

2026-04-16



**CONSENT APPLICATION
COMMENTS TO THE COMMITTEE OF ADJUSTMENT
PANEL 1**

PLANNING, DEVELOPMENT AND BUILDING SERVICES DEPARTMENT

Site Address: 472 Melbourne Avenue
Legal Description: Lot 14 (West side of Melbourne Avenue), Part of Lot 14 (East side of Melbourne Avenue), Registered Plan 235
File No.: D08-01-26/B-00068 – 00069, D08-02-26/A-00035 - 00036
Report Date: April 14, 2026
Hearing Date: April 22, 2026
Planner: Shoma Murshid
Official Plan Designation: Neighbourhood, Inner Urban Transect
Zoning By-law 2008-250: R3R[2687]H(8.5)
Zoning By-law 2026-50 N3C[2687]H(8.5)

DEPARTMENT COMMENTS

The Planning, Development and Building Services Department **has concerns with** the minor variance applications.

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 consents.

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). The shared driveway 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 reductions to setbacks do not adequately meet the intent of these policies.

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 and with the proposal of the loss of a City tree, 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.

ADDITIONAL COMMENTS

Infrastructure Engineering

- 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.
- 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.

Planning Forestry

The TIR proposes removal of 6 of the 7 trees on site, including 2 City trees, due to the proposed development design and layout of proposed parking. It is understood that the City trees are noted to be in very poor condition; if these trees cannot be retained due to their health, sufficient soil volume must be provided to plant replacement trees within the Right of Way.

Several of the requested variances relate to increased building depth and projections into the rear yard. It is unclear whether these variances impact the existing protected trees on site or whether maintaining the required setbacks would allow for retention of trees 4, 5, and 6. This detail must be confirmed in a revised TIR. Official Plan section 4.8.2 prioritizes the retention of protected trees outside of the allowable footprint(s) established by Zoning through infill design. Forestry staff do not support variances that result in the loss of protected trees on site which are outside of the allowable building footprint(s).

Forestry staff have concerns with the severance as the proposed location of the driveway directly impacts a City tree and generally determines the impact to trees in the rear yard through the establishment of easements.

Forestry staff do not support the requested severance or variances a, c, d, or e, due to the avoidable impacts to protected trees. The design should be revised to allow for the retention of trees outside of the buildable footprint.

Transportation Engineering

No comments.

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 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 Fire Flow Adequacy brief/memo, prepared by a Professional Engineer, licensed in the Province of Ontario, that assesses the fire flow demand including boundary conditions. The brief/memo shall be to the satisfaction of Manager of Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate.
3. 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.


4. 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.

5. That the Owner provide a Slope Stability Analysis, prepared by a Professional Civil Engineer or professional geoscientist, licensed in the Province of Ontario, to the satisfaction of both the Manager of Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate ~~and the Rideau Valley Conservation Authority~~. Where deemed not required based on the approved grading plan, the Manager of Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate, shall deem this condition satisfied.
6. 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 Melbourne Ave, 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.
7. 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.
8. 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, 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.
9. 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.



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