

2024-08-01



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

PLANNING, DEVELOPMENT AND BUILDING SERVICES DEPARTMENT

Site Address: 633 Edison Avenue  
Legal Description: Lot 43 (East Edison Avenue), Registered Plan 204  
File No.: D08-01-24/B-00114 to D08-01-24/B-00116  
D08-02-24/A-00169 to D08-02-24/A-00171  
Report Date: August 1, 2024  
Hearing Date: August 7, 2024  
Planner: Samantha Gatchene  
Official Plan Designation: Inner Urban Transect, Neighbourhood  
Evolving Neighbourhood Overlay  
Zoning: R4UA [2686] H(8.5) (Residential Fourth Density Zone,  
Subzone UA, Urban Exception 2686,  
Maximum Height 8.5 metres)  
Westboro Development Overlay

DEPARTMENT COMMENTS

The Planning, Development and Building Services Department **has some concerns with** the applications.

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.

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 Inner Urban Transect and designated Neighbourhood on Schedule B2 in the Official Plan. This area is intended for low-rise

residential development with massing that is generally compatible with the local context and character of existing development.

The site is zoned R4UA [2686] H(8.5). The zoning was implemented in 2021 in part of the Westboro neighbourhood to permit a range of housing types based on a number of development standards that addresses key characteristics of the neighbourhood. The subject site, being a corner lot on local streets, is intended for higher density development compared to interior lots on local streets, three storeys in height, and prioritizing soft landscaping.

### **Lot Area, Interior Side Yard Setback and Rear Yard Setback Variances**

Staff do not have concerns with variances for reduced lot area, variances for reduced interior side yard setback or variances for reduced rear yard setback. The reduced lot areas will result in a developable lot for a semi-detached dwelling and detached dwelling. The reduced interior side yard setback of 1.2 metres will ensure access to the rear yard and be consistent with the interior side yard setback allowed in the R4UA zone, but not by Exception 2686. The reduced rear yard setback will provide sufficient separation between buildings and not negatively impact the abutting properties.

### **Landscaping and Driveway Variances**

Staff have concerns with the variances for a 0 metre rear yard landscaped buffer and a 5.2 metre wide shared driveway proposed for parking spaces that are not required in the Zoning By-law. The Westboro Development Overlay prioritizes soft landscaping whereas the proposed design would eliminate almost all opportunities for it on Part 1 (633 Edison) and Parts 2 & 3 (635 Edison). Therefore, the variance does not meet the general intent of the Zoning By-law.

Shared driveways are intended to provide access to legal parking spaces, not to contain the parking spaces themselves as is proposed on the site. This does not meet the general intent of the Zoning By-law and results in the elimination of the landscaped buffer on 2/3 of the lots.

### **ADDITIONAL COMMENTS**

- The minimum required rear yard setback for Part 1 (633 Edison) and Parts 2 & 3 (635 Edison) is 4.0 metres, not 4.69 metres as stated on the Notice because the corner lot provisions apply. Therefore variances (e) and (i) should be corrected and reductions in rear yard area are not required.
- Variance (f) for increased building height is not required because a building height of 10.7 metres is permitted as-of-right due to the 1:2 roof slope provide. Since the semi-detached dwelling is one building located on the corner, the 10.7 metre building height applies to the entire building, regardless of whether it is severed or not.

## Planning Forestry

The proposed plan will result in the removal of all 3 existing trees from the subject site, though only tree 1 is within the building footprint; the other 2 (trees 2 and 3) are to be removed due to their poor condition and would not be retainable with changes to the plan.

The tree planting plan provided shows the ability to provide all 6 required compensation trees. There are no tree-related concerns with the severance, but the proposed reduction to the landscape buffers for each lot would significantly reduce the area of soft landscaping on site; opportunities should be explored to offset the loss of landscape buffer in the rear yard with increased setbacks for greenspace in other areas on site.

## Infrastructure Engineering

- The Planning, Development and Building Services Department will do a complete review of grading and servicing during the building permit process.
- 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.
- Any proposed works to be located within the road allowance requires prior written approval from the Infrastructure Services Department.
- All trees on City property and private trees greater than 30cm in diameter in the inner urban area are protected under the Tree Protection By-law (2020-340), and plans are to be developed to allow for their retention and long-term survival. A Tree Removal Permit and compensation are required for the removal of any protected tree.
- 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, Development and Building Services Department.
- Existing grading and drainage patterns must not be altered.
- Existing services are to be blanked at the owner's expense.
- 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.).
- Part 1 (633 Edison) does not have frontage on a storm sewer and therefore alternative drainage solutions may be required to avoid ponding and flooding or the storm sewer will need to be extended on Edison through an infrastructure agreement.
- Service lateral spacing shall be as specified in City of Ottawa Standard S11.3.
- In accordance with the Sewer Connection By-Law a minimum spacing of 1.0m is required between service laterals and the foundation face.

