



**CONSENT & MINOR VARIANCE APPLICATION  
COMMENTS TO THE COMMITTEE OF ADJUSTMENT  
PANEL 2**

**PLANNING, REAL ESTATE AND ECONOMIC DEVELOPMENT DEPARTMENT**

Site Address: 304 Olmstead Street & 204 Lévis Avenue  
Legal Description: Lots 33 and 34, Registered Plan 121  
File No.: D08-01-23/B-00106 to D08-01-23/B-00108 and  
D08-02-23/A-00090 & D08-02-23/A-00091  
Report Date: May 31, 2023  
Hearing Date: June 6, 2023  
Planner: Cass Sclauzero  
Official Plan Designation: Inner Urban Transect, Neighbourhood, Evolving  
Neighbourhood Overlay  
Zoning: R4UA and R4UA-c

**Committee of Adjustment**  
Received | Reçu le  
**2023-06-01**  
City of Ottawa | Ville d'Ottawa  
**Comité de dérogation**

**DEPARTMENT COMMENTS**

The Planning, Real Estate and Economic Development Department **requests an adjournment sine die** of the application so that the applicant may provide a revised site plan and amend the application to request additional variances.

**DISCUSSION AND RATIONALE**

During review of the application, staff identified that additional minor variances were required to permit reduced lot areas for the semi-detached dwellings. Section 161 (10) of the Zoning By-law (ZBL) requires that minimum lot width, lot area, and parking requirements for semi-detached dwellings apply to each portion of a lot on which each individual dwelling is located, whether or not the parcel is to be severed. The portion of 306 (306B) Olmstead Street occupied by the interior semi-detached dwelling unit appears to be the same size as the portion occupied by each half of the dwelling at 304 (304B) Olmstead Street and is therefore also non-compliant with the minimum lot area requirement. Staff requested that the applicant provide a revised site plan indicating the area of each portion of the lots occupied by each individual dwelling unit.

Staff also identified other instances of apparent non-compliance with Section 139 of the ZBL and directed the applicant to either revise their site plan or request additional minor variances. The non-compliance is with respect to the requirement for soft landscaping between the driveways on the Olmstead Street parcels, the location of the garage

entrances in relation to the principal entrances, and the walkways that extend to the right of way on a lot less than 10 metres wide where a driveway is provided.

Staff also requested that the site plan be updated to clearly indicate the soft landscaping areas as required under Section 139, and to clearly show all measurements related to applicable ZBL provisions such that staff may undertake a complete review of the application.

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. Given that staff require additional information related to the proposed lot sizes and revisions to the site plan to improve clarity, staff are unable to determine whether the criteria under Section 51 (24) are satisfied.

With respect to the requested minor variances to permit single driveways on the Olmstead Street parcels, staff have determined that the requested variances are not required. The intent of Section 139, Table 139 (3) of the ZBL, which relates maximum permitted driveway width to minimum lot width or frontage, is that Column 1 lists the minimum lot width or frontage that is necessary to permit either a single, shared, or double-wide driveway. The intent is not to correlate maximum permitted driveway width with the minimum lot width requirement in a subzone table.

The proposed lots have frontage between 6 and 7.5 metres; therefore, a single driveway of up to 2.6 metres is permitted without the need for a minor variance.

Staff note that confirmation that the minor variances relating to parking are no longer required does not absolve the applicant from requiring additional minor variances and/or revisions to the application as outlined above. Staff also note that they are unable to provide comment on the consent application and/or any additional variances that the applicant may request until a revised site plan is submitted.

Staff notified the applicant of the adjournment request, outlining the reasons stated above, via email on May 31, 2023.

## **ADDITIONAL COMMENTS**

### **Infrastructure Engineering**

1. Planning, Real Estate and Economic Development Department will do a complete review of grading and servicing during the building permit process.
2. 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.
3. Any proposed works to be located within the road allowance requires prior written approval from the Infrastructure Services Department.

4. In accordance with the Tree Protection By-law, all City owned trees are to be protected and compensation will be required if any tree is damaged or lost.
5. The Tree Protection By-law is in effect and a permit is required to remove any protected trees (30 cm or greater in the urban area and 50 cm or greater in the suburban area) located on private property. 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, Real Estate and Economic Development Department.
6. A private approach permit is required for any access off of the City street.
7. Existing grading and drainage patterns must not be altered.
8. Existing services are to be blanked at the owner's expense.
9. 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.).
10. Existing Catch Basin is not to be located within the driveway.
11. This property does not have frontage on a storm sewer.
12. The Planning, Real Estate and Economic Development Department requires proof that the Rideau Valley Conservative Authorities have granted their approval due to development being located within the regulatory limit.
13. Service lateral spacing shall be as specified in City of Ottawa Standard S11.3.
14. In accordance with the Sewer Connection By-Law a minimum spacing of 1.0m is required between service laterals and the foundation face.
15. Existing street sign to be relocated at the owner's expense.
16. Encroachment on or alteration to any easement is not permitted without authorization from easement owner(s).

