



Committee of Adjustment

Panel 1

Wednesday, July 17, 2024

1:00 PM

Ben Franklin Place, The Chamber, Main Floor, 101 CentrepoinTE Drive, and by electronic participation

The hearing can be viewed on the Committee of Adjustment [YouTube](#) page. For more information, visit Ottawa.ca/CommitteeofAdjustment

Simultaneous interpretation in both official languages, accessible formats and communication supports are available for any specific agenda item by calling the Committee information number at least 72 hours in advance of the hearing.

Coordinator: [Davette Nyota](#)

Panel Members:

Chair: Ann M. Tremblay

Members: John Blatherwick, Simon Coakeley, Arto Keklikian, Sharon Lécuyer

CALL TO ORDER

OPENING REMARKS

DECLARATIONS OF INTEREST

CONFIRMATION OF MINUTES

ADJOURNMENT REQUESTS

HEARING OF APPLICATIONS

- 1. 53 Willow (Ward 14 - Somerset)
D08-02-24/A-00151**

Minor Variance Application

Applicant(s): Hybrid Urban Development Inc.

Agent: J. Simpson

To permit a reduced lot width for the construction of a 3-storey low-rise apartment building containing 10 units.

2. 1071 Heron (Ward 17 - Capital)
D08-02-24/A-00149, 00164 - 00165

Minor Variance Applications

Applicant(s): David Palmer

Agent: C. Jalkotzy

To permit increased building heights and reduced front yards, soft landscaped areas, lot widths and lot areas, and a reduced side yard setback, for the construction of a 3-unit townhouse dwelling.

OTHER BUSINESS

ADJOURNMENT



Comité de dérogation

Groupe 1

le mercredi 17 juillet 2024

13 h 00

Place-Ben-Franklin, salle du Conseil, premier étage, 101, promenade Centrepointe, et participation par voie électronique

L'audience pourra être visionnée sur la chaîne [YouTube](#) du Comité de dérogation. Pour en savoir plus, allez au Ottawa.ca/Comitedederogation

Les participants pourront bénéficier d'une interprétation simultanée dans les deux langues officielles et de formats accessibles et d'aides à la communication pour toute question à l'ordre du jour s'ils en font la demande par téléphone auprès du service d'information du Comité au moins 72 heures à l'avance.

Coordonnatrice : Davette Nyota

Membres du Groupe:

Présidente: Ann M. Tremblay

Membres: John Blatherwick, Simon Coakeley, Arto Keklikian, Sharon Lécuyer

APPEL NOMINAL

MOT D'OUVERTURE

DÉCLARATIONS D'INTÉRÊT

RATIFICATION DU PROCÈS-VERBAL

DEMANDES D'AJOURNEMENT

AUDIENCE DES DEMANDES

1. 53 Willow (Quartier 14 - Somerset)
D08-02-24/A-00151

Demande de dérogation mineure

Requérant(e)(s) : Hybrid Urban Development Inc.

Agent : J. Simpson

Permettre un lot de largeur réduite pour la construction d'un immeuble d'habitation de 3 étages abritant 10 logements.

2. **1071 Heron (Quartier 17 - Capitale)**
D08-02-24/A-00149, 00164 - 00165

Demandes de dérogation mineure

Requérant(e)(s) : David Palmer

Agent : C. Jalkotzy

Pour permettre l'augmentation de la hauteur de bâtiment ainsi que la réduction des retraits de cour avant, de la largeur et de la superficie des lots, de la superficie du paysagement végétalisé et d'un des retraits de cour latérale, en prévision de la construction de trois habitations en rangée.

AUTRES QUESTIONS

AJOURNEMENT

NOTICE OF HEARING

Pursuant to the Ontario *Planning Act*

Minor Variance Application

Panel 1

Wednesday, July 17, 2024

1 p.m.

Ben Franklin Place, Main Floor Chamber, 101 Centrepointe Drive
and by videoconference

Owners of neighbouring properties within 60 metres of the property address below are receiving this notice in case they want to comment on the application(s) and/or participate at the hearing.

The hearing can also be viewed on the Committee of Adjustment [YouTube](#) page.

Simultaneous interpretation in both official languages, accessible formats and communication supports are available for any specific agenda item by contacting the Committee of Adjustment at least 72 hours before the hearing.

File Nos.: D08-02-24/A-00151
Applications: Minor Variance under section 45 of the *Planning Act*
Owners/Applicants: Hybrid Urban Development Inc.
Property Address: 53 Willow Street
Ward: 14 - Somerset
Legal Description: Part of Lot 18, Registered Plan 2545
Zoning: R4UB
Zoning By-law: 2008-250

APPLICANT'S PROPOSAL / PURPOSE OF THE APPLICATION:

The Applicant wants to construct a 3-storey low-rise apartment building containing 10 units. The existing dwelling will be demolished.

REQUESTED VARIANCES:

The Applicant requires the Committee's authorization for a minor variance from the Zoning By-law to permit a reduced lot width of 10.9 metres, whereas the By-law requires a minimum lot width of 15 metres.

The property is not the subject of any other current application under the *Planning Act*.

FIND OUT MORE ABOUT THE APPLICATION(S)

For more information about this matter, contact the Committee of Adjustment at the address, email address, website or QR code below.

Visit **Ottawa.ca/CommitteeofAdjustment** and follow the link to **Next hearings** to view panel agendas and application documents, including **proposal cover letters, plans, tree information, hearing notices, circulation maps, and City planning reports**. Written decisions are also published once issued and translated.

If you don't participate in the hearing, you won't receive any further notification of the proceedings.

If you want to be notified of the decision following the hearing, and of any subsequent appeal to the Ontario Land Tribunal, send a written request to the Committee.

HOW TO PARTICIPATE

Submit written or oral comments before the hearing: Email your comments to cofa@ottawa.ca at least 24 hours before the hearing to ensure they are received by the panel adjudicators. You may also call the Coordinator at 613-580-2436 to have your comments transcribed.

Register to Speak at the hearing at least 24 hours before by contacting the Committee Coordinator at 613-580-2436 or at cofa@ottawa.ca. You will receive details on how to participate by videoconference. If you want to share a visual presentation, the Coordinator can provide details on how to do so. Presentations are limited to five minutes, and any exceptions are at the discretion of the Chair.

Hearings are governed by the Committee of Adjustment's *Rules of Practice and Procedure* accessible online.

ALL SUBMITTED INFORMATION BECOMES PUBLIC

Be aware that, in accordance with the *Planning Act*, the *Municipal Act* and the *Municipal Freedom of Information and Privacy Act*, all information presented to the Committee of Adjustment is considered public information and can be shared with any interested individual. Information you choose to disclose in your correspondence and during the hearing, including your personal information, will become part of the public record, and shared with Committee Members, the Applicant(s) or their agent and any other interested individual, and potentially posted online and become searchable on the Internet.

COMMITTEE OF ADJUSTMENT

The Committee of Adjustment is the City of Ottawa's quasi-judicial tribunal created under the Ontario *Planning Act*. Each year, it holds hearings on hundreds of applications under the *Planning Act* in accordance with the Ontario *Statutory Powers Procedure Act*, including consent to sever land and minor variances from the zoning requirements.

DATED: June 28, 2024



Ce document est également offert en français.

Committee of Adjustment
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AVIS D'AUDIENCE

Conformément à la *Loi sur l'aménagement du territoire* de l'Ontario

Demande de dérogation mineure

Groupe 1
Mercredi 17 juillet 2024
13 h

**Place-Ben-Franklin, salle Chamber, 101, promenade Centrepointe
et par vidéoconférence**

Les propriétaires des biens-fonds situés dans un rayon de 60 mètres de l'adresse ci-dessous reçoivent le présent avis afin de formuler des observations sur la ou les demandes et de participer à l'audience s'ils le souhaitent.

L'audience peut aussi être visionnée sur la page [YouTube](#) du Comité de dérogation.

Les participants peuvent bénéficier de l'interprétation simultanée dans les deux langues officielles, de formats accessibles et d'aides à la communication pour toute question de l'ordre du jour en s'adressant au Comité de dérogation au moins 72 heures à l'avance.

Dossier : D08-02-24/A-00151
Demande : Dérogation mineure en vertu de l'article 45 de la *Loi sur l'aménagement du territoire*
Requérante : Hybrid Urban Development Inc.
Adresse municipale : 53, rue Willow
Quartier : 14 - Somerset
Description officielle : Partie du lot 18, plan enregistré 2545
Zonage : R4UB
Règlement de zonage : n° 2008-250

PROPOSITION DE LA REQUÉRANTE ET OBJET DE LA DEMANDE :

La requérante souhaite construire un petit immeuble d'habitation de 3 étages abritant 10 logements. L'habitation existante sera démolie.

DÉROGATION DEMANDÉE :

La requérante demande au Comité d'accorder une dérogation mineure au Règlement de zonage afin de permettre une largeur de lot réduite à 10,9 mètres, alors que le Règlement exige une largeur de lot minimale de 15 mètres.

La propriété en question ne fait l'objet d'aucune autre demande en cours en vertu de la *Loi sur l'aménagement du territoire*.

POUR EN SAVOIR PLUS SUR LA DEMANDE

Pour obtenir plus de renseignements à ce sujet, communiquez avec le Comité de dérogation via l'adresse, le courriel, le site Web ou le code QR ci-dessous.

Visitez le site **Ottawa.ca/Comité de dérogation** et suivez le lien **Prochaines audiences** pour consulter l'ordre du jour du Comité et les documents relatifs aux demandes, y compris **les lettres d'accompagnement des propositions, les plans, l'information sur les arbres, les avis d'audience, les cartes de diffusion et les rapports d'urbanisme de la Ville**. Les décisions écrites sont également publiées une fois rendues et traduites.

Si vous ne participez pas à l'audience, vous ne recevrez pas d'autre avis à ce sujet.

Si vous souhaitez recevoir un avis de la décision prise à l'issue de l'audience et de tout appel ultérieur interjeté devant le Tribunal ontarien de l'aménagement du territoire, faites-en la demande par écrit au Comité.

COMMENT PARTICIPER

Présentez vos observations écrites ou orales avant l'audience : Veuillez faire parvenir vos observations par courriel à cded@ottawa.ca au moins 24 heures avant l'audience afin de vous assurer que les membres des groupes chargés du rendu des décisions les ont bien reçues. Vous pouvez également téléphoner au coordonnateur ou à la coordonnatrice au numéro 613-580-2436 pour demander que vos observations soient transcrites.

Inscrivez-vous au moins 24 heures à l'avance en communiquant avec le coordonnateur ou la coordonnatrice du Comité au numéro 613-580-2436 ou à l'adresse à cded@ottawa.ca. Vous recevrez des détails sur la façon de participer par vidéoconférence. Si vous souhaitez faire une présentation visuelle, le coordonnateur ou la coordonnatrice sera en mesure de vous fournir des détails sur la façon de procéder. Les présentations sont limitées à cinq minutes et toute exception est laissée à la discrétion du président ou de la présidente.

Les audiences sont régies par les *Règles de pratique et de procédure* du Comité de dérogation et sont accessibles en ligne.

TOUS LES RENSEIGNEMENTS PRÉSENTÉS DEVIENNENT PUBLICS

Sachez que, conformément à la *Loi sur l'aménagement du territoire*, à la *Loi sur les municipalités* et à la *Loi sur l'accès à l'information municipale et la protection de la vie privée*, les observations écrites adressées au Comité de dérogation sont considérées comme des renseignements publics et peuvent être communiquées à toute personne intéressée. Les renseignements que vous choisissez de divulguer dans votre correspondance, notamment vos renseignements personnels,

seront versés au dossier public et communiqués aux membres du Comité, au(x) requérant(s) ou à l'agent, l'agente, ainsi qu'à toute autre personne intéressée et pourront éventuellement être affichés en ligne et faire l'objet d'une recherche sur Internet.

COMITÉ DE DÉROGATION

Le Comité de dérogation est le tribunal quasi judiciaire de la Ville d'Ottawa créé en vertu de la *Loi sur l'aménagement du territoire* de l'Ontario. Chaque année, il tient des audiences sur des centaines de demandes en vertu de la *Loi sur l'aménagement du territoire*, conformément à la *Loi sur l'exercice des compétences légales* de l'Ontario, y compris des demandes d'autorisation de morcellement de terrain et de dérogation mineure aux exigences en matière de zonage.

FAIT : 28 juin 2024

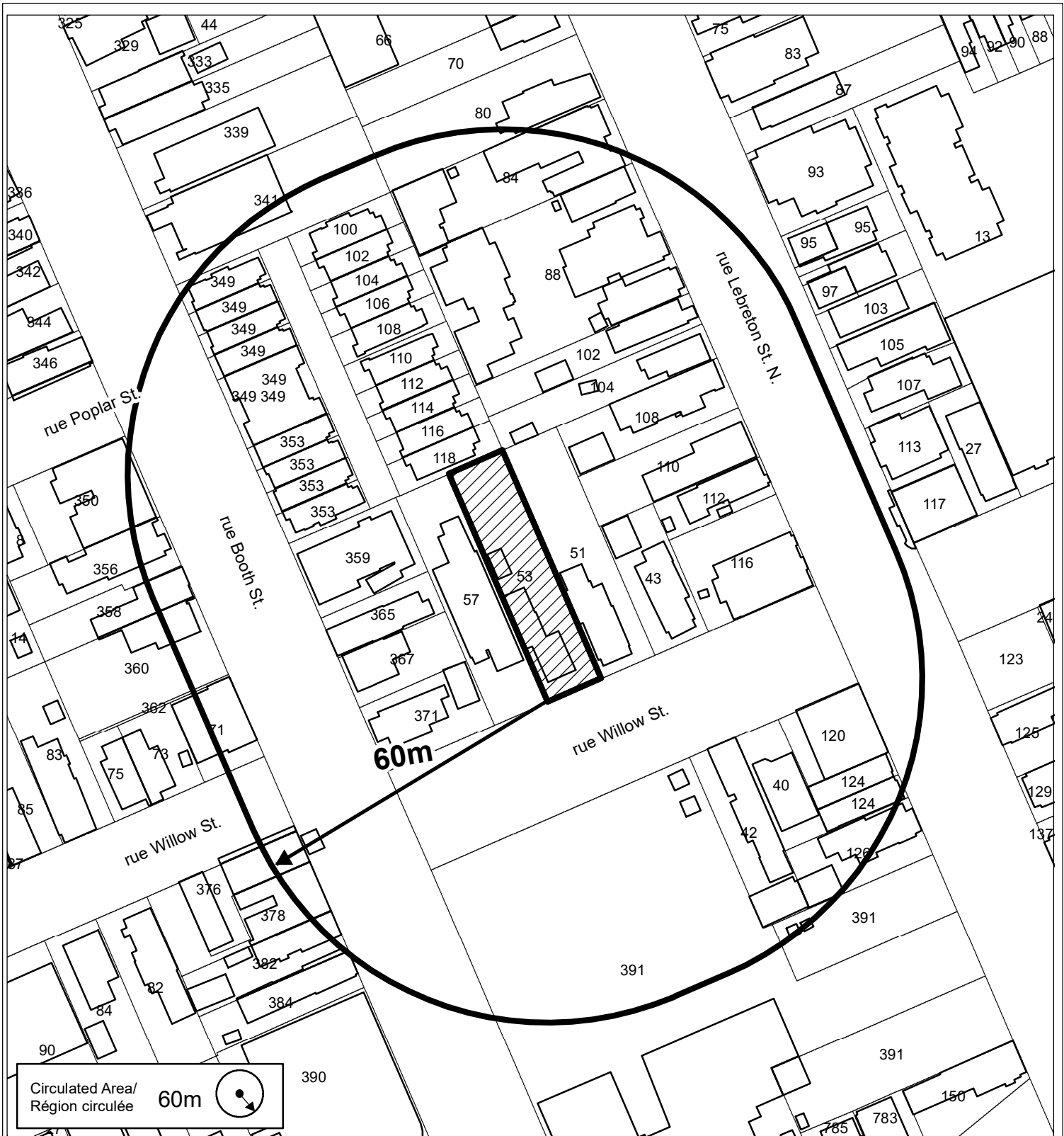


This document is also available in English.

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 **Committee of Adjustment**
Comité de dérogation

CIRCULATION MAP /
PLAN DE CIRCULATION

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SUBJECT LAND / TERRE EN QUESTION

53 rue Willow St.



NOT TO SCALE
NON À L'ÉCHELLE

June 3, 2024

1

Mr. Michel Bellemare
Secretary-Treasurer
Committee of Adjustment
101 Centrepointe Drive, Fourth Floor
Ottawa, ON K2G 5K7

Committee of Adjustment
Received | Reçu le

2024-06-05

City of Ottawa | Ville d'Ottawa
Comité de dérogation

RE: Application for Minor Variance
53 Willow Street, Ottawa

Dear Mr. Bellemare,

Fotenn Planning + Design ("Fotenn") has been retained by Hybrid Urban Development Inc. ("the Client") to prepare a Planning Rationale for a Minor Variance application to permit a 3 storey, 10-unit apartment building at 53 Willow Street ("subject site") in the City of Ottawa.

The subject site is currently occupied by a two-storey single-detached residential building and driveway. The proposed Minor Variance is required to reduce the minimum required lot width to permit the proposed development. The variance has been assessed against the Four Tests of the Planning Act, and our determination is that the variance can satisfy these tests and is therefore appropriate and in the public interest.

Please find enclosed the following material in support of the application:

- / This cover letter explaining the nature of the application (1 copy);
- / Minor Variance application form (1 copy);
- / Building Elevation Drawings, prepared by Justin Seguin Designs, dated May 16, 2024 (1 full-sized and 1 reduced copy);
- / Site Plan, prepared by Justin Seguin Designs, dated April 16, 2024 (1 full-sized and 1 reduced copy);
- / Survey Plan, prepared by Fairhall, Moffatt & Woodland Ltd., dated June 3, 2022 (1 full-sized and 1 reduced copy);
- / Tree Information Report, prepared by Dendron Forestry Services, dated May 23, 2024 (1 copy); and,
- / Tree Planting Plan, prepared by Dendron Forestry Services, dated May 27, 2024 (1 copy).

Please contact the undersigned with any questions or requests for additional material.

Sincerely,



Jillian Simpson, M.PL
Planner



Scott Alain, MCIP RPP
Senior Planner

1.0 Background and Context

Fotenn Planning + Design (“Fotenn”) has been engaged by Hybrid Urban Development Inc. (“the Client”) to prepare this Planning Rationale in support of a Minor Variance application for the subject site, municipally known as 53 Willow Street in the City of Ottawa.

The subject site is located on the north side of Willow Street between Booth Street to the west and Lebreton Street North to the east, in the Somerset Ward (Ward 14) of the City of Ottawa. The subject site is a rectangular lot with a total area of 506 square metres, a depth of 46 metres and a frontage of 10.9 metres. The subject site is currently occupied by a two-storey residential building with a 1-storey addition in the rear yard and an asphalt driveway along the eastern portion of the lot. Two mature trees are located in the front yard of the property, four mature trees are clustered in the middle of the site, and one mature tree is located in the rear yard. A metal fence is located along the western property line between the subject site and the adjacent property.



Figure 1: Subject Site and surrounding context.

Sidewalks are located on both sides of Willow Street, with street parking provided on the north side of the street. Elevated hydro distribution lines are present in the public right-of-way along the north side of Willow Street. The subject site located is approximately 700 metres walking distance from the future Corso Italia Light Rail Transit (LRT) station to the west, and 900 metres to Pimisi LRT Station to the north.

1.1 Surrounding Area

North: Immediately north of the subject site are low-rise townhouses accessed from Booth Street via Jemruss Private. Further north of the subject site and continuing towards Somerset Street West (Ottawa’s Chinatown neighbourhood) is characterized

by low-rise buildings, including single-detached dwellings, converted multi-unit buildings, townhouses, low-rise apartment buildings, and commercial and institutional buildings. Further north is the Lebreton Flats neighbourhood, the Pimisi LRT station, and the Ottawa River.

East: Immediately east of the subject site are low-rise residential dwellings characterized by long narrow lots, and commercial and institutional uses that continue towards Bronson Avenue. Bronson Avenue is designated as an Arterial Road and features a wide range of uses and heights including retail, restaurants, residential, personal services and other uses.



Figure 2: Looking north from 53 Willow Street, existing building shown.



Figure 3: Looking east from 53 Willow Street, existing building shown.

South: Immediately south of the subject site across Willow Street is a playground associated with St. Anthony School, located at the corner of Booth Street and Gladstone Avenue. Across Gladstone Avenue is St. Anthony of Padua church. A low-rise residential condition continues further south, towards the 417 Provincial Highway, which provides vehicular connections throughout the City.

West: Immediately west of the site is a low-rise residential building with a generous front yard setback. Further west along Booth Street are low-rise residential dwellings and small-scale commercial businesses which cater to the local neighbourhood. This condition continues west to Preston Street, a Traditional Mainstreet and part of Ottawa's 'Little Italy' neighbourhood. Uses includes restaurants, retail, event spaces, personal services and other uses.

2.0 Overview of Application

2.1 Proposed Development

The applicant is proposing to demolish the existing detached dwelling and construct a three-storey low-rise residential apartment building comprised of 10 units: two (2) Bachelor units, three (3) one-bedroom units, one (1) accessible one-bedroom unit, and four (4) two-bedroom units. The proposed development fronts onto Willow Street with soft landscaping provided along the majority of the front yard, and western side yard, with amenity space proposed in the rear yard.

A small outdoor storage shed is proposed in the rear yard for the purpose of refuse and recycling storage, with five (5) covered bicycle parking spaces located adjacent to the shed. A mature Hackberry tree, presently located in the rear yard, will be retained as part of the proposed redevelopment of the lands. No vehicular parking is proposed as part of this redevelopment. Figure 4 below shows the site plan for the proposed development.

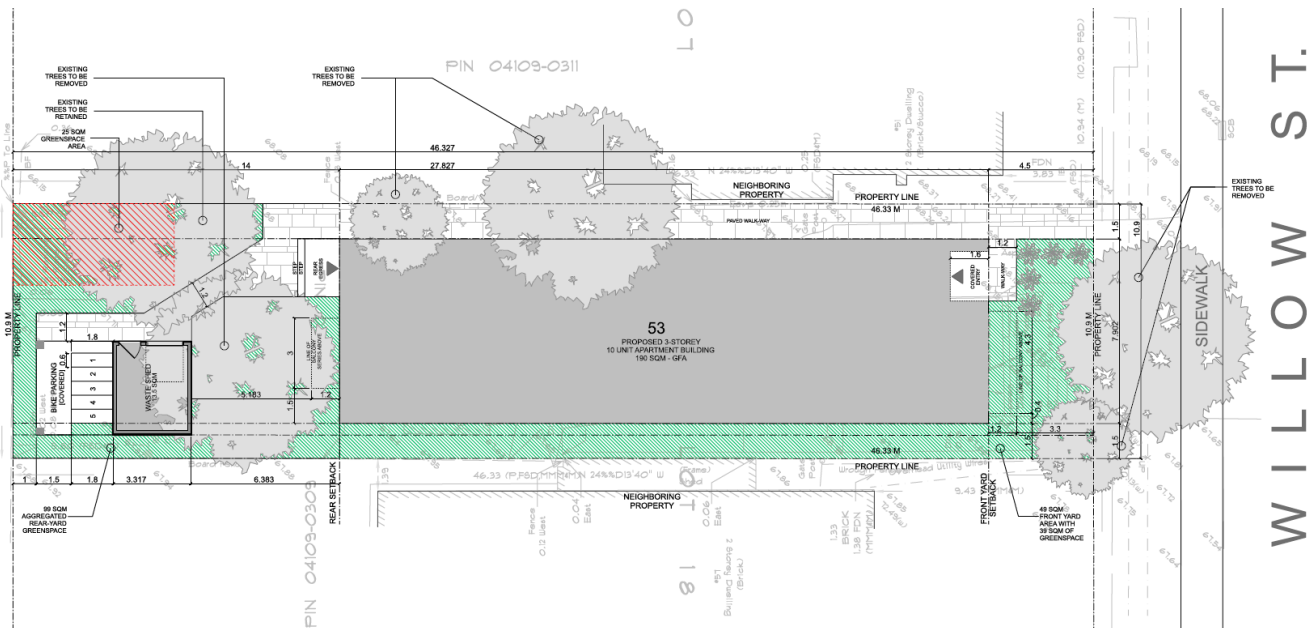


Figure 4: Site Plan of proposed development.

A hardscaped walkway is proposed from the front yard, along the eastern side yard to the rear yard, which provides access from the front of the building to the bicycle parking and refuse storage bins at the rear of the site. The front entrance is proposed along the eastern side of the building linking up to the walkway, and a rear exit is proposed which serves to provide easier access to the rear yard amenity area and bicycle parking.

As shown on Figures 5 and 6, below, the proposed exterior design features large windows on the front and rear façades, which offers natural daylight to the units and a well-lit public realm at night. An overhang covers the front entrance from the elements and highlights the principal entryway. Brick and stone masonry are proposed for the front façade to provide variety and interest, and the side and rear elevations (Figure 7) are proposed to be clad with siding. Windows along the sides of the building are much smaller in size to improve privacy and minimize overlook to adjacent development.

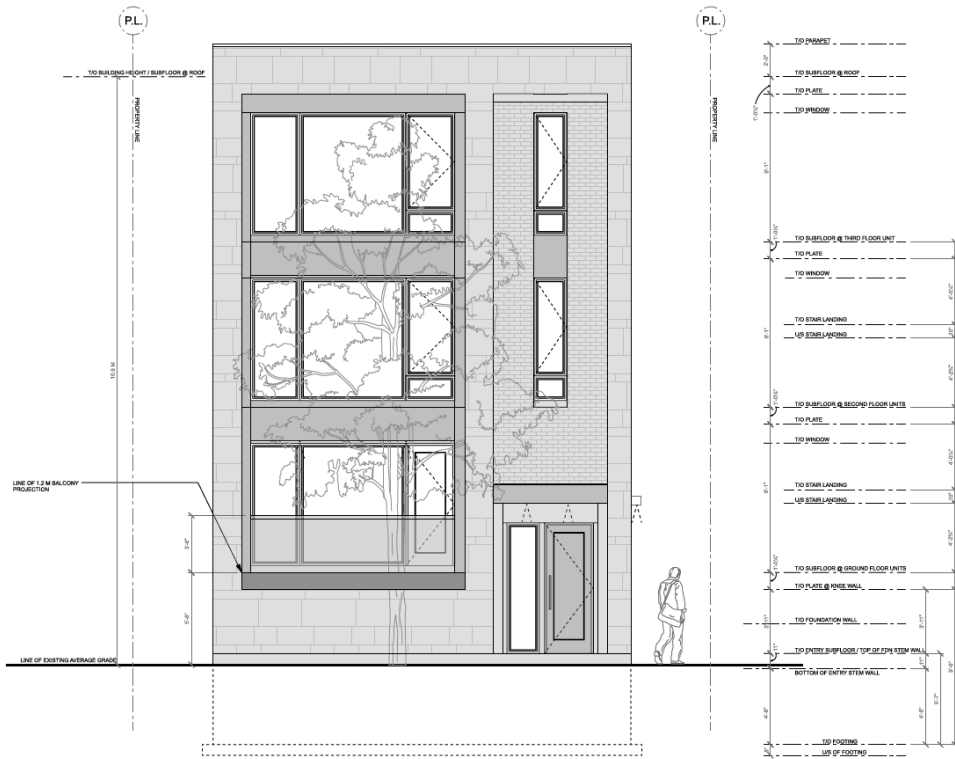


Figure 5: Front Elevation of proposed building.

