

2026-04-02

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: 1991 Kingsdale Avenue
Legal Description: Part of Lots 1309, 1310, and 1311, and Part of the Lane, Registered Plan 326
File No.: D08-01-26/B-00055, D08-01-26/B-00056
D08-02-26/A-00029
Report Date: April 02, 2026
Hearing Date: April 07, 2026
Planner: Elizabeth King
Official Plan Designation: Outer Urban Transect, Neighbourhood Designation
Zoning By-law 2008-250: R1WW
Zoning By-law 2026-50: N2D

DEPARTMENT COMMENTS

The Planning, Development and Building Services Department **has 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 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 not satisfied that the requested minor variance(s) meet(s) the “four tests”.

Staff have concerns with requested variances because the existing property can accommodate two zoning compliant lots. The requested lot area reductions directly impact on the functionality of the rear yard area as a private amenity space and the driveway width on reduced lot width and reduces opportunity for soft landscaping on the retained lands. Staff are not satisfied that the variances maintain the intent of the zoning by-law and are desirable for the appropriate development or use of the land

ADDITIONAL COMMENTS

Right of Way Management

The Right-of-Way Management Department has no concerns with the proposed consent application. A Private approach permit is required to construct any newly created, temporary or modified driveway/approaches or close redundant approaches. 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

The Owner must convey to the City, at no cost to the City, an unencumbered corner sight triangle measuring 3 metres by 9 metres, at the intersection Kingsdale Avenue and Conroy Road. (Local road to arterial road – 3 metres on the local x 9 metres on the arterial).

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) satisfies 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 on Draft R-plan shall comply with the Ontario Building Code, O. Reg. 332/12 as amended, in regard to the limiting distance along the proposed property line easterly side are affected. If necessary, a building permit shall be obtained from Building Code Services for any required alterations.
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 Agreement with the City, at the expense of the Owner(s), which is to be registered on title to deal with the following covenant/notice that shall run with the land and bind future owners on subsequent transfers:

“The property is located next to lands that have an existing source of environmental noise (arterial road & airport) and may therefore be subject to noise and other activities associated with that use.”

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

4. a) That the owner(s) submit a QuickSWM Analysis to determine if On-Site Stormwater Management (“SWM”) Measures are required including what storage volume is required to maintain or improve the existing level of service; or alternatively,
 - b) The owner(s) shall submit a SWM Report/Brief, prepared by a professional civil engineer, licensed in the province of Ontario, based on the current City of Ottawa Sewer Design Guidelines to determine On-Site SWM Measures and what storage volume is to maintain or improve the existing level of service.
 - c) If required through a) The owner shall submit a detailed engineering design based on the results of the QuickSWM Analysis prepared pursuant to paragraph (a), or the recommendations of the SWM Brief prepared pursuant to paragraph (b), prepared by a professional civil engineer, licensed in the province of Ontario. The detailed engineering design shall include all required grading, servicing and stormwater management construction design details. Where the QuickSWM Analysis or SWM Brief demonstrates on-site stormwater management measures are 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.
 - d) If all or a portion of the On-Site SWM Measures include infiltration techniques, then the owner(s) shall submit a Geotechnical Brief, prepared by a geotechnical professional, licensed in the province of Ontario, or a professional geoscientist, licensed in the province of Ontario.
 - e) If On-Site SWM Measures are required, then the owner(s) may be required to enter into a Development Agreement with the City to implement any On-Site SWM Measures including construction of any proposed On-Site SWM works. The Development Agreement may include a requirement to post the securities for certain On-Site SWM works. The Development Agreement will require compliance with the Ministry of Environment, Conservation and Parks, Consolidated Linear Infrastructure, Environmental Compliance Approval (CLI-ECA) for any sewers constructed on municipally owned property, as well as any other permits or approvals required by other governments or regulatory agencies. The Committee

shall be provided a copy of the Agreement and written confirmation from City Legal Services that it has been registered on title.

f) If On-Site SWM works cross and/or benefit more than one property, then the owner(s) shall apply to the Committee of Adjustment to grant easement(s) for access and maintenance and/or register a Joint Use and Maintenance Agreement on title of the properties, all at the owner(s) costs.

g) All of the above (a) to (f) shall be to the satisfaction of the Manager of Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate. Where deemed 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.

5. The Owner conveys to the City, at no cost to the City, an unencumbered corner sight triangle, measuring 3 metres by 9 metres, at the intersection Kingsdale Avenue and Conroy Road. 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.



Elizabeth King
Planner I, Development Review All Wards
Planning, Development and Building
Services Department



James Ireland
Planner III, Development Review All Wards
Planning, Development and Building
Services Department