

## Committee of Adjustment

#### Panel 1

Wednesday, September 4, 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 <u>YouTube</u> page. For more information, visit <u>Ottawa.ca/CommitteeofAdjustment</u>

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: Geoff Huson

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. 388 Richmond (Ward 15 - Kitchissippi) D08-02-24/A-00186

Minor Variance Application

Applicant(s): McDonald's Restaurants of Canada Limited

Agent: R. Feghoul

To permit a restaurant with no parking.

## 2. 45 Bower (Ward 17 - Capital) D08-02-24/A-00202

## **Minor Variance Application**

Applicant(s): James Ketcheson and Elyse Pratt Johnson

Agent: L. Emmrys

To permit an increased building height for a proposed new roof on the existing detached dwelling.

## 3. 191 Granville (Ward 12 - Rideau-Vanier) D08-01-24/B-00134 - 00135

## **Consent Applications**

Applicant(s): Eli Irani, Thamar Irani and Kevin Irani

Agent: M. Ebrahimipour

To subdivide the property into three separate parcels to create separate ownership for each half of the semi-detached dwelling currently under construction and create one new lot for future development.

## 4. 167 Powell (Ward 17 - Capital) D08-02-24/A-00168

## Minor Variance Application

Adjourned from August 7, 2024

Applicant(s): Patrick Szlanta

To permit a front-facing attached garage and increased driveway gradient for the construction of garage beneath the existing dwelling.

## OTHER BUSINESS

**ADJOURNMENT** 



## Comité de dérogation

## Groupe 1

## le mercredi 4 septembre 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 <u>YouTube</u> du Comité de dérogation. Pour en savoir plus, allez au <u>Ottawa.ca/Comitedederogation</u>

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.

Coordonnateur: Geoff Huson

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. 388 Richmond (Quartier 15 - Kitchissippi) D08-02-24/A-00186

## Demande de dérogation mineure

Requérant(e)(s): McDonald's Restaurants of Canada Limited

Agent : R. Feghoul

Pour permettre l'exploitation d'un restaurant ne disposant d'aucune place de stationnement.

## 2. 45 Bower (Quartier 17 - Capitale) D08-02-24/A-00202

## Demande de dérogation mineure

Requérant(e)(s): James Ketcheson et Elyse Pratt Johnson

Agent : L. Emmrys

Pour permettre une augmentation de la hauteur de bâtiment en vue de rehausser le toit surmontant l'habitation isolée existante.

## 3. 191 Granville (Quartier 12 - Rideau-Vanier) D08-01-24/B-00134 - 00135

#### **Demandes d'autorisation**

Requérant(e)(s): Eli Irani, Thamar Irani et Kevin Irani

Agent : M. Ebrahimipour

Pour lotir la propriété en trois parcelles afin de créer un titre de propriété distinct pour chaque moitié de l'habitation jumelée en cours de construction et de créer un nouveau lot aux fins d'aménagement futur.

# 4. 167 Powell (Quartier 17 - Capitale) D08-02-24/A-00168

## Demande de dérogation mineure

Ajournée du 7 août 2024

Requérant(e)(s) : Patrick Szlanta

Permettre un garage attenant faisant face à l'avant et l'augmentation de la pente de l'entrée de cour pour la construction d'un garage sous l'habitation existante.

## **AUTRES QUESTIONS**

#### **AJOURNEMENT**

# **Committee of Adjustment**



## Comité de dérogation

## NOTICE OF HEARING

Pursuant to the Ontario Planning Act

**Minor Variance Application** 

Panel 1 Wednesday, September 4, 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-00186

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

**Applicant:** McDonald's Restaurants of Canada Limited

Property Address: 388 Richmond Road

Ward: 15 - Kitchissippi

**Legal Description:** Pt Lot 10, Plan 204, Richmond Rd; CR324900

**Zoning:** TM

**Zoning By-law:** 2008-250

#### APPLICANT'S PROPOSAL / PURPOSE OF THE APPLICATION:

The Applicant wants to renovate the existing building to contain a new restaurant, as shown on the plans filed with the Committee.

#### **REQUESTED VARIANCE:**

The Applicant requires the Committee's authorization for a minor variance from the Zoning By-law to permit 0 parking spaces for a restaurant, whereas the Zoning By-law

requires 18 parking spaces for a restaurant.

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

#### FIND OUT MORE ABOUT THE APPLICATION

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 <a href="mailto:cofa@ottawa.ca">cofa@ottawa.ca</a> 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 <a href="mailto:cofa@ottawa.ca">cofa@ottawa.ca</a>. 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: August 16, 2024



Ce document est également offert en français.

## **Committee of Adjustment**

613-580-2436

City of Ottawa
101 Centrepointe Drive
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## Comité de dérogation

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## **Committee of Adjustment**



# Comité de dérogation

## **AVIS D'AUDIENCE**

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

## Demande de dérogation mineure

## Groupe 1

## Mercredi 4 septembre 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 <u>YouTube</u> 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.

**Dossier:** D08-02-24/A-00186

**Demande :** Dérogation mineure en vertu de l'article 45 de la *Loi sur* 

l'aménagement du territoire

Propriétaire/requérant: Les Restaurants McDonald's du Canada Limitée

Adresse de la propriété : 388, chemin Richmond

**Quartier:** 15 – Kitchissippi

**Description officielle:** Partie du lot 10, plan 204, chemin Richmond; CR324900

Zonage: TM

Règlement de zonage: 2008-250

## PROPOSITION DU REQUÉRANT ET OBJET DE LA DEMANDE :

Le requérant souhaite rénover le bâtiment existant pour y abriter un nouveau restaurant, conformément aux plans déposés auprès du Comité.

## **DÉROGATION DEMANDÉE:**

Le requérant demande au Comité d'accorder une dérogation mineure au Règlement de zonage en vue de ne créer aucune place de stationnement pour un restaurant, alors que le règlement exige la présence de 18 places de stationnement pour un restaurant.