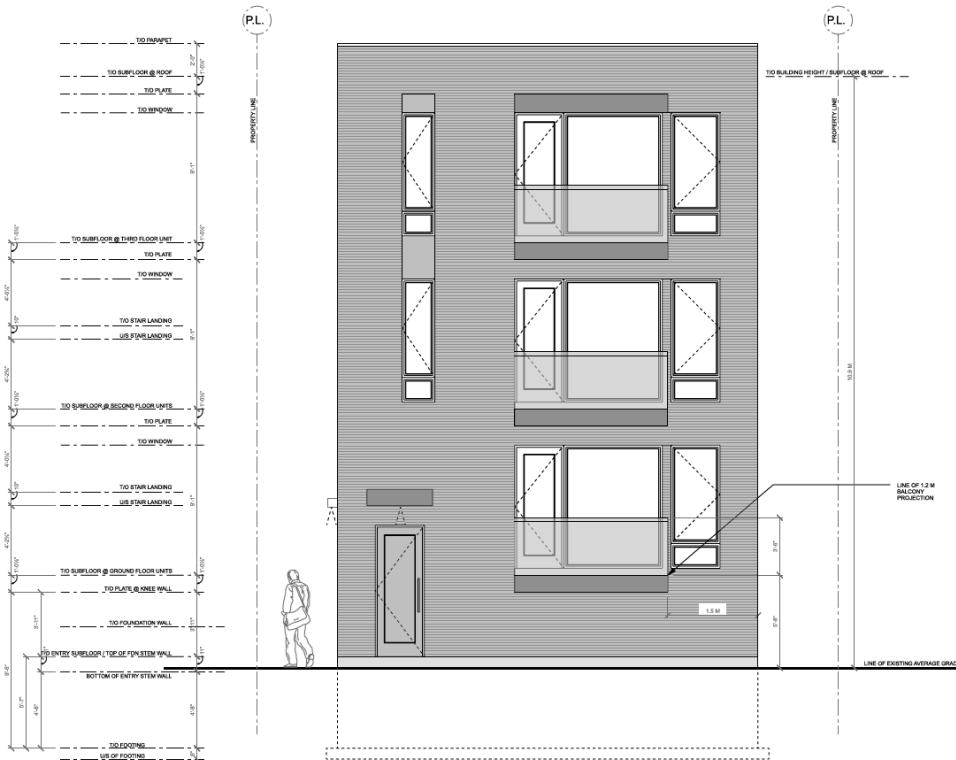


Figure 6: Rear Elevation of proposed building.

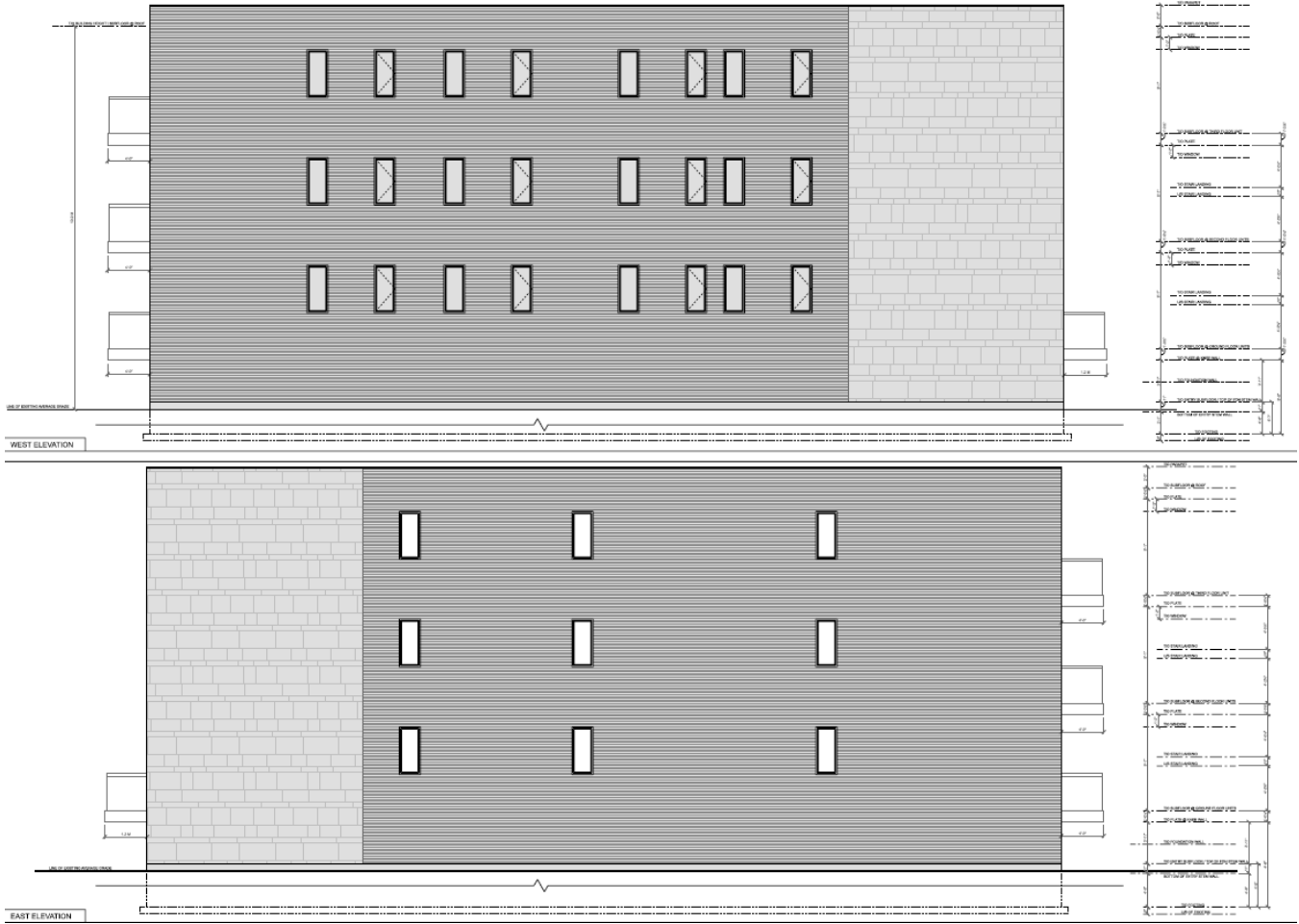


Figure 7: West (top) and East (bottom) Elevations of proposed building.

A Tree Information Report, prepared by Dendron Forestry Services, indicates that the proposed building footprint will limit retention of some of the existing trees on site, per Figure 8 below. Tree 1 is a tree lilac in declining health positioned between a walkway and the existing asphalt driveway, limiting its available rooting space. If left in its location is unlikely to survive construction due to the proximity of construction, and therefore it is proposed that the tree be removed and replanted. Tree 5, a hackberry is in fair health and to best preserve the tree’s health, protection measures are to be followed. Trees 2, 3, 4, and 6 are proposed to be removed due to the health condition and due to proximity to excavation.

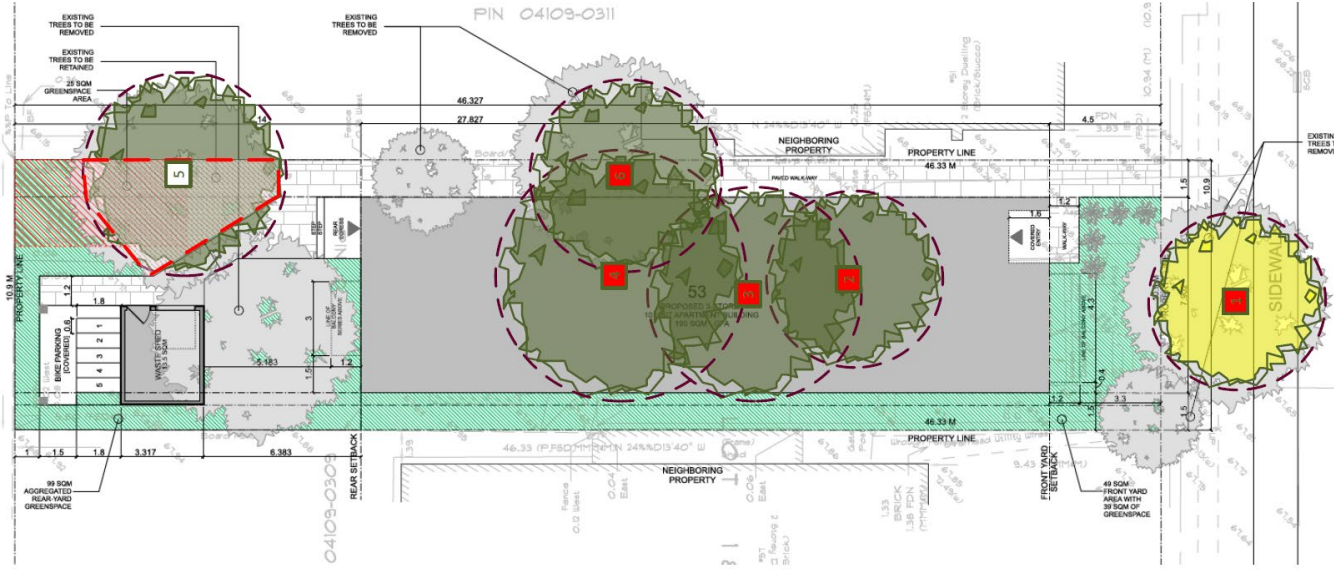


Figure 8: Tree Information Report, 53 Willow Street

To ensure adequate tree coverage for the site, four (4) new trees are proposed in addition to the retention of Tree 5, per Figure 9, below. Two (2) new trees are proposed in the rear yard, with Trees 1 and 2 proposed as medium or large trees at maturity as site conditions are expected to be partial to low light exposure and moderate moisture availability. In the front yard, two (2) trees, labelled as Trees 3 and 4 are suggested as small trees to accommodate the overhead wires along Willow Street, and considering site conditions that are expected to be full light exposure and moderate to minimal moisture availability.

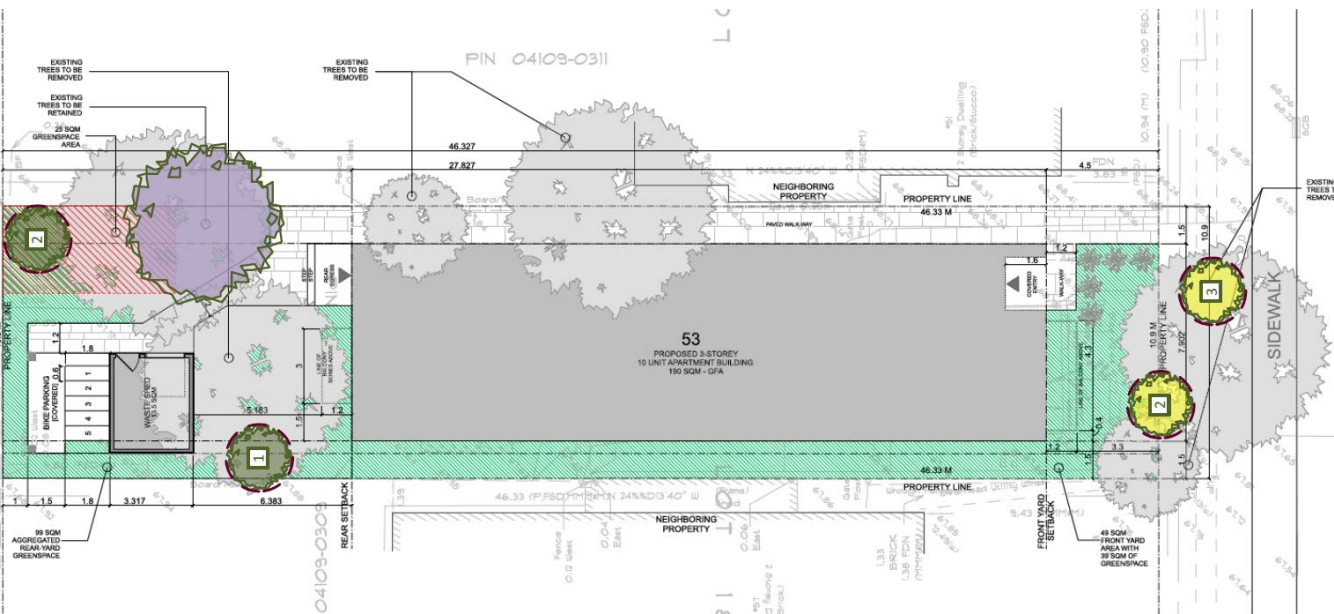


Figure 9: Tree Planting Plan, 53 Willow Street.

2.2 Proposed Minor Variance

The property is located within the “Residential Fourth Density, Subzone UB” (R4UB) zone. While broadly complying with the applicable provisions, in order to proceed with the development, the following minor variance is required:

- / To permit a reduced minimum lot width of 10.9 metres, whereas the By-law requires a minimum lot width of 15 metres for a low-rise apartment with 9 or more units (Table 162A) of City of Ottawa’s Comprehensive Zoning By-law (2008-250)).

An assessment of this variance in relation to the Four Tests of the Planning Act is provided below, following the policy and regulatory overview.

3.0 Policy and Regulatory Review

3.1 Provincial Policy Statement (2020)

The Provincial Policy Statement, 2020 (PPS) establishes the high-level planning policies for land use planning in Ontario. The PPS is issued under Section 3 of the Planning Act and requires that all planning matters are consistent with the PPS, including decisions made by municipalities. Applicable policies for the proposed Minor Variance application include:

- / 1.1.1: Healthy, liveable and safe communities are sustained by:
 - a) Promoting efficient development and land use patterns;
 - b) Accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons);
 - e) Promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs.

- / 1.1.3.2: Land use patterns within settlement areas shall be based on densities and a mix of land uses which:
 - a) Efficiently use land and resources;
 - b) Are appropriate for, and efficiently use, the infrastructure which are available;
 - f) Are transit-supportive, where transit is planned, exists or may be developed.

- / 1.1.3.3: Planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas;

- / 1.4.3: Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:
 - b) permitting and facilitating:
 - 1. All types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3;
 - c) Directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;
 - d) Promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed;
 - e) Requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations; and
 - f) Establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.

As the property is located on an underutilized lot within an established settlement area and in proximity to the Corso Italia rapid transit station and a Transit Priority Corridor along Somerset Street West, the Minor Variance application to permit a 3-storey, 10-unit residential building will establish new housing stock in an area supported by infrastructure and services. The proposed development is therefore consistent with the Provincial Policy Statement, 2020.

3.2 City of Ottawa Official Plan (2022)

The Official Plan for the City of Ottawa was approved by the Ministry of Municipal Affairs and Housing (MMAH) on November 4, 2022. The Plan provides a framework for the way that the City will develop until 2046 when it is expected that the City's population will surpass 1.4 million people. The Official Plan directs the manner that the City will accommodate this growth over time and set out the policies to guide the development and growth of the City.

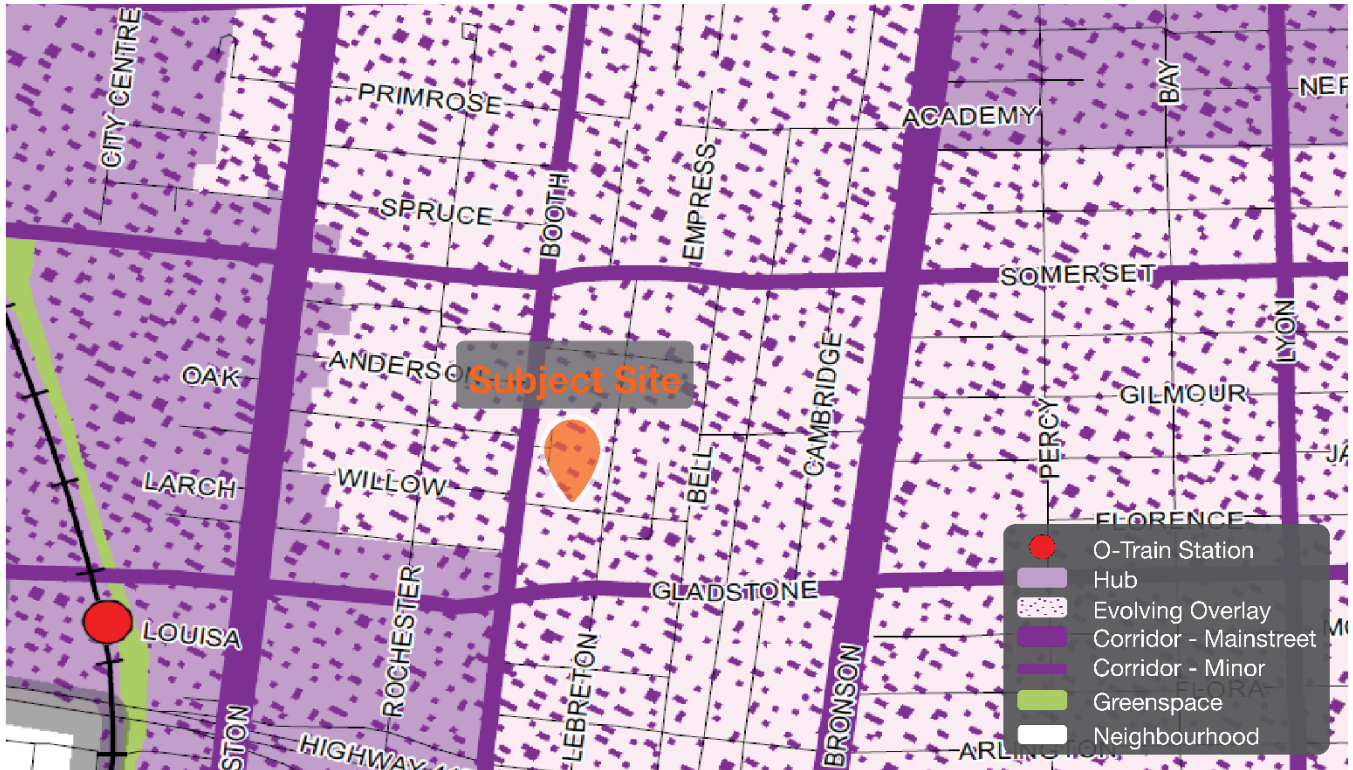


Figure 10: Schedule B2– Downtown Core Transect, City of Ottawa Official Plan, Subject Site indicated.

The Official Plan provides guidance for development across the Ottawa region, highlighting specific desired features, such as 15-minute neighbourhoods, and other intensification targets aimed at improving the walkability and sustainability of existing built-up areas. The Official Plan encourages infill and intensification through the development of various housing types, such as missing middle housing, within existing neighbourhoods in the City's urban areas.

3.2.1 Downtown Core Transect

The subject site is located within the Downtown Core Transect of the Official Plan (Figure 10), which includes a mature built environment whose urban characteristics of high-density, mixed uses and sustainable transportation orientation are to be maintained and enhanced.

- / As identified in Policy 1 of Section 5.1.1 of the Official Plan, the City supports the continued development of the Downtown Core as healthy 15-minute neighbourhoods within a highly mixed-use environment, where:
 - o Hubs and Corridors provide a full range of services;
 - o Existing and new cultural assets are supported; and,
 - o Residential densities are sufficient to support the full range of services.

- / In addition, the Downtown Core is planned for higher-density, urban development forms where either no onsite parking is provided, or where parking is arranged on a common parking garage. Policy 5.1.2.3 prohibits new

automobile-oriented land uses and development forms (i.e. automobile service stations, dealerships, surface parking lots as a main use of land).

3.2.2 Neighbourhood Designation

The subject site is designated “Neighbourhood” in the Official Plan. Neighbourhoods are contiguous urban areas that constitute the heart of communities. It is the intent of this Plan that they, along with hubs and corridors, permit a mix of building forms and densities.

- / Per Section 5.1.5, Neighbourhoods located in the Downtown Core shall accommodate residential growth to meet the Growth Management Framework. The Zoning By-law shall implement the density thresholds in a manner which adheres to the following:
 - c) Permitting a Low-rise built form, by requiring in Zoning a minimum built height of 2 storeys, generally permitting 3 storeys, and where appropriate, will allow a built height of up to 4 storeys to permit higher-density Low-rise residential development.
- / Per Section 6.3.1.5, the Zoning By-law will distribute permitted densities in the Neighbourhood by:
 - a) Allowing higher densities and permitted heights, including predominantly apartment and shared accommodation forms, in areas closer to, but not limited to, rapid-transit stations, Corridors and major neighbourhood amenities;

The proposed development consists of an apartment building of less than 4 storeys in an area that is in proximity to planned rapid transit (less than 600 metres from the Corso Italia Station); within 350m of Preston Street (Mainstreet Corridor); and within 270m of Somerset St. W. (Minor Corridor, Transit Priority Corridor). It meets the Neighbourhood Designation intent by maintaining a height of 4 storeys or less while offering an increased density that aligns with its proximity to transit and services.

The proposed 10 residential apartment units are also within 900 metres of existing, currently operating, rapid transit. No vehicle parking has been included in the site design to encourage sustainable modes of transportation, which is further encouraged by providing covered bicycle parking in the rear yard.

3.2.3 Evolving Overlay

An Evolving Neighbourhood Overlay is applied to the subject site and surrounding area. The area shall evolve to create the opportunity to achieve an urban form in terms of use, density, built form and site design. The Zoning By-law shall provide development standards for the built form and buildable envelope consistent with the planned characteristics of the overlay area, which may differ from the existing characteristics of the area to which the overlay applies.

The Evolving Neighbourhood Overlay is applied to the subject site and indicates the area is subject to gradual change in both built form and density, such as that proposed herein.

The proposed minor variance maintains the general intent and purpose of the Official Plan. The proposed development is within the height range of the Neighbourhood designation and has been designed in a compatible manner which intensifies the site with consideration to adjacent uses.

3.3 City of Ottawa Zoning By-Law (2008-250)

The subject site is zoned “Residential Fourth Density, Subzone UB” (R4UB) in the City of Ottawa’s Comprehensive Zoning By-Law (2008-250) as shown on Figure 10. The purpose of this zone is to:

- / allow a wide mix of residential building forms ranging from detached to low rise apartment dwellings, in some cases limited to four units, and in no case more than four storeys;
- / allow a number of other residential uses to provide additional housing choices within the fourth density residential areas;
- / permit ancillary uses to the principal residential use to allow residents to work at home; and,
- / regulate development in a manner that is compatible with existing land use patterns so that the mixed building form, residential character of a neighbourhood is maintained or enhanced.

A low-rise apartment building of under four storeys is permitted within and follows the intent of the applicable R4UB zoning.



Figure 11: Zoning map of the Subject Site and surrounding context.

The Mature Neighbourhoods Overlay also applies to the subject site. The Overlay includes zone provisions intended to ensure that new infill development complements and reinforces the established neighbourhood character as seen along each street. As per Section 140 of the By-law, the Mature Neighbourhoods Overlay generally regulates development or additions within the front or corner side yard through the completion of a Streetscape Character Analysis. Pursuant to Section 140 (4a), the proposed low-rise development is not subject to a Streetscape Character Analysis, as the proposal does not include a driveway or attached garage or carport and includes a principal entrance facing the front lot line.

Permitted uses include:

- / apartment dwelling, low rise;
- / bed and breakfast (maximum of 3 guest bedrooms);
- / detached dwelling;
- / diplomatic mission;
- / duplex dwelling;
- / group home (maximum of 10 residents);
- / home-based business;
- / home-based daycare;
- / linked-detached dwelling;
- / park;
- / planned unit development;
- / retirement home, converted;
- / retirement home;
- / rooming house;
- / secondary dwelling unit;
- / semi-detached dwelling;
- / stacked dwelling;
- / three-unit dwelling;
- / townhouse dwelling; and,
- / urban agriculture.

Table 1 below evaluates the proposed development against the applicable zoning provisions, confirming that the subject site can adequately accommodate the development.

Table 1: Zoning Provisions

R4-UB Provision	Required	Provided	Compliance
Minimum Lot Width [Table 162A]	15 metres	10.9 metres	No
Minimum Lot Area [Table 162A]	450 square metres	506 square metres	Yes
Minimum Front Yard Setback [S.144(1)(a);(d)]	Front yard setback must align with the average of the abutting lots' corresponding yard setback abutting the street, but need not exceed minimum required in the ZBL. Average Setback: 6.63m; R4-UB Min.: 4.5 metres	4.5 metres	Yes
Minimum Interior Side Yard Setback [S.144(2)(a)]	1.5 metres	1.5 metres (east) / 1.5 metres (west)	Yes
Minimum Rear Yard Setback [S.144(3)(a)(i)(iii)]	Lot depth greater than 25 metres: 30% of lot depth 46m x 30% = 13.8 metres	14 metres	Yes
Minimum Rear Yard Area [S.144(3)(a)(i)(iii)]	Must comprise at least 25% of the lot area. Total lot area: 506m ² Minimum rear yard area: 506m ² x 25% = 126.5m ²	Rear Yard Width: 10.9m Rear Yard Depth: 14m Rear Yard Area: 152.6m ²	Yes
Maximum Building Height [Table 162A]	11 metres	10.9 metres	Yes
Parking Requirements (Area X) [S.101(3)(a)]	No parking required for first 12 units	No parking provided	Yes
Bicycle Parking [S.111A]	0.5 spaces/dwelling unit 10 units= 5 spaces	5 spaces provided	Yes

R4-UB Provision		Required	Provided	Compliance
Bicycle Parking Space Dimensions [S.111B]		Horizontal: 0.6 metres by 1.8 metres	0.6 metres by 1.8 metres	Yes
Landscaping Requirements [S.161(15)]	Front Yard Soft Landscaping	>3m: 35 per cent, in the case of any lot with a width between 8.25 metres but less than 12 metres Front Yard: 49.1 m ² x 35% = 17.2 m ²	Complies (39 m ²)	Yes
	Rear Yard Soft Landscaping	Lot 450 m ² or greater, at least 50% of rear yard Rear yard: 152.6 m ² x 50% = 76.3 m ²	Complies (99 m ²)	Yes
		Any part of the rear yard not occupied by accessory buildings and structures, permitted projections, bicycle parking and aisles, hardscaped paths of travel for waste and recycling management, pedestrian walkways, patios, and permitted driveways, parking aisles and parking spaces, must be softly landscaped.	Soft landscaping provided.	Yes
	Minimum Soft Landscaping	Must comprise at least one aggregated rectangular area of at least 25 square metres and whose longer dimension is not more than twice its shorter dimension, for the purposes of tree planting.	Provided.	Yes
Principal Entrance Requirement [S.161(15)]		At least one principal entrance to a ground-floor unit or to a common interior corridor or stairwell must be located on the facade and provide direct access to the street.	Provided.	Yes
Front Façade Window Coverage [S.161(15)]		The front facade must comprise at least 25 per cent windows.	Provided.	Yes
Front Façade Setback [S.161(15)]		At least 20 per cent of the area of the front facade must be recessed an additional 0.6 metres from the front setback line.	Provided as part of the recessed covered entry.	Yes
Minimum Number of Two Bedroom Dwelling Units [S.161(16)]		In the case of a lot of 450 square metres or greater at least 25 per cent of dwelling units must have at least two bedrooms. 10 units x 25% = 3 units required.	4 units proposed.	Yes

4.0 The Four Tests of the Planning Act

Section 45 of the *Planning Act, R.S.O. 1990* provides the Committee of Adjustment with the ability to grant minor variances by weighing their appropriateness on the basis of Four Tests. It is required to be demonstrated that a proposed variance satisfy the following tests:

1. Is it in keeping with the general intent and purpose of the Official Plan?
2. Is it in keeping with the general intent and purpose of the Zoning By-law?
3. Is it desirable for the appropriate development or use of the land, building or structure?
4. Is the application minor in nature?

