

2025-05-01

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: 280, 282, 284 Somerset Street East, 105 Sweetland Avenue,  
and 146 Russell Avenue

Legal Description: Lot 35, Lots D, E, & F and Part of Lot 23, Registered Plan  
81868

File No.: D08-01-25/B-00014, D08-01-25/B-00015, D08-01-25/B-  
00016, D08-01-25/B-00018, D08-02-25/A-00016

Report Date: May 1, 2025

Hearing Date: May 7, 2025

Planner: Dylan Geldart

Official Plan Designation: Downtown Transect, Neighborhood Designation, Evolving  
Neighborhood Overlay, Minor Corridor, Central and East  
Downtown Core Secondary Plan

Zoning: R4UC [480] -c and R4UB [480]

DEPARTMENT COMMENTS

The Planning, Development and Building Services Department **has no 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 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 are satisfied the requested minor variance meets the “four tests”.

## **ADDITIONAL COMMENTS**

### **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.
- 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.).
- 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.
- If deemed required after review by the Manager of Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate, and there is sufficient justification, the Owner(s) must obtain the approval of the Committee to grant easement(s) as required for drainage, on the title of the property, all at their own costs.

### **Planning Forestry**

The proposed development will require the removal of three protected trees, with seven replacement trees proposed. However, the submitted Tree Information Report (TIR) does not reflect the most recent site plan. The TIR should be updated accordingly to ensure that existing trees are adequately protected and that proposed replacement plantings are appropriate and feasible within the revised site layout.

## Right of Way Management

The Right-of-Way Management Department has no concerns with the proposed Consent Application. However, the owner shall be made aware that Private Approach permits are required to establish any new driveway entrances, as well as to modify or close an existing entrances that becomes redundant. Please contact the ROW Department for further information at rowadmin@ottawa.ca.

## Transportation Engineering

A corner triangle (per Policy 2.1.1(e) of Schedule C16 of the Official Plan) is required. The corner triangle must be measured 3m by 9m with the 9m along the Somerset Street East (the collector) and 3 metres along Russell Avenue (the local). The corner triangle must be dedicated to the City ROW as part of the application.

The proposed access to Sweetland Avenue appears to have a 0m off-set from the adjacent property of 274 Somerset Street East. This contravenes Section 25 (1) (p) of the Private Approach By-Law. Clarify how the proposed access will be separated from the adjacent driveway of 274 Somerset Street East, or whether these two driveways will be effectively combined. Confirm all the conditions for reduced property line offset per Section 25 (1) (p) (i), (ii), and (iii) are met. Confirm the adjacent owner of 274 Somerset Street East agrees with the proposed driveway location per Section 26 (1) (d) (i).

## CONDITIONS

If approved, the Planning, Development, and Building Services Department requests that the Committee of Adjustment impose the following conditions on the application:

1. That the Owner(s) provide evidence to the satisfaction of the Chief Building Official, or designate, that the existing buildings have been demolished or relocated under the authority of a building permit.
2. That the Owner(s) provide proof 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 cost. The value of the 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.
3. That the Owner(s) provide evidence, to the satisfaction of the Manager of Development Review All Wards, Planning, Development and Building Services Department, that each existing parcel has its own independent storm, sanitary and water services connected to City infrastructure and that these services do not cross the proposed severance line. If they do cross or are not independent, the Owner(s) will be required, at their own cost, to relocate the existing services or

construct new services from the City sewers/watermain. Notice shall be provided in writing to the Committee from the Department confirming this condition has been fulfilled.

4. That the Owner(s) provide a Stormwater Management Report, prepared by a Professional Civil Engineer, licensed in the Province of Ontario, demonstrating a design for post-development stormwater peak flows that are controlled to pre-development peak flows for all stormwater events up to and including the 100 year storm event. The report shall be to the satisfaction of and approved by the Manager of Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate.

If the Stormwater Management Report includes infiltration techniques, the Owner(s) must provide a supporting Geotechnical Brief prepared by a Professional Civil Engineer licensed in the Province of Ontario, for approval by the Manager of Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate.

That the Owner(s) enter into a Development Agreement with the City to construct the required stormwater system, including posting required securities. A copy of the Agreement and written confirmation from City Legal Services that it has been registered on title, shall be forwarded to the Committee of Adjustment.

If applicable, the Owner(s) shall obtain an Environmental Compliance Approval from the Ontario Ministry of Environment, Conservation and Parks.

