

2025-07-03

City of Ottawa | Ville d'Ottawa

Comité de dérogation



**CONSENT & MINOR VARIANCE APPLICATION
COMMENTS TO THE COMMITTEE OF ADJUSTMENT
PANEL 2**

PLANNING, DEVELOPMENT AND BUILDING SERVICES DEPARTMENT

Site Address: 1905 Alta Vista Drive
Legal Description: Lot 15, Registered Plan 543
File No.: D08-01-25/B-00073 & D08-01-25/B-00109
D08-02-25/A-00090, D08-02-25/A-00130 &
D08-02-25/A-00131
Report Date: July 03, 2025
Hearing Date: July 08, 2025
Planner: Nivethini Jekku Einkaran
Official Plan Designation: Outer Urban Transect, Neighbourhood,
Evolving Neighbourhood Overlay,
Alta Vista/Faircrest Heights/Riverview Park Secondary Plan
Zoning: R1GG

REQUESTED VARIANCES

The Applicants seek the Committee's authorization for the following minor variances from the Zoning By-law:

A-00090: 1901 Alta Vista Drive, Parts 1 and 2 on Draft 4R- Plan, proposed detached dwelling:

- a) To permit a reduced front yard setback of 3.5 metres, whereas the By-law requires a minimum front yard setback of ~~4.5 metres~~ **6 metres**.
- b) To permit a reduced rear yard setback of 2.5 metres, whereas the By-law states that the minimum required rear yard setback is 4.13 metres.
- c) To permit a reduced rear yard area of 16% of the lot area or 52.7 square metres, whereas the By-law requires a minimum rear yard area of 25% of the lot area or, in this case, 82.5 square metres.
- d) ~~To permit the front wall and driveway to face the same street (Alta Vista Drive) on a corner lot, whereas the By-law requires the front wall and driveway to face different streets.~~

A-00130: 1905 Alta Vista Drive, Part 3 on draft 4R- Plan, proposed detached dwelling:

- e) To permit a reduced lot width of 17.27 metres, whereas the By-law requires a minimum lot width of 18 metres.
- f) To permit a reduced front yard setback of 3.5 metres, whereas the By-law requires a minimum front yard setback of ~~4.5 metres~~ **6 metres**.
- g) To permit a reduced rear yard setback of 2.5 metres, whereas the By-law requires a rear yard setback of 2.6 metres.
- ~~h) To permit a corner lot to be severed into three lots with a minimum lot area of no less than 49 percent of the required minimum area, whereas the By-law states in part that, on a corner lot, a minimum lot area of no less than 49 per cent of the required minimum lot area be applied if the property is being severed into two lots.~~

A-00131: 225 Faircrest Road, Parts 4 and 5 on draft 4R-Plan, proposed detached dwelling:

- i) To permit a reduced lot width of 15.26 metres, whereas the By-law requires a minimum lot width of 18 metres.

DEPARTMENT COMMENTS

The Planning, Development and Building Services Department **requests an adjournment** of the application(s) as additional minor variances are required.

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.

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 property is within Schedule 342 but not within Area A of Schedule 344 to the Zoning By-law. As per Section 144(4)(b) of the Zoning By-law,

- in the case of a corner lot in the R1 Zone within Schedule 342 but excluding Area A of Schedule 344, despite the minimum required lot area in the R1A, AA, B, BB, C, CC, E, G, GG zones in Table 156A, where both water and wastewater municipal services are present, a minimum lot area of no less than 49 per cent of the required minimum lot area of the subzone may be applied if:
 - (i) permission to sever the lot into two lots is granted by the Committee of Adjustment;
 - (ii) only one detached dwelling is built on each of the two severed lots; and

(iii) each of the detached dwellings have their front wall and driveway facing frontage on different streets whether or not that frontage is the front lot line.

Variance d) and h) have been removed as the provision applies only if the lots were being created in accordance with Section 144(4)(b) of the Zoning By-law. This severance application proposes to create three lots, and the above provision does not apply. A minor variance for the lot area of all three lots is required as the lots do not meet the lot area of 665 sq. m. as per Section 156 of the Zoning By-law.

The property is within Schedule 342 to the Zoning By-law. Section 139(3)(3)(a) of the Zoning By-law states that a front facing garage must be set back at least 0.6 m further than the principal entrance or the front edge of the landing or porch giving access to the principal entrance or the portion of a projecting landing or porch that does not fall within a required yard. The garage may not be more than 0.6 m closer to the front lot line than the principal entrance to the dwelling as per Section 139(3)(b). The proposal does not meet these provisions as the garage wall appears to be in line with the front edge of the landing that is not within the required yard. A revised plan must be provided showing zoning compliance, or a minor variance would be required.

As per Section 156 of the Zoning By-law, a property in the R1GG zone requires a minimum front yard setback of 6 m. Variances (a) and (f) have been amended to reflect the correct front yard setback requirements. The plans show that 225 Faircrest Road has a proposed front yard setback of 4.5 m, not in compliance with the Zoning By-law. The plans must be revised, or a minor variance is required.