It is our professional planning opinion that the application meets the “Four Tests” as follows:

4.1 Does the Proposal Maintain the General Intent and Purpose of the Official Plan?

The subject site is designated “Neighbourhood” on Schedule B2 (Downtown Core Transect) of the Official Plan. The Neighbourhood designation is intended to support housing in a compact, mixed-use environment. The minimum permitted built height is 2 storeys and up to 4 storeys to accommodate higher-density low-rise residential development. The intent of this designation is to ensure new infill is functionally and aesthetically compatible and contributes to the towards the reduction of reliance on private vehicles while furthering the establishment of 15-minute neighbourhoods. The Neighbourhood designation directs denser low-rise uses to areas that are supported by transit, well-served by community amenities, and located within the Evolving Neighbourhood Overlay.

The proposal maintains the intended form, uses and context of the Neighbourhood designation of the Official Plan. Further, no vehicle parking has been provided, as the Official Plan supports the reduction or elimination parking in close proximity to transit. The proposed variance supports the compact and urban form of development intended for the site. The subject site incorporates covered bicycle parking in the rear yard. The height of the building at three storeys also upholds the intent of the Official Plan to maintain a low-rise built form. The applicable Evolving Neighbourhood Overlay anticipates higher density forms of infill being introduced into this neighbourhood over time, such as that currently proposed. Lastly, the Official Plan encourages the introduction of “Missing Middle” housing densities where compatibility is possible.

4.2 Does the Proposal Maintain the General Intent and Purpose of the Zoning By-law?

The subject site is zoned **Residential Fourth Density Zone, Subzone UB (R4UB)** in the City of Ottawa’s Comprehensive Zoning By-Law. The purpose of the R4UB zone is to allow a wide mix of residential building forms ranging from detached to low rise apartment dwellings. In order to facilitate a 10-unit apartment building on site as proposed, the proposal requires relief from the required minimum lot width of 15 metres, as the existing lot width is 10.9 metres.

The intent of the minimum lot width requirement is to ensure that an infill development lot is sufficient in size to provide a viable building footprint while maintaining an adequate transition to adjacent properties. The 506 square-metre lot area and 10.9-metre lot width provide sufficient area for the proposed development without the need for relief from other By-law provisions, including interior and rear yard setbacks, therefore maintaining compatible separation to neighbouring uses. The subject site is irregularly deep compared to typical infill lots and therefore allows for a sufficient lot area to accommodate landscaping, amenity, and a functional building footprint despite being slightly narrower in nature. Additionally, the proposed lot frontage will contribute to a streetscape consistent with the prevailing character of the area, which features a variety of lot widths and configurations.

The variance requested to reduce the minimum lot width to 10.9 metres meets the general intent and purpose of the Zoning By-law, as it permits a low-rise apartment building on an appropriately sized lot. The lot area of the subject site is

506 square metres, exceeding the minimum zoning requirement of 450 square metres for a low-rise apartment building of up to 12 units, whereas only 10 units are proposed.

4.3 Is the Proposal Desirable for the Appropriate Development or Use of the Land?

The proposed development consists of the establishment of a three-storey low-rise apartment building containing 10 units. As noted previously, the project is consistent with the intended function of the R4UB zone. Additionally, the proposal contributes to intensification goals of the R4UB zone by providing an increased supply of housing. The policies of the Downtown Core Transect of the Official Plan promote intensification, encouraging low-rise apartment buildings and other low-rise residential dwellings where they can be accommodated and fit within the local context. Further, policies within the PPS support the proposed development by:

- / promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
- / accommodating an appropriate affordable and market-based range and mix of residential types;
- / promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs; and
- / ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs.

The proposed development makes efficient use of the land, proposes land uses that are compatible with the existing context of the surrounding community, makes use of underutilized land connected to services, and positively contributes to provincial and municipal intensification goals. Overall, the proposal is desirable for the development and use of the lands.

4.4 Is the Proposal Minor in Nature?

The reduction in lot width does not preclude the ability of the proposed low-rise apartment dwelling to meet setback and minimum landscaping requirements in the Zoning By-law and continues to allow the lot to develop in a manner consistent with the built form of the surrounding area. The proposed development is generally consistent with the provisions under the R4UB zone; therefore, the reduced lot width does not create any adverse impacts to adjacent properties and is appropriate for the neighbourhood.

Since the proposed development is accommodated entirely within the as-of-right building envelope, including the permitted height and setbacks, the massing will not overwhelm adjacent uses. Narrow lots form an important characteristic to the fabric of the surrounding neighbourhood and the proposed building will serve as a visually interesting and appealing contribution to the streetscape that is not made lesser by a reduced lot width. The lot area remains generous and can therefore accommodate retaining a tree in the rear yard and meeting soft landscaping requirements despite the reduced width. The variance to reduce the minimum lot width is therefore considered minor.

5.0 Conclusion

It is our professional opinion that the Minor Variance described herein meets the Four Tests of the Planning Act and result in a development proposal which represents good planning principles and is in the public interest. The variance allows for the establishment of a compatible, low-rise apartment form that contributes positively to the housing supply, the public realm and active transportation objectives. This report recognizes the following:

- / The proposal conforms to the direction of the Provincial Policy Statement (2020);
- / The proposal conforms to the policies and objectives of the “Neighbourhood” Official Plan designation;
- / The proposal meets the intent of the City of Ottawa Comprehensive Zoning By-law; and
- / The proposed minor variance meets the four tests, as set out in the Planning Act.

Should you have any further comments, please do not hesitate to contact the undersigned.

Sincerely,



Jillian Simpson, M.PL
Planner



Scott Alain, MCIP RPP
Senior Planner

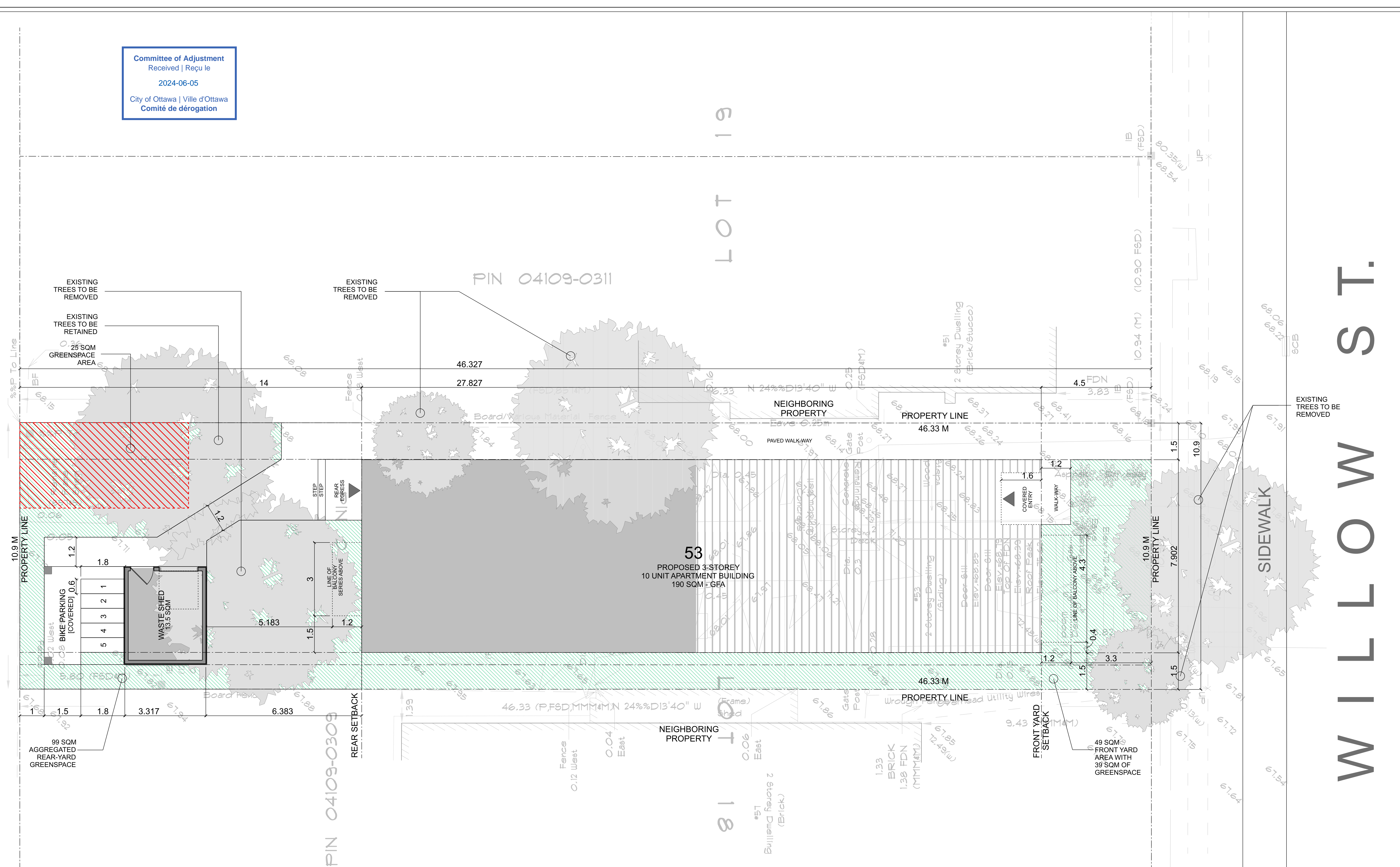
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LOCATION
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DRAWING NOTES



W I L L O W S T.

ZONING TABLE - 53 WILLOW

	SUB-ZONE	PERMITTED USE	MIN LOT WIDTH	MIN LOT AREA	MAX BUILDING HEIGHT	MIN FRONT YARD SETBACK	MIN CORNER YARD SETBACK	MIN REAR YARD SETBACK	MIN INTERIOR SIDE-YARD SETBACK
BY-LAW	R4 UB	8 UNIT APT.	10 m	300 m ²	11 m	4.5 m	4.5 m	30% OF LOT DEPTH = 25% OF LOT AREA = 14M	1.5 m / 1.5 m
PROPOSED	R4 UB	10 UNIT APT.	10.9 m	506 m ²	10.9 m	4.5 m	N/A	30% OF LOT DEPTH = 25% OF LOT AREA = 14M	1.5 m / 1.5 m

DIMENSIONS DERIVED FROM PROPERTY SURVEY OF 22 SIMS AVE. 10-106706 BY FAIRHALL MOFFATT AND WOODLAND. VALUES HAVE BEEN ROUNDED TO THE NEAREST SECOND DECIMAL POINT. LOT WIDTH DERIVED FROM ACTUAL LOT WIDTH AND NOT DISTANCE OF ANGLED FRONT AND REAR PROPERTY LINES (REFER TO SURVEY FOR PROPERTY LINE LENGTHS).

Revisions

no.	description	date
3	issued for minor variance application	
2	issued for client review	april 16 2024
1	issued for client review	feb 23 2024

DEVELOPER / BUILDER
Hybrid Urban Homes
EMAIL: info@hybridurbanhomes.ca
PHONE: 613-606-1902



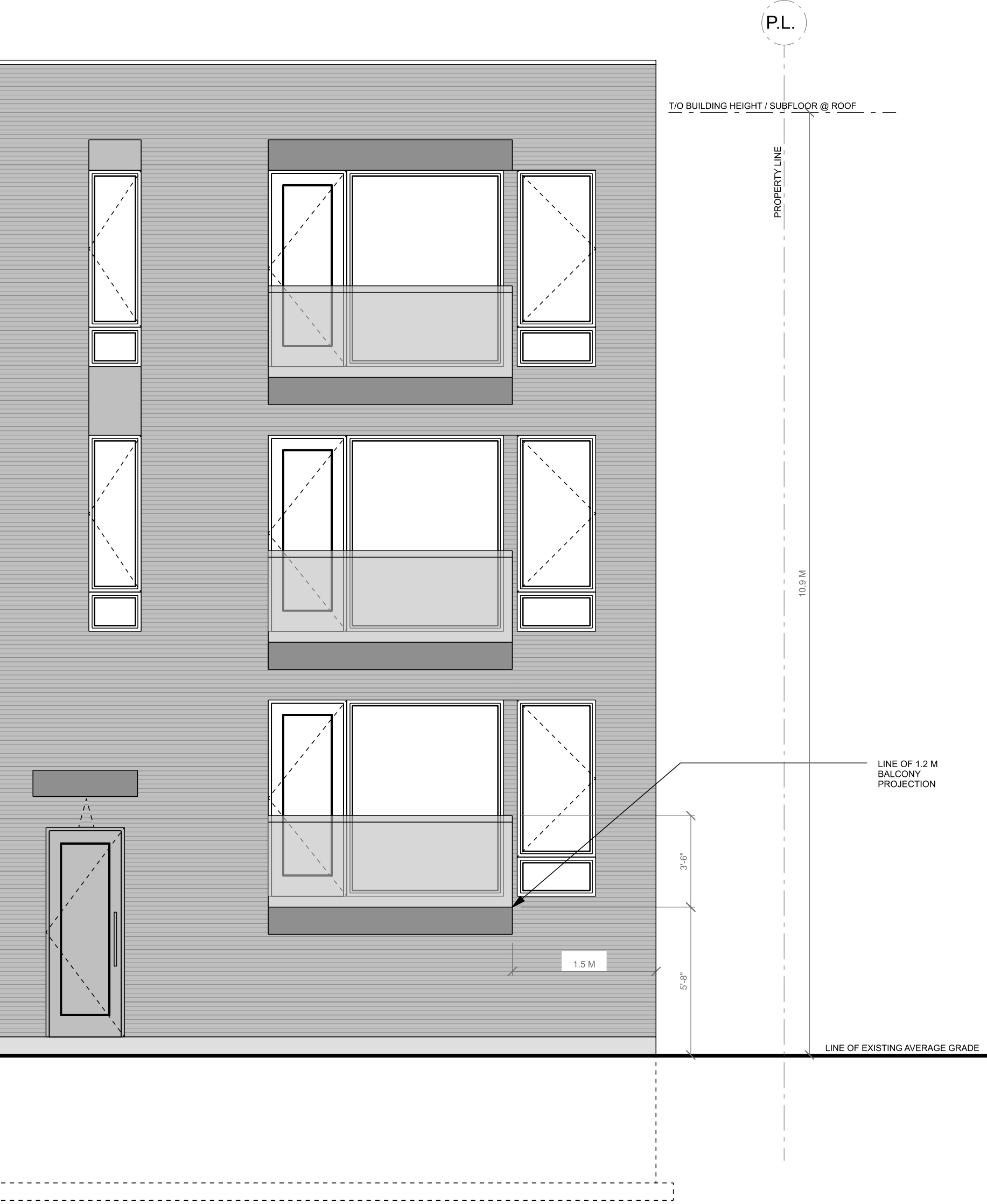
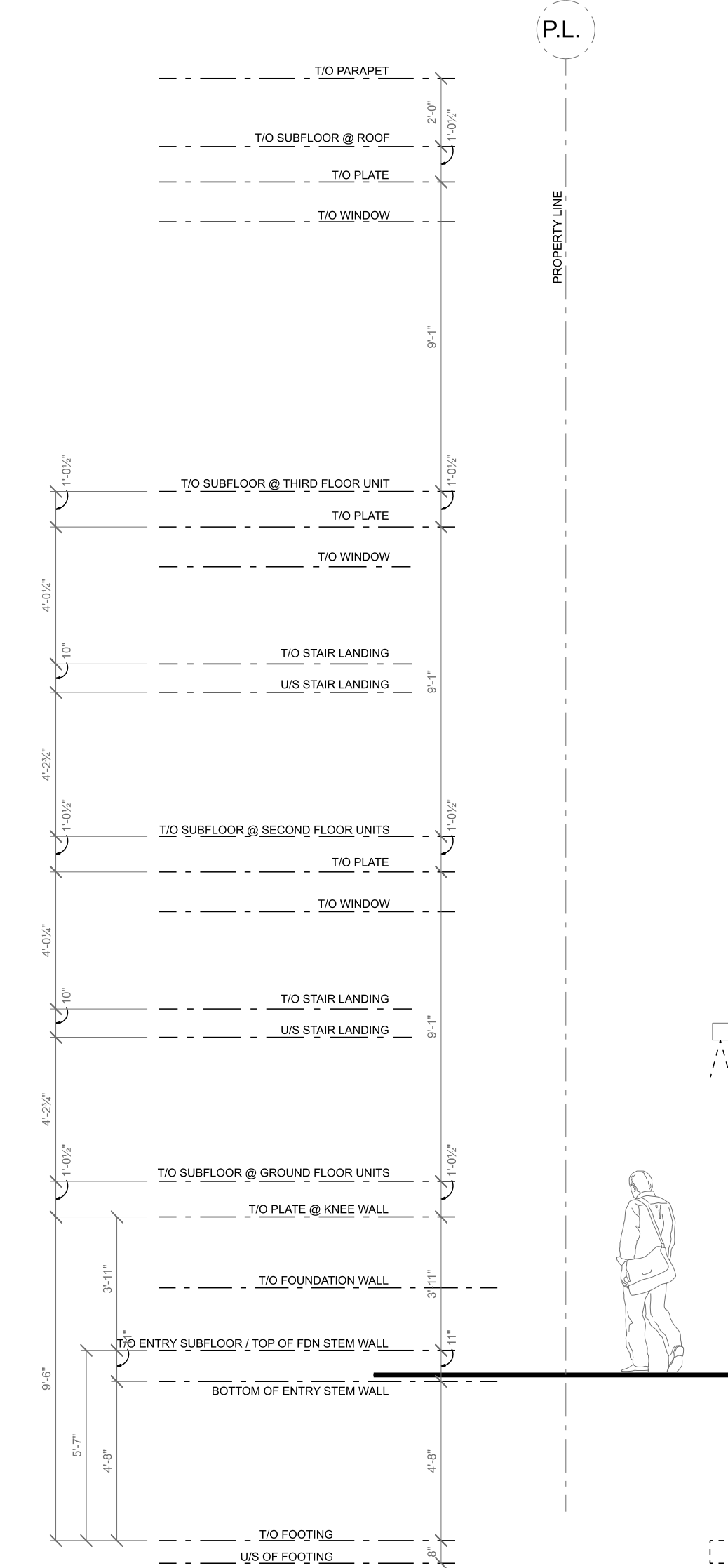
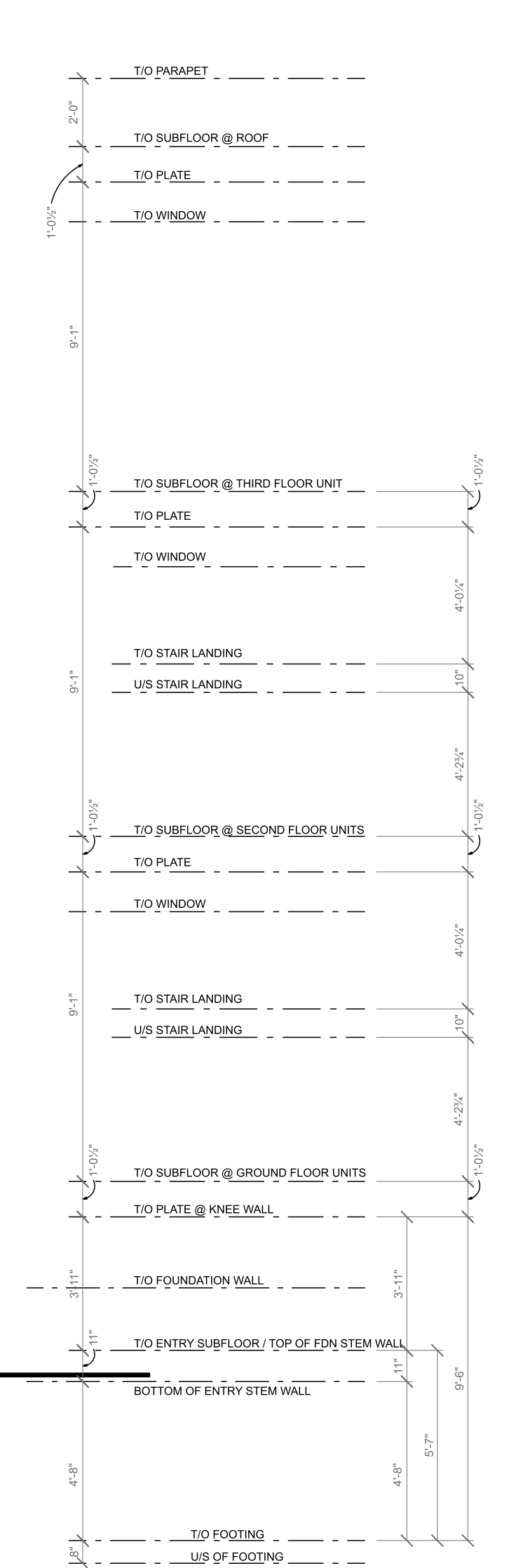
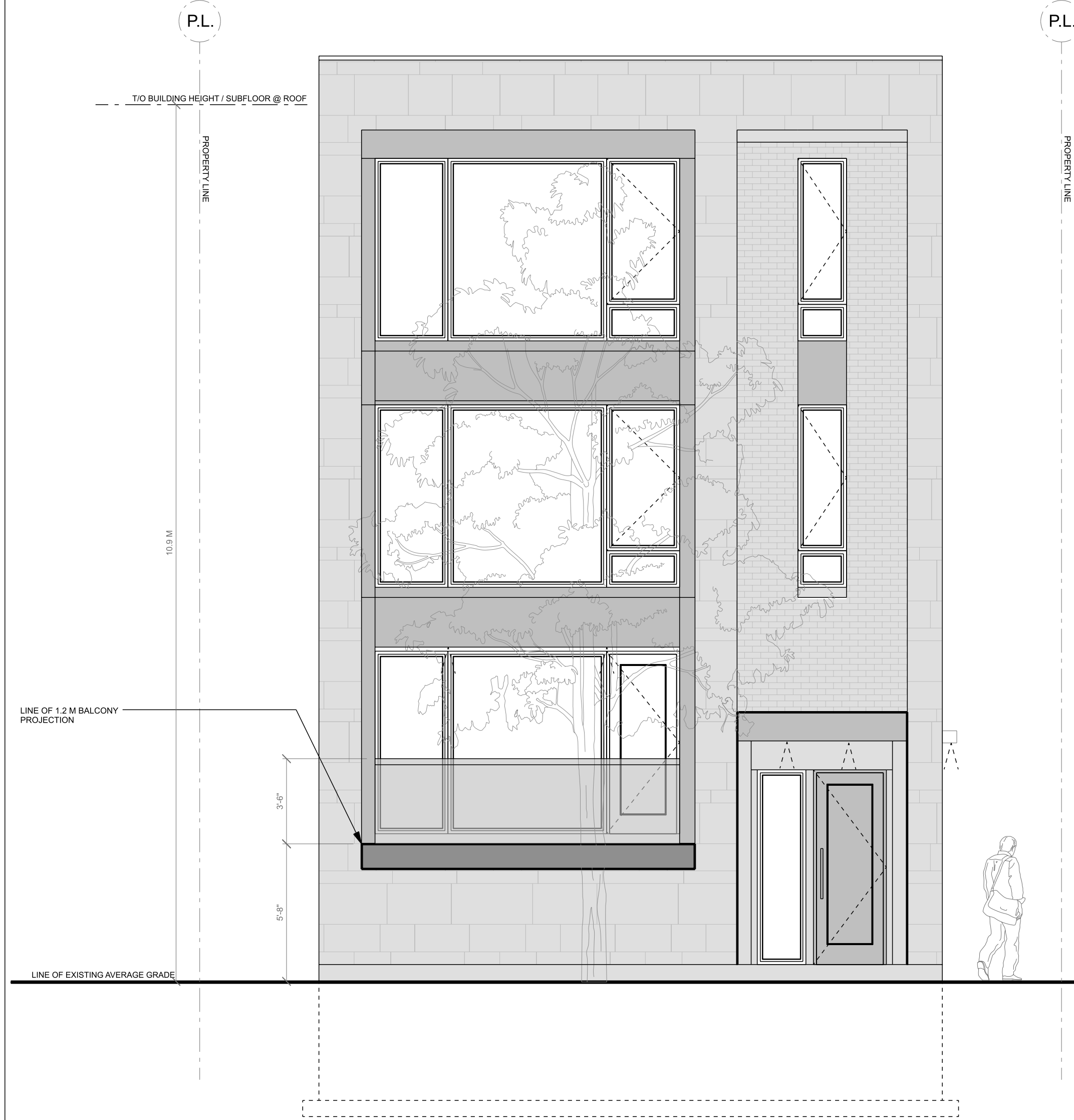
PLANNING FIRM
Fotenn Planning + Design
Address: 396 Cooper St Suite 300
Ottawa, ON K2P 2H7
Phone: (613) 730-5709



DRAWING INFORMATION
PRELIMINARY SITE PLAN
SCALE = 1:75

drawn by J.S.	checked by J.S.	drawing no. SK1
project no. 2024 - 02		

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DESIGNER

DRAWING NOTES

no.	description	date
4		
3		
2	issued for minor variance	may 16 2024
1	on-site revision	feb 26 2024

DEVELOPER / BUILDER
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STRUCTURAL ENGINEERING
 KOLLAARD ASSOCIATES INC.
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 KEMPVILLE, ONTARIO
 N0G 1J0
 T: 613 258-3742