La propriété 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 <a href="mailto:cded@ottawa.ca">cded@ottawa.ca</a> 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'agente ou agent, 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 le 16 août 2024



This document is also available in English.

## **Committee of Adjustment**

City of Ottawa 101 Centrepointe Drive Ottawa ON K2G 5K7 Ottawa.ca/CommitteeofAdjustment

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#### Comité de dérogation

Ville d'Ottawa 101, promenade Centrepointe Ottawa ON K2G 5K7 Ottawa.ca/Comitedederogation cded@ottawa.ca 613-580-2436





Committee of Adjustment Comité de dérogation

# CIRCULATION MAP / PLAN DE CIRCULATION

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SUBJECT LAND / TERRE EN QUESTION

388 ch. Richmond Road



This document is presented in the language it was provided. Ce document est présenté dans la langue dans laquelle il a été fourni.

architecture + design

June 25, 2024

Committee of Adjustment City of Ottawa 101 Centrepoint Drive Ottawa, ON K2G 5K7 Committee of Adjustment Received | Reçu le

2024 - 07 - 08

City of Ottawa | Ville d'Ottawa

Comité de dérogation

Object: Cover Letter in support of the minor variance application

Project: Renovation of an existing building into a McDonald's restaurant

Adress: 388 Richmond Road, Ottawa

K2A 0E8, Ontario

Reference: Project #2402-1114

MRA Architecture + Design has been mandated by McDonald's Restaurants to submit this Cover Letter in support of a minor variance application to facilitate the development of the new McDonald's restaurant in the existing building located on 388 Richmond Road.

A minor variance is required to permit a restaurant with no off-street parking on the subject lot. However, 02 parking spaces will be provided on a neighboring lot under agreement with the lot owner. Their location as well as the terms of the agreement are currently under negotiations (refer to page 5 of the supporting document)

The supporting document presents a preliminary design. It is possible that this design will be further refined through design development. For this reason, we request that any minor variance approval not to be tied to the plans and drawings and some flexibility be granted for further development of the proposal.

#### I. <u>Existing Site Conditions</u>

The subject site is located in Ward 15 Kitchissipi in the Westboro neighborhood, on the south side of Richmond Road between Roosevelt Avenue and Churchill Avenue, refer to Figure 1.

The subject site has 11.28 meters of frontage on Richmond Road, a main Commercial artery in the neighborhood. The existing building is currently used as a bank (Scotia bank) and has no heritage designation. It was originally constructed in 1955 and underwent extensive renovation in 2006. The building's footprint is ±297 sq.m (± 3195 sq.ft), which equates to a Floor Area Ration (FAR) of 0.76. A minimal, unusable area of ±30 sq.m (323 sq.ft) remains in the rear yard of the site. This space is proposed as a bicycle parking area.



The subject site is legally described as: PT LT 10, PL 204, S/S OF RICHMOND RD; AS IN CR324900; S/T & T/W CR324900; OTTAWA/NEPEAN.

The existing Right-of-Way per instances CRC324900 and N691396 as indicated in the site survey, is used as part of the access lane to the parking lot on the adjacent site.

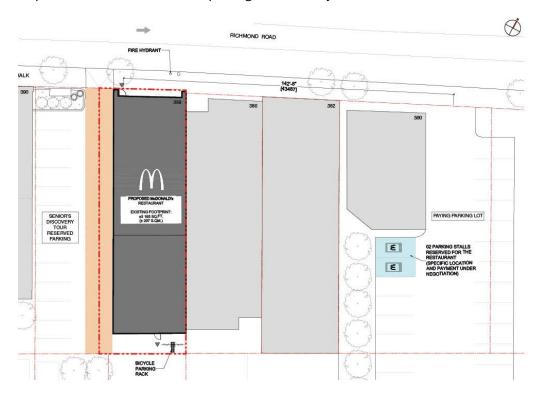


Figure 1 Site Plan (excerpt from page 5 of the presentation doc)

#### II. <u>Minor Variance Application</u>

The requested variance relates to the minimum number of required parking spaces to be provided for the proposed use of a restaurant in accordance with *Zoning By-law 2008-250*. As per Section 101(4), offstreet motor vehicle parking must be provided at the rates set out in *Table 101*. The minimum required parking spaces for the proposed use as a restaurant are to be calculated for Area X on Schedule 1A of the *Zoning By-law 2008-250* as summarized below:

Table 101

N74) 5 per 100 SQM of gross floor area.

Calculations for the minimum required parking spaces:

Total Gross Floor Area (GFA) =  $\pm$ 366 sq.m (3924 sq.ft)

- Ground floor GFA =  $\pm 266$  sq.m (2870 sq.ft)
- Second Partial floor GFA: ±100 sq.m (1072 sq.ft)

(Refer to page 7 of the supporting presentation)



Minimum number of required parking spaces = (366 sq.m x 5) / 100 sq.m = 18 parking spaces

The existing condition of the Site Plan, with a FAR of 0.76, does not allow for off-street parking on the remaining side and rear yards, whereas the Zoning By-law requires a minimum of 18 parking spaces.

The intent of the proposed project is to preserve the existing building as much as possible with minimal intervention on the building envelope. To accomplish this, the proposed layout of the restaurant utilizes the existing spaces in the following manner.

- The main functions of the restaurant, such as the dining area and kitchen, are entirely located on the ground floor.
- The accessory uses, such as storage spaces and the preserved existing restrooms for the use of employees, are located on the existing partial second floor.

The restaurant, as a whole, utilizes  $\pm 366$  sq.m (3942 sq.ft), of which only  $\pm 82$  sq.m (879 sq.ft) represents the customer-accessible spaces entirely located on the ground floor. Due to the partial existing second floor being used; the present project cannot be exempt from the minimum parking requirement in Section 101(4)(D):

Where a non-residential use is located partly or entirely on the ground floor or in the basement: ii) in the case of a restaurant with a gross floor area of 350 square metres or less, no off-street motor vehicle parking is required to be provided.

