



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

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

Site Address: 90 Elm Street  
Legal Description: Part of Lots 55 and 56, Reg Plan No. 13  
File No.: D08-02-23/A-00279  
Report Date: January 11, 2024  
Hearing Date: January 17, 2024  
Planner: Margot Linker  
Official Plan Designation: Downtown Core Transect, Neighbourhood, Evolving Overlay  
Zoning: R4UB (Residential Fourth Density, Subzone UB)

**Committee of Adjustment**  
Received | Reçu le

**2024-01-10**

City of Ottawa | Ville d'Ottawa  
**Comité de dérogation**

**REQUESTED VARIANCES:**

The Owner wants to construct a three-storey, **four-unit** low-rise apartment building, as shown on the plans filed with the application. The existing dwelling will be demolished.  
**(As amended by Planning Staff)**

**DEPARTMENT COMMENTS**

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

**DISCUSSION AND RATIONALE**

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 policy area and is designated Neighbourhood within the Evolving Overlay on Schedules A and B1 in the Official Plan. The site is located less than 30m from a Mainstreet Corridor and 75m from a Hub. This area is planned to accommodate residential growth with a focus on missing-middle housing with residential densities sufficient to support the full range of services in Hubs and Corridors. The Official Plan focuses on regulating building form rather than building typology, and states that variances to reduce the minimum required lot size can only be considered where adequate waste storage and management, bicycle parking and intensive soft landscaping can be provided when evaluating minor variances to permit low-rise infill apartment dwellings (Section 11.5(9)).

The subject site is located within the Bayview Station District and designated Neighbourhood in the West Downtown Core Secondary Plan. This area encourages permitting all types of low-rise residential housing while respecting the prevailing pattern of building form along the street in terms of setbacks and massing.

The R4UB (Residential Fourth Density, Subzone UB) zone permits a wide mix of residential building forms ranging from detached to low-rise apartment dwellings. This zone requires a minimum lot width of 10 metres and lot area of 300 square metres to support low-rise apartment dwellings with a maximum of eight units.

When reviewing reductions in lot size, staff consider if all elements associated with introducing a low-rise apartment dwelling can be adequately accommodated on site. Staff have no concerns with the requested reduced lot size to permit a four-unit low-rise apartment dwelling. The proposed development meets and exceeds the minimum soft landscaping requirements, provides sufficient bicycle parking, and the applicant has confirmed that waste management will be stored internally within the principal building.

### **ADDITIONAL COMMENTS**

Staff recommend that the decision clarifies that the request is for a four-unit low-rise apartment building, as a low-rise apartment building with over eight units has different performance standard requirements.

### **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. Existing services are to be blanked at the owner's expense.
6. 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.).
7. Service lateral spacing shall be as specified in City of Ottawa Standard S11.3.

### **Planning Forestry**

The Tree Information Report shows one protected tree (Tree #1, 93 cm Manitoba maple) in the rear yard of the subject property. Tree 1 will be retained. The critical root zone radius of Tree 1 is 9.3m. The tree protection fencing will be installed 18ft or 5.48 m from the trunk of this tree. The mitigation measures detailed in the TIR must be adhered to during excavation. Tree Protection Fencing to the City's standard will be installed and

maintained through the entirety of construction as shown in the TIR. The Tree Protection Specification can be found here:

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

The TIR indicates Tree 1 is privately owned. It appears to have joint ownership with the adjacent neighbours. Please include this detail in the TIR before the building permit application.

The applicant is also proposing planting a tree in the Right of Way which contributes to the urban forest and improves the streetscape. Please select a tree species with the largest canopy cover potential possible for the space and soil volume available.

### **Transportation Engineering**

1. Remove existing driveway depressed curb and reinstate with full height curb and sidewalk to City standards.



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