DRAWING INFORMATION
FRONT (SOUTH) AND REAR (NORTH) ELEVATIONS
 SCALE : 1/4" = 1'-0"

drawn by	checked by	drawing no.
J.S.	D.B.	SK2
project no.	2022 - 07	

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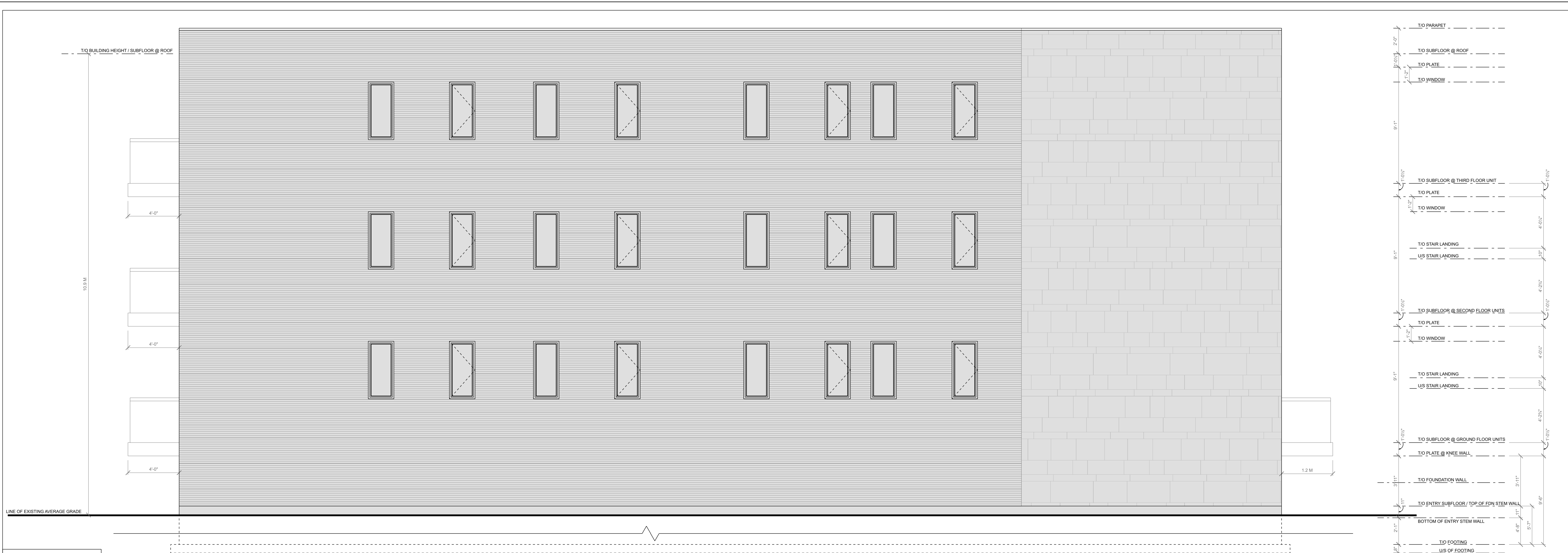
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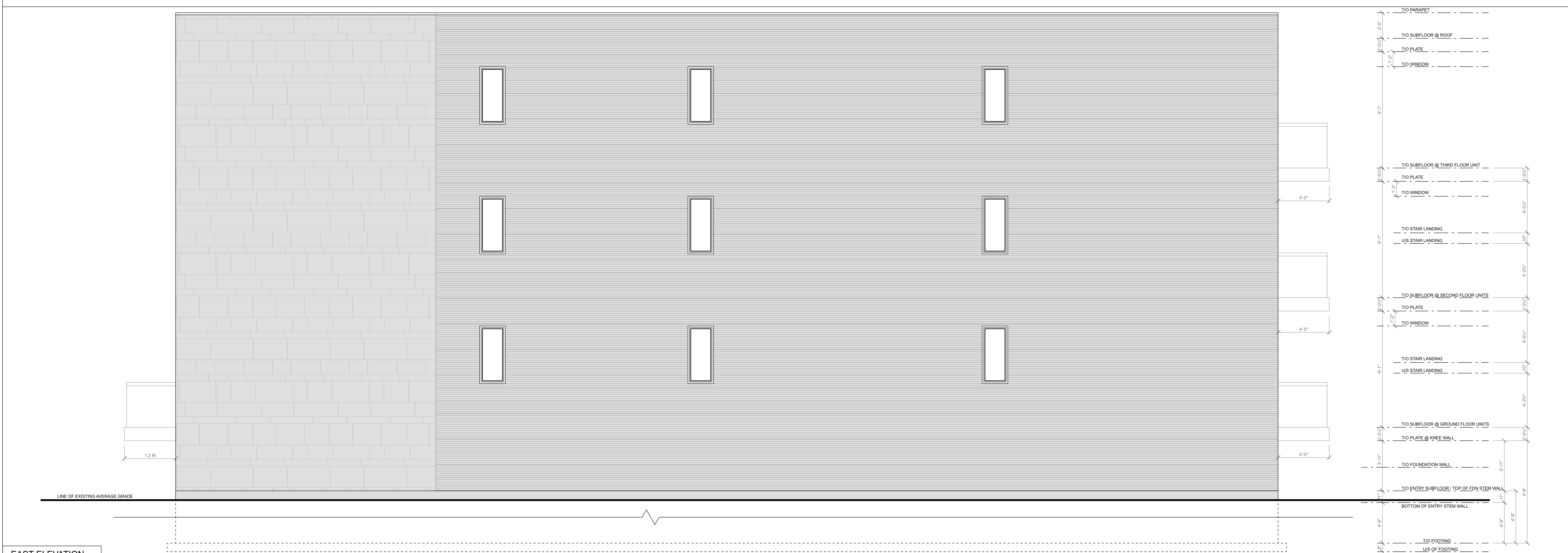
DESIGNER

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WEST ELEVATION



EAST ELEVATION

revisions

4		
3		
2	issued for minor variance	may 16 2024
1	on-site revision	feb 26 2024
no.	description	date

DEVELOPER / BUILDER

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DRAWING INFORMATION
LEFT (WEST) AND RIGHT
(EAST) ELEVATIONS

SCALE : 1/4" = 1'-0"

drawn by	checked by	drawing no.
J.S.	D.B.	

project no. **SK3**

2022 - 07



Tree Information Report v2.0

Submitted as part of Committee of Adjustment Application to the City of Ottawa

Date of Report: May 23, 2024
Property Address: 53 Willow Street
Prepared for: Hybrid Urban Developments Inc. c/o Eric Chatelain;
echatelain@hybridurbanhomes.ca
Prepared by: Kevin Myers, ISA Certified Arborist®; kevin.myers@dendronforestry.ca
Date of Site Visit: March 15, 2024

Committee of Adjustment
Received | Reçu le
2024-06-05
City of Ottawa | Ville d'Ottawa
Comité de dérogation

This Report must be read in its entirety, including the Assumptions and Limiting Conditions.

Purpose of the Report

The purpose of this report is to provide the client with a detailed description of all protected trees on site as per the City of Ottawa’s Tree Protection By-law No. 2020-340. This report is part of a Committee of Adjustment application to the City of Ottawa and considers the impact that the proposed development will have on the trees. The assessment of the suitability of tree retention is based on the information provided at the time of report preparation which includes:

- Survey by Fairhall, Moffatt & Woodland, dated May 8, 2022
- Site Plan by Justin Seguin Designs, dated May 16, 2024

While a rationale for removing trees may be provided based on document review, **this report does not grant permission to remove trees: a permit from the city must be received before removal of distinctive trees can occur.**

Update for version 2.0: This report updates the previous version, dated March 21, 2024, with a new site plan provided by the client. Recommendations on tree retention have changed due to this update.

Methodology

The following materials were reviewed as part of this report:

- Survey
- Site Plan
- GeoOttawa tree inventory layer and aerial photography
- Google© Street View imagery – various years

A site visit was conducted to collect the following information from each tree classified as protected under the City of Ottawa’s Tree Protection By-law No. 2020-340:

- Diameter at breast height (1.3 m from grade)
- Species
- Tree health



Existing site information

The site is currently occupied by a single dwelling with shrubby, unmaintained growth around the periphery and dominating the rear yard area. Most of the young saplings around the rear yard are Norway maples (*Acer platanoides*), Manitoba maples (*Acer negundo*), and hackberry (*Celtis occidentalis*).

Appendix A is an inventory of all trees that are protected under City of Ottawa Tree Protection (By-law No. 2020-340) on the site and adjacent City property. This includes Distinctive Trees (private trees with a diameter at breast height (dbh) of 30 cm or greater) and city-owned trees of all sizes. It also includes Distinctive Trees on adjacent properties whose Critical Root Zone (CRZ) extend into the subject area. The CRZ is an area around the trunk with a radius equivalent to 10 times the diameter of the trunk. This does not take into account infrastructure such as buildings and asphalt and assumes the tree has no restrictions on root growth.

Proposed development and Tree protection

Tree 1 is a tree lilac in declining health. It is positioned between a walkway and the existing asphalt driveway, likely limiting its available rooting space. The combined impacts of construction, including site access, excavation, and anticipated installation of services will greatly stress the tree and likely lead to decline after construction. It is the opinion of the report author that the directive of the Official Plan to increase canopy will be better served by removing and replanting this tree.

Tree 5 is a hackberry (*Celtis occidentalis*) in fair health. The site plan indicates a walkway is to be installed approximately 2.5m from the tree, which is 7.6x the DBH, at the closest point. Given that the path is to be angled, and the majority of root cutting will be further than 2.5m, stability is not expected to be compromised. To best preserve the tree's health, protection measures as described below are to be followed. Any roots that are encountered during installation of the path are to be cleanly severed by hand with a sharp implement such as secateurs, loppers, or a hand saw.

Tree Protection

Prior to any site works, protective fencing should be installed around the Tree Protection Area as indicated in the attached Tree Information Map and maintained until all construction on site has been completed as per the City of Ottawa Tree Protection Specifications (March 2021).

Failure to install and maintain fencing as shown on the attached map may result in fines from the city.

Within the fenced area, the following tree protection guidelines should be applied:

- Do not change the grade
- Do not store construction material
- Do not operate machinery
- Do not convert to hard surface or change the landscaping
- Do not excavate unless it is a method that has been pre-approved by the City
- Do not place signs, notices or posters to any tree
- Do not damage the root system, trunk, or branches of any tree
- Direct the exhaust away from the tree



The tree protection fencing must be 1.2 m in height and constructed of a rigid or framed material (e.g. modulus – steel, plywood hoarding, or snow fence on a 2"X4" wood frame) with posts 2.4 m apart such that the fence location cannot be altered. All supports must be placed outside of the CRZ and installation must minimize damage to existing roots.

If the fenced tree protection area must be reduced to facilitate construction, *one* of the following mitigation measures should be applied:

- Place a layer of 6-12 inches (15 to 30 cm) of woodchip mulch to the area
- Apply ¾ (2 cm) inch plywood, or road mats over a 4+ inch (10 cm) thick layer of the wood chip mulch
- Apply 4-6 inches (10 to 15 cm) of gravel over a taut, staked, geotextile fabric

The undersigned personally inspected the property and issues associated with this report on March 15, 2024. On Behalf of Dendron Forestry Services,

Kevin Myers, MFC, RPF in Training
ISA Certified Arborist®, ON-2907A
kevin.myers@dendronforestry.ca
(514) 726-8531



APPENDIX A

TREE INFORMATION TABLE

Tree ¹	Species	DBH (cm)	Ownership ²	Tree condition	Approximate distance to excavation (m)	Action	Forester recommendation
1	Tree Lilac (<i>Syringa reticulata</i>)	33	City	Fair/Poor: small cavities with decay in canopy; poor form – included bark at many unions; dead branches; low but consistent vigor	6	Remove	Remove due to health condition and impacts from construction. Tree permit required for removal.
2	White spruce (<i>Picea glauca</i>)	33	Subject property	Fair/Poor: upper deck built around the tree – very close to existing house; ~35% defoliation	0	Remove	Remove: within area of excavation. Tree permit required for removal.
3	White spruce (<i>Picea glauca</i>)	40	Subject property	Fair/Poor: lower deck built around the trunk – very close to existing house; ~20% defoliation	0	Remove	Remove: within area of excavation. Tree permit required for removal.
4	Colorado spruce (<i>Picea pungens</i>)	47	Subject property	Fair: lower deck built around trunk – very close to existing house; sweep in trunk	0	Remove	Remove: within area of excavation. Tree permit required for removal.
5	Hackberry (<i>Celtis occidentalis</i>)	38	Subject property	Fair/Good: broken branches; slight lean to the West	Walkway: 2.5	Retain	Retain and protect as per the City of Ottawa Tree Protection Specifications (March 2021). Any roots encountered during installation of the walkway are to be cleanly severed by hand.
6	Norway maple (<i>Acer platanoides</i>)	36	Subject property	Fair/Poor: large seam in trunk – decay probable; dead branches in canopy	0	Remove	Remove due to health condition and proximity of excavation. Tree permit required for removal.

¹ Please refer to the attached Tree Information map for tree numbers. Note that this includes a tree layer added to the site plan (in pdf format) provided by the client. This layer includes only information about the trees and the original site plan is not altered in this process.

²Ownership of the tree in this report is based on the information provided and should not be used as a determination of ownership. For ownership disputes, a survey should be relied on. For boundary trees, consent from the adjacent property owner is required for removal as part of the application.



APPENDIX B

PHOTOGRAPHS



Above: main union of Tree 1 - view from the west.



Right: Tree 1 - City lilac to be removed.



Clockwise from above: trunk of Tree 4, view from the north.

Canopies of Tree 2 and 3.

Trunks of Tree 2 (just visible at left), 3 and 4.





Below: canopy of Tree 6.



Right: broken branch stub on Tree 5.



Above: Tree 5 - private hackberry to be retained.

Left: Trunk of Tree 6 - private Norway maple to be removed.



APPENDIX C

ASSUMPTIONS AND LIMITING CONDITIONS

Intended Use of the Report

This Report was prepared by Dendron Forestry Services (hereafter “Dendron”) at the request of the Client. The results, observations, interpretations, analysis, recommendations, and conclusions contained within this Report are to be used solely for the purposes outlined within this Report. All other uses are impermissible and unintended, unless specifically stated in writing in the Report.

Intended User of the Report

This Report was prepared by Dendron for the exclusive use of the Client and may not be used or relied upon by any other party. All other users are unintended and unauthorized, unless specifically stated in writing in the Report.

Limitations of this Report

This Report is based on the circumstances and on-site conditions as they existed at the time of the site inspection and the information provided by the Client and/or third parties to Dendron. On-site conditions may limit the extent of the on-site inspection(s) conducted by Dendron, including weather events such as rain, flooding, storms, winds, tornados, snowfall, snow cover, hail; obstructions including fencing, dwellings, buildings, sheds, plants, and animals; lack of access to the entire perimeter of the tree due to adjacent properties; the shape of the tree; and accessibility of the tree crown, branches, trunk, or roots for examination.

In the event that information provided by the Client or any third parties, including but not limited to documents, records, site and grading plans, permits, or representations or any site conditions are updated or change following the completion of this Report, this Report is no longer current and valid and cannot be relied upon for the purpose for which it was prepared. Dendron and its agents, assessors, and/or employees are not liable for any damages, injuries, or losses arising from amendments, revisions, or changes to the documents, records, site and grading plans, permits, representations, or other information upon which Dendron relied in preparing this Report.

No assessment of any other trees or plants has been undertaken by Dendron. Dendron and its agents, assessors, and/or employees are not liable for any other trees or plants on or around the subject Property except those expressly identified herein. The results, observations, interpretations, analysis, recommendations, and conclusions contained within this Report apply only to the trees identified herein.

Trees and plants are living organisms and subject to change, damage, and disease, and the results, observations, interpretations, analysis, recommendations, and conclusions as set out in this Report are valid only as at the date any inspections, observations, tests, and analysis took place. No guarantee, warranty, representation, or opinion is offered or made by Dendron as to the length of the validity of the results, observations, interpretations, analysis, recommendations, and conclusions contained within this Report. As a result the Client shall only rely upon this Report as representing the results, observations, interpretations, analysis, recommendations, and conclusions that were made as at the date of such inspections, observations, tests, and analysis. The trees discussed in this Report should be re-assessed periodically and at least within one year of the date of this Report.

No Opinion regarding ownership of the Tree

This Report was not prepared to make a determination as to ownership of the subject tree(s). Where ownership of the subject tree(s) is identified within this Report, said identification is based on the information provided by the Client and third parties, including surveys, permits, and site and grading plans and may not be relied upon as a guarantee, warranty, or representation of ownership.

Assumptions

This Report is based on the circumstances and conditions as they existed at the time of the site inspection and the information provided by the Client and/or third parties to Dendron. Where documents, records, site and grading plans, permits, representations, and any other information was provided to Dendron for the purpose of preparing this Report, Dendron assumed that said information was correct and up-to-date and prepared this Report in reliance on that information. Dendron and its agents, assessors, and/or employees, are not responsible for the veracity or accuracy of such information. Dendron and its agents, assessors, or employees are not liable for any damages, injuries, or losses arising from inaccuracies, errors, and/or omissions in the documents, records, site and grading plans, permits, representations, or other information upon which Dendron relied in preparing this Report.

For the purpose of preparing this Report, Dendron and its agents, assessors, and/or employees assumed that the property which is the subject of this Report is in full compliance with all applicable federal, provincial, municipal, and local statutes, regulations, by-laws, guidelines, and other related laws. Dendron and its agents, assessors, and/or employees are not liable for any issues with respect to non-compliance with any of the above-referenced statutes, regulations, bylaws, guidelines, and laws as it may pertain to or affect the property to which this Report applies.

For the purpose of preparing this Report, Dendron and its agents, assessors, and/or employee assumed that there are no hidden or unapparent conditions affecting the results, observations, interpretations, analysis, recommendations, and conclusions contained within this Report.

No Publication



The Client acknowledges and agrees that all intellectual property rights and title, including without limitation, all copyright in this Report shall remain solely with Dendron Forestry. Possession of this Report, or a copy thereof, does not entitle the Client or any third party to the right of publication or reproduction of the Report for any purpose save and except where Dendron has given its prior written consent.

Neither all nor any part of the contents of this Report shall be disseminated to the public through advertising, public relations, news, sales, the internet or other media (including, without limitation, television, radio, print or electronic media) without the prior written consent of Dendron Forestry.

Implementing the Report Recommendations

Dendron and its agents, assessors, and/or employees accept no responsibility for the implementation of any part of this Report unless specifically requested to provide oversight on the implementation of the recommendations. In the event that inspection or supervision of all or part of the implementation of the within recommendations is requested, that request shall be in writing and the details agreed to in writing by both parties.

Dendron and its agents, assessors, and/or employees are not liable for any damages or injuries arising from the manner in which the recommendations in this Report are implemented, including failure to, incorrect, or negligent implementation of the recommendations.

Further Services

Neither Dendron nor any assessor employed or retained by Dendron for the purpose of preparing or assisting in the preparation of this Report shall be required to provide any further consultation or services to the Client, save and except as already carried out in the preparation of this Report and including, without limitation, to act as an expert witness or witness in any court in any jurisdiction unless the Client has first made specific arrangements with respect to such further services, including, without limitation, providing the payment of the Report's regular hourly billing fees.

Limits of Liability

In carrying out this Report, Dendron and its agents, assessors, and/or employees have exercised a reasonable standard of care, skill, and diligence as would be customarily and normally provided in carrying out this Report. While reasonable efforts have been made to ensure that the trees recommended for retention are healthy, no guarantees are offered, or implied, that these trees, or all parts of them will remain standing. It is professionally impossible to predict with absolute certainty the behaviour of any single tree or group of trees, or all their component parts, in all given circumstances. Inevitably, a standing tree will always pose some risk. Most trees have the potential to fall, lean, or otherwise pose a danger to property and persons in the event of adverse weather conditions, and this risk can only be eliminated if the tree is removed.

Without limiting the foregoing, no liability is assumed by Dendron for:

- a) any legal description provided with respect to the Property;
- b) issues of title and or ownership respect to the Property;
- c) the accuracy of the Property line locations or boundaries with respect to the Property; and
- d) the accuracy of any other information provided to Dendron by the Client or third parties;
- e) any consequential loss, injury or damages suffered by the Client or any third parties, including but not limited to replacement costs, loss of use, earnings and business interruption; and
- f) the unauthorized distribution of the Report.

The total monetary amount of all claims or causes of action the Client may have as against Dendron Forestry, including but not limited to claims for negligence, negligent misrepresentation, and breach of contract, shall be strictly limited solely to the total amount of fees paid by the Client to Dendron Forestry pursuant to the Contract for Services dated March 12, 2024, for which this Assessment was carried out.

Further, under no circumstance may any claims be initiated or commenced by the Client against Dendron or any of its directors, officers, employees, contractors, agents, assessors, or Assessors, in contract or in tort, more than 12 months after the date of this Report.

No Third Party Liability

This Report was prepared by Dendron exclusively for the Client for the purpose set out in the Report. Any use which a third party makes of this Report, or any reliance on or decisions a third party may make based upon this Report, are made at the sole risk of any such third parties. Dendron Forestry accepts no responsibility for any damages or loss suffered by any third party or by the Client as a result of decisions made or actions based upon the unauthorized use or reliance of this Report by any such party.

General

Any plans and/or illustrations in this Report are included only to help the Client visualize the issues in this Report and shall not be relied upon for any other purpose. This report is best viewed in colour. Any copies printed in black and white may make some details difficult to properly understand. Dendron accepts no liability for misunderstandings due to a black and white copy of the report.

Notwithstanding any of the above, nothing in this Report is taken to absolve the Client of the responsibility of obtaining a new Report in the event that the circumstances of the tree change.

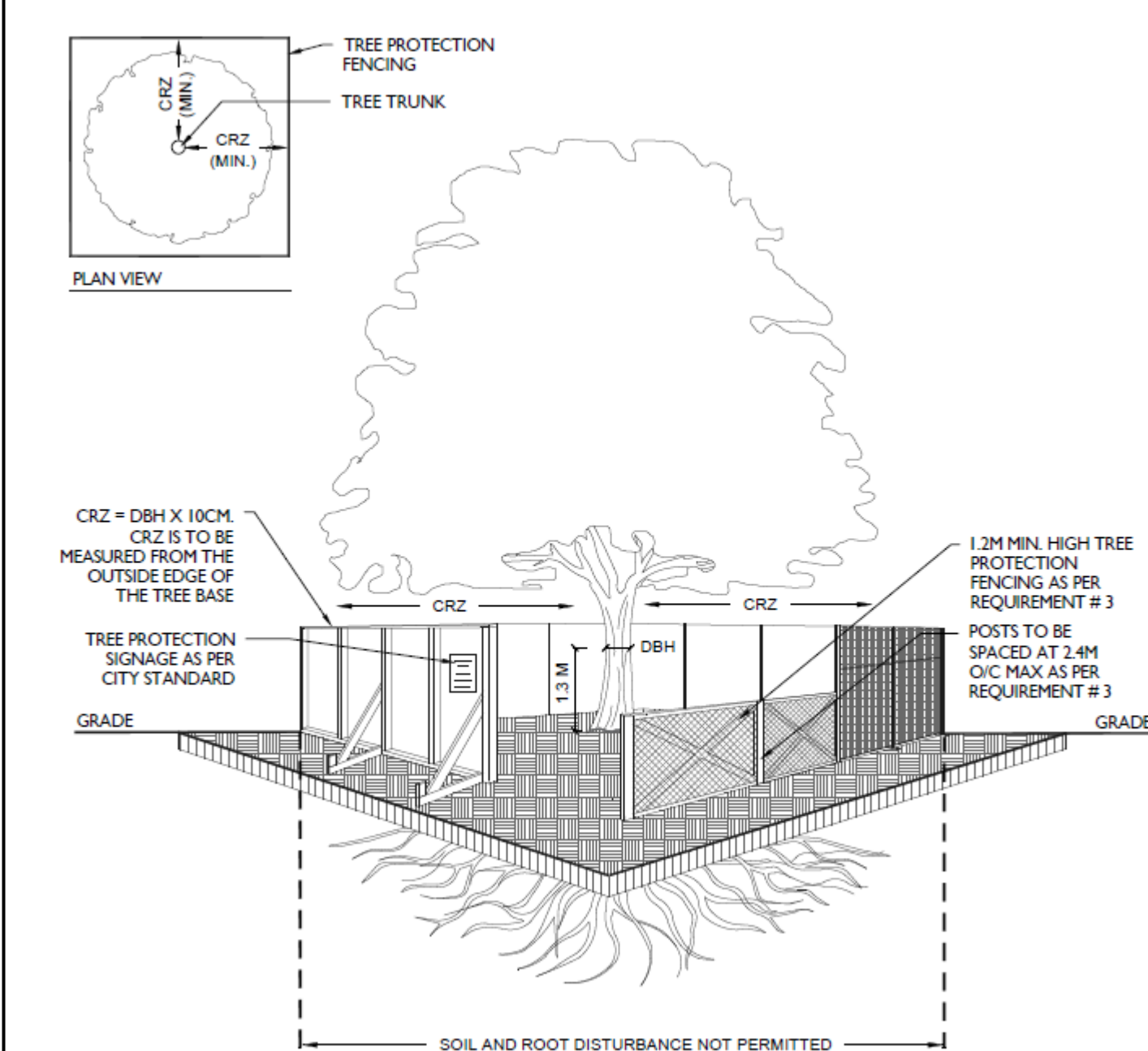


TIR Map – 53 Willow Street
 Tree layer prepared by
 Dendron Forestry Services
 Version 2.0, May 23, 2024
 For more information, please contact: info@dendronforestry.ca

Note: the tree layer has been added to the original site plan supplied by the client in pdf format. This layer refers to the trees only, and the original plan has not been altered in the process. Refer to the original plan for details as quality is lost when importing the plan into the mapping software used to create the tree layer.

- TREE PROTECTION REQUIREMENTS:**
- PRIOR TO ANY WORK ACTIVITY WITHIN THE CRITICAL ROOT ZONE (CRZ = 10 X DIAMETER) OF A TREE, TREE PROTECTION FENCING MUST BE INSTALLED SURROUNDING THE CRITICAL ROOT ZONE, AND REMAIN IN PLACE UNTIL THE WORK IS COMPLETE.
 - UNLESS PLANS ARE APPROVED BY CITY FORESTRY STAFF, FOR WORK WITHIN THE CRZ:
 - DO NOT PLACE ANY MATERIAL OR EQUIPMENT - INCLUDING OUTHOUSES;
 - DO NOT ATTACH ANY SIGNS, NOTICES OR POSTERS TO ANY TREE;
 - DO NOT RAISE OR LOWER THE EXISTING GRADE;
 - TUNNEL OR BORE WHEN DIGGING;
 - DO NOT DAMAGE THE ROOT SYSTEM, TRUNK, OR BRANCHES OR ANY TREE;
 - ENSURE THAT EXHAUST FUMES FROM ALL EQUIPMENT ARE NOT DIRECTED TOWARD ANY TREE CANOPY.
 - DO NOT EXTEND HARD SURFACE OR SIGNIFICANTLY CHANGE LANDSCAPING
 - TREE PROTECTION FENCING MUST BE AT LEAST 1.2M IN HEIGHT, AND CONSTRUCTED OF RIGID OR FRAMED MATERIALS (E.G. MODULOC - STEEL, PLYWOOD HOARDING, OR SNOW FENCE ON A 2"x4" WOOD FRAME) WITH POSTS 2.4M APART, SUCH THAT THE FENCE LOCATION CANNOT BE ALTERED. ALL SUPPORTS AND BRACING MUST BE PLACED OUTSIDE OF THE CRZ, AND INSTALLATION MUST MINIMIZE DAMAGE TO EXISTING ROOTS. (SEE DETAIL)
 - THE LOCATION OF THE TREE PROTECTION FENCING MUST BE DETERMINED BY AN ARBORIST AND DETAILED ON ANY ASSOCIATED PLANS FOR THE SITE (E.G. TREE CONSERVATION REPORT, TREE INFORMATION REPORT, ETC). THE PLAN AND CONSTRUCTED FENCING MUST BE APPROVED BY CITY FORESTRY STAFF PRIOR TO THE COMMENCEMENT OF WORK.
 - IF THE FENCED TREE PROTECTION AREA MUST BE REDUCED TO FACILITATE CONSTRUCTION, MITIGATION MEASURES MUST BE PRESCRIBED BY AN ARBORIST AND APPROVED BY CITY FORESTRY STAFF. THESE MAY INCLUDE THE PLACEMENT OF PLYWOOD, WOOD CHIPS, OR STEEL PLATING OVER THE ROOTS FOR PROTECTION OR THE PROPER PRUNING AND CARE OF ROOTS WHERE ENCOUNTERED.
- THE CITY'S TREE PROTECTION BY-LAW, 2020-340 PROTECTS BOTH CITY-OWNED TREES, CITY-WIDE, AND PRIVATELY-OWNED TREES WITHIN THE URBAN AREA. PLEASE REFER TO WWW.OTTAWA.CA/TREEBYLAW FOR MORE INFORMATION ON HOW THE TREE BY-LAW APPLIES.