To benefit from this exemption, which waives the requirement to provide off-street parking spaces, there may be an implication to demolish the second floor of the existing building. However, this approach is far from being sustainable and does not align with the City of Ottawa Climate Change Masterplan nor with the zoning goal to promote densification.

Therefore, the following minor variance is required to facilitate the proposed project:

 a) To allow for the development of the proposed restaurant use with no off-street motor vehicle parking to be provided, whereas the by-law requires a minimum of 18 parking spaces.
 (Section 101, Subsection 4 of Zoning by-law 2008-250)

#### III. Rationale

The minor variances listed above meet the four tests for minor variances under Section 45(1) of the Planning Act which are:

- 1. The general intent and purpose of the Official Plan must be maintained.
- 2. The general intent and purpose of the Zoning By-law must be maintained.
- 3. The variance must be desirable for the appropriate development of the land, building, or structure; and



4. The variance must be a minor variance from the provisions of the Zoning By-law.

# The first test for a minor variance is that the general intent and purpose of the Official Plan maintained.

Pursuant to Schedule B2, the subject site giving onto Richmond Road, a Mainstreet Corridor, is located in an area designated as an *Evolving Neighborhood* within an <u>Inner Urban Transect</u>.

Section 5.2.2 of the Official Plan, relating to the goals of the Inner Urban Transect, highlights the reduction of automobile-oriented land uses and "prioritizing walking, cycling and transit within, and from, the Inner Urban Transect".

Motor vehicle parking in the Inner Urban Transect is listed to be managed as follows:

- a. Motor vehicle parking may only be required for large-scale developments, and only to the extent needed to offset sudden large increases in parking demand. (meets criteria or not and why for every point)
- b. No parking shall be required as a condition of development within Hubs;
- c. Surface parking within 300 metre radius or 400 metres walking distance, whichever is greatest, of an existing or planned rapid transit station, shall be limited to a very small amount of spaces only for short term drop-off and pick-up, or delivery vehicles; shall not be located between the building and the sidewalk; and shall be accessed and egressed by the narrowest possible driveway; and
- d. Where new development is proposed to include parking as an accessory use, such parking:
  - i. Shall be hidden from view of the public realm by being located behind or within the principal building, or underground;
  - ii. Shall be accessed by driveways that minimize the impact on the public realm and on both City owned trees and privately-owned distinctive trees, and result in no net increase in vehicular private approaches; and
  - iii. May be prohibited on small lots or where parking cannot reasonably be accommodated in a manner consistent with the intent of this Plan.

The proposed minor variance is consistent with the intent of the Official Plan as the reduced minimum number of parking spaces encourages the use of transit, cycling and walking. The site is also situated between two future rapid transit stations, 450-metre walking distance to the Kichi Sibi LRT station and 850-meter walking distance to the Westboro LRT station.

Additionally, the Official Plan specifies that parking may only be required for large-scale development, only to the extent where it is needed to offset sudden large increases in parking demand. On the contrary, the proposed project is a small-scale renovation, and the site is well served by public transit and will not undergo sudden increases in parking demands. The Official Plan also acknowledges that if the site conditions are not consistent with the plan's intent and parking cannot reasonably be accommodated, parking is prohibited. The subject site falls within this condition.

The requested variance maintains the general intent and purpose of the Official Plan



# The second test for a minor variance is that the general intent and purpose of the Zoning Bylaw is maintained.

The subject site is currently zoned as Traditional Mainstreet (TM). The purpose of the Zone as outlined in Sections 197-198 is to:

- Accommodate a broad range of uses including retail, service commercial, office, residential and institutional uses, including mixed-use buildings but excluding auto-related uses, in areas designated Traditional Mainstreet in the Official Plan;
  - Granting the requested minor variance will allow the integration of a project that is consistent with the purpose of the zone. The presence of a McDonald's restaurant in this neighborhood will act as a catalyst for local economic development, providing jobs, supporting local suppliers, leading to a multiplier effect where increased economic activity generates further business opportunities.
- 2. Foster and promote compact, mixed-use, pedestrian-oriented development that provide for access by foot, cycle, transit, and automobile;
  - The proposal encourages pedestrian movement as it enhances activity in a commercial main street within an 800m radius shared with residential zoning. Additionally, bicycle parking racks will be added in the front and rear yards of the site to encourage the use of bikes as well as the use of public transit over vehicular
- 3. Recognize the function of Business Improvement Areas (BIAs) as primary business or shopping areas:
  - The McDonald's restaurant can act as an anchor business attracting other businesses and services to the area thereby reinforcing the area's role as a key business and shopping hub.
- 4. Impose development standards that will ensure that street continuity, scale and character is maintained, and that the uses are compatible and complement surrounding land uses.
  - The project proposes the reuse of the existing building and its massing, which in itself has contributed to the existing image of the street and will maintain its scale and continuity within the urban fabric. The main façade on Richmond Road will be renovated to modernize it. At the same time, the existing mural on its right façade by Shaun McInnis, a local artist, will be preserved to maintain the building's original character. The goal is to give a second life to the building while being conscious of the benefits of reusing its existing massing for environmental reasons as well as maintaining its scale, character and contribution to the urban fabric.



# The third test for a minor variance is that the minor variance is considered desirable for the use of the property.

The minor variance is desirable for the use of the property for the following reasons:

- 1. Granting the minor variance will not impact the operation of the restaurant. As previously demonstrated, the area is well equipped with public transportation and a majority of the clientele is located within an 800m radius or a 10-minute walk to the restaurant.
- 2. If the minimum parking requirement is maintained, costly demolition work will have to take place, which is highly undesirable as it is contradictory to the goals of the Climate Change Masterplan or of the Official Plan.
- 3. Granting the minor variance will encourage the engagement of a clientele oriented towards using public transport or zero emission alternatives. This helps the neighborhood as a whole transition into becoming a Transit-Oriented Development (TOD) and reducing car dependency and the associated negatives like traffic and greenhouse gas emissions which in turn will benefit all businesses.

