Planner.
2. That the Owner(s) provide a servicing plan or other proof, to the satisfaction of the Manager of Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate, that each existing building and/or unit on the severed and retained parcels has its own independent water, sanitary and sewer connection, as appropriate, that are directly connected to City infrastructure and do not cross the proposed severance line.

If the services are shared, and there is sufficient justification for the service locations to remain, the Owner(s) may be required to obtain an Environmental Compliance Approval (ECA) from the Ministry of Environment, Conservation and Parks, the approval of the Committee to grant easement(s) for access and maintenance of the services, and/or to register on title, a Joint Use and Maintenance Agreement, between the Owners of the services, which shall be at their own costs.

The Owner(s) may be required to enter into a Development Agreement with the City, at the expense of the Owner(s), to cover these required items as well as all engineering, administrative and financial matters. The Committee shall be provided

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

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 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 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.

5. 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, and common driveways.

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.

6. That the Owner/Applicant(s) provide a tree planting plan, prepared to the satisfaction of the Manager of Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate, 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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