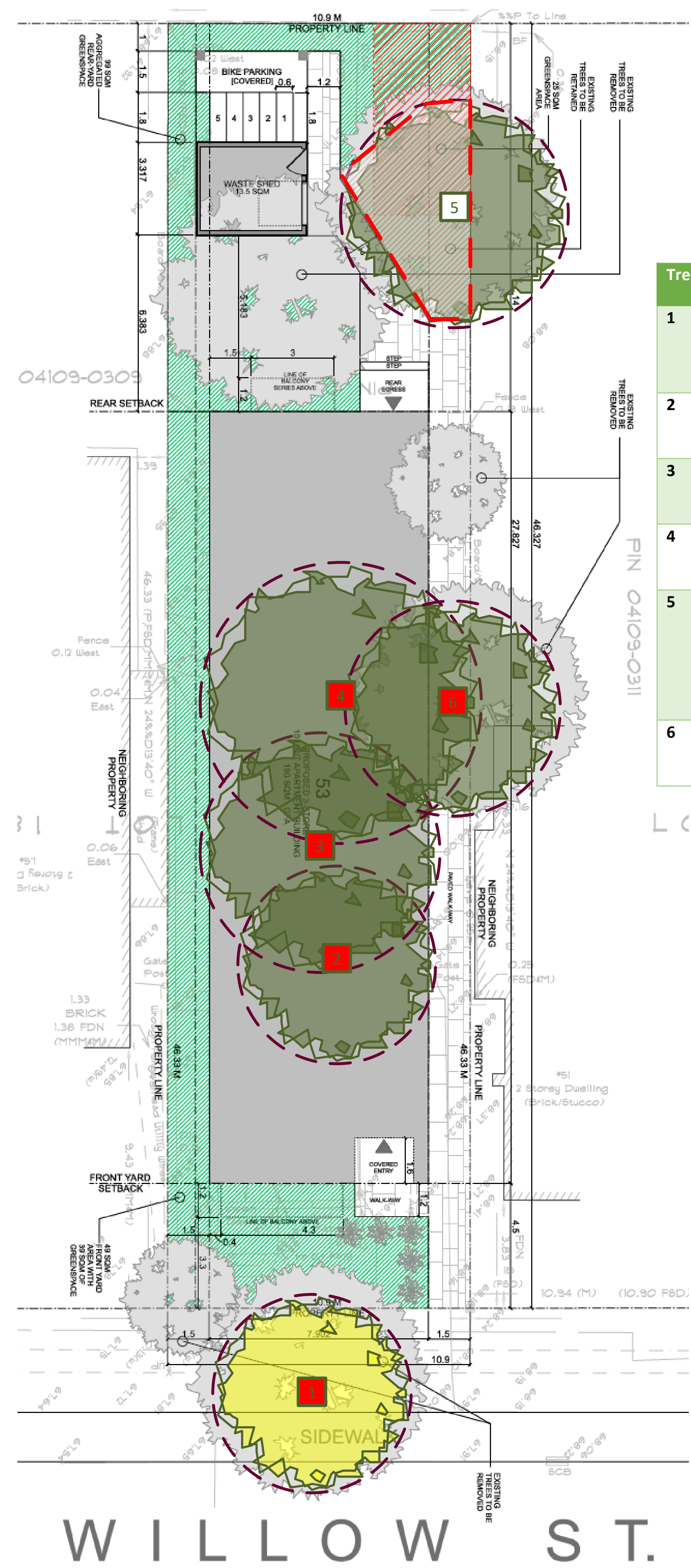
Failure to install and maintain fencing as described in this report may result in fines from the city.



Legend

- Critical Root Zone
- Tree to be removed
- Tree Protection Area
- Private Tree
- Tree either fully or partly on city property

Tree ¹	Species	DBH (cm)	Tree condition	Forester recommendation
1	Tree Lilac (<i>Syringa reticulata</i>)	33	Fair/Poor: small cavities with decay in canopy; poor form – included bark at many unions; dead branches; low but consistent vigor	Remove due to health condition and impacts from construction. Tree permit required for removal.
2	White spruce (<i>Picea glauca</i>)	33	Fair/Poor: upper deck built around the tree – very close to existing house; ~35% defoliation	Remove: within area of excavation. Tree permit required for removal.
3	White spruce (<i>Picea glauca</i>)	40	Fair/Poor: lower deck built around the trunk – very close to existing house; ~20% defoliation	Remove: within area of excavation. Tree permit required for removal.
4	Colorado spruce (<i>Picea pungens</i>)	47	Fair: lower deck built around trunk – very close to existing house; sweep in trunk	Remove: within area of excavation. Tree permit required for removal.
5	Hackberry (<i>Celtis occidentalis</i>)	38	Fair/Good: broken branches; slight lean to the West	Retain and protect as per the City of Ottawa Tree Protection Specifications (March 2021). Any roots encountered during installation of the walkway are to be cleanly severed by hand.
6	Norway maple (<i>Acer platanoides</i>)	36	Fair/Poor: large seam in trunk – decay probable; dead branches in canopy	Remove due to health condition and proximity of excavation. Tree permit required for removal.



W I L L O W S T.

NOTICE OF HEARING

Minor Variance Application

Panel 1

Wednesday, July 17, 2024

1 p.m.

Ben Franklin Place, Main Floor Chamber, 101 Centrepointe Drive
and by videoconference

Owners of neighbouring properties within 60 metres of the property address below are receiving this notice in case they want to comment on the application(s) and/or participate at the hearing.

The hearing can also be viewed on the Committee of Adjustment [YouTube](#) page.

Simultaneous interpretation in both official languages, accessible formats and communication supports are available for any specific agenda item by contacting the Committee of Adjustment at least 72 hours before the hearing.

File No.: D08-02-24/A-00149 & D08-02-24/A-00164 &
D08-02-24/A-00165

Application: Minor Variance under section 45 of the *Planning Act*

Applicant: David Palmer

Property Address: 1071 Heron Road

Ward: 17 - Capital

Legal Description: Part Lot 10, Registered Plan 527

Zoning: R3A

Zoning By-law: 2008-250

APPLICANT'S PROPOSAL / PURPOSE OF THE APPLICATION:

The Applicant wants to construct a three-storey, three-unit townhouse dwelling, as shown on plans filed with the Committee. The existing detached dwelling will be demolished.

REQUESTED VARIANCES:

The Applicant requires the Committee's authorization for minor variances from the Zoning By-law as follows:

A-00149, Townhouse dwelling unit (east)

- a) To permit a reduced lot width of 5.27 metres, whereas the By-law requires a minimum lot width of 6 metres.
- b) To permit a reduced soft landscaped area of 8% of the front yard, whereas the By-law requires a minimum soft landscaped area of 30% of the front yard.
- c) To permit an increased building height of 11.92 metres, whereas the By-law permits a maximum building height of 10 metres.
- d) To permit a reduced front yard setback of 3.0 metres, whereas the By-law requires a minimum front yard setback of 6.0 metres.
- e) To permit a reduced lot area of 161.17 square metres, whereas the By-law requires a minimum lot area of 180 square metres.

A-00164, Townhouse dwelling unit (middle)

- f) To permit a reduced lot width of 4.01 metres, whereas the By-law requires a minimum lot width of 6 metres.
- g) To permit a reduced soft landscaped area of 0% of the front yard, whereas the By-law requires a minimum soft landscaped area of 30% of the front yard.
- h) To permit an increased building height of 11.92 metres, whereas the By-law permits a maximum building height of 10 metres.
- i) To permit a reduced front yard setback of 3 metres, whereas the By-law requires a minimum front yard setback of 6 metres.
- j) To permit a reduced lot area of 122.17 square metres, whereas the By-law requires a minimum lot area of 180 square metres.

A-00165, Townhouse dwelling unit (west)

- k) To permit a reduced lot width of 5.99 metres, whereas the By-law requires a minimum lot width of 6 metres.
- l) To permit a reduced soft landscaped area of 10% of the front yard, whereas the By-law requires a minimum soft landscaped area of 30% of the front yard.
- m) To permit an increased building height of 11.92 metres, whereas the By-law permit a maximum building height of 10 metres.
- n) To permit a reduced front yard setback of 3 metres, whereas the By-law requires a minimum front yard setback of 6 metres.
- o) To permit a reduced side yard setback of 0.4 metres, whereas the By-law requires a minimum side yard setback of 1.2 metres.

The applications indicate that the property is not the subject of any other current application under the *Planning Act*.

If you do not participate in the hearing, it may proceed in your absence, and you will not receive any further notice of the proceedings.

If you want to be notified of the decision following the hearing, and of any subsequent appeal to the Ontario Land Tribunal, submit a written request to the Committee.

For more information about this matter, contact the Committee of Adjustment at the address, email address, website or QR code below.

ALL SUBMITTED INFORMATION BECOMES PUBLIC

In accordance with the *Planning Act*, the *Municipal Act* and the *Municipal Freedom of Information and Privacy Act*, a written submission to the Committee of Adjustment is considered public information and can be shared with any interested individual. Information you choose to disclose in your correspondence, including your personal information, will become part of the public record, and shared with Committee Members, the Applicant(s) or their agent, and any other interested individual.

HOW TO PARTICIPATE

Submit written or oral comments before the hearing: Email your comments to cofa@ottawa.ca at least 24 hours before the hearing to ensure they are received by the panel adjudicators. You may also call the Coordinator at 613-580-2436 to have your comments transcribed.

Register to Speak at the hearing at least 24 hours before by contacting the Committee Coordinator at 613-580-2436 or at cofa@ottawa.ca. You will receive details on how to participate by videoconference. If you want to share a visual presentation, the Coordinator can provide details on how to do so. Presentations are limited to five minutes, and any exceptions are at the discretion of the Chair.

Hearings are governed by the Committee of Adjustment's *Rules of Practice and Procedure* accessible online.

COMMITTEE OF ADJUSTMENT

The Committee of Adjustment is the City of Ottawa's quasi-judicial tribunal created under the Ontario *Planning Act*. Each year, it holds hearings on hundreds of applications under the *Planning Act* in accordance with the Ontario *Statutory Powers Procedure Act*, including consents to sever land and minor variances from the zoning requirements.

DATED: June 28, 2024



Ce document est également offert en français.

Committee of Adjustment
City of Ottawa
101 Centrepointe Drive
Ottawa ON K2G 5K7
Ottawa.ca/CommitteeofAdjustment
cofa@ottawa.ca
613-580-2436



Comité de dérogation
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cded@ottawa.ca
613-580-2436

AVIS D'AUDIENCE

Conformément à la *Loi sur l'aménagement du territoire de l'Ontario*

Demande de dérogations mineures

Groupe 1

Mercredi 17 juillet 2024

13 h

Place-Ben-Franklin, salle Chamber, 101, promenade Centrepointe, et par vidéoconférence

Les propriétaires des biens-fonds situés dans un rayon de 60 mètres de l'adresse indiquée ci-dessous reçoivent le présent avis afin d'avoir la possibilité de formuler des observations sur la ou les demandes et de participer à l'audience s'ils le souhaitent.

L'audience pourra être visionnée sur la chaîne [YouTube](#) du Comité de dérogation.

Les participants pourront bénéficier d'une interprétation simultanée dans les deux langues officielles et de formats accessibles et d'aides à la communication pour toute question à l'ordre du jour s'ils en font la demande auprès du Comité au moins 72 heures à l'avance.

Dossiers : D08-02-24/A-00149, D08-02-24/A-00164 et D08-02-24/A-00165

Demande : Dérogations mineures en vertu de l'article 45 de la *Loi sur l'aménagement du territoire*

Propriétaires/requérants : David Palmer

Adresse de la propriété : 1071, chemin Heron

Quartier : 17 – Capitale

Description officielle : Partie du lot 10, plan enregistré 527

Zonage : R3A

Règlement de zonage : 2008-250

PROPOSITION DU REQUÉRANT ET OBJET DE LA DEMANDE :

Le requérant souhaite construire une habitation en rangée de trois logements et de trois étages, conformément aux plans déposés auprès du Comité. L'habitation isolée existante sera démolie.

DÉROGATIONS DEMANDÉES :

Le requérant demande au Comité d'accorder les dérogations mineures au Règlement de zonage décrites ci-après :

A-00149, habitation en rangée (côté est)

- a) Permettre la réduction de la largeur du lot à 5,27 mètres, alors que le règlement exige une largeur de lot d'au moins 6 mètres.
- b) Permettre la réduction de la superficie consacrée au paysagement végétalisé à 8 pour cent de celle de la cour avant, alors que le règlement exige une superficie minimale de paysagement végétalisé correspondant à au moins 30 pour cent de celle de la cour avant.
- c) Permettre l'augmentation de la hauteur de bâtiment à 11,92 mètres, alors que le règlement permet une hauteur de bâtiment maximale de 10 mètres.
- d) Permettre la réduction du retrait de la cour avant à 3,0 mètres, alors que le règlement exige un retrait de cour avant d'au moins 6,0 mètres.
- e) Permettre la réduction de la superficie du lot à 161,17 mètres carrés, alors que le règlement exige une superficie de lot d'au moins 180 mètres carrés.

A-00164, habitation en rangée (centre)

- f) Permettre la réduction de la largeur du lot à 4,01 mètres, alors que le règlement exige une largeur de lot d'au moins 6 mètres.
- g) Permettre la réduction de la superficie consacrée au paysagement végétalisé à 0 pour cent de celle de la cour avant, alors que le règlement exige une superficie minimale de paysagement végétalisé correspondant à au moins 30 pour cent de celle de la cour avant.
- h) Permettre l'augmentation de la hauteur de bâtiment à 11,92 mètres, alors que le règlement permet une hauteur de bâtiment maximale de 10 mètres.
- i) Permettre la réduction du retrait de la cour avant à 3,0 mètres, alors que le règlement exige un retrait de cour avant d'au moins 6,0 mètres.
- j) Permettre la réduction de la superficie du lot à 122,17 mètres carrés, alors que le règlement exige une superficie de lot d'au moins 180 mètres carrés.

A-00165, habitation en rangée (côté ouest)

- k) Permettre la réduction de la largeur du lot à 5,99 mètres, alors que le règlement exige une largeur de lot d'au moins 6 mètres.

- l) Permettre la réduction de la superficie consacrée au paysagement végétalisé à 10 pour cent de celle de la cour avant, alors que le règlement exige une superficie minimale de paysagement végétalisé correspondant à au moins 30 pour cent de celle de la cour avant.
- m) Permettre l'augmentation de la hauteur de bâtiment à 11,92 mètres, alors que le règlement permet une hauteur de bâtiment maximale de 10 mètres.
- n) Permettre la réduction du retrait de la cour avant à 3,0 mètres, alors que le règlement exige un retrait de cour avant d'au moins 6,0 mètres.
- o) Permettre la réduction du retrait de la cour latérale à 0,4 mètre, alors que le règlement exige un retrait de cour latérale d'au moins 1,2 mètre.

La demande indique que la propriété ne fait l'objet d'aucune autre demande en vertu de la *Loi sur l'aménagement du territoire*.

Si vous ne participez pas à l'audience, celle-ci pourra se dérouler en votre absence et vous ne recevrez pas d'autre avis à ce sujet.

Si vous souhaitez recevoir un avis de la décision prise à l'issue de l'audience et de tout appel ultérieur interjeté devant le Tribunal ontarien de l'aménagement du territoire, veuillez en faire la demande par écrit au Comité.

Pour obtenir plus de renseignements à ce sujet, communiquez avec le Comité (voir les coordonnées ci-dessous, notamment l'adresse municipale, l'adresse électronique, le site Web et le code QR).

TOUS LES RENSEIGNEMENTS PRÉSENTÉS DEVIENNENT PUBLICS

Conformément à la *Loi sur l'aménagement du territoire*, à la *Loi sur les municipalités* et à la *Loi sur l'accès à l'information municipale et la protection de la vie privée*, les observations écrites adressées au Comité de dérogation sont considérées comme des renseignements publics et peuvent être communiquées à toute personne intéressée. Les renseignements que vous choisissez de divulguer dans votre correspondance, notamment vos renseignements personnels, seront versés au dossier public et communiqués aux membres du Comité, au(x) requérant(s) ou à son (leur), ainsi qu'à toute autre personne intéressée.

COMMENT PARTICIPER

Présentez vos observations écrites ou orales avant l'audience : Veuillez faire parvenir vos observations par courriel à cded@ottawa.ca au moins 24 heures avant l'audience afin de vous assurer que les membres des groupes chargés du rendu des décisions les ont bien reçues. Vous pouvez également téléphoner au coordonnateur ou à la coordonnatrice au numéro 613-580-2436 pour demander que vos observations soient transcrites.

Inscrivez-vous au moins 24 heures à l'avance en communiquant avec le coordonnateur ou la coordonnatrice du Comité au numéro 613-580-2436 ou à l'adresse à cded@ottawa.ca. Vous recevrez des détails sur la façon de participer par vidéoconférence. Si vous souhaitez faire une présentation visuelle, le coordonnateur ou la coordonnatrice sera en mesure de vous fournir des détails sur la façon de procéder. Les présentations sont limitées à cinq minutes et toute exception est laissée à la discrétion du président ou de la présidente.

Les audiences sont régies par les *Règles de pratique et de procédure* du Comité de dérogation et sont accessibles en ligne.

COMITÉ DE DÉROGATION

Le Comité de dérogation est le tribunal quasi judiciaire de la Ville d'Ottawa créé en vertu de la *Loi sur l'aménagement du territoire* de l'Ontario. Chaque année, il tient des audiences sur des centaines de demandes en vertu de la *Loi sur l'aménagement du territoire*, conformément à la *Loi sur l'exercice des compétences légales* de l'Ontario, y compris des demandes d'autorisation de morcellement de terrain et de dérogation mineure aux exigences en matière de zonage.

FAIT le 28 juin 2024



This document is also available in English.

Committee of Adjustment
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 **Committee of Adjustment**
Comité de dérogation

CIRCULATION MAP /
PLAN DE CIRCULATION

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SUBJECT LAND / TERRAIN EN QUESTION
1071 ch.Heron Rd.



NOT TO SCALE
NON À L'ÉCHELLE



Variance Rational
Chris Jalkotzy
Modulink, Planning & Design
18 June 2024

Committee of Adjustment
Received | Reçu le
Revised | Modifié le : 2024-06-18
City of Ottawa | Ville d'Ottawa
Comité de dérogation

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4.0 POLICY AND REGULATORY FRAMEWORK:	Page 9
5.0 CONCLUSION:	Page 14



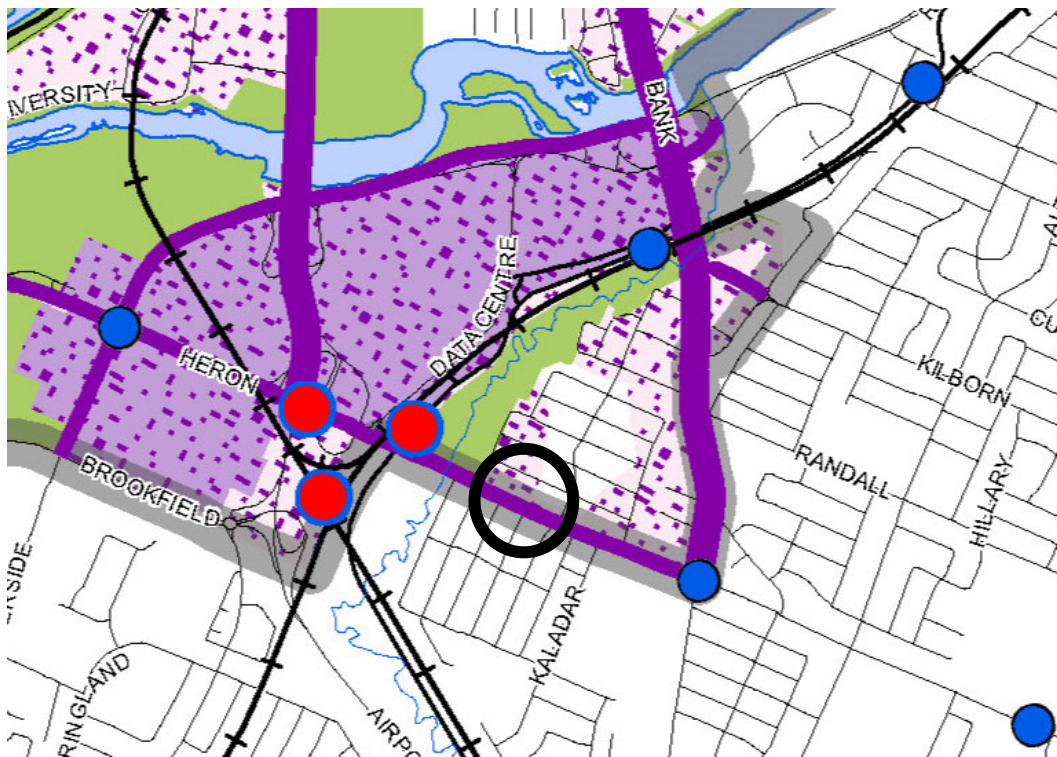
1.0 INTRODUCTION and PROJECT OVERVIEW:

This report has been prepared in support of the application for variances to permit the construction of a 3 Townhouse Project with the demolition of an existing detached dwelling unit. The property is located at on Heron Road between Hollington Street and Silver Street in Overbrook McArthur. The variances requested are for building height.

2.0 SITE OVERVIEW & COMMUNITY CONTEXT:

The property is currently occupied by a two-storey dwelling constructed in the 50's. The property is in the City of Ottawa. It has a street frontage width of 15.24m (east/west) and a depth of 41.45m (north/south). It has a lot area of 464.17 m². The zoning is R3A.

It is located in the Schedule B2 - Inner Urban Transect. The site is in a designated emerging neighbourhood.



Surrounding Land Uses:



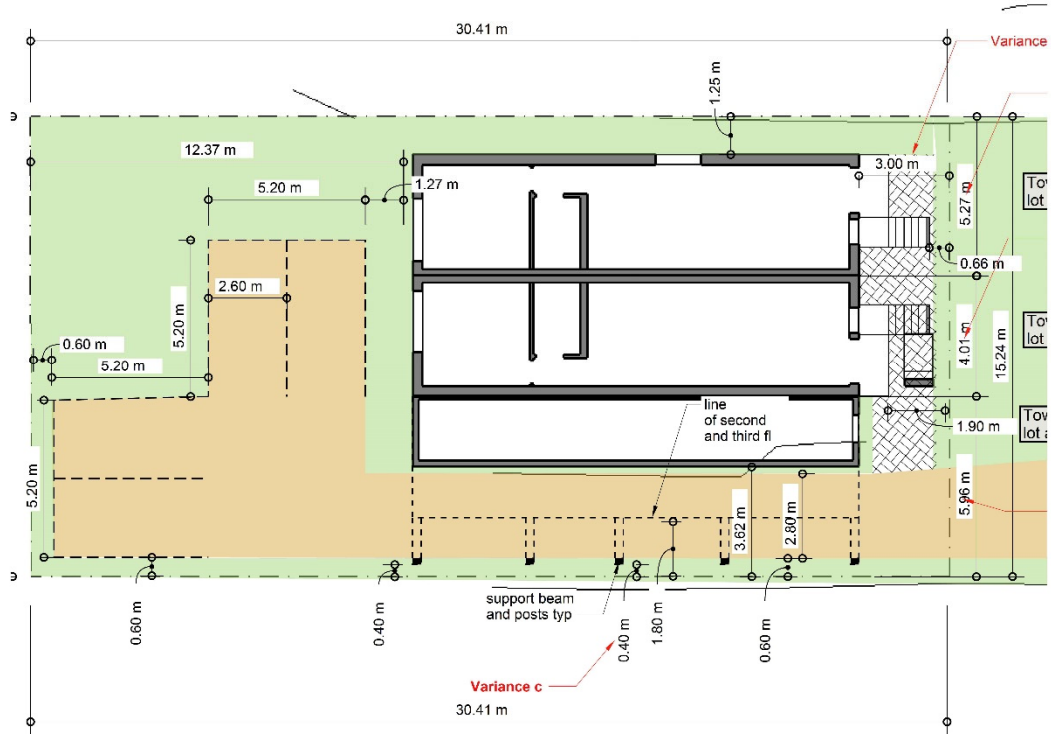
The property is bounded primarily by detached dwellings and some low-rise apartments to the north. Heron road is to the south and there are a mix of detached and small multi unit residential buildings. The right of way of Heron is 46m at this location.

Neighbourhood





Subject Site





1) Subject Property





2) The Streetscape looking to the East



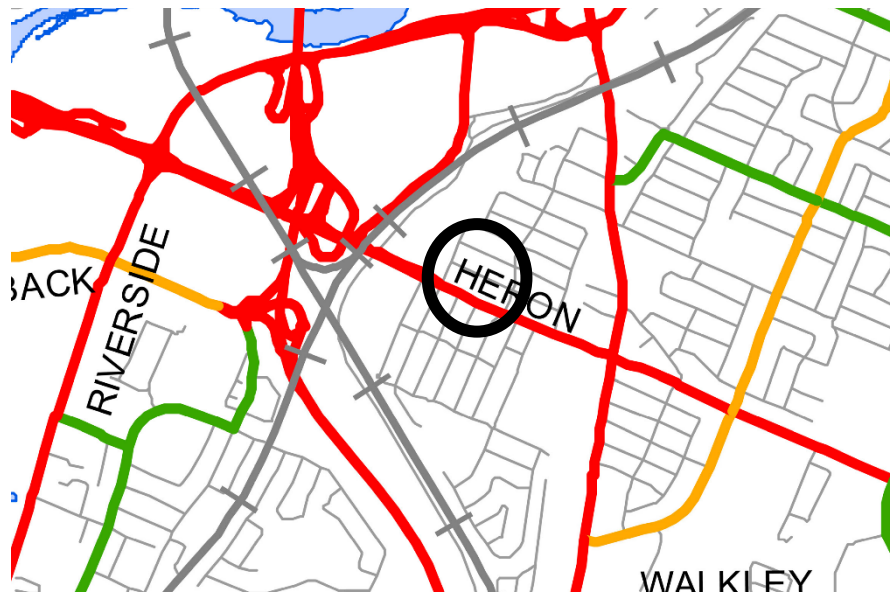
3) The Streetscape looking to the West





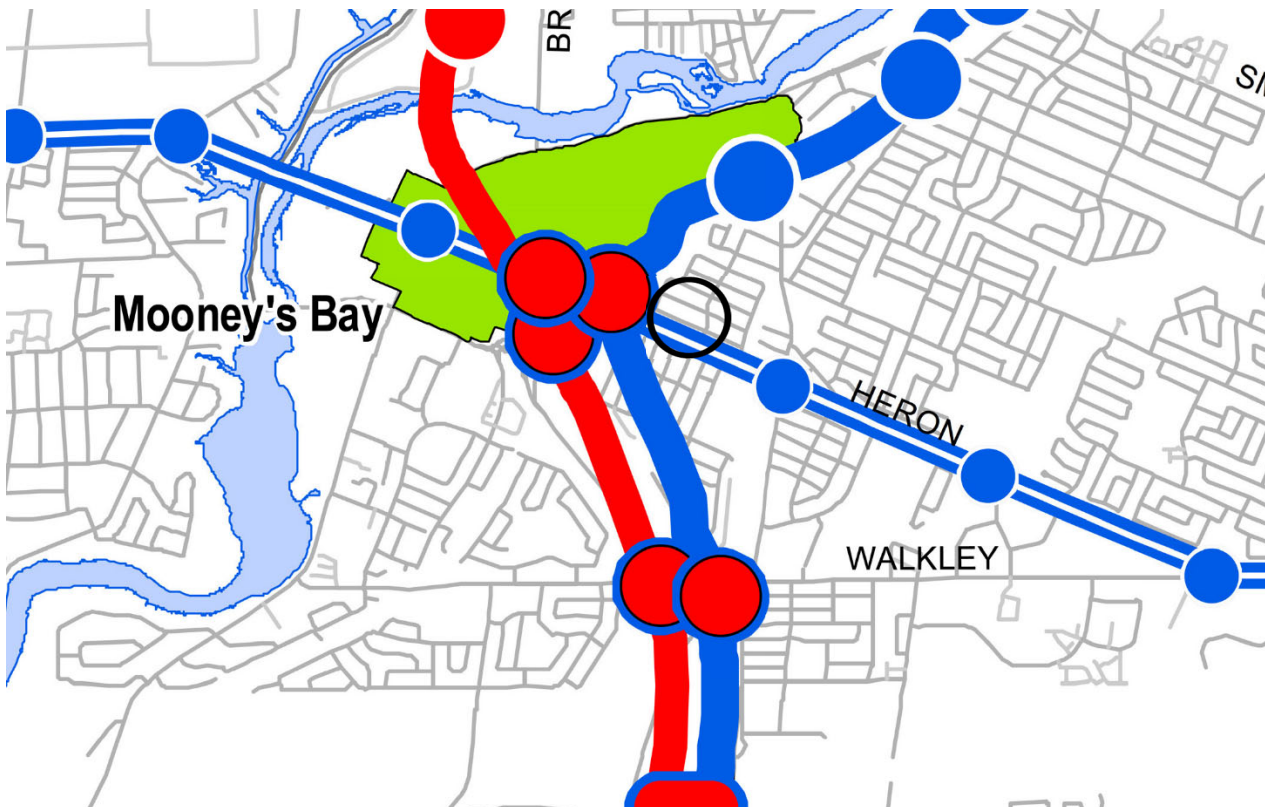
Road Network:

Heron Road that is classified as an arterial on Schedule C4 - Urban Road Network.