Therefore, the requested minor variance is desirable for the use of the property as it allows for the reuse of the existing building and encourages the development of a transit-oriented neighborhood. If the project is not granted the minor variance, the proposed layout of the restaurant will be constrained to the ground floor and consequently the second floor would have to be demolished to benefit from the zoning bylaw exemption listed under Section 101.4.D.

#### The fourth test for a minor variance is that the variance is considered minor in nature.

The proposed project complies with the provisions relating to the TM zoning requirements and the only non-compliance is regarding the parking provision. The reduction in the minimum number of parking spaces for the subject site is considered minor as it does not impede the goals of the Official Plan or the Zoning Bylaws. The minor variance does not have a negative impact on the neighboring sites, on the contrary, it is in line with the intended use and view of the neighborhood and encourages its development as a Business Improvement Area (BIA) and a Transit-Oriented Development (TOD).

#### IV. Conclusion

Granting the minor variance, to allow for no off-street motor vehicle parking required to be provided (18 parking spaces), will greatly facilitate the development of the proposed restaurant on Richmond Road. The restaurant will attract businesses to the commercial artery and will encourage pedestrian activity and access by public transportation to its location. As demonstrated, the project maintains the intents of the Official Plan and the Zoning Bylaws. Additionally, it will allow the client to reuse the existing building and modernize its image on Richmond Road, simultaneously maintaining its existing character, and



contribution to the urban fabric. In conclusion, the requested variance is considered desirable for the use of the land and is minor in nature. The proposed development represents good land use planning because it will improve the urban fabric.

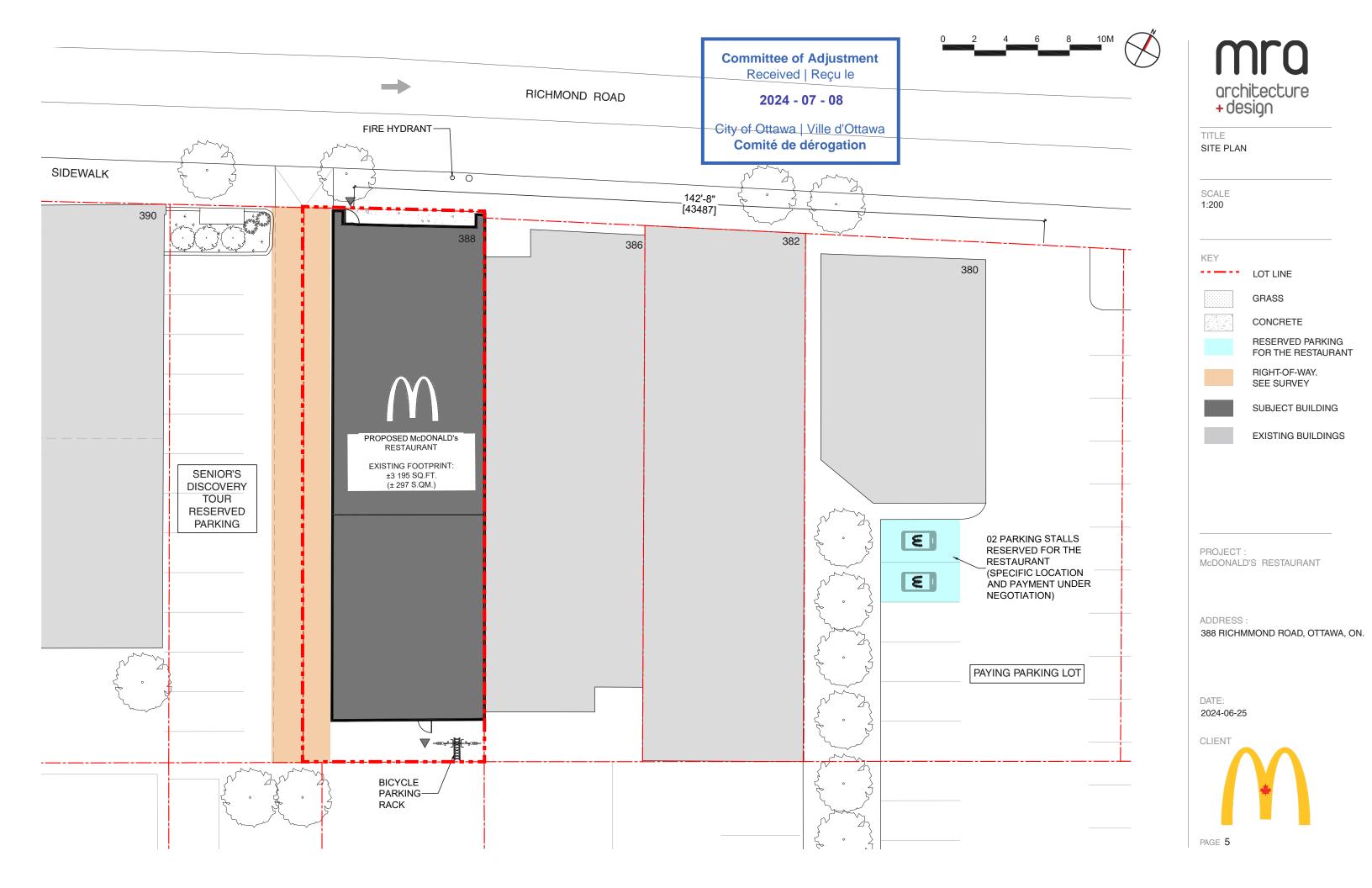
Sincerely,

RTEGHOUL

Rachida Feghoul, architect MOAQ MRA Architecture + Design

#### Attachments:

- 1. 2024-06-25\_388 Richmond Road\_Presentation Document.pdf
- 2. 388 Richmond Road\_2017 Site Survey.pdf





