



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

PLANNING, DEVELOPMENT AND BUILDING SERVICES DEPARTMENT

Site Address: 51 St. Claire Avenue
Legal Description: Lots 1675, 1676, 1677, 1678, Registered Plan 375
File No.: D08-01-25/B-00300 and D08-02-25/A-00284-00285
Report Date: January 3, 2026
Hearing Date: February 29, 2026
Planner: Dylan Geldart
Official Plan Designation: Outer Urban Transect, Neighborhood Designation, Evolving Neighborhood Overlay
Zoning: R1FF [632]

REQUESTED APPLICATIONS

1. Consent Application

- a. To subdivide the property into two separate parcels of land to construct two detached dwellings.

2. Minor Variance Application

- a. To permit a reduced lot width of 14.12 metres, whereas the By-law requires a minimum lot width of 19.5 metres;
- b. To permit a reduced lot area of 409.2 square metres, whereas the By-law requires a minimum lot area of 600 square metres;
- c. ~~To permit an increased lot coverage of 47.43%, whereas the By-law permits a maximum lot coverage of 45%.~~
- d. To permit a reduced lot width of 16.33 metres, whereas the By-law requires a minimum lot width of 19.5 metres;
- e. To permit a reduced lot area of 472 square metres, whereas the By-law requires a minimum lot area of 600 square metres.
- f. To permit a reduced corner side yard setback of 3.23 metres, whereas the By-law requires a minimum corner side yard setback of 4.5 metres.

DEPARTMENT COMMENTS

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

DISCUSSION AND RATIONALE

Through the interdepartmental review period, it was determined the site plan fails to prioritize the retention of Tree #2 identified on the TIR. Specifically, the driveway location, grading, and servicing plans, create undue and avoidable impacts on this high-priority tree located within the City's right-of-way.

Section 4.8.2 of the Official Plan provides strong policy direction to maintain the urban forest canopy during intensification. It explicitly notes that planning and development decisions - including Committee of Adjustment decisions - must prioritize the retention and protection of large, healthy trees over replacement plantings and compensation.

As the loss of this tree is deemed avoidable through a modified design, the current proposal fails to meet the intent of the Official Plan. To address these concerns, the applicant must provide a revised site plan, TIR, and grading and servicing plans that ensure all excavation and infrastructure remain outside the Critical Root Zone of Tree #2.

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.
- 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.).
- This property does not have frontage on a storm sewer.
- 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.

Planning Forestry

There are no protected trees within the proposed building footprints, but the TIR recommends removal of four trees due to grading or health and proposes a driveway in very close proximity to two City trees to be retained. Trees outside of the allowable building footprint established through zoning, and particularly City-owned trees are a high priority for retention. This is not reflected in the TIR, Site or Grading/servicing plans provided.

Section 4.8.2 of the Official Plan provides strong direction to maintain the urban forest canopy and its ecosystem services during intensification noting when considering the impacts on individual trees, planning and development decisions, including Committee of Adjustment decisions, shall give priority to the retention and protection of large, healthy trees over replacement plantings and compensation. The City and the Committee of Adjustment may refuse a development application where it deems the loss of a tree(s) avoidable or where an application fails to provide adequate soil volume for existing and/or new trees. While the existing trees are not proposed for removal in the TIR, the proposed site, grading and servicing plans appear to create undue impacts to trees outside of the allowable footprints established by Zoning. It appears that these impacts would be avoidable with a modified design, and as such Forestry staff have strong concerns with the requested variances based on the plans provided.

It is noted that vegetation was removed from the ROW without permission. While hedges are not specifically protected under the Tree Protection By-law, they are a feature of the Pender St ROW. Vegetation must be replaced within this ROW to replace the lost screening and canopy cover. Trees are to be shown on a planting plan to be approved by the City.

Right of Way Management

The Right-of-Way Management Department has no concerns with the proposed Consent and Minor Variance Applications. 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 proposed future development, two private approach permits will be required, (one for each newly constructed driveway). Please contact the ROW Department for any additional information at rowadmin@ottawa.ca or visit the City webpage [Driveways | City of Ottawa](#) to submit a Private Approach application.

Transportation Engineering

St. Claire Avenue along the site frontage is undergoing Storm Water Management Renewal (Construction year, 2026). Construction coordination is required with the City of Ottawa Project Manager. Contact Kristyn Boehme (Kristyn.Boehme@ottawa.ca) to discuss construction plans and coordination.

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 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.

2. 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) shall enter into a Development Agreement with the City to construct the required stormwater system, which may include 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 all necessary approvals from the Ontario Ministry of Environment, Conservation and Parks.

3. 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.
4. 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 St. Claire 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.

5. That the Owner/Applicant(s) provide a revised 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.
6. That the Owner/Applicant(s) provide a Grading and Servicing Plan/Site Plan/Stormwater Management Plan with the proposed elements/structures (driveways, parking, retaining walls, projections, services, stormwater structures, etc.) designed and located based on the least impact to protected trees and tree cover, as well as a revised Tree Information Report reflecting these changes to the satisfaction of the Manager of Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate.
7. That the Owner/Applicant(s) enter into a Development Agreement or a Letter of Undertaking (LOU) with the City of Ottawa, at the expense of the Owner/Applicant(s), and to the satisfaction of the Manager of Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate. A development agreement is to be registered on title of the property (where applicable). The agreement/LOU will include the tree protection and mitigation requirements detailed in the Tree Protection By-law and the approved Tree Information Report (or any approved revisions), and associated securities for tree protection. The securities, which will be based on the value of the City tree(s) to be protected (Trees 1 and 2) shall be retained for two (2) years following issuance of a final occupancy permit, and thereafter returned to the owner only upon the City having received a report from an arborist confirming that the identified tree(s) is/are healthy, retainable, and remain(s) structurally stable. The Owner(s) acknowledges and agrees that if, in the opinion of the City Forester and/or the Manager of Development Review All Wards Branch, the report indicates that any tree is declining and/or must be removed, the security for that tree, in its entirety, will be forfeited.
8. 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.

Planting within the municipal right-of-way or frontage should be prioritized, where space allows, to enhance the streetscape and maximize public benefit.

9. The Owner must convey to the City, at no cost to the City, an unencumbered corner sight triangle, measuring 3 metres by 3 metres, at the intersection of St Claire Ave and Pender St. 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.



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