

**CONSENT & MINOR VARIANCE APPLICATION  
COMMENTS TO THE COMMITTEE OF ADJUSTMENT  
PANEL 1**

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

Site Address: 70 Havelock Street and 123 Harvey Street  
Legal Description: Part of Lot 8, Registered Plan 48  
File No.: D08-01-23/B-00174, D08-02-23/A-00162 & D08-02-23/A-00163  
Report Date: August 31, 2023  
Hearing Date: September 6, 2023  
Planner: Margot Linker  
Official Plan Designation: Downtown Core Transect, Neighbourhood, Evolving Neighbourhood Overlay  
Old Ottawa East Secondary Plan, Old Ottawa East Community Design Plan  
Zoning: R4UD (Residential Fourth Density, Subzone UD)

**DEPARTMENT COMMENTS**

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

**DISCUSSION AND RATIONALE**

The subject site is within the Downtown Core and designated Neighbourhood within the Evolving Neighbourhood Overlay on Schedules A and B1 in the Official Plan. Neighbourhoods within the Downtown Core allow and support a wide variety of housing types with a focus on missing-middle housing. Form-based regulation in Neighbourhoods will have regard for local context and character of existing development as well as appropriate interfaces with the public realm. Policy 9(c) in Section 11.5 of the Official Plan supports reduction in interior side yard setbacks where alternative measures to ensure adequate access for waste management and bicycle parking are provided.

The subject site is within the Old Ottawa East Secondary Plan and designated Neighbourhood Low-Rise. While this secondary plan focuses largely on managing the redevelopment of properties fronting Main Street, it also encourages the preservation and enhancement of the neighbourhoods, including maintaining a low-rise (four-storeys or less) building massing and appropriate building setbacks.

The subject site is within the R4UD (Residential Fourth Density, Subzone UD) zone, which allows a wide mix of residential building forms ranging from detached to low-rise apartment dwellings and regulates development in a manner that is compatible with existing land use patterns.

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 have no concerns with the reduced interior side yard setback for the westerly interior side yard for both developments as demonstrated on the plans as this will facilitate a mechanical room which does not increase privacy concerns and believe that 0.8 metres is sufficient for wall maintenance and access. The reduced interior side yard setback does not cause issues related to waste and bicycle movement as, pursuant to the plans dated August 29, 2023, a ramp is proposed in the easterly interior side yard to allow unobstructed access for bicycles and wheeled waste containers on that side.

Staff have no concerns regarding the reduced rear yard setback for the development of 70 Havelock. The proposal meets the minimum required soft landscaping requirements and this relief does not create overlooking concerns on the rear yards of properties to the east and west as windows are concentrated towards the centre of the east and west elevations. Staff do not anticipate adverse impacts related to the relief requested on the property to the south.

## **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. Any proposed works to be located within the road allowance requires prior written approval from the Infrastructure Services Department.
3. 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**.
4. Existing grading and drainage patterns must not be altered.
5. Service lateral spacing shall be as specified in City of Ottawa Standard S11.3.

### **Planning Forestry**

The TIR confirms that the proposed development will not require removal of either of the adjacent protected trees. The hedgerow on City property will need to be removed. There are no concerns with this proposal, provided that tree protection fencing is installed

around both protected trees in accordance with the City's Tree Protection Specifications and maintained through the full duration of construction. A planting plan must be provided showing a minimum of 2 new trees per lot, 2 of which must be within the Right of Way, to improve the streetscapes and overall canopy cover.

### **Right of Way Management**

The Right-of-Way Management Department has no concerns with the proposed Consent and Minor Variance Applications. No person shall construct, relocate, alter or close a private approach without first obtaining a private approach permit from the General Manager in accordance with the provisions of this by-law and a road cut permit in accordance with the provisions of By-law No. 2003-445 being the City's Road Activity By-law or a successor by-law thereto. Owner shall be made aware that a private approach permit is required to close a private approach.

### **Transportation Engineering**

Confirm that the existing curb depression for 70 Havelock will be removed and the sidewalk reinstated with full height curb.

### **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. The Owner, or any subsequent owners, at its expense acknowledges and agrees to obtain a private approach permit to remove the now redundant approach from the property. In addition, the removal shall be completed in accordance with and shall comply with the City's Private Approach By-law, being By-law No. 2003-447, as amended, and shall be subject to approval of the Right-of-Way, Heritage and Urban Design Branch.
3. The Owner/Applicant(s) shall prepare and submit a tree planting plan, prepared to the satisfaction of the Development Review Manager of the relevant Branch within the Planning, Real Estate and Economic Development Department, or his/her designate, showing the location of one new 50mm tree to be planted on the property frontage or right-of-way of each lot, and one new 50mm tree in the rear yard of each lot following construction, to enhance the urban tree canopy and streetscape.
4. That the Owner(s) provide proof 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 the existing dwelling/building has been removed.

5. 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.
6. 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 **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 **Central Manager of the Central Branch within Planning, Real Estate and Economic Development Department, or his/her designate**.
7. The Owner(s) shall prepare a noise attenuation study in compliance with the City of Ottawa Environmental Noise Control Guidelines to the satisfaction of the General Manager, Planning, Infrastructure and Economic Development Department, or his/her designate. The Owner(s) shall 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 (highway 417). The Agreement shall be to the satisfaction of the General Manager, Planning, Infrastructure 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.



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