MAIN FACADE GIVING ONTO RICHMOND ROAD



RIGHT ELEVATION



TITLE ELEVATIONS

FOR REFERENCE

SCALE

KEY

PROJECT: McDONALD'S RESTAURANT

ADDRESS:

388 RICHMMOND ROAD, OTTAWA, ON.

DATE: 2024-06-25



PAGE 10

This Plan must be read in conjunction with Survey Report - Part 2, Dated: 11\10\17 SURVEYOR'S REAL PROPERTY REPORT PART 1 Plan of RICHMONDPART OF LOT LOT 10 ROAD (OTTAWA ROAD No. 36) **REGISTERED PLAN 204** CITY OF OTTAWA FARLEY, SMITH & DENIS SURVEYING LTD. 2017 04017 Scale 1: 150 ROAD WIDENING BY BY-LAW, INST. NP44615 N 54° 23' 40" E (REFERECE --- N 51"17"10" E 20.12 (P2 & Meas) ---BEARING) 61.11 (P1,P2,P3&Megs) 90.61 (P3 & Meas) 10.07 (P3,P6,P7,P8&Megs) **Metric Note** Bidg Corner ±To Line on R.O.W. 80.54 (P9 & Meas) Distances and coordinates on this plan are in metres and can be converted to feet by dividing by 0.3048. Distance Note Distances shown on this plan are ground distances and can be converted to grid distances by multiplying by the combined scale factor of 0.99994. No. 388 1 Storey Concrete Sided Building (Concrete Noted) **Bearing Note** Bearings are MTM grid, derived from the Smart-Net Real Time Network.

GPS observations on reference points A and B, shown hereon, having a bearing of Bldg Wall — 0.03 West (P3,P5&Meas) N 54° 23' 40" E and are referred to the Central Meridian of MTM Zone 9 (76°30' West Longitude) Nad-83 (Original). O|TFor bearing comparisons, a rotation of 0°34′50" counter-clockwise was applied to  $\mathcal{O}$ For bearing comparisons, a rotation of 0°35'30" counter-clockwise was applied to bearings on Plan P6 & P8. । ये । ये। CO-ORDINATES WERE DERIVED FROM SMART-NET REAL TIME NETWORK OBSERVATIONS, MTM ZONE 9, N.A.D. 1983 (ORIGINAL). PART 9 LOT 4R-27018 POINT ID NORTHING EASTING 5028133.51 363014.17 0 5028169.08 363063.84 01919680005 5027191.26 361496.76 01919680105 5024915.16 PART 8 CO-ORDINATES ARE MTM ZONE 9, N.A.D. 1983 (ORIGINAL), TO URBAN ACCURACY PER SEC. 14 (2) OF O.REG. 216/10, AND CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN. 4R-27018 1 1 1 0 1 1 Notes & Legend Denotes Survey Monument Planted Survey Monument Found Short Standard Iron Bar Bidg Corner
0.01 West (P3 & Meds)
2.66 North
Roof Flashing ± to Line RICHMOND ( SOUTH Cut Cross LOTS ) (Wit) Witness Measured (P1) (P2) Registered Plan 204 Plan 4R-24535 Plan By (1692) Dated September 6, 2017 (Ref. 306-17) Plan By (1319) Dated June 28, 1979 (Ref. 5-204) Plan By (857) Dated April 6, 1979 (Ref. 55-204 (NP)) Plan By (1473) Dated January 14, 2000 (Ref. 19-204) 11.28 (D1,P5&Set) C/L BF ±To Line Plan By (647) Dated December 23, 1974 N 52° 55' 25" E (Meas) (N 53'08'10" E P1) 78.64 (P1 & Meas) Plan By (857) Dated November 8, 2012 (Ref. 76(K)-204(NP)) — PART 15 4R-27018 (P9) Plan 4R-27018 (D1) (D2) Deed Inst. CR324900 Deed Inst. NS58594 Overhead Wires Utility Pole Anchor Gas Meter ( NORTH **DANFORTH** Bollard **AVENUE** LOTS ) 0 **Board Fence** Centreline Right-of-Way LOT LOT LOTLOTDANFORTH
AVENUE (FORMERLY ELECTRIC LANE) THIS REPORT WAS PREPARED FOR: 0 BANK OF NOVA SCOTIA ("The Client"), the Client's solicitors, mortgagees, and other related parties. The undersigned accepts no responsibility for use by other parties. See Part 2 of this Report. Surveyor's Certificate LAND SURVEYORS I certify that: PLAN SUBMISSION FORM This survey and plan are correct and in accordance 2021849 with the Surveys Act, the Surveyors Act and the Regulations made under them. The survey was completed on the 1st day of November, 2017. NOV-10/17 THIS PLAN IS NOT VALID UNLESS Daniel Robinson IT IS AN EMBOSSED ORIGINAL COPY ISSUED BY THE SURVEYOR Ontario Land Surveyor Regulation 1026, Section 29 (3). FARLEY, SMITH & DENIS SURVEYING LTD. WARNING NO PERSON MAY COPY, REPRODUCE, DISTRIBUTE OR ALTER THIS PLAN IN ONTARIO LAND SURVEYORS SURVEYING LTD. © FARLEY, SMITH & DENIS SURVEYING LTD., 2017 CANADA LAND SURVEYORS 190 COLONNADE ROAD, OTTAWA, ONTARIO K2E 7J5 TEL. (613) 727-8226 FAX. (613) 727-1826 FILE No.: 444-17

363068, 5028155



## Committee of Adjustment Received | Recu le

2024 - 07 - 24

City of Ottawa | Ville d'Ottawa
URB CPRITE SR PETRONANA

P.O. Box 13593, Kanata, ON K2K 1X6 Telephone: (613) 850-2475 Website: www.ifsassociates.ca

GEMENT CONSULTING

July 24, 2024

MRA Architecture + design 443, rue Saint-Claude Montréal, QC H2Y 3B6

This document is presented in the language it was provided. Ce document est présenté dans la langue dans laquelle il a été fourni.

