

2026-04-16



**MINOR VARIANCE APPLICATION
COMMENTS TO THE COMMITTEE OF ADJUSTMENT
PANEL 1**

PLANNING, DEVELOPMENT AND BUILDING SERVICES DEPARTMENT

Site Address:	563 Churchill Avenue North
Legal Description:	Part of Block 5, Registered Plan 42
File No.:	D08-02-26/A-00039
Report Date:	April 16, 2026
Hearing Date:	April 22, 2026
Planner:	Nick Burnie
Official Plan Designation:	Inner Urban Transect, Neighbourhood Designation, Evolving Neighbourhood Overlay
Zoning By-law 2008-250:	R4-UD [2684]-c
Zoning By-law 2026-50:	CM1 [2684]

DEPARTMENT COMMENTS

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

DISCUSSION AND RATIONALE

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”.

There are concerns with the approach to tree removal proposed with the submitted Tree Information Report (TIR) in both the front and rear yard, in particular the reduced front yard setback would limit opportunities for soft landscaping and tree planting along the street frontage, which are key objectives of the Official Plan. Section 5.6.1 of the Official Plan supports low-rise intensification through amendments to development standards where proposals achieve the applicable transect objectives for density, built form, and site design, and the requested reduction does not adequately meet the intent of these policies.

Section 5.2.3, Policy 3 requires consistency with the mid-rise urban design objectives found in 4.6.6 Policy 7.

Subsection 4.6.6, Policy 7(d) emphasizes the need for adequate setbacks and step-backs to accommodate landscaping and tree planting, mitigate a street canyon effect, and minimize microclimate impacts on the public realm. In the absence of sufficient front yard space, these objectives are not met. A revised Tree Information Report (TIR), including surveyed tree locations overlaid on the proposed site plan, is recommended to allow staff to fully assess the impact(s) of the requested variances in the rear yard.

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.
- A Stormwater Management plan prepared by a Professional Engineer or a Certified Engineering Technologist will be required at the time of building permit application, as per new Zoning By-Law (2026-50) section 201.
- 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.
- Service lateral spacing shall be as specified in City of Ottawa Standard S11.3.

Planning Forestry

- The TIR does not meet submission requirements as it does not include all required elements listed in the TIR guidelines. Most importantly it does not provide sufficient detail to adequately assess the impact of the requested variances, though it is clear that the variances would significantly impact the ability to retain protected trees on site or to adequately replace them. The report proposes removal of all trees on site and on adjacent properties with no justification provided; several of these trees are outside of the allowable building footprint established in Zoning By-law 2008-250 which must be prioritized for retention through the site design, as per Official Plan section 4.8.2. Tree ownership must be clarified as protected trees cannot be removed from adjacent properties without permission from the owners. A revised TIR is required.
- The requested reduction to the front yard setback will eliminate not only the existing trees on the frontage, but also the ability to plant trees along this frontage in the future, to provide shade and screening to the public realm. The requested variances

directly conflict with the direction provided in section 4.8.2 of the Official Plan as well as the Tree Protection By-law.



Nick Burnie
Planner I, Development Review All Wards
Planning, Development and Building
Services Department



Erin O'Connell
Planner III, Development Review All Wards
Planning, Development and Building
Services Department