Definitions of lot width and lot depth as per the Zoning By-law:

- Lot width means the horizontal distance between the side lot lines measured at right angles to the lot depth, from a point that is equal to the front yard setback requirement for the zone.
- Lot depth means the horizontal distance measured between the midpoint of the front lot line and the midpoint of the rear lot line.

Clarification on the lot width and rear yard setbacks of 1901 and 1905 Alta Vista Drive are required as the rear yard setbacks are dependent on the lot depth as per Section 144 of the Zoning By-law. The requested minor variances must be corrected accordingly.

It is recommended to revise the plans for 1905 Alta Vista Drive to relocate the driveway to be on Faircrest Road instead of Alta Vista Drive (major collector road), to address Transportation's comments.

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.
- A private approach permit is required for any access off of the City street.
- Existing grading and drainage patterns must not be altered.
- Existing services are to be blanked at the owner's expense
- In accordance with the Sewer Connection By-Law a minimum spacing of 1.0m is required between service laterals and the foundation face.
- Existing street sign to be relocated at the owner's expense.
- Encroachment on or alteration to any easement is not permitted without authorization from easement owner(s).
- 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.).

Planning Forestry

Three tree removal permits were issued during 2024 for the removal of protected trees on site. As conditions of the permits (102194456, 102194455, 102216511), the applicant is required to plant three new trees on site. A tree planting plan must be provided, or if it's been implemented, proof that the replacement trees have been planted.

Four city-owned trees have been removed from the Faircrest Rd right-of-way, without the benefit of tree removal permits, in contravention of the Tree Protection by-law. The trees must be replaced following development, to enhance the streetscape and contribute to the urban forest canopy. The tree planting plan will have to demonstrate appropriate replacement plantings along the Faircrest and Alta Vista rights-of-way.

The Tree Information Reports that were originally submitted for the tree permit applications must be provided, along with a current survey of the site, showing the remaining trees on site. Alternatively, a letter from an arborist stating there are no more protected trees on site, would be accepted in lieu of a TIR.

Right of Way Management

The Right-of-Way Management Department has no concerns with the proposed Consent Application and Minor Variance Application. The Owner shall be made aware however, that a private approach permit is required to construct any new entrance, as well as to modify or close an existing entrance that becomes redundant. As a result of the newly planned driveways, three Private Approach Permits are required, one for 1901 Alta Vista Drive, 1905 Alta Vista Drive, and 225 Faircrest Road. The Owner must contact the ROW

Department for further information at rowadmin@ottawa.ca.

Transportation Engineering

Provide a 3m x 9m corner triangle at the corner of Alta Vista Drive and Faircrest Road, with the 3 m portion along Faircrest Road and the 9 m portion along Alta Vista Drive, per Policy 2.1.1 (e) of the Official Plan, Schedule C16. Dedicate the corner triangle to the City of Ottawa road right of way.

It is recommended that the proponent revise the Part 3 development concept to provide driveway access from the local street (Faircrest Road) rather than the major collector street (Alta Vista Drive).

Remove the existing driveway depressed curb on Alta Vista Drive and reinstate with a full height curb and sidewalk to City standards.

CONDITIONS

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

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 evidence to the satisfaction of the Chief Building Official and Manager of Development Review All Wards Branch within Planning, Development and Building Services Department, or designate, that the existing dwelling been demolished or relocated under the authority of a building permit.
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 Site Servicing Study, prepared by a Professional Civil Engineer, licensed in the Province of Ontario, outlining the municipal servicing requirements 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.

5. That the Owner(s) enter into an Infrastructure Agreement with the City, at the expense of the Owner(s), to extend, at their own costs, the municipal services on Faircrest Road. Securities shall be posted for the necessary works in the City Right-of-Way 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) must also obtain Ministry of the Environment, Conservation and Parks approval for the extension of the municipal services. The Committee shall be provided a copy of the Agreement and written confirmation from City Legal Services that it has been registered on title.
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 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.

The Committee shall be provided 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 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 Alta Vista, 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.

9. The Owner conveys to the City, at no cost to the City, an unencumbered corner sight triangle, measuring 3 m x 9 m, at the intersection of Alta Vista and Faircrest. 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.
10. 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.

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.

11. That the Owner/Applicant(s) provide a Tree Information Report, to the satisfaction of the Manager of Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate. This report shall be prepared by an Arborist, 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 current site plan, and specific mitigation measures where work is proposed within the Critical Root Zone of a protected tree.
12. That the Owner/Applicant(s) provide and implement a tree planting plan, to the satisfaction of the Manager of Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate, showing the location(s), species/ultimate size of one new tree (50 mm caliper) per lot, in addition to any compensation trees required under the Tree Protection By-law. following construction to contribute to the City's 40% canopy target. Planting within the municipal right-of-way [or frontage] should be prioritized, where space allows, to enhance the streetscape and maximize public benefit.



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