#### RE: TREE INFORMATION REPORT (FULL) FOR 388 RICHMOND ROAD, OTTAWA

This Tree Information Report (TIR) was prepared by IFS Associates Inc. (*IFS Inc.*) in support of a minor variance application for 388 Richmond Road in Ottawa. The need for this report is related to trees protected under the City of Ottawa's Tree Protection By-law (By-law No. 2020-340). The work proposed for this commercial property includes the removal and replacement of the existing building's facade.

Throughout the City of Ottawa, a TIR is required for infill developments, additions and/or demolitions when a private 'distinctive' tree is present (*i.e.* 30 cm in diameter at breast height (DBH) or greater). This includes distinctive trees on adjacent properties which have critical root zones (CRZ) extending onto a property slated for development or demolition. All trees of any diameter on City of Ottawa property are to be included as well. A "tree" is defined in the By-law as any species of woody perennial plant, including its root system, which has reached or can reach a minimum height of at least 450 cm at physiological maturity. The CRZ is calculated as DBH x 10 cm.

The inventory in this report details the assessment of all individual distinctive trees on the subject and adjacent private property. No such trees were found. A single tree was found on nearby City of Ottawa land. Field work for this report was completed in July 2024.

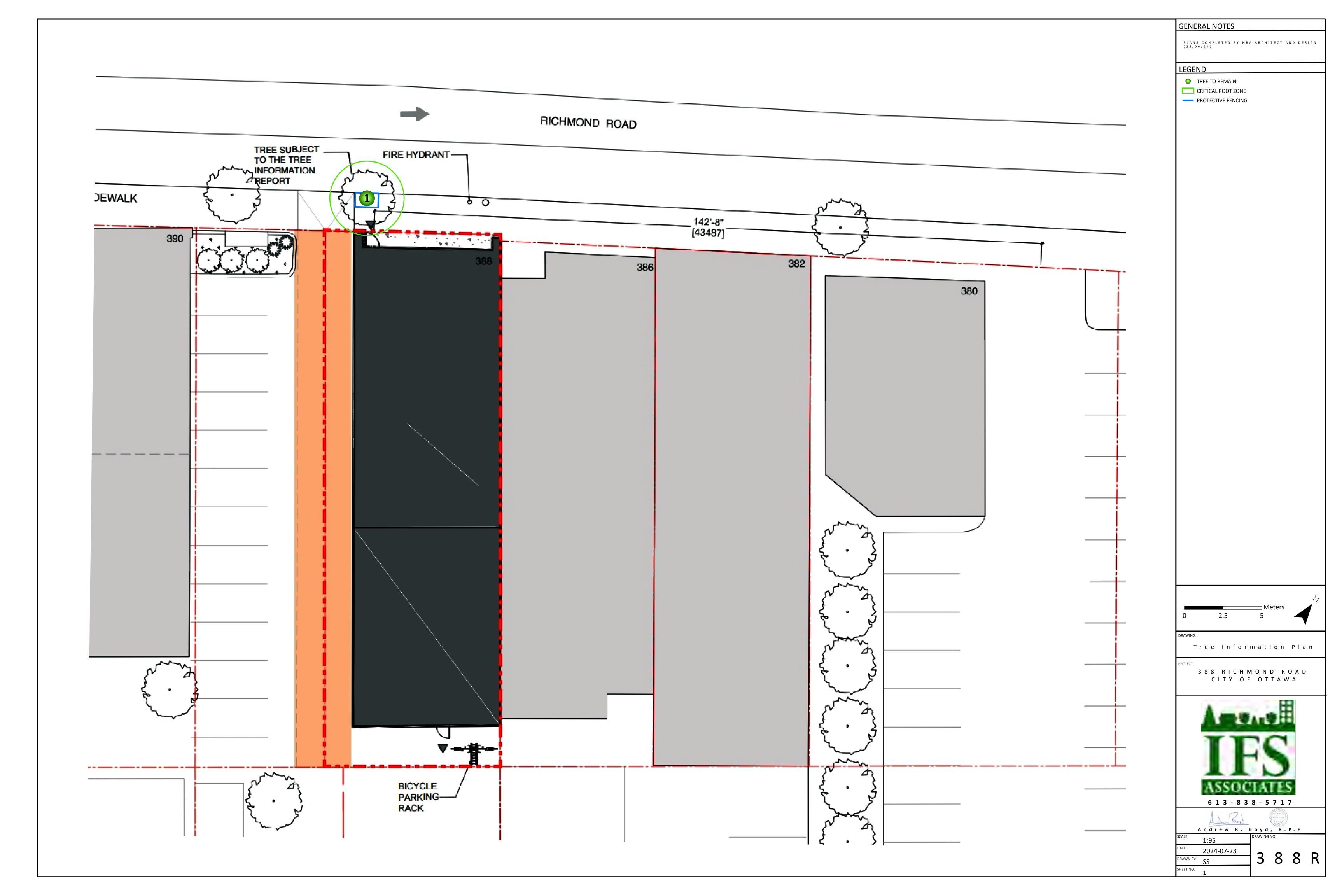
#### TREE SPECIES, CONDITION, SIZE AND STATUS

Table 1 on page 2 details the single tree found in proximity of the subject property. This tree is referenced by the number plotted on the tree information plan included on page 3 of this report. Picture 1 on page 6 shows the tree and its growing environment.