Should the stormwater management system cross property lines or access to the system be over multiple properties, that the owner will seek approval of the Committee to grant easement(s) for access and maintenance of the stormwater system or register a Joint Use and Maintenance Agreement on title of the properties, all at the owner(s) costs.

5. That the Owner(s) provide a Site Servicing Study/Brief, prepared by a Professional Civil Engineer, licensed in the Province of Ontario, outlining the municipal servicing requirements, including fire flow requirement, for each unit and indicating, if required, that capacity exists within existing City infrastructure. The study shall be to the satisfaction of Manager of Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate.
6. That the Owner(s) provide proof 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, delineating the existing and proposed grades for both the severed and retained lands has been provided to

the satisfaction of the Manager of Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate.

7. The Owner(s) shall:

- a) prepare a Noise Control Study, in compliance with the City of Ottawa Environmental Noise Control Guidelines, to the satisfaction of the Manager of Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate. The Owner(s) shall enter into an agreement with the City, at the expense of the Owner(s), that requires the Owner(s) to implement any noise control attenuation measures recommended in the approved study. The Agreement shall also deal with any covenants/notices, recommended in the approved study, that shall run with the land and bind future owners on subsequent transfers, warning purchasers and/or tenants of expected noise levels due to the existing source of environmental noise (arterial, highway, airport, etc.). The Committee shall be provided a copy of the Agreement and written confirmation from City Legal Services that it has been registered on title.

**or**

- b) Design the dwelling units with the provision for adding central air conditioning at the occupant's discretion and 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, warning purchasers and/or tenants of expected noise levels due to the existing source of environmental noise. The Committee requires a copy of the Agreement and written confirmation from City Legal Services that it has been registered on title. The following two conditions will be included in the above-noted Agreement:

**Notices-on-Title respecting noise:**

- i. "The Purchaser/Lessee for himself, his heirs, executors, administrators, successors and assigns acknowledges being advised that this dwelling unit has been fitted with a forced air heating system and the ducting, etc. was sized to accommodate central air conditioning. Installation of central air conditioning by the Purchaser/Lessee will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the City of Ottawa's and the Ministry of the Environment and Climate Change's noise criteria;" and
- ii. "The Purchaser/Lessee for himself, his heirs, executors, administrators, successors and assigns acknowledges being advised that noise levels due to

increasing roadway traffic may be of concern, occasionally interfering with some activities of the dwelling occupants as the outdoor sound level exceeds the City of Ottawa's and the Ministry of the Environment and Climate Change's noise criteria."

8. That the Owner(s) enter into a Joint Use and Maintenance Agreement, at the expense of the Owner(s), setting forth the obligations between the Owner(s) and the proposed future owners with respect to the joint use and maintenance of all common elements including, but not limited to, common areas, common driveways and common landscaping.

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

9. That the Owner(s) enter into a Resurfacing Agreement with the City, to the satisfaction of the Program Manager, Right of Way Branch within the 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 Somerset Street, Sweetland Avenue, and/or Russell Avenue, fronting the subject lands, to the limits shown on the approved Site Servicing Plan. Where the approved Site Servicing Plan demonstrates the resurfacing is not required, based on the City's Road Cut Resurfacing Policy, the Manager of Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate, shall deem this condition satisfied.
10. The Owner conveys to the City, at no cost to the City, an unencumbered corner sight triangle, measuring 9 m x 3 m, at the intersection of Somerset Street and Russell Avenue, respectively. The corner sight triangle must be determined by legal survey. The Owner shall provide a reference plan for registration, indicating the corner sight triangle, to the City Surveyor for review and approval prior to its deposit in the Land Registry Office. Such reference plan must be tied to the Horizontal Control Network in accordance with the municipal requirements and guidelines for referencing legal surveys. The Owner(s) must provide to the City Surveyor a copy of the Committee of Adjustment Decision and a draft Reference Plan that sets out the required corner sight triangle. The Committee shall be

provided written confirmation from City Legal Services that the transfer of the corner sight triangle to the City has been registered. All costs shall be borne by the Owner.

11. That the Owner/Applicant(s) provide a revised Tree Information Report, to the satisfaction of the Manager of the relevant Branch within the Planning, Real Estate and Economic Development Department, or their designate(s). This report shall be prepared by an arborist or forester, identifying all trees protected under the City's Tree Protection by-law, and meeting the standards of the City's Tree Information Report Guidelines, including an assessment of impacts related to the updated site plan, and specific mitigation measures where work is proposed within the Critical Root Zone of a protected tree.



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