

2024-02-16



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

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

Site Address: 454 & 456 Nelson Street  
Legal Description: Lot 29 (west Nelson Street), Registered Plan 45224  
File No.: D08-02-23/A-00292 to A-00293  
Report Date: February 15, 2024  
Hearing Date: February 21, 2024  
Planner: Margot Linker  
Official Plan Designation: Downtown Core Transect, Neighbourhood, Evolving Overlay  
Zoning: R4UB[480]

**DEPARTMENT COMMENTS**

The Planning, Real Estate and Economic Development Department **requests an adjournment of** the application.

**DISCUSSION AND RATIONALE**

**Regarding the Adjournment Request:**

The applicant's site plan includes five-bedroom units. Section 54 in the Zoning By-law limits dwelling units to a maximum of four bedrooms per unit. An adjournment will allow the applicant time to address this non-compliance. If the applicant chooses to reduce the number of bedrooms to a maximum of four bedrooms per unit, the Department still has **some concerns** with the application.

**Regarding the Minor Variances Requested:**

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.

The subject site is located within the Downtown Core Transect and designated Neighbourhood within the Evolving Overlay. This area is planned for mid- to high-density development with a focus missing middle housing. Form based regulation should have regard for local context and character of existing development as well as appropriate interfaces between buildings. New low-rise infill apartments require adequate waste management and bicycle parking, as well as sufficient on-site soft landscaping.

The site is zoned R4UB[480] (Residential Fourth Density, Subzone UB, Urban Exception 480) which permits a wide variety of housing typologies ranging from detached to low-rise apartment dwellings.

Staff have some concerns regarding the minor variances to permit the reduction in minimum setback for southern interior yard setback. Staff do not anticipate negative massing impacts in general from the addition as it appears that smaller interior side yard setbacks and shallow rear yards are not uncommon within this block of Nelson Street and the rear yard is being reinstated with soft landscaping to meet zoning requirements. There is an existing easement over the northern interior side lot line, which allows for sufficient access to the rear yard. However, 458 Nelson appears to have windows facing the subject property where the addition would be located. Staff have concerns about access to natural light, and believe that a larger southern interior side yard setback for the addition would minimize impact.

## **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**

There are no tree impacts associated with the requested minor variance. As per previous communication, the City of Ottawa's Tree Protection Specifications should be implemented for any trees on site to be retained. The Specifications can be found online at

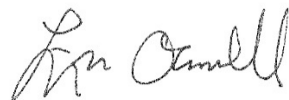
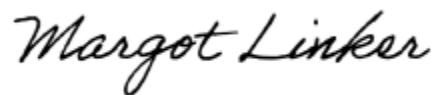
[https://documents.ottawa.ca/sites/documents/files/tree\\_protection\\_specification\\_en.pdf](https://documents.ottawa.ca/sites/documents/files/tree_protection_specification_en.pdf)

### **Right of Way Management**

The Owner will be notified a Private Approach permit is required to close the driveway and raise the curb.

If there is evidence that an easement (Plan 5R4653 – PART3 & PART4) or joint-use and maintenance agreement, or equivalent, exists on title to establish the area as a shared driveway and parking area, and which specifies the granting and benefitting parties of said easement then it can remain. If no such easement exists, the applicant may be required to obtain consent from the Committee to establish an easement, or remove the

private approach and reinstate the portion of the curb along the subject property's frontage between 454 Nelson and 452 Nelson.



---

Margot Linker  
Planner I, Development Review, Central  
Planning, Real Estate and Economic  
Development Department

---

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