Table 1. Tree information for 388 Richmond Road

Tree	Tree species	Owner	DBH <sup>2</sup>	$CRZ^3$	Distance to	Tree Condition, Age Class, Condition	Reason	Forester's
No.	/Tolerance to	ship	(cm)	(m)	excavation	Notes, Species Origin and Status (to be	for	Opinion re.
	Construction <sup>1</sup>				$(m)^4$	removed or preserved and protected)	removal	Removal
1	Honey-locust	City	24.3	2.4	NA	Fair; mature; tri-dominant leaders at 2.5m;	Not	NA
	(Gleditsia					stunted annual increment; scattered crown	applicable	
	triacanthos) /					dieback; abrasion damage and broken	– to be	
	Good					branches from passing trucks; overhead	preserved	
						utility and Hydro lines; very restricted		
						rooting zone; introduced species to		
						Eastern Ontario; to be preserved and		
						protected		

<sup>&</sup>lt;sup>1</sup>As taken from Managing Trees during Construction; 2<sup>nd</sup> Ed., Fite and Smiley; <sup>2</sup> Diameter at breast height, or 1.3m from grade (unless otherwise indicated); <sup>3</sup> Critical root zone (CRZ) is considered as being 10 centimeters from the trunk of a tree for every centimeter of DBH. The CRZ is calculated as DBH x 10 cm; <sup>4</sup>Approximate distances only.



#### **PROVINCIAL REGULATIONS**

Certain provincial regulations are applicable to trees on private property. In particular, the Endangered Species Act – ESA (2007) mandates that tree species on the Species at Risk in Ontario (SARO) list be identified. Butternut (*Juglans cinerea*) and black ash (*Fraxinus nigra*) are present in Eastern Ontario and are listed as threatened on the SARO. Because of this both species are protected from harm. No trees of either species were found on or near to the subject property.

## TREE PROTECTION MEASURES

Protection measures intended to mitigate damage during construction will be applied to the single tree to be preserved. The following measures are the minimum required by the City of Ottawa to ensure tree survival during and following construction:

- 1. Erect a fence as close as possible to the critical root zone (CRZ) of trees (City of Ottawa tree protection barrier detail included on page 5).
- 2. Do not place any material or equipment within the CRZ of the tree.
- 3. Do not attach any signs, notices or posters to any tree.
- 4. Do not raise or lower the existing grade within the CRZ without approval.
- 5. Tunnel or bore when digging within the CRZ of a tree.
- 6. Do not damage the root system, trunk or branches of any tree.
- 7. Ensure that exhaust fumes from all equipment are NOT directed towards any tree's crown.

## REPLACEMENT TREE PLANTING OR COMPENSATION

As no trees are proposed for removal, no replacement planting or compensation is required in this instance.

This report is subject to the attached Limitations of Tree Assessments and Liability to which the reader's attention is directed.

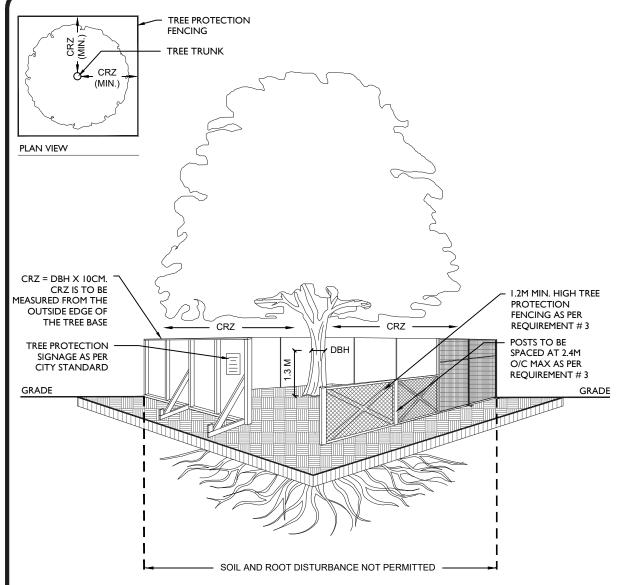
Please do not hesitate to contact me with any questions concerning this report.

Yours,

Andrew K. Boyd, B.Sc.F, R.P.F. (#1828)

Certified Arborist #ON-0496A and TRAQualified

Consulting Urban Forester



#### 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.
- 2. 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
- 3. 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 MINIMISE DAMAGE TO EXISTING ROOTS. (SEE DETAIL)
- 4. 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.
- 5. 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.

ACCESSIBLE FORMATS AND COMMUNICATION SUPPORTS ARE AVAILABLE, UPON REQUEST



## TREE PROTECTION SPECIFICATION

TO BE IMPLEMENTED FOR RETAINED TREES, BOTH ON SITE AND ON ADJACENT SITES, PRIOR TO ANY TREE REMOVAL OR SITE WORKS AND MAINTAINED FOR THE DURATION OF WORK ACTIVITIES ON SITE.

SCALE: NTS

DATE: MARCH 2021

DRAWING NO.: 1 of 1



Picture 1. Tree #1, city honey-locust to be preserved adjacent to 388 Richmond Road.

## LIMITATIONS OF TREE ASSESSMENTS & LIABILITY

#### **GENERAL**

It is the policy of *IFS Inc*. to attach the following clause regarding limitations. We do this to ensure that our clients are clearly aware of what is technically and professionally realistic in assessing trees for retention.

This report was prepared by *IFS Inc.* at the request of the client. The information, interpretation and analysis expressed in this report are for the sole benefit and exclusive use of the client. Possession of this report or a copy thereof does not imply right of publication or use for any purpose by any other than the client to whom it is addressed. Unless otherwise required by law, neither all or any part of the contents of this report, nor copy thereof, shall be conveyed by anyone, including the client, to the public through public relations, news or other media, without the prior expressly written consent of the author, and especially as to value conclusions, identity of the author, or any reference to any professional society or institute or to any initialed designation conferred upon the author as stated in his qualifications.

This report and any values expressed herein represent the opinion of the author; his fee is in no way contingent upon the reporting of a specified value, a stipulated result, nor upon any finding to be reported.

Details obtained from photographs, sketches, *etc.*, are intended as visual aids and are not to scale. They should not be construed as engineering reports or surveys. Although every effort has been made to ensure that this assessment is reasonably accurate, the tree(s) should be reassessed at least annually. The assessment presented in this report is valid at the time of the inspection only. The loss or alteration of any part of this report invalidates the entire report.