### **Planning Forestry**

There are four protected trees on the property, one of them being City-owned, all planned for removal. Trees 1, 2 and 4 fall within the footprint of the new building and tree 3 (City-owned) is a tree in fair health and impacted by a proposed driveway. An infill tree removal application must be made for each tree prior to removal. Approval is not granted until a tree removal permit has been issued.

Through discussions with the applicant, a planting plan is being prepared to incorporate trees in the right of way and rear yards of the development site. As a result of the removals, 10 trees would be planted amongst the three proposed parcels (pending Committee's decision on the consent application). An updated planting plan will be provided to the infill forestry inspector at the time the tree removal permit applications are submitted, for final approval. Services should be installed as close to the proposed

driveways or under the driveways to provide suitable planting space for the trees. The current plans show services being installed under each unit's walkway, extending to the roadway. A walkway extending to the right of way on a lot less than 10 metres wide, where a driveway is provided, is not permitted under the zoning by-law.

## 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 proof to the satisfaction of the **Chief Building Official, or his/her designate**, that the existing dwelling/buildings have been removed.
3. That the Owner(s) provide evidence to the satisfaction of the **Chief Building Official, or his/her designate**, that the accessory structure has been demolished in accordance with the demolition permit or relocated in conformity with the Zoning By-law.
4. That the Owner(s) provide a servicing plan or other evidence, to the satisfaction of the **Development Review Manager of the Central Branch within Planning, Real Estate and Economic Development Department, or his/her designate**, to be confirmed in writing from the Department to the Committee, 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.
5. That the Owner(s) shall provide evidence 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, has been submitted to the satisfaction of the **Central Manager of the Central Branch within Planning, Real Estate and Economic Development Department, or his/her designate** to be confirmed in writing from the Department to the Committee. The grading and drainage plan shall delineate existing and proposed grades for both the severed and retained properties, to the satisfaction of the **Central Manager of the Central Branch within Planning, Real Estate and Economic Development Department, or his/her designate**.
6. That the Owner(s) convey a 5m x 5m corner sight triangle located at the intersection of Lévis Avenue and Olmstead Street to the City, with all costs to be borne by the Owner(s), to the satisfaction of the Surveys and Mapping Branch of

the City. This area will be free of all structures, plantings, etc. and will allow a proper sighting distance for motorists when performing turning movements within the intersection. The Committee must receive written confirmation from **City Legal Services** that the transfer of the lands to the City has been registered.

7. That the Owner(s) enter into a Development Agreement with the City, at the expense of the Owner(s) and to the satisfaction of the **Central Manager of the Central Branch within Planning, Real Estate and Economic Development Department, or his/her designate**, to require that an asphalt overlay will be installed, at the Owner(s) expense, on Lévis Avenue and Olmstead Street, fronting the subject lands, over the entire public driving surface area within the limits of the overlay, if the approved Site Servicing Plan shows three or more cuts within the pavement surface. The overlay must be carried out to the satisfaction of the **Central Manager of the Central Branch within Planning, Real Estate and Economic Development Department, or his/her designate**. The Committee requires a copy of the Agreement and written confirmation from **City Legal Services** that it has been registered on title.

If the **Central Manager of the Central Branch within Planning, Real Estate and Economic Development Department, or his/her designate** determines that a Development Agreement requiring an asphalt overlay is no longer necessary, this condition shall be deemed as fulfilled.

8. The Owner(s) shall:
  - a. Prepare a noise attenuation study in compliance with the City of Ottawa Environmental Noise Control Guidelines to the satisfaction of the **Central Manager of the Central Branch within Planning, Real Estate and Economic Development Department, or his/her designate**. The Owner(s) shall also enter into an agreement with the City that requires the Owner to implement any noise control attenuation measures recommended in the approved study. The Agreement will also deal with any covenants/notices recommended in the approved study, that shall be registered on the land title 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 Agreement shall be to the satisfaction of the **Central Manager of the Central Branch within Planning, Real Estate and Economic Development Department, or his/her designate**. The Committee requires a copy of the Agreement and written confirmation from **City Legal Services** that it has been registered on title;

**or**

  - b. 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 following two conditions will be included in the above-noted Agreement:

Notices-on-Title respecting noise:

- i) "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
- ii) "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."



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Cass Sciauzero  
Planner I, Development Review, East  
Planning, Real Estate and Economic  
Development Department



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Erin O'Connell  
Planner III, Development Review, Central  
Planning, Real Estate and Economic  
Development Department

110 Laurier Avenue West, Ottawa ON K1P 1J1      Mail code: 01-14  
110, av. Laurier Ouest, Ottawa (Ontario) K1P 1J1      Courrier interne : 01-14

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