

6. Motion - Council Resolution regarding Section 45 of the *Planning Act*, in respect of 168 Daly Avenue

Motion - Résolution du Conseil concernant l'article 45 de la *Loi sur l'aménagement du territoire*, à l'égard du 168, avenue Daly

COMMITTEE RECOMMENDATION

That Council approve that an application to the Committee of Adjustment be permitted in respect of the property at 168 Daly Avenue for minor variances associated with proposed renovations.

RECOMMANDATION DU COMITÉ

Que le Conseil approuve qu'une demande au Comité de dérogation soit permise à l'égard de l'immeuble du 168, avenue Daly pour des dérogations mineures associées aux rénovations proposées.

DOCUMENTATION/DOCUMENTATION

1. Planning Committee Coordinator's report, dated January 24, 2019 (ACS2019-CCS-PLC-0002)

Rapport de la coordonnatrice du Comité de l'urbanisme, daté le 24 janvier 2019 (ACS2019-CCS-PLC-0002)

Report to
Rapport au:

Council
Conseil
30 January 2019 / 30 janvier 2019

Submitted on January 24, 2019
Soumis le 24 janvier 2019

Submitted by
Soumis par:
Melody Duffenais, Committee Coordinator / Coordonnatrice du comité

Contact Person
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Ward: RIDEAU-VANIER (12)

File Number: ACS2019-CCS-PLC-0002

SUBJECT: Motion - Council Resolution regarding Section 45 of the *Planning Act*, in respect of 168 Daly Avenue

OBJET: Motion - Résolution du Conseil concernant l'article 45 de la *Loi sur l'aménagement du territoire*, à l'égard du 168, avenue Daly

REPORT RECOMMENDATIONS

That Council approve that an application to the Committee of Adjustment be permitted in respect of the property at 168 Daly Avenue for minor variances associated with proposed renovations.

RECOMMANDATIONS DU RAPPORT

Que le Conseil approuve qu'une demande au Comité de dérogation soit permise à l'égard de l'immeuble du 168, avenue Daly pour des dérogations mineures associées aux rénovations proposées.

BACKGROUND

The Planning Committee, at its meeting of January 24, 2019, approved the following motion, which was added to the agenda pursuant to Subsection 89. (3) of Procedure By-law 2016-377:

WHEREAS report ACS2018-PIE-PS-0002 (Zoning By-law Amendment – 168 Daly Avenue), was approved by Council January 31, 2018 to permit an office limited to an embassy; and

WHEREAS the owners would like to undertake renovations including but not limited to porch construction that would necessitate the need for minor variances to Zoning By-law 2008-250; and

WHEREAS the proposed porch construction is consistent with the applicable guidelines within the Heritage Conservation District, and represents good heritage conservation practices; and

WHEREAS Section 45 (1.3) of the *Planning Act* does not permit an application for minor variance before the second anniversary of the initial zoning amendment (January 31, 2020); and

WHEREAS Section 45 (1.3) of the *Planning Act* permits Council to declare by resolution that such an application would be permitted;

THEREFORE BE IT RESOLVED that Planning Committee recommend to Council that an application to the Committee of Adjustment be permitted in respect of the property at 168 Daly Avenue for minor variances associated with proposed renovations.

DISCUSSION

The Committee unanimously supported the aforementioned motion, which is now before Council.

RURAL IMPLICATIONS

There are no rural implications associated with the report recommendation.

CONSULTATION

No consultation was undertaken as this item was added at the Planning Committee meeting.

COMMENTS BY THE WARD COUNCILLOR

Councillor Fleury is aware of the motion.

LEGAL IMPLICATIONS

Legal staff will be present at the Council meeting and can provide comment if requested.

RISK MANAGEMENT IMPLICATIONS

There are no known risk implications associated with the report recommendation.

FINANCIAL IMPLICATIONS

There are no direct financial implications.

ACCESSIBILITY IMPACTS

There are no impacts to accessibility associated with the report recommendation.

TERM OF COUNCIL PRIORITIES

There is no direct impact on the 2014-2018 Term of Council Priorities

SUPPORTING DOCUMENTATION

Document 1 – Planning Committee Extract of draft Minutes, January 24, 2019

DISPOSITION

The Office of the City Clerk and Solicitor, Council and Committees Unit staff, will communicate Council's decision to the property owner.

Document 1

Planning Committee extract of draft Minutes, January 24, 2019

OTHER BUSINESS – ADDITIONAL ITEM

Motion PLC 2019-1/1

Moved by Vice-chair T. Tierney

That the Planning Committee approve the addition of the following Item to the agenda for consideration by the Committee at this meeting, pursuant to Section 89(3) of the Procedure By-Law, in order to give timely consideration to this matter as there has not been a committee meeting since November and the applicant would like to apply to the Committee of Adjustment as soon as possible:

- **Motion - Council Resolution regarding Section 45 of the *Planning Act*, in respect of 168 Daly Avenue**

CARRIED

The item was added to the agenda as the last item of business.

Motion PLC 2019-1/3

Moved by Vice-chair T. Tierney

WHEREAS report ACS2018-PIE-PS-0002 (Zoning By-law Amendment – 168 Daly Avenue), was approved by Council January 31, 2018 to permit an office limited to an embassy; and

WHEREAS the owners would like to undertake renovations including but not limited to porch construction that would necessitate the need for minor variances to Zoning By-law 2008-250; and

WHEREAS the proposed porch construction is consistent with the applicable guidelines within the Heritage Conservation District, and represents good heritage conservation practices; and

WHEREAS Section 45 (1.3) of the *Planning Act* does not permit an application for minor variance before the second anniversary of the initial zoning amendment (January 31, 2020); and

WHEREAS Section 45 (1.3) of the *Planning Act* permits Council to declare by resolution that such an application would be permitted;

THEREFORE BE IT RESOLVED that Planning Committee recommend to Council that an application to the Committee of Adjustment be permitted in respect of the property at 168 Daly Avenue for minor variances associated with proposed renovations.

CARRIED

Eugen Mihaescu, Robertson Martin Architects, was present in support and to answer questions if needed.