Transit Services:

Heron has planned Major Transit Station & Routes, Transitway - At Grade Crossings





Level Br

Community Services:

The site is located in the west of Bank street that is a commercial strip in the location of Bank and Heron Road

3.0 DEVELOPMENT PROPOSAL AND VARIANCES

The proposed building is an existing single-family home. The proposed variances will permit the construction of 3 townhouse dwellings

The requested variances are as follows:

- 1) to permit a maximum building height of 11.92m whereas the bylaw permits a maximum building height of 10.0m
- 2) permit a front yard setback of 3.0m, whereas the bylaw requires a min 6.0m front yard setback
- 3) permit westerly side yard of 0.4m (townhouse west), whereas the bylaw requires a min side yard of 1.2m
- 4) permit a lot area of 161.17 sqm (townhouse east), whereas the bylaw requires a lot area of 180 sqm
- 5) permit a lot area of 122.17 sqm (townhouse middle), whereas the bylaw requires a lot area of 180 sqm
- 6) permit a lot width of 5.27 m (townhouse east), whereas the bylaw requires a lot width of 6.0m
- 7) permit a lot width of 4.01 m (townhouse middle), whereas the bylaw requires a lot width of 6.0m
- 8) permit a lot width of 5.99 m (townhouse west), whereas the bylaw requires a min 6.0m front yard setback
- 9) permit a reduced soft landscaped area east front yard 8% soft landscaped, whereas bylaw requires soft landscaped area of 30%
- 10) permit a reduced soft landscaped area middle front yard 0% soft landscaped, whereas bylaw requires soft landscaped area of 30%
- 11) permit a reduced soft landscaped area west front yard 8% soft landscaped, whereas bylaw requires soft landscaped area of 30%

The proposed variances are all minor as they reflect the changes that will come to Heron Road as result of the new approved Official Plan.

- 1) The official plan identified the proposed max heights for a 4 to 6 storeys so the proposed “tall 3 storey” variance is minor
- 2) As a minor corridor the new zoning bylaw proposes CM2 for Heron Road at this location. It proposes a min front yard setback of “(c) Minimum front yard setback (m) No minimum” and we are proposing 3m, 50% of the required 6m



3) The westerly side yard reduction is for posts and beam structure to support the further setback second storey at 1.8m to permit the laneway access to the rear. The required setback is 1.2m, and as such the variance is minor.

4),5),6),7),8),all relate to lot width and lot area and should be deemed minor as in the proposed CM2 zone there is no min lot area and lot width.

9),10),11) The reduction min percentage of soft landscaping is a result of the reduced min front yard setback and the desirability of individual entrances to all 8 units. The amount of soft landscaping at the rear is greater than required as is the rear yard setback.

4.0 POLICY AND REGULATORY FRAMEWORK:

Provincial Policy Statement (2020)

The Provincial Policy Statement is issued under the authority of section 3 of the Planning Act and came into effect on May 1, 2020. In respect of the exercise of any authority that affects a planning matter, section 3 of the Planning Act requires that decisions affecting planning matters “shall be consistent with” policy statements issued under the Act.

Under the PPS, settlement areas are intended to be the primary focus of growth in the province.

Policy 1.1.1. Healthy, liveable and safe communities are sustained by:

a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;

b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;

c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;

d) avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;

e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;

f) improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society;

g) ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs;



h) promoting development and land use patterns that conserve biodiversity;

and

i) preparing for the regional and local impacts of a changing climate.

The subject lands are situated within the urban boundary of the City of Ottawa and constitute a settlement area. Accordingly, the lands are a logical and preferred location for new development. Within settlement areas, the PPS encourages land use patterns that make efficient use of land, effective use of infrastructure and public services, support active modes of transportation and are transit-supportive (Policy 1.1.1).

City of Ottawa Official Plan

The Ottawa Official Plan has been reviewed. The site is designated General Urban Area on Schedule B of the City of Ottawa Official Plan. Lands within this designation are meant to provide a full range and choice of housing options in combination with conveniently located employment, retail, service, entertainment and institutional uses. The project site does not fall within any of Schedule C7-A - Design Priority Areas – Urban. It is classified as “Evolving Neighbourhood” under Schedule B1 - Downtown Core Transe

The Proposal supports 15 min neighbourhood through the following:

- a) 4 car parking space have been placed in the rear to comply with the official plan main street designation for Heron Road.
- b) Amenity space is provided in the rear yard.
- c) Lighting will be for safety purposes and will respect the dark skies initiative.
- d) The building will not generate additional noise.
- e) The additional people living in the neighbourhood will increase the number of commercial services that might chose to locate in the area as well as better utilize transit services.

OP Section 3. Growth Management Framework

OP 3.2 Support Intensification

Table 3b

“Housing density

Inner Urban Transect, 60 to 80,”

This project helps move the inner urban transect closer to 60 to 80 units per hectare with a net density of 170 units per hectare.

OP Section 4. City-Wide Policies

OP 4.2 Housing

“4.2.1 Enable greater flexibility and an adequate supply and diversity of housing options throughout the city



2) The City shall support the production of a missing middle housing range of mid-density, low-rise multi-unit housing, in order to support the evolution of healthy walkable 15-minute neighbourhoods by:

- a) Allowing housing forms which are denser, small-scale, of generally three or more units per lot in appropriate locations, with lot configurations that depart from the traditional lot division and put the emphasis on the built form and the public realm, as-of-right within the Zoning By-law;
- b) Allowing housing forms of eight or more units in appropriate locations as-of-right within the Zoning By-law;”.

OP Section 5. Transects

OP 5.1.5 Provide direction to the Neighbourhoods located within the Inner City Transect

5.2.3 Provide direction to the Hubs and Mainstreet Corridors located within the Inner Urban Transect

3) Along Minor Corridors, permitted building heights are as follows, subject to appropriate height transitions and step backs:

- a) Generally, not less than 2 storeys and in the maximum height range of between 4 to 6 storeys, except where a secondary plan or area-specific policy specifies different heights;
- b) Where the Zoning By-law permits a Low-rise building, an amendment to this Plan shall not be required to consider a building of 5 or 6 storeys;
- c) The wall heights directly adjacent to a street of such buildings shall be proportionate to the width of the abutting right of way, and consistent with the objectives in the urban design section on Mid-rise built form in Subsection 4.6.6, Policy 7); and
- d) The height of such buildings may be limited further on lots too small to accommodate an appropriate height transition.

“5.2.4 Provide direction to the Neighbourhoods located within the Inner Urban Transect

1) Neighbourhoods located in the Downtown Core shall accommodate residential growth to meet the Growth Management Framework as outlined in Subsection 3.2, Table 3b. The Zoning By-law shall implement the density thresholds in a manner which adheres to the following:

- a) Allows and supports a wide variety of housing types with a focus on missing-middle housing, which may include new housing types that are currently not contemplated in this Plan;*
- c) Provides for a Low-rise built form, by requiring in Zoning a minimum built height of 2 storeys, generally permitting 3 storeys, and where appropriate, will allow a built height of up to 4 storeys to permit higher-density Low-rise residential development;*
- d) Building on Table 6, provides an emphasis on regulating the maximum built form envelope that frames the public right of way; and*
- e) In appropriate locations, to support the production of missing middle housing, prohibit lower-density typologies.*



The site is located in the Inner Urban Transect, Evolving Neighbourhood designation

5.2.4 Provide direction to the Neighbourhoods located within the Inner Urban Transect

1) Neighbourhoods located in the Inner Urban area and within a short walking distance of Hubs and Corridors shall accommodate residential growth to meet the Growth Management Framework as outlined in Subsection 3.2, Table 3b. The Zoning By-law shall implement the density thresholds in a manner which adheres to the built form requirements as described in Subsection 5.6.1, as applicable and that:

a) Allows and supports a wide variety of housing types with a focus on missing-middle housing, which may include new housing types that are currently not contemplated in this Plan;

5.6.1.1 Provide built form direction for the urban area where intensification is anticipated to occur

The Evolving Overlay will be applied generally to the properties that have a lot line along a Minor Corridor ;lands 150 meters from the boundary of a Hub or Mainstreet designation; and to lands within a 400-metreradius of a rapid transit station. The Overlay is intended to provide opportunities that allow the City to reach the goals of its Growth Management Framework for intensification through the Zoning By-law, by providing:

a) Guidance for a gradual change in character based on proximity to Hubs and Corridors,

b) Allowance for new building forms and typologies, such as missing middle housing;

c) Direction to built form and site design that support an evolution towards more urban built form patterns and applicable transportation mode share goals; and

d) Direction to govern the evaluation of development.

OP Section 6. Urban Designations:

The site is designated a Evolving Neighbourhood under 6.3 of the OP

“6.3.1 Define neighbourhoods and set the stage for their function and change over the life of this Plan.

2) Permitted building heights in Neighbourhoods shall be Low-rise...”

And

“4) The Zoning By-law and approvals under the Planning Act shall allow a range of residential and non-residential built forms within the Neighbourhood designation, including:

a) Generally, a full range of Low-rise housing options sufficient to meet or exceed the goals of Table 2 and Table 3b;

b) Housing options with the predominant new building form being missing middle housing, which meet the intent of Subsection 6.3.2, Policy 1);”

The proposed building responds to these requirements by proposing a three storey townhouse residential dwelling.



Urban Design Guidelines for Low-rise Residential Buildings

The proposal maintains the current lot pattern and keeps the exiting building fronting on the street, some characteristics of the buildings in the neighbourhood with a modern architectural style.

City of Ottawa Comprehensive Zoning By-law 2008-250:

Purpose of the Zone

The property is currently R3A:

Purpose of the Zone

The purpose of the R3 - Residential Third Density Zone is to:

(1) allow a mix of residential building forms ranging from detached to townhouse dwellings in areas designated as General Urban Area in the Official Plan; (By-law 2012-334)

(2) allow a number of other residential uses to provide additional housing choices within the third density residential areas;

(3) allow ancillary uses to the principal residential use to allow residents to work at home;

(4) regulate development in a manner that is compatible with existing land use patterns so that the mixed dwelling, residential character of a neighbourhood is maintained or enhanced; and

(5) permit different development standards, identified in the Z subzone, primarily for areas designated as Developing Communities, which promote efficient land use and compact form while showcasing newer design approaches.



5.0 CONCLUSION:

The proposed development has been designed to meet the current planning framework. It is consistent with the Provincial Policy Statement and conforms to the City of Ottawa Official Plan.

The proposed variances should be considered minor for the following reasons:

1. It is minor and desirable.
 - a. The property is located on a minor corridor as designed by the Official Plan and an existing arterial. The future zoning bylaw will likely designate Heron Road as a main street as the Official Plan and Transportation Plan show a future at grade transit corridor. Height limits encourage min 2 storeys, with 4 to 6 storeys preferred. The variances for height and front yard setback are minor considering the current Official Plan designations. The min lot width and lot are should be considered minor in that a much higher density will be developed along this future transit corridor. Parking is placed in the rear to permit an active streetscape and the ability to eliminate the parking in future when transit become predominant.
2. The general intent and purpose of the Zoning By-law is maintained
 - a. the intent of the bylaw is to permit townhouses.
 - b. The intent of the bylaw that the new infill properties respect the existing character of the evolving neighbourhood.
3. The general intent and purpose of the Official Plan is maintained;
 - a. The official plan supports this kind of gentle intensification of land uses compatible with the current urban fabric.
4. The Ontario Planning Act supports intensification in residential urban areas

TABLE 160A – R3 SUBZONE PROVISIONS (OMB Order File N°: PL150797, issued July 25, 2016 - By-law 2015-228)
(By-law 2020-288)

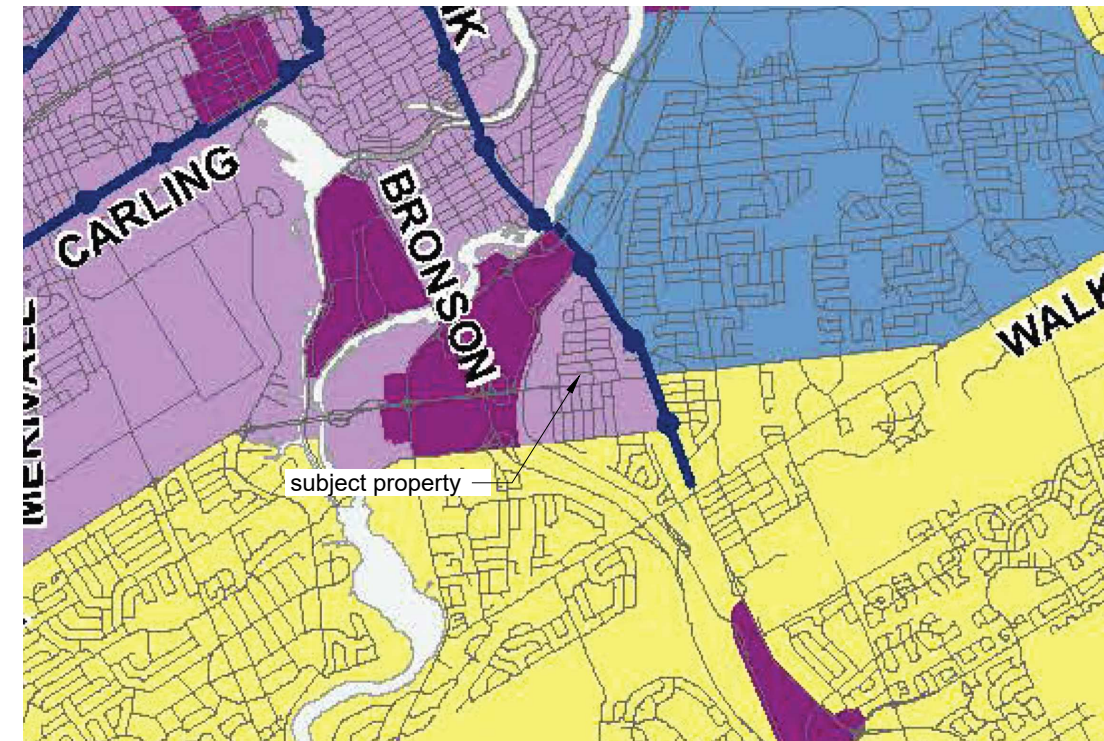
I Sub-Zone	II Prohibited Uses	III Principal Dwelling Type	IV Minimum Lot Width (m)	V Minimum Lot Area (m ²)	VI Maximum Building Height (m)	VII Minimum Front Yard Setback (m)	VIII Minimum Corner Side Yard Setback (m)	IX Minimum Rear Yard Setback (m)	X Minimum Interior Side Yard Setback (m)	XI Endnotes (see Table 160B)
A	None	Planned Unit Development	na	1,400	As per dwelling type	6	4.5	varies ¹	varies ¹	1
		Three Unit	18	540	10.7 in Schedule 342, in other cases 11	6	4.5	varies ²	3.6 total, 1.2 for one side yard	2
		Detached, Duplex, Linked-detached	15	450		6	4.5	varies ²	3 total, 1.2 for one side yard	2
		Long Semi	10	300		6	4.5	varies ²	3 total, 1.2 for one side yard	2
		Semi-Detached	9	270		6	4.5	varies ²	1.2	2
		Townhouse	6	180	10 in Schedule 342, in other cases 11	6	4.5	varies ²	1.2	2,6

A0-A1: 30.46 m (99.93 ft)
 A1-A2: 15.24 m (50.00 ft)
 A2-A3: 30.46 m (99.94 ft)
 A3-A0: 15.24 m (50.00 ft)
 Total Perimeter: 91.40 m (299.87 ft)
 Total Area: 464.17 m² (4996.25 ft²) (0.05 ha)
 3 lots average size 154 sqm

TABLE 160B – ADDITIONAL ZONING PROVISIONS (By-law 2020-288)

I Endnote Number	II Additional Zoning Provisions
2	For lands located outside of Schedule 342, the minimum rear yard setback is 25% of the lot depth which must comprise at least 25% of the area of the lot, however it need not exceed 7.5 m. Despite the foregoing, on lots with depths of 15 metres or less, the minimum rear yard setback is 4 m. For lands located within Schedule 342, see Part V, Section 144 – Alternative Yard Setbacks for Low-Rise Residential Uses. (By-law 2020-288)
6	For lands within the Schedule 342, where a building has a peaked roof having a slope of 1 in 3 (4/12 pitch) or steeper, the maximum building height is 11 metres. Where the property is located outside of Area A on Schedule 342, or where the building has a peaked roof having a slope of 1 in 3 (4/12 pitch) or steeper, the maximum building height is 12 m in the R3YY subzone, or 11 m in any other subzone. (By-law 2020-288)

Committee of Adjustment
 Received | Reçu le
Revised | Modifié le : 2024-06-18
 City of Ottawa | Ville d'Ottawa
 Comité de dérogation



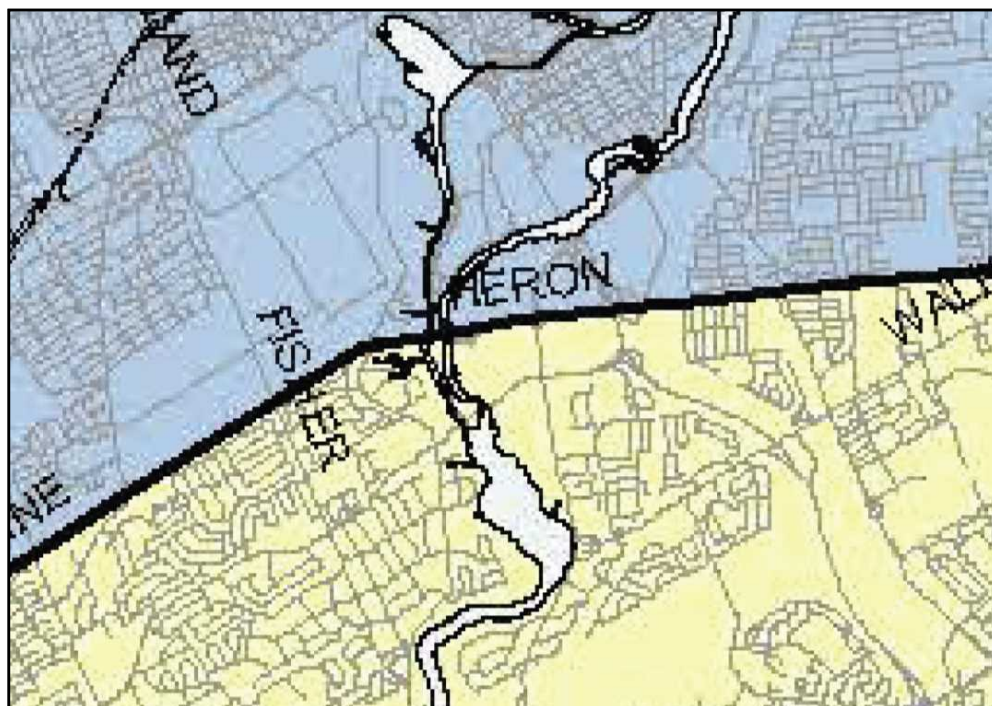
- Area X: Inner Urban
Secteur X: Secteur urbain intérieur
- Area Y: Inner Urban Mainstreets
Secteur Y: Rues principales du secteur ur
- Area Z: Near Major LRT Stations
Secteur Z: Près des stations de train léger
- Area B: Outer Urban/Inner Suburban
Secteur B : Secteur urbain extérieur/Banlieue
- Area C: Suburban
Secteur C: Secteur suburbain
- Area D: Rural
Secteur D: Secteur rural



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<p>RAPID TRANSIT</p> <p>TRANSIT LEVEL OF SERVICE 'A'</p> <p>O-Train - Grade Separated Crossings </p> <p>Transitway - Grade Separated Crossings </p> <p>TRANSIT LEVEL OF SERVICE 'B'</p> <p>O-Train - At-Grade Crossings </p> <p>Transitway - At-Grade Crossings </p> <p>TRANSIT PRIORITY</p> <p>Transit Priority Corridor </p>	<p>TRANSECT POLICY AREA / SECTEUR STRATÉGIQUE DU TRANSECT</p> <p> Inner Urban / Urbain intérieur</p> <p>OVERLAYS / AFFECTATION SUPPLÉMENTAIRE</p> <p> Evolving Neighbourhood / Quartier en évolution</p>	<p>DESIGNATIONS / DÉSIGNATIONS</p> <p> Hub / Carrefour</p> <p> Corridor - Mainstreet / Couloir - Rue principale</p> <p> Corridor - Minor / Couloir - Rue principale mineure</p> <p> Mixed Industrial / Industrie Mixte</p> <p> Greenspace / Espace vert</p> <p> Neighbourhood / Quartier</p>
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BOUNDARIES OF THE CENTRAL, INNER URBAN, SUBURBAN AND RURAL AREAS

LIMITES DES SECTEURS CENTRAL, CENTRE-VILLE, SUBURBAIN ET RURAL

AREA / SECTEUR A Central Area (as per Official Plan)
Secteur central (selon le Plan officiel)

AREA / SECTEUR B Bounded by Ottawa River, Britannia, Carling, both sides of Pinecrest, Baseline, Heron, both sides of Riverside, Brookfield, Airport, both sides of Walkley, Russell, both sides of St. Laurent, Ogilvie, Aviation, both sides of Montreal and of Blair; excludes Rockcliffe Park

Délimitée par la Rivière des Outaouais, les rues Britannia, Carling, les deux côtés de la rue Pinecrest, par les rues Baseline, Heron, les deux côtés de la rue Riverside, par les rues Brookfield, Airport, les deux côtés de la rue Walkley, par la rue Russell, par les deux côtés de St. Laurent, par les rues Ogilvie, Aviation, par les deux côtés des rues Montreal et Blair; Rockcliffe Park en est exclu.

AREA / SECTEUR C Urban and Greenbelt Area (Exempting Area A and Area B)
Secteur urbain et de la Ceinture de verdure (sauf les aires A et B)

AREA / SECTEUR D Rural Area
Secteur rural

This is **SCHEDULE 1** to Zoning By-law 2008-250



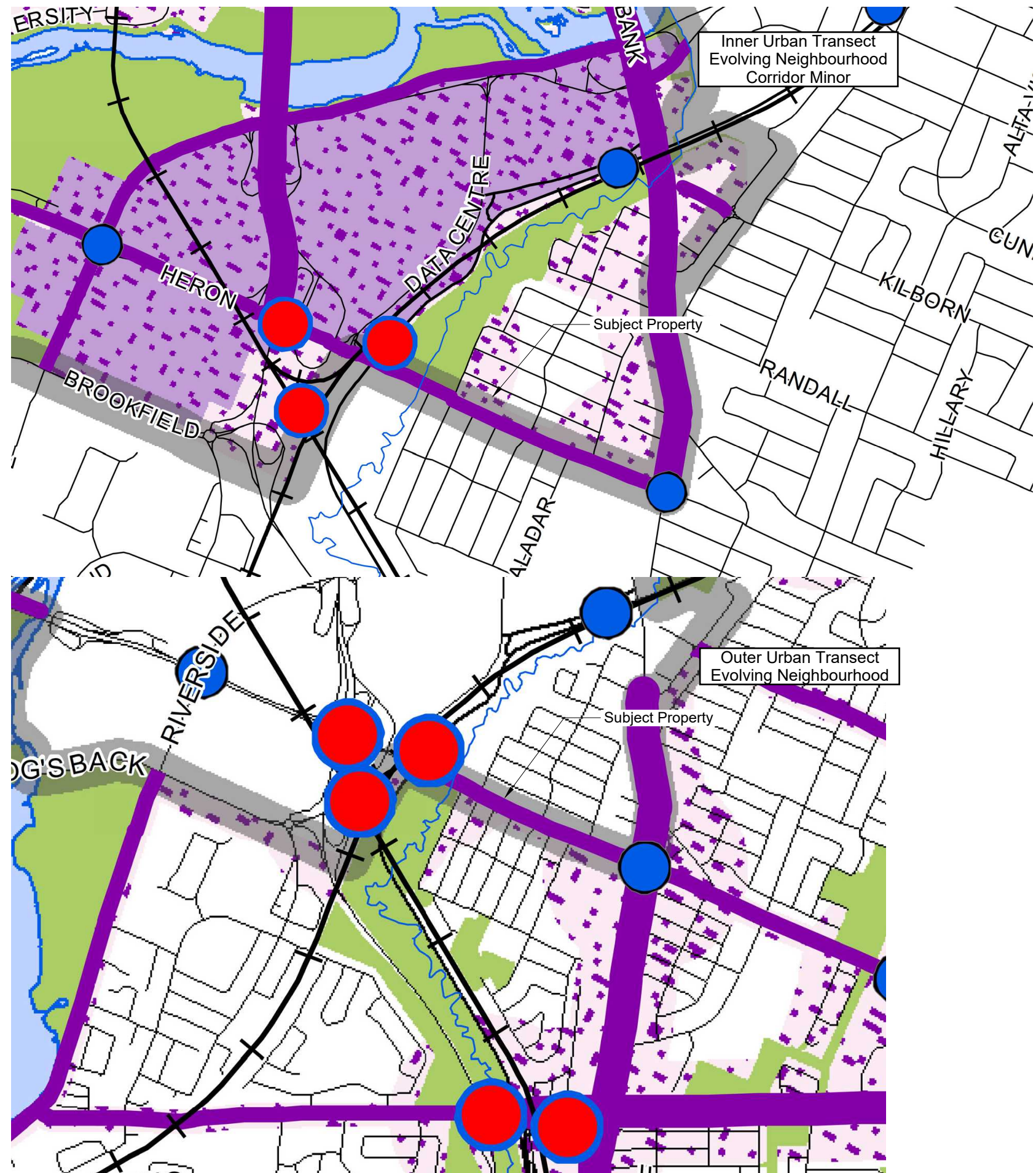
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3) Along Minor Corridors, permitted building heights are as follows, subject to appropriate height transitions and setbacks:

- a) Generally, not less than 2 storeys and in the maximum height range of between 4 to 6 storeys, except where a secondary plan or area-specific policy specifies different heights;
- b) Where the Zoning By-law permits a Low-rise building, an amendment to this Plan shall not be required to consider a building of 5 or 6 storeys;

c) The wall heights directly adjacent to a street of such buildings shall be proportionate to the width of the abutting right of way, and consistent with the objectives in the urban design section on Mid-rise built form in Subsection 4.6.6, Policy 7); and
d) The height of such buildings may be limited further on lots too small to accommodate an appropriate height transition.

