

2025-07-31

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: 574 Kirkwood Avenue
Legal Description: Part of Lot 14, Registered Plan 152
File No.: D08-01-25/B-00127 & D08-01-25/B-00128
D08-02-25/A-00141 & D08-02-25/A-00142
Report Date: July 30, 2025
Hearing Date: August 6, 2025
Planner: Penelope Horn
Official Plan Designation: Inner Urban Transect, Neighbourhood Designation, Evolving Neighbourhood Overlay
Zoning: R4UC

DEPARTMENT COMMENTS

The Planning, Development and Building Services Department has **no concerns with** the Consent application and **has some concerns with** the Minor Variance 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, and have concerns with the proposed minor variances.

The subject site is located within the Inner Urban Transect and designated Neighborhood within the Evolving Overlay on schedules A and B2 of the Official Plan. The site is zoned R4UC. The area is intended for low-rise development.

Staff have no concerns regarding the variances for 574 Kirkwood Avenue, which features the existing low-rise apartment building.

Staff have no concerns with the following variances proposed for 574 Kirkwood Avenue, Part 1 on draft 4R-plan, existing low-rise apartment dwelling:

- a) To permit a reduced rear yard area of 61.6 square metres (12.5% of the lot area), whereas the By-law requires a minimum rear yard area of 122.12 square metres (25% of the lot area).
- b) To permit a reduced rear yard setback of 3.4 metres (13.22% of the lot depth), whereas the By-law requires a minimum rear yard setback of 7.71 metres (30% of the lot depth).
- c) To permit a reduced aggregated rectangular area of soft landscaping in the rear yard of 23.12 square metres, whereas the By-law requires that at least one aggregated rectangular area of soft landscaping be at least 25 square metres.

Staff have no concerns with the following variances proposed for 174 Westhaven Crescent, Part 2 on draft R-Plan:

- e) To permit a reduced front yard setback of 1.5 metres, whereas the By-law requires a minimum front yard setback of ~~7.0 metres~~ **4.5 metres**.
- f) To permit a reduced rear yard area of 61 square metres (23% of the lot area), whereas the By-law requires a minimum rear yard area of 66 square metres (25% of the lot area).
- g) To permit a reduced rear yard setback of 3.3 metres (23.5% of the lot depth), whereas the By-law requires a minimum rear yard setback of 3.5 metres (25% of the lot depth).
- h) To permit a reduced area for soft landscaping in the rear yard of 31.2 square metres, whereas the By-law requires a minimum area for soft landscaping in the rear yard of 35 square metres.

Staff have concerns with the following variances proposed for 174 Westhaven Crescent, Part 2 on draft R-Plan:

- d) To permit a reduced aisle width accessing a bicycle parking space of 0.0 metres, whereas the By-law requires a minimum aisle width accessing a bicycle parking space of 1.5 metres
- i) To permit a reduced aggregated rectangular area of soft landscaping in the rear yard of 12.5 square metres, whereas the By-law requires that at least one aggregated rectangular area of soft landscaping be at least 25 square metres.
- j) To permit a reduced lot area of 264 square metres, whereas the By-law requires a minimum lot area of 300 square metres.

Staff are concerned that the proposed low-rise apartment building does not align with the goals of context sensitive design on the given lot area. Staff have concerns with the requested reduction in reduced aggregated rectangular area of soft landscaping and the variance to reduce the bike parking aisle to 0 metres. The intent of the aggregated rectangular landscaping and rear yard provisions are to provide adequate space for plantings, infiltration, and amenity area for residents. Furthermore, staff are concerned that the plantings shown will be insufficient to compensate for the reduced rear aggregate rectangular soft landscaping area. Section 11.5 of the Official Plan indicates that in order to contemplate a reduced lot area, adequate waste storage and management, bicycle parking and intensive soft landscaping must be provided.

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.
- This property does not have frontage on a storm sewer.
- In accordance with the Sewer Connection By-Law a minimum spacing of 1.0m is required between service laterals and the foundation face.

Planning Forestry

No protected trees are to be removed as part of the proposed development. To mitigate the heat island effect, provide shade to future residents, and contribute to the City's 40% canopy goal, the owner/applicant(s) is requested to provide tree plantings on site and in the Westhaven right-of-way.

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 modify or close the existing entrance that becomes redundant on the Westhaven Cres. frontage. Please contact the ROW Department for further information at 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 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.
2. 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.
3. 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 Westhaven Crescent. 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.

Where the approved Site Servicing Plan demonstrates the infrastructure extension is not required, the Manager of Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate, shall deem this condition satisfied.

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) 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.

6. That 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.

or

Design the dwelling units with central air conditioning 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 will 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 supplied with a central air conditioning system which 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."

- ii) "The Purchaser/Lessee for himself, his heirs, executors, administrators, successors and assigns acknowledges being advised that despite the inclusion of noise control features in this development and within building units, noise levels from 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."
7. That the Owner(s) satisfy the Chief Building Official, or designate, by providing design drawings or other documentation prepared by a qualified designer, that as a result of the proposed severance the existing building at 574 Kirkwood shall comply with the Ontario Building Code, O. Reg. 163/24 as amended, in regards to the limiting distance along the east property line. If necessary, a building permit shall be obtained from Building Code Services for any required alterations.
 8. That the owner(s) shall apply for and obtain approval from the Committee for easements to allow free, unimpeded pedestrian access from both the severed and retained parcels to both Kirkwood Avenue and Westhaven Crescent. The owner(s) shall construct a 1.2 metre wide pathway in the easements to the satisfaction of the Manager of Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate.
 9. Pursuant to clause 51 (25) (c) of the *Planning Act* and Schedule C16 of the City's Official Plan, the Owner must convey to the City, at no cost to the City, an unencumbered road widening across the complete Kirkwood Avenue frontage of the lands, measuring 13 meters from the existing centerline of pavement. The exact widening must be determined by legal survey. The Owner shall provide a reference plan for registration, indicating the widening, 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 widening. The Committee shall be provided written confirmation from City Legal Services that the transfer of the widening to the City has been registered. All costs shall be borne by the Owner.

10. That the Owner/Applicant(s) provide a tree planting plan, prepared 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) and species or ultimate size of at least one new tree (50 mm caliper) per lot, in addition to any compensation trees required under the Tree Protection By-law.



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