

2024-10-11

City of Ottawa | Ville d'Ottawa  
Comité de dérogation



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

**PLANNING, DEVELOPMENT AND BUILDING SERVICES DEPARTMENT**

Site Address: 290 Holmwood Avenue  
Legal Description: Lots 89 and 90, Reg Plan 108654, Township of Nepean  
File No.: D08-01-23/B-00287-289 & 00292  
Report Date: October 10, 2024  
Hearing Date: October 16, 2024  
Planner: Margot Linker  
Official Plan Designation: Inner Urban Transect, Neighbourhood, Evolving Overlay  
Zoning: R3P[1474] (Residential Third Density, Subzone P, Urban Exception 1474)

Staff note that the notice does not identify the retained land. Staff note in our conditions that 290 Holmwood (Part 3 on the draft reference plan) is the retained land for the purposes of providing conditions below.

**DEPARTMENT COMMENTS**

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

**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 also 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, and have some concerns with the proposed minor variances.

The subject site is located within the Inner Urban Transect and designated as Neighbourhood within the Evolving Overlay on Schedules A and B2 in the Official Plan. The site is zoned R3P[1474]. This area is intended for low-rise development.

Staff have no concerns regarding the minor variances for the proposed attached front facing garage or the landing and step projections. Due to the existing grading of the site, interior side yard and rear yard parking is not favourable. While no parking is required for

this area in the city, the proposal includes front facing balconies and living spaces which cantilever over the driveway and garage entry, which are oriented to allow the living spaces to interact with the public realm and reduce the visual impact of the front-facing attached garages.

Staff have some concerns regarding the proposed rear yard setback. The proposed rear yard setback of 6.9 metres would not be in line with the general massing pattern on this street.

Staff have previously raised concerns about the ability to retain existing trees along the rear and east property lines with the significant grading challenges and proposed density on site. The plans have been revised several times with some possible solutions. The current plan is to sever into 3 lots, developing only 2, so staff's concerns were primarily around the developability of the retained lot (Part 3 on the draft reference plan). At the previous hearing, the applicant had provided an updated TIR with a sketch of the allowable building footprint on this retained lot. Staff are satisfied that it is possible to develop this lot while maintaining tree #18 (boundary tree) with a portion of the group of spruce trees around it, to maintain stability. Staff request a condition to provide a more detailed grading plan and TIR prior to development, to ensure that the trees at the rear of the property and the retained lot will be retainable through this development. Staff also request a condition to provide a planting plan showing the required number of compensation trees and locations on and/or off-site.

## **ADDITIONAL COMMENTS**

### **Infrastructure Engineering**

1. The **Planning, Development and Building Services 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, Development and Building Services Department**.
4. A private approach permit is required for any access off of the City street.
5. Existing grading and drainage patterns must not be altered.
6. Existing services are to be blanked at the owner's expense.
7. 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.).
8. A report addressing the stability of slopes, prepared by a qualified geotechnical engineer licensed in the Province of Ontario, should be provided wherever a site has slopes (existing or proposed) steeper than 5 horizontal to 1 vertical and/or more than 2 metres in height.
9. Service lateral spacing shall be as specified in City of Ottawa Standard S11.3.

10. 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 Owner shall be made aware that a private approach permit is required to construct a newly created entrance, as well as to modify or close any existing entrance. The current proposal requires two private approach permits as a result, for each of the newly created entrances. **Please contact the ROW Department for any additional information at [rowadmin@ottawa.ca](mailto:rowadmin@ottawa.ca).**

### **CONDITIONS**

If approved, the Planning, Development, and Building Services 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 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, or 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, or 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.

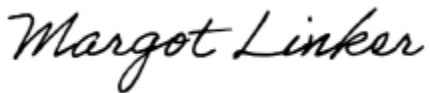
5. That the Owner(s) shall provide evidence that a grading and drainage plan, prepared by a qualified Civil Engineer licensed in the Province of Ontario, an Ontario Land Surveyor or a Certified Engineering Technologist, has been submitted to the satisfaction of Development Review All Wards Manager of 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.
6. That the Owner provide a Slope Stability Report, for 292A & 292B Holmwood Avenue (Parts 1 & 2 on Draft R-plan), prepared by a Professional Geotechnical Engineer currently licensed in the Province of Ontario, that is satisfactory to 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 PDBS to the Committee, demonstrating that all parcels to be created by this application are, or can be made, suitable for residential purposes.
7. That the Owner(s) enter into an Agreement with the City, at the expense of the Owner(s), which is to be registered on the Title of the property, 290 Holmwood Avenue (Part 3 on the Draft R-plan), to deal with the following covenant/notice that shall run with the land and bind future owners on subsequent transfers:

“The lot is located adjacent to lands with slope stability concerns. Additional engineering and slope stability measures may be required prior to issuance of Building Permits for development on the lot.”

The Committee requires a copy of the Agreement and written confirmation from City Legal Services that it has been registered on title.

8. That the Owner(s) enter into an Infrastructure Agreement with the City of Ottawa to extend the municipal services on Holmwood Avenue, for 292A & 292B Holmwood Avenue (Parts 1 & 2 on Draft R-plan), 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. Where the approved Site Servicing Plan demonstrates that an Infrastructure Agreement to extend the municipal services on Holmwood Avenue is not required, the Development Review Manager of the All-Wards Branch within Planning, Development and Building Services Department, or their designate, shall deem this condition satisfied.
9. That the owner provide a revised site plan for Parts 1 and 2 on the draft reference plan with the locations of proposed elements (buildings, driveways, services, grading, etc.) designed to reduce any excavation within the Critical Root Zones of protected trees and/or to provide sufficient soil volume to plant new trees, 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. The Tree Information Report must be revised to reflect changes to the site plan and to show the accurate tree protection areas and mitigation measures.
10. That the Owner/Applicant(s) provide a combined Grading & Drainage, Site Servicing and Tree Information Plan, including the locations of existing and proposed trees, as well as tree protection measures outlined in the Tree Information Report, to the satisfaction of the Development Review Manager, Planning, Development and Building Services Department, or their designates. The plans can be shown on one or multiple sheets, but must include all standard grading information along with measurements from the trunks of existing protected trees to the nearest limit of excavation or grade changes. In the case of a vacant parcel being created, the plan(s) must show a conceptual building envelope to establish that the lot can be graded to a sufficient and legal outlet, has access to services with adequate capacity, and follows the recommendations of the Tree Information Report.
11. 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(s) of the specified number of compensation trees (50mm caliper) required under the Tree Protection By-law, assuming that all proposed tree removals are permitted.



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