4) All buildings along Mainstreets or Minor Corridors shall have active entrances facing the Mainstreet or Minor Corridor, regardless of use.



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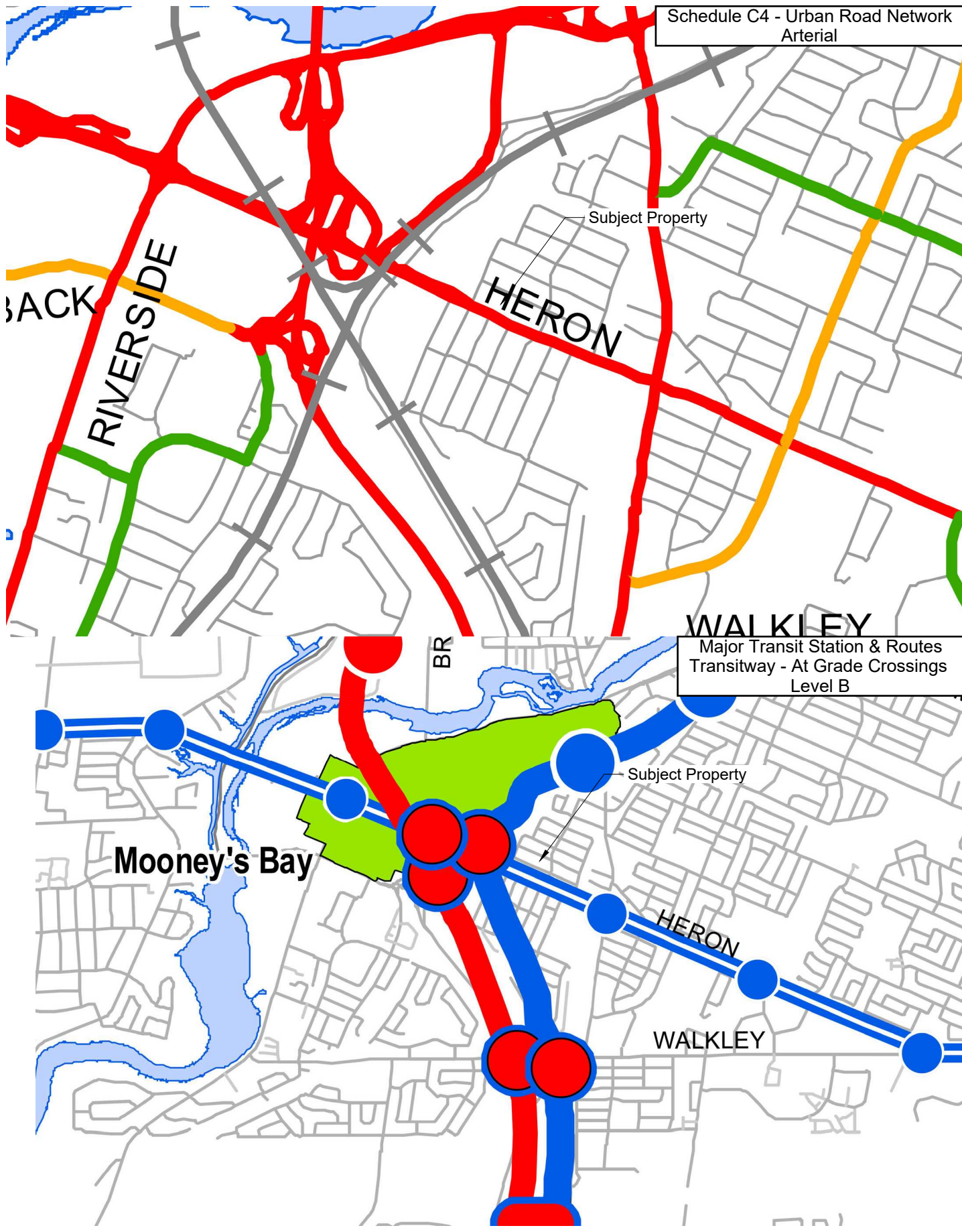
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June 18, 2024
OP Transect



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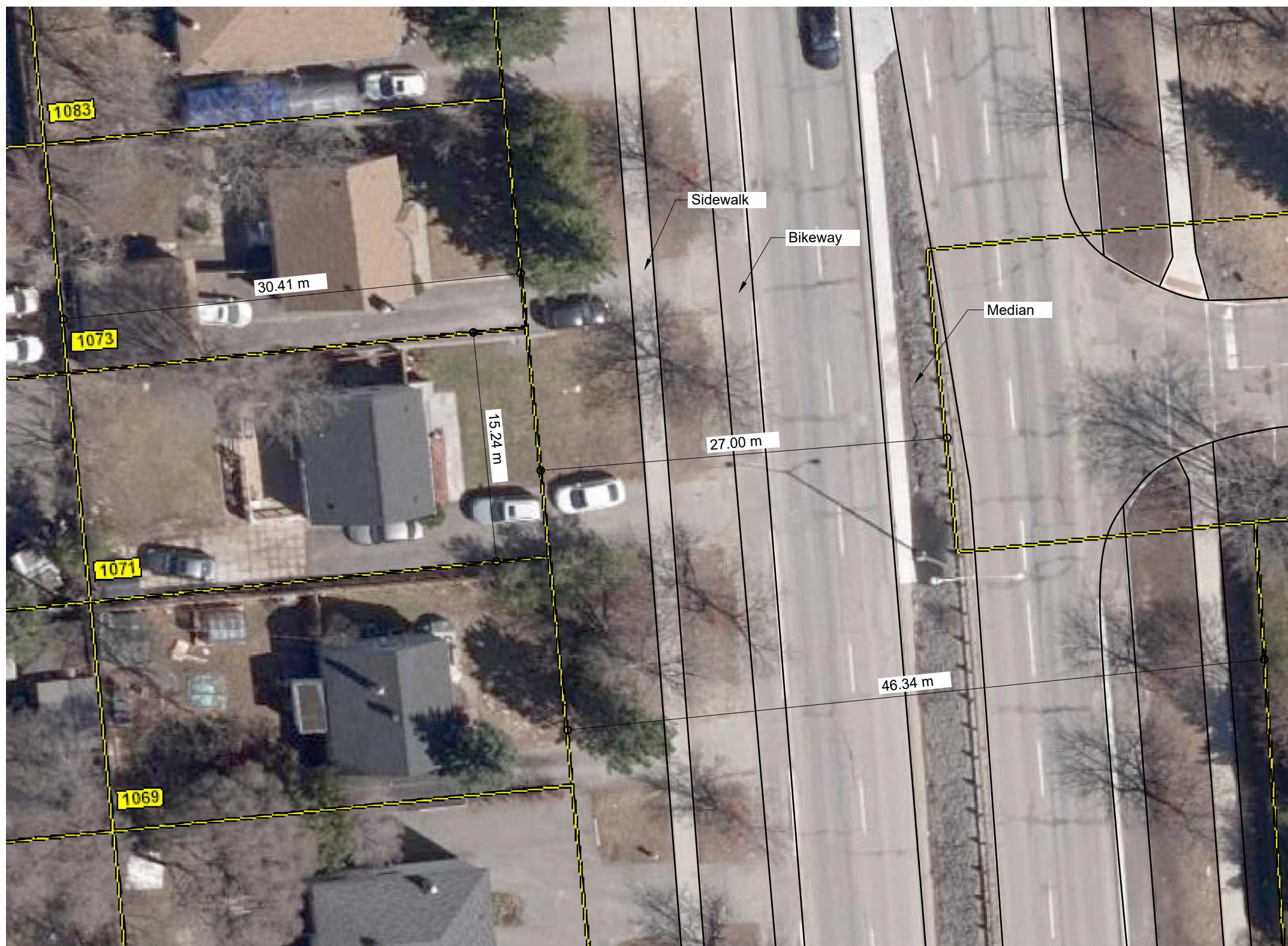
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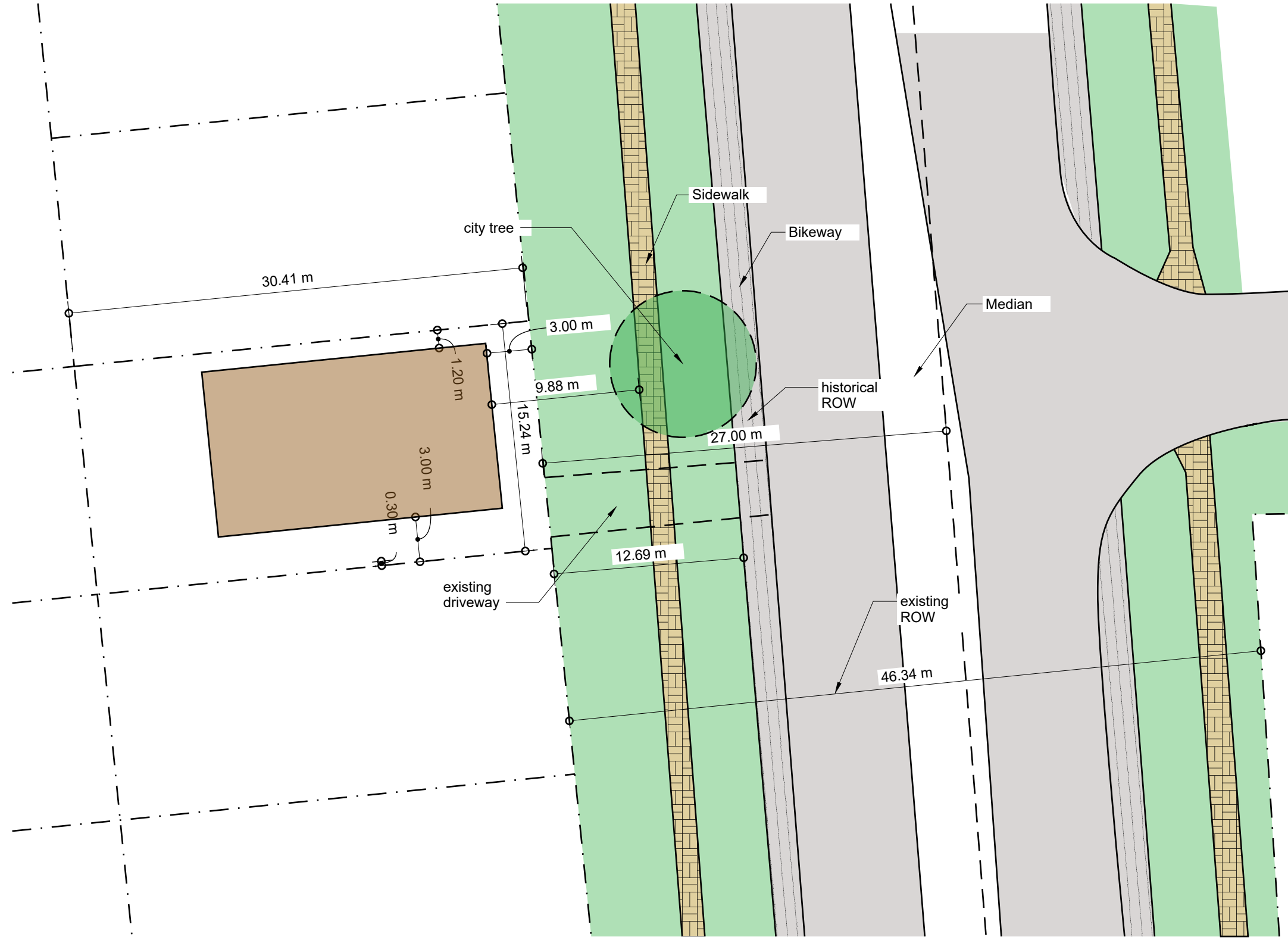
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Google Maps 1069 Heron Rd



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Google Street View
Jul 2023 See more dates

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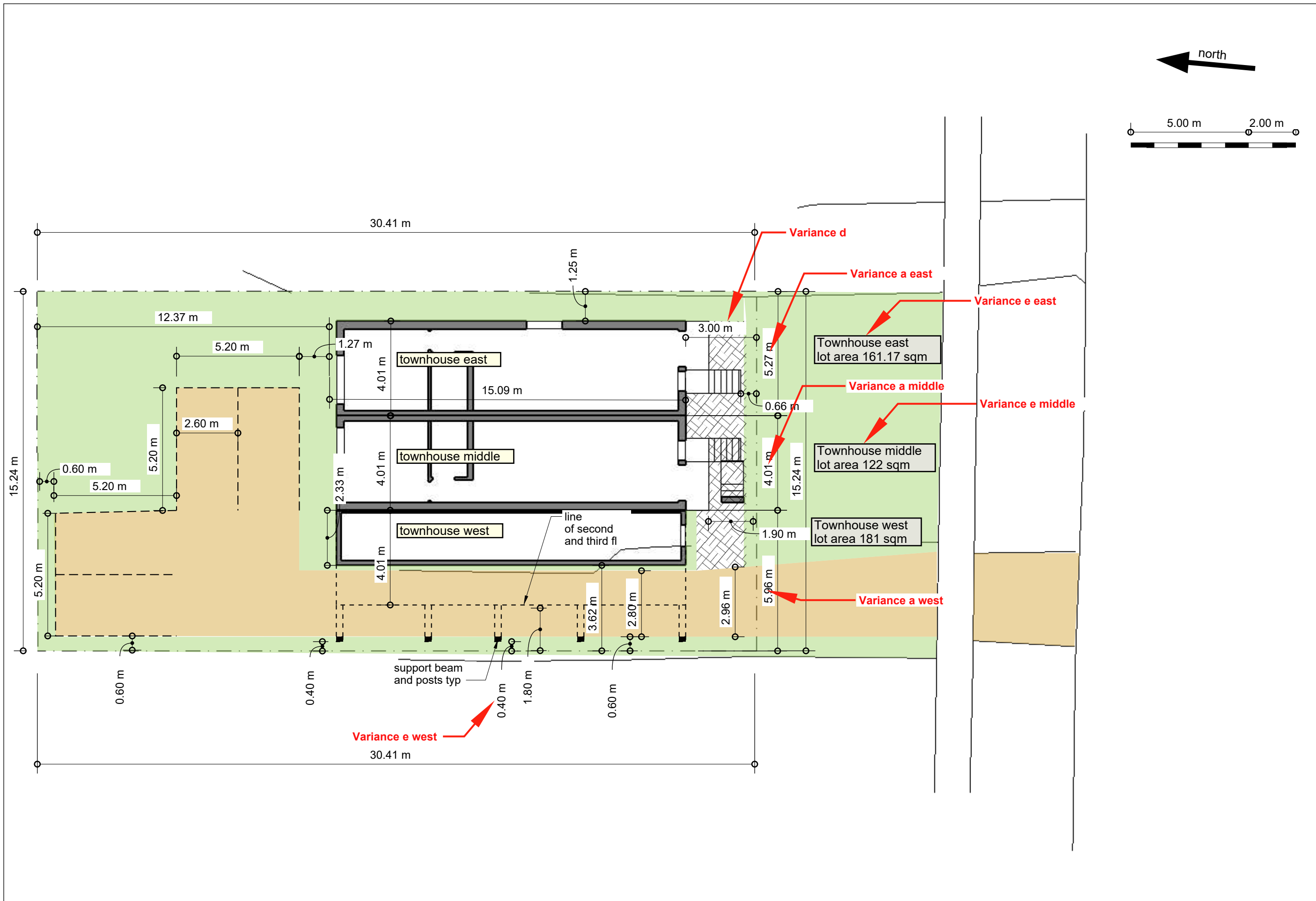
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Site Picture

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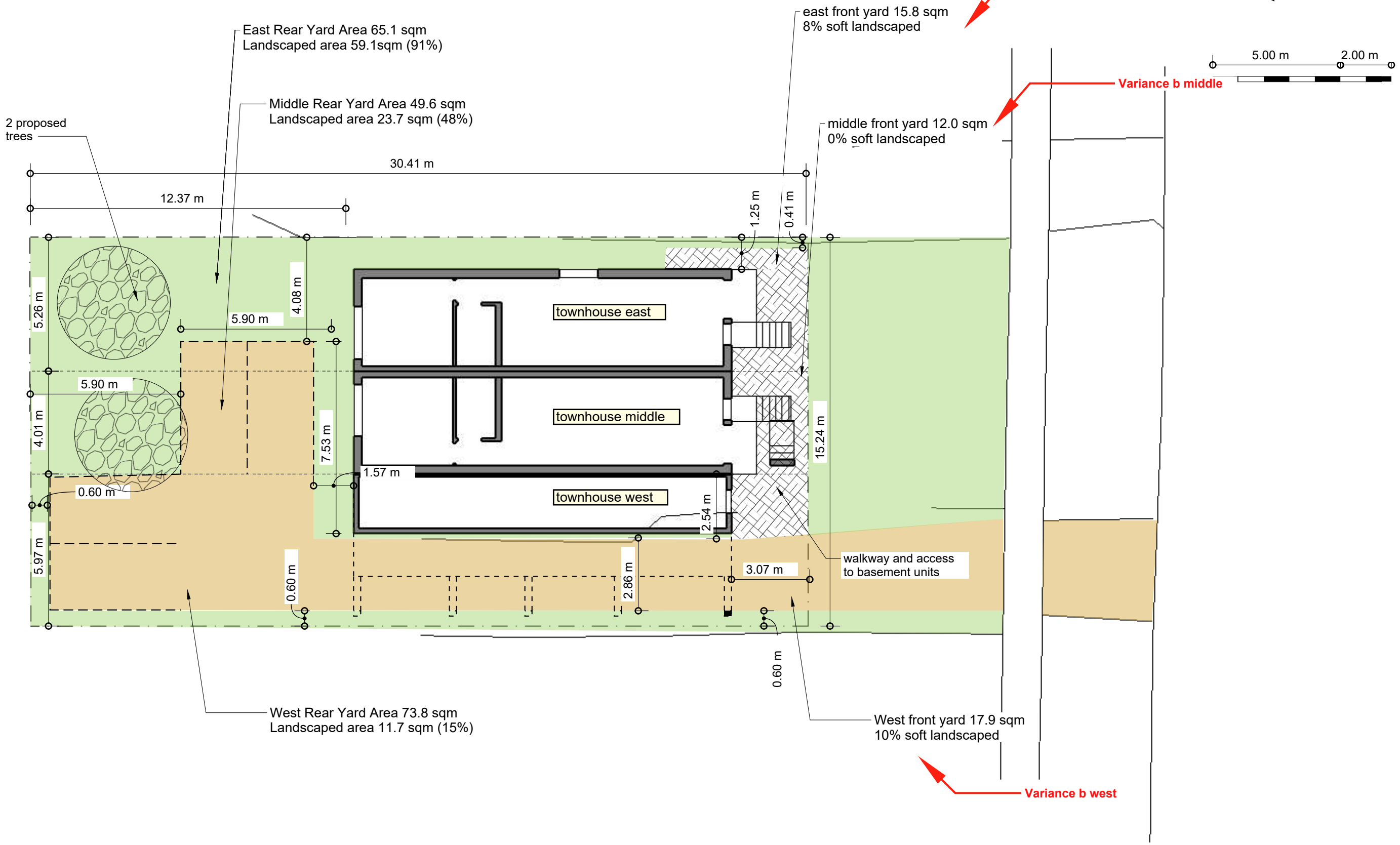
ISSUE

June 18, 2024
Site Plan

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full rear yard
soft landscaping
50%



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PROJECT
1071 Heron Road

ISSUE
CJ

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PROJECT NO.
2024

Scale
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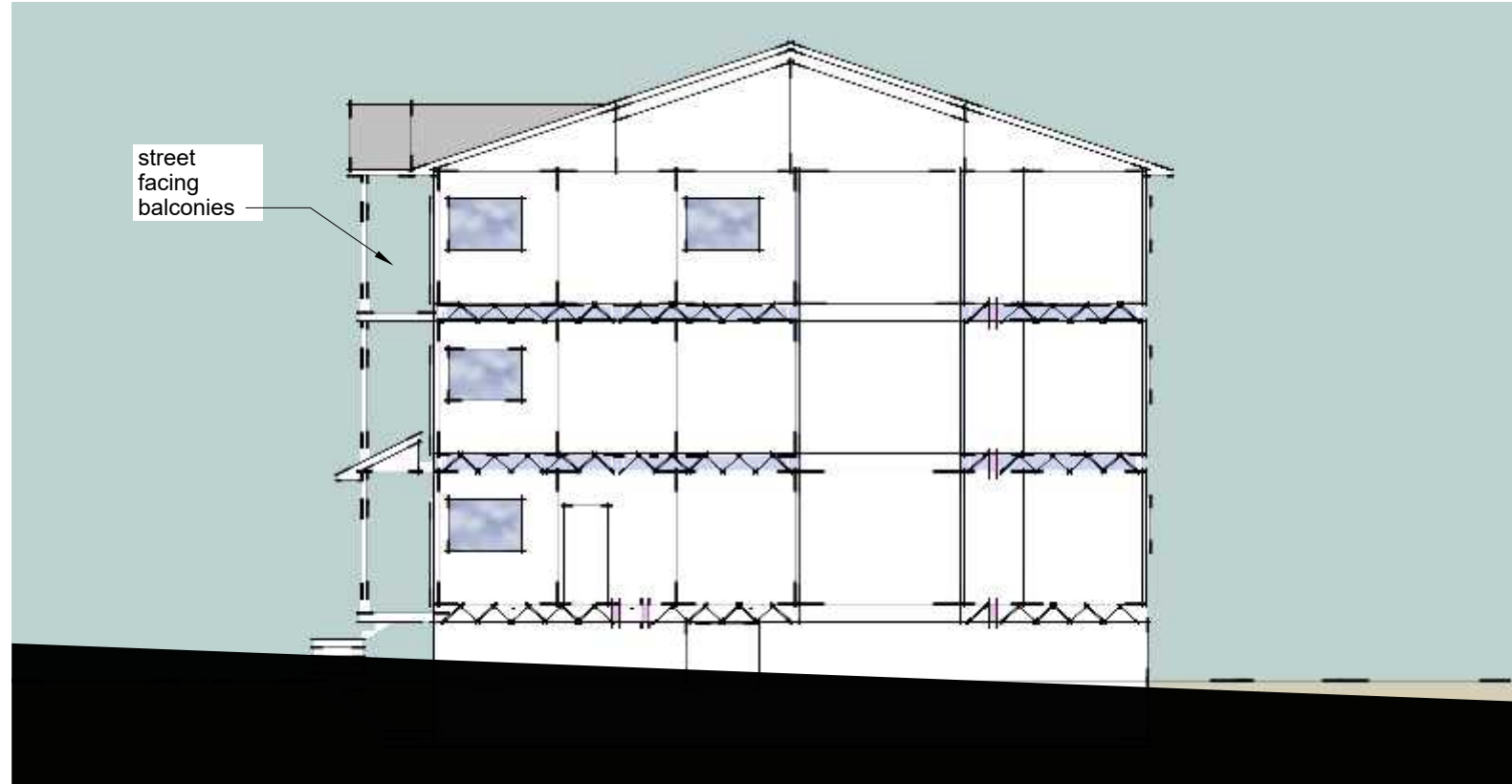
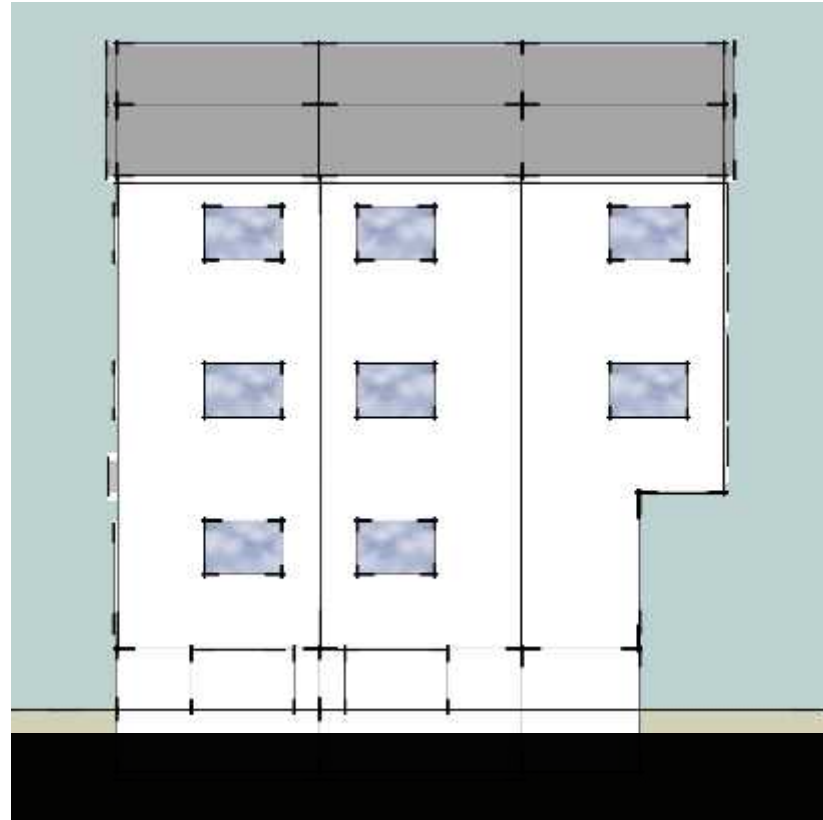
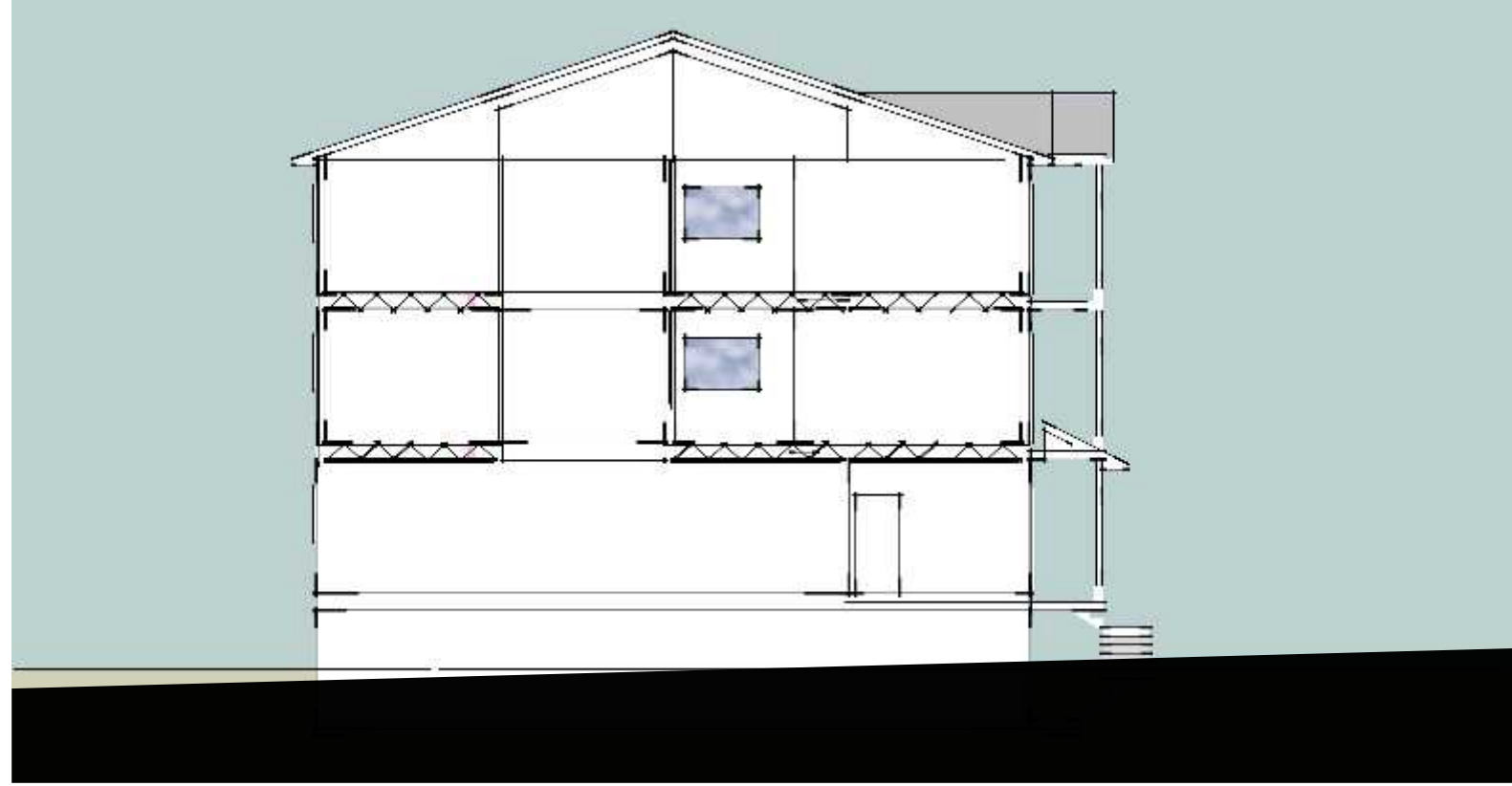
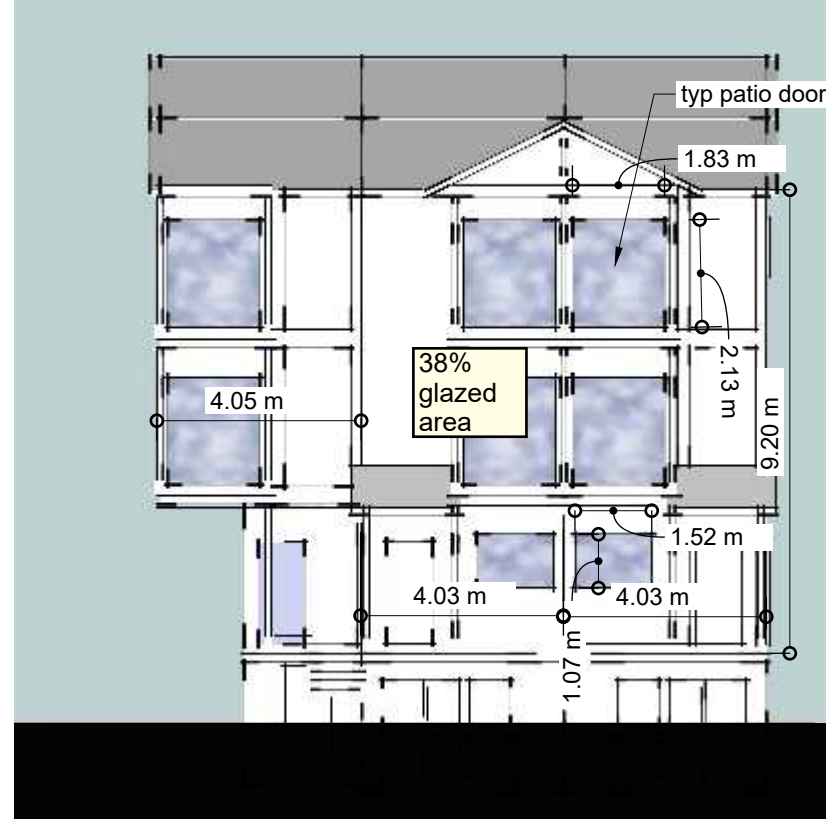
June 18, 2024
Landscaping