## Right of Way Management

The Right-of-Way Management Department has no concerns with the proposed

application. Private approach permit is required to close a redundant approach. As well, Private approach permits are required to construct any newly created or modified driveway/approaches.

Please contact the ROW Department for any additional information at [rowadmin@ottawa.ca](mailto:rowadmin@ottawa.ca) and visit the City webpage [Driveways | City of Ottawa](#) to submit a Private Approach application.

## Transportation Engineering

The proponent shall dedicate a corner triangle at the intersection of Edison Avenue and Dovercourt Avenue as required by Policy 2.1.1 (e) of Schedule C16 of the OP. A 3 m x 9 m with the longer side along Dovercourt Ave is required.

## CONDITIONS

If approved, the Planning, Development and Building Services 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 Development Review Manager of the Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate, to be confirmed in writing from the Department to the Committee, that the existing dwelling/building has been removed.
3. That the Owner(s) provide evidence to the satisfaction of both the Chief Building Official and Development Review Manager, Planning, Development and Building Services Department, or designates, that both severed and retained parcels have their own independent water, sanitary and storm connection as appropriate, and that these services do not cross the proposed severance line and are connected directly to City infrastructure. Further, the Owner(s) shall comply to 7.1.5.4(1) of the Ontario Building Code, O. Reg. 332/12 as amended. If necessary, a plumbing permit shall be obtained from Building Code Services for any required alterations.
4. That the Owner(s) enter into an Infrastructure Agreement with the City of Ottawa to extend the municipal services on Edison Street at their own costs and post the necessary securities for the work on the City Right-of-Way to the satisfaction of

the City's Planning, Development and Building Services Department's Infrastructural Approvals Branch and to the satisfaction of City Legal Services. The Owner(s) must also receive the approval of the Ontario Ministry of the Environment Conservation and Parks for the extension of the municipal services. The Committee requires a copy of the Agreement and written confirmation from City Legal Services that it has been registered on title.

5. That the Owner(s) submit a Site Servicing Brief prepared by a Professional Civil Engineer licensed in the Province of Ontario, for approval by the Development Review Manager of the Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate, to be confirmed in writing from the Department to the Committee, outlining the municipal servicing requirements for each unit and indicating, , that proposed infrastructure extension will provide sufficient capacity.
6. That the Owner(s) provide evidence to the satisfaction of the Development Review Manager of the Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate, to be confirmed in writing from the Department to the Committee, that the accessory structure has been demolished in accordance with the demolition permit or relocated in conformity with the Zoning By-law.
7. That the Owner(s) enter into a Joint Use, Maintenance and Operating Agreement, at the expense of the Owner(s), setting forth the obligations between the Owner(s) and the proposed future owners.

The Joint Use, Maintenance and Operating Agreement shall set forth 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, common areas, common driveways and common landscaping.

The Owner shall ensure that the Agreement is binding upon all the unit owners and successors in title and shall be to the satisfaction of Development Review All Wards Manager within Planning, Development and Building Services Department, or their designate, and City Legal Services. The Committee requires written confirmation that the Agreement is satisfactory to Development Review All Wards Manager of the Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate, and is satisfactory to City Legal Services, as well as a copy of the Agreement and written confirmation from City Legal Services that it has been registered on title.

8. That the Owner 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;

“The property is located next to lands that have an existing source of environmental noise (Collector road – Churchill Avenue) and may therefore be subject to noise and other activities associated with that use.”

The Agreement shall be to the satisfaction of Development Review All Wards Manager of the Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate. The Committee requires a copy of the Agreement and written confirmation from City Legal Services that it has been registered on title.

9. 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 Development Review All Wards Manager of the Development Review All Wards Branch within Planning, Development and Building Services Department, or their 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 Development Review All Wards Manager of the Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate.
10. That the Owner convey a 3m x 9m corner sight triangle (with the longer dimension along the collector road) located at the intersection of Edison & Dovercourt Avenue 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.
11. That the Owner(s) enter into a resurfacing agreement with the City to the satisfaction of the Program Manager, Right of Way Branch within Planning, Development and Building Services Department, or their designate, and provide financial security in accordance with the Road Activity By-law, as amended, to install an asphalt overlay over the roadway surface of Edison Avenue, fronting the subject lands, to the limits shown on the approved Site Servicing Plan. Where the approved Site Servicing Plan demonstrates that resurfacing is not required based on the City's Road Cut Resurfacing Policy, the Development Review Manager of the All-Wards Branch within Planning, Development and Building Services Department, or their designate, shall deem this condition satisfied.



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