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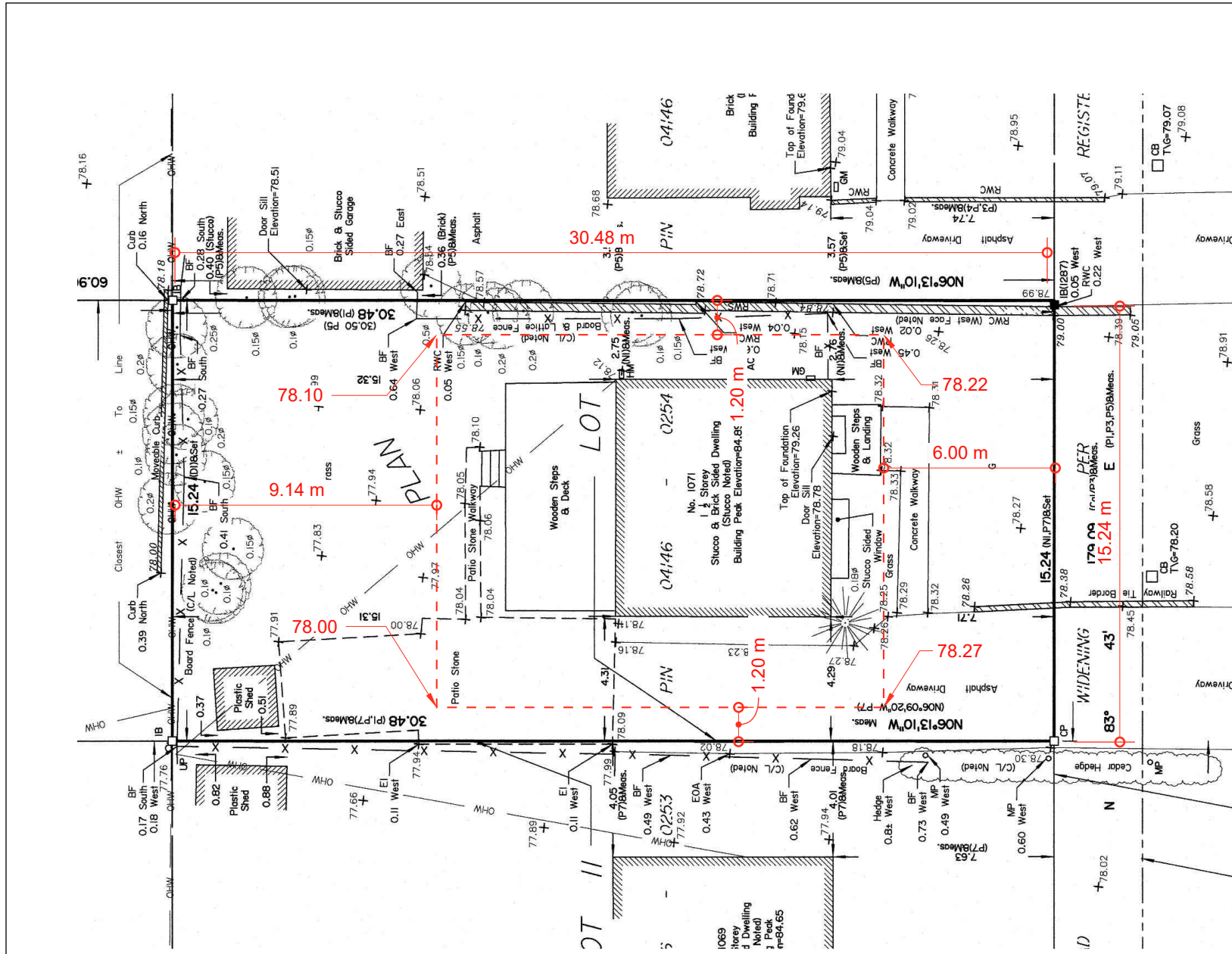
PROJECT
1071 Heron Road

ISSUE
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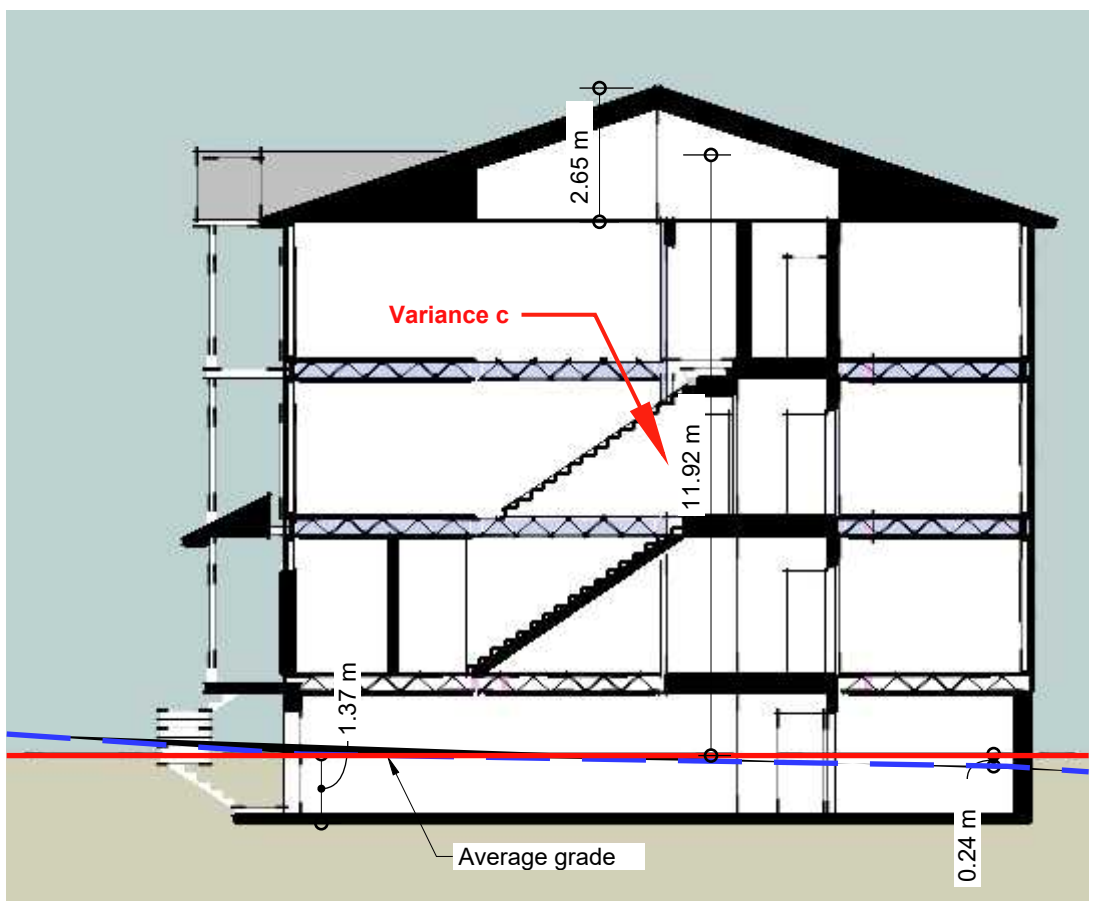
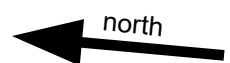
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June 18, 2024
Elevations



Average grade : 78.15



A.11

June 18, 2024
section

ISSUE PROJECT
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Tree Information Report

Submitted as part of Building Permit Application to the City of Ottawa

Date of Report: March 1, 2024
Property Address: 1071 Heron Road
Prepared for: David Palmer; dpalmer999@gmail.com
Prepared by: Kevin Myers, ISA Certified Arborist®; kevin.myers@dendronforestry.ca
Date of Site Visit: February 29, 2024

This Report must be read in its entirety, including the Assumptions and Limiting Conditions.

Purpose of the Report

The purpose of this report is to provide the client with a detailed description of all protected trees on site as per the City of Ottawa's Tree Protection By-law No. 2020-340. This report is part of a building permit application to the City of Ottawa and considers the impact that the proposed development will have on the trees. Technical and design documents provided by the client are reviewed as part of this report, and conclusions are made on the suitability for retaining the protected trees on the site. For those trees that are recommended for retention, mitigation measures are provided to reduce the impact during construction.

While a rationale for removing trees may be provided based on document review and the site visit, **this report does not grant permission to remove trees: a permit from the city must be received before removal of distinctive trees can occur.**

Methodology

The following materials were reviewed as part of this report*:

- Survey by Annis, O'Sullivan, Vollebakk Ltd., dated August 3, 2023
- Site Plan by Ottawa Carleton Construction, dated November 3, 2023
- GeoOttawa tree inventory layer and aerial photography
- Google© Street View imagery – various years

*This report has not considered grading and engineering information

A site visit was conducted to collect the following information from each tree classified as protected under the City of Ottawa's Tree Protection By-law No. 2020-340:

- Diameter at breast height (1.3 m from grade)
- Species
- Tree health



Existing site conditions

The site is currently occupied by a single dwelling. There are a large number of unmaintained stems of Manitoba maple (*Acer negundo*), Norway maple (*Acer platanoides*) and Siberian elm (*Ulmus pumila*) around the periphery of the property. These are all under 30cm DBH, and generally in poor condition. At the southwest corner of the property is a cedar hedge with approximately 18 stems between 5 and 15cm. This hedge is in fair to poor condition and appears to be entirely on the adjacent and city property.

Appendix A is an inventory of all trees that are protected under City of Ottawa Tree Protection (By-law No. 2020-340) on the site and adjacent City property. This includes Distinctive Trees (private trees with a diameter at breast height (dbh) of 30 cm or greater) and city-owned trees of all sizes. It also includes Distinctive Trees on adjacent properties whose Critical Root Zone (CRZ) extend into the subject area. The CRZ is an area around the trunk with a radius equivalent to 10 times the diameter of the trunk. This does not take into account infrastructure such as buildings and asphalt and assumes the tree has no restrictions on root growth.

Proposed development and Tree protection

Tree 1 is recommended for removal as it is in line with the proposed driveway.

To protect trees and hedges on adjacent properties, roots should not be torn or damaged during excavation for buildings or driveways. If roots are encountered, they should be cleanly severed by hand to promote fast sealing after construction.

- In particular, to protect the city hedge in the southwest corner, care is to be taken not to tear roots during removal of the existing driveway. Any roots that are torn or damaged are to be cleanly severed back to the nearest union.

The undersigned personally inspected the property and issues associated with this report on February 29, 2024. On Behalf of Dendron Forestry Services,

Kevin Myers, MFC
ISA Certified Arborist®, ON-2907A
kevin.myers@dendronforestry.ca
(514) 726-8531



APPENDIX A

TREE INFORMATION TABLE

Tree ¹	Species	DBH (cm)	Ownership ²	Tree Condition	Approximate distance to excavation (m)	Action	Forester recommendation
1	Honey locust (<i>Gleditsia triacanthos</i>)	35	City	Good	Driveway: 0	Remove	Remove: in line with proposed driveway.

¹ Please refer to the attached Tree Information map for tree numbers. Note that this includes a tree layer added to the site plan (in pdf format) provided by the client. This layer includes only information about the trees and the original site plan is not altered in this process.

²Ownership of the tree in this report is based on the information provided and should not be used as a determination of ownership. For ownership disputes, a survey should be relied on. For boundary trees, consent from the adjacent property owner is required for removal as part of the application.

APPENDIX B
PHOTOGRAPHS



Tree 1 - City Honey locust to be removed

APPENDIX C

ASSUMPTIONS AND LIMITING CONDITIONS

Intended Use of the Report

This Report was prepared by Dendron Forestry Services (hereafter “Dendron”) at the request of the Client. The results, observations, interpretations, analysis, recommendations, and conclusions contained within this Report are to be used solely for the purposes outlined within this Report. All other uses are impermissible and unintended, unless specifically stated in writing in the Report.

Intended User of the Report

This Report was prepared by Dendron for the exclusive use of the Client and may not be used or relied upon by any other party. All other users are unintended and unauthorized, unless specifically stated in writing in the Report.

Limitations of this Report

This Report is based on the circumstances and on-site conditions as they existed at the time of the site inspection and the information provided by the Client and/or third parties to Dendron. On-site conditions may limit the extent of the on-site inspection(s) conducted by Dendron, including weather events such as rain, flooding, storms, winds, tornados, snowfall, snow cover, hail; obstructions including fencing, dwellings, buildings, sheds, plants, and animals; lack of access to the entire perimeter of the tree due to adjacent properties; the shape of the tree; and accessibility of the tree crown, branches, trunk, or roots for examination.

In the event that information provided by the Client or any third parties, including but not limited to documents, records, site and grading plans, permits, or representations or any site conditions are updated or change following the completion of this Report, this Report is no longer current and valid and cannot be relied upon for the purpose for which it was prepared. Dendron and its agents, assessors, and/or employees are not liable for any damages, injuries, or losses arising from amendments, revisions, or changes to the documents, records, site and grading plans, permits, representations, or other information upon which Dendron relied in preparing this Report.

No assessment of any other trees or plants has been undertaken by Dendron. Dendron and its agents, assessors, and/or employees are not liable for any other trees or plants on or around the subject Property except those expressly identified herein. The results, observations, interpretations, analysis, recommendations, and conclusions contained within this Report apply only to the trees identified herein.

Trees and plants are living organisms and subject to change, damage, and disease, and the results, observations, interpretations, analysis, recommendations, and conclusions as set out in this Report are valid only as at the date any inspections, observations, tests, and analysis took place. No guarantee, warranty, representation, or opinion is offered or made by Dendron as to the length of the validity of the results, observations, interpretations, analysis, recommendations, and conclusions contained within this Report. As a result the Client shall only rely upon this Report as representing the results, observations, interpretations, analysis, recommendations, and conclusions that were made as at the date of such inspections, observations, tests, and analysis. The trees discussed in this Report should be re-assessed periodically and at least within one year of the date of this Report.

No Opinion regarding ownership of the Tree

This Report was not prepared to make a determination as to ownership of the subject tree(s). Where ownership of the subject tree(s) is identified within this Report, said identification is based on the information provided by the Client and third parties, including surveys, permits, and site and grading plans and may not be relied upon as a guarantee, warranty, or representation of ownership.

Assumptions

This Report is based on the circumstances and conditions as they existed at the time of the site inspection and the information provided by the Client and/or third parties to Dendron. Where documents, records, site and grading plans, permits, representations, and any other information was provided to Dendron for the purpose of preparing this Report, Dendron assumed that said information was correct and up-to-date and prepared this Report in reliance on that information. Dendron and its agents, assessors, and/or employees, are not responsible for the veracity or accuracy of such information. Dendron and its agents, assessors, or employees are not liable for any damages, injuries, or losses arising from inaccuracies, errors, and/or omissions in the documents, records, site and grading plans, permits, representations, or other information upon which Dendron relied in preparing this Report.

For the purpose of preparing this Report, Dendron and its agents, assessors, and/or employees assumed that the property which is the subject of this Report is in full compliance with all applicable federal, provincial, municipal, and local statutes, regulations, by-laws, guidelines, and other related laws. Dendron and its agents, assessors, and/or employees are not liable for any issues with respect to non-compliance with any of the above-referenced statutes, regulations, bylaws, guidelines, and laws as it may pertain to or affect the property to which this Report applies.

For the purpose of preparing this Report, Dendron and its agents, assessors, and/or employee assumed that there are no hidden or unapparent conditions affecting the results, observations, interpretations, analysis, recommendations, and conclusions contained within this Report.

No Publication

The Client acknowledges and agrees that all intellectual property rights and title, including without limitation, all copyright in this Report shall remain solely with Dendron Forestry. Possession of this Report, or a copy thereof, does not entitle the Client or any third party to the right of publication or reproduction of the Report for any purpose save and except where Dendron has given its prior written consent.

Neither all nor any part of the contents of this Report shall be disseminated to the public through advertising, public relations, news, sales, the internet or other media (including, without limitation, television, radio, print or electronic media) without the prior written consent of Dendron Forestry.

Implementing the Report Recommendations

Dendron and its agents, assessors, and/or employees accept no responsibility for the implementation of any part of this Report unless specifically requested to provide oversight on the implementation of the recommendations. In the event that inspection or supervision of all or part of the implementation of the within recommendations is requested, that request shall be in writing and the details agreed to in writing by both parties.

Dendron and its agents, assessors, and/or employees are not liable for any damages or injuries arising from the manner in which the recommendations in this Report are implemented, including failure to, incorrect, or negligent implementation of the recommendations.

Further Services

Neither Dendron nor any assessor employed or retained by Dendron for the purpose of preparing or assisting in the preparation of this Report shall be required to provide any further consultation or services to the Client, save and except as already carried out in the preparation of this Report and including, without limitation, to act as an expert witness or witness in any court in any jurisdiction unless the Client has first made specific arrangements with respect to such further services, including, without limitation, providing the payment of the Report's regular hourly billing fees.

Limits of Liability

In carrying out this Report, Dendron and its agents, assessors, and/or employees have exercised a reasonable standard of care, skill, and diligence as would be customarily and normally provided in carrying out this Report. While reasonable efforts have been made to ensure that the trees recommended for retention are healthy, no guarantees are offered, or implied, that these trees, or all parts of them will remain standing. It is professionally impossible to predict with absolute certainty the behaviour of any single tree or group of trees, or all their component parts, in all given circumstances. Inevitably, a standing tree will always pose some risk. Most trees have the potential to fall, lean, or otherwise pose a danger to property and persons in the event of adverse weather conditions, and this risk can only be eliminated if the tree is removed.

Without limiting the foregoing, no liability is assumed by Dendron for:

- a) any legal description provided with respect to the Property;
- b) issues of title and or ownership respect to the Property;
- c) the accuracy of the Property line locations or boundaries with respect to the Property; and
- d) the accuracy of any other information provided to Dendron by the Client or third parties;
- e) any consequential loss, injury or damages suffered by the Client or any third parties, including but not limited to replacement costs, loss of use, earnings and business interruption; and
- f) the unauthorized distribution of the Report.

The total monetary amount of all claims or causes of action the Client may have as against Dendron Forestry, including but not limited to claims for negligence, negligent misrepresentation, and breach of contract, shall be strictly limited solely to the total amount of fees paid by the Client to Dendron Forestry pursuant to the Contract for Services dated February 23, 2024, for which this Assessment was carried out.

Further, under no circumstance may any claims be initiated or commenced by the Client against Dendron or any of its directors, officers, employees, contractors, agents, assessors, or Assessors, in contract or in tort, more than 12 months after the date of this Report.

No Third Party Liability

This Report was prepared by Dendron exclusively for the Client for the purpose set out in the Report. Any use which a third party makes of this Report, or any reliance on or decisions a third party may make based upon this Report, are made at the sole risk of any such third parties. Dendron Forestry accepts no responsibility for any damages or loss suffered by any third party or by the Client as a result of decisions made or actions based upon the unauthorized use or reliance of this Report by any such party.

General

Any plans and/or illustrations in this Report are included only to help the Client visualize the issues in this Report and shall not be relied upon for any other purpose. This report is best viewed in colour. Any copies printed in black and white may make some details difficult to properly understand. Dendron accepts no liability for misunderstandings due to a black and white copy of the report.

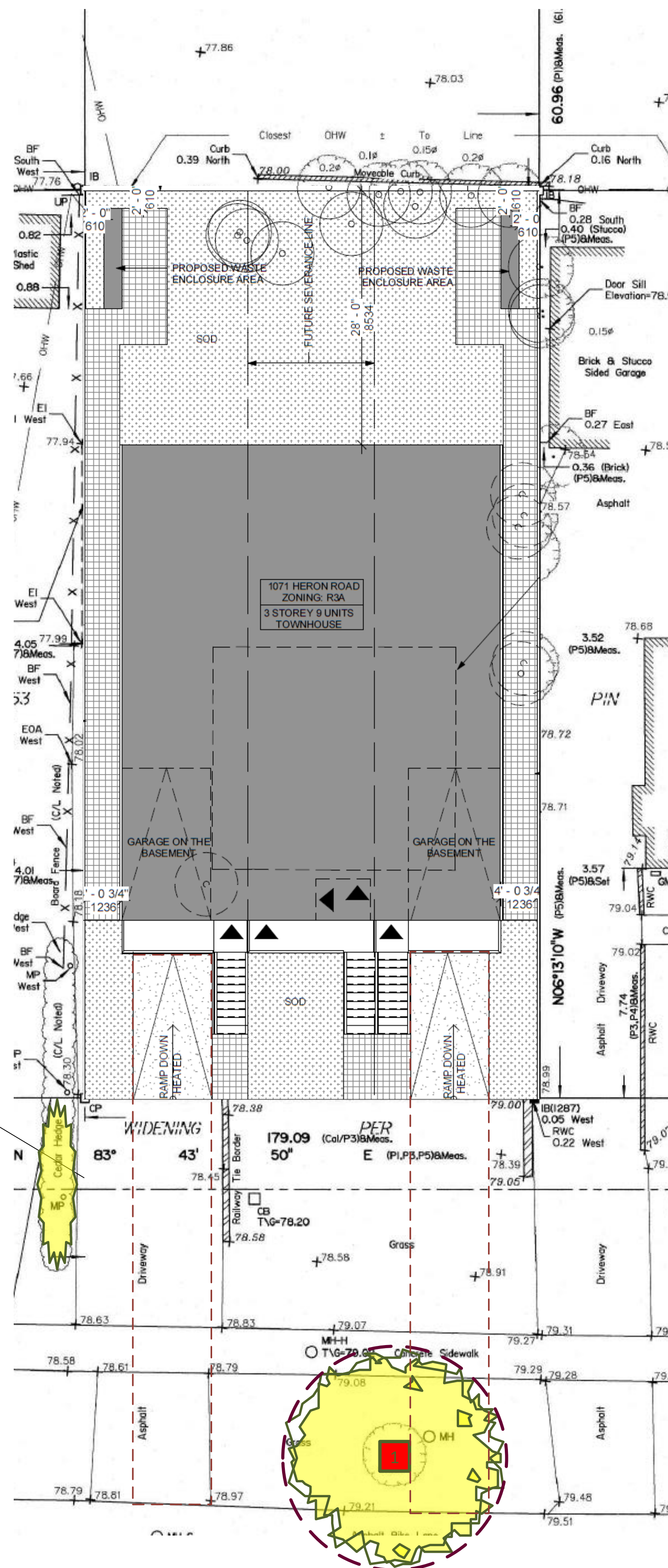
Notwithstanding any of the above, nothing in this Report is taken to absolve the Client of the responsibility of obtaining a new Report in the event that the circumstances of the tree change.



TIR Map – 1071 Heron Road
 Tree layer prepared by
 Dendron Forestry Services
 Version 1.0, March 1, 2024
 For more information, please contact: info@dendronforestry.ca

Note: the tree layer has been added to the original site plan and survey supplied by the client in pdf format. This layer refers to the trees only, and the original plan has not been altered in the process. Refer to the original plan for details as quality is lost when importing the plan into the mapping software used to create the tree layer.

Care to be taken not to tear or damage roots during removal of existing driveway.



Tree ¹	Species	DBH (cm)	Tree Condition	Forester recommendation
1	Honey locust (<i>Gleditsia triacanthos</i>)	35	Good	Remove: in line with proposed driveway.

Legend

- Critical Root Zone
- Tree either fully or partly on city property
- Tree to be removed