#### LIMITATIONS

The information contained in this report covers only the tree(s) in question and no others. It reflects the condition of the assessed tree(s) at the time of inspection and was limited to a visual examination of the accessible portions only. *IFS Inc.* has prepared this report in a manner consistent with that level of care and skill ordinarily exercised by members of the forestry and arboricultural professions, subject to the time limits and physical constraints applicable to this report. The assessment of the tree(s) presented in this report has been made using accepted arboricultural techniques. These include a visual examination of the above-ground portions of each tree for structural defects, scars, cracks, cavities, external indications of decay such as fungal fruiting bodies, evidence of insect infestations, discoloured foliage, the condition of any visible root structures, the degree and direction of lean (if any), the general condition of the tree(s) and the surrounding site, and the proximity of people and property. Except where specifically noted in the report, the tree(s) examined were not dissected, cored, probed or climbed to gain further evidence of their structural condition. Also, unless otherwise noted, no detailed root collar examinations involving excavation were undertaken.

While reasonable efforts have been made to ensure that the tree(s) proposed for retention are healthy, no warranty or guarantee, expressed or implied, are offered that these trees, or any parts of them, will remain standing. This includes other trees on or off the property not examined as part of this assignment. It is both professionally and practically impossible to predict with

absolute certainty the behaviour of any single tree or groups of trees or their component parts in all circumstances, especially when within construction zones. Inevitably, a standing tree will always pose some risk. Most trees have the potential for failure in the event of root loss due to excavation and other construction-related impacts. This risk can only be eliminated through full tree removal.

Notwithstanding the recommendations and conclusions made in this report, it must be realized that trees are living organisms, and their health and vigour constantly change over time. They are not immune to changes in site conditions, or seasonal variations in the weather. It is a condition of this report that *IFS Inc*. be notified of any changes in tree condition and be provided an opportunity to review or revise the recommendations within this report. Recognition of changes to a tree's condition requires expertise and extensive experience. It is recommended that *IFS Inc*. be employed to re-inspect the tree(s) with sufficient frequency to detect if conditions have changed significantly.

#### ASSUMPTIONS

Statements made to *IFS Inc.* regarding the condition, history and location of the tree(s) are assumed to be correct. Unless indicated otherwise, all trees under investigation in this report are assumed to be on the client's property. A recent survey prepared by a Licensed Ontario Land Surveyor showing all relevant trees, both on and adjacent to the subject property, will be provided prior to the start of field work. The final version of the grading plan for the project will be provided prior to completion of the report. Any further changes to this plan invalidate the report on which it is based. *IFS Inc.* must be provided with the opportunity to revise the report in relation to any significant changes to the grading plan. The procurement of said survey and grading plan, and the costs associated with them both, are the responsibility of the client, not *IFS Inc.* 

#### LIABILITY

Without limiting the foregoing, no liability is assumed by IFS Inc. for:

- 1) Any legal description provided with respect to the property.
- 2) Issues of title and/or ownership with respect to the property.
- 3) The accuracy of the property line locations or boundaries with respect to the property.
- 4) The accuracy of any other information provided by the client or third parties.
- 5) 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,
- 6) The unauthorized distribution of the report.

Further, under no circumstances may any claims be initiated or commenced by the client against *IFS Inc.* or any of its directors, officers, employees, contractors, agents or assessors, in contract or in tort, more than 12 months after the date of this report.

#### ONGOING SERVICES

*IFS Inc.* accepts no responsibility for the implementation of any or all parts of the report, unless specifically requested to supervise the implementation or examine the results of activities recommended herein. If examination or supervision is requested, that request shall be made in writing and the details, including fees, agreed to in advance.

This document is presented in the language it was provided. Ce document est présenté dans la langue dans laquelle il a été fourni.

## **Committee of Adjustment** Received | Recu le

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2024-08-28

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

City of Ottawa | Ville d'Ottawa

Site Address: 388 Richmond Road Legal Description: Part Lot 10, Plan 204 File No.: D08-02-24/A-00186

August 29, 2024 Report Date:

September 4, 2024 Hearing Date:

Planner: Margot Linker

Official Plan Designation: Inner Urban Transect, Mainstreet Corridor

Richmond Road / Westboro Secondary Plan

Zoning: TM H(24) (Traditional Mainstreet, Maximum Building Height

24 Metres)

#### **DEPARTMENT COMMENTS**

The Planning, Development and Building Services Department has no concerns with the application.

#### **DISCUSSION AND RATIONALE**

Staff have reviewed the subject minor variance application against the "four tests" as outlined in Section 45 (1) of the *Planning Act*, R.S.O. 1990 c. P.13, as amended, and have no concerns regarding the proposed restaurant use providing zero parking spaces on site.

The zoning by-law permits a restaurant use with a GFA of 350sgm or less to have no offstreet motor vehicle parking requirements. However, since the proposed restaurant is 366sqm, it is subject to the full parking rate (5 spaces/100sqm GFA).

The subject site is zoned Traditional Mainstreet and is located within the Inner Urban Transect and designated Mainstreet Corridor on Schedules A and B2 of the Official Plan. This area is encouraged to prioritize walking, cycling and transit. There is an existing sidewalk along Richmond Road. Richmond Road is also identified as a Transit Priority Corridor and is a suggested cycling route (Official Plan, Schedules C2 and Transportation Master Plan, Map 1). Byron Avenue, to the south, has bike lanes, and the site is located approximately 325 metres from the Kitchi Sibi O-Train Station. The Official Plan does contemplate eliminating minimum parking requirements along corridors to support the shift towards sustainable modes of transportation.

110 Laurier Avenue West, Ottawa ON K1P 1J1 110, av. Laurier Ouest, Ottawa (Ontario) K1P 1J1 Courrier interne: 01-14

Mail code: 01-14

Visit us: Ottawa.ca/planning Visitez-nous: Ottawa.ca/urbanisme The applicant proposes bicycle parking spaces at the remaining space in the rear yard, and there is a loading zoning across the street.

#### **ADDITIONAL COMMENTS**

## **Planning Forestry**

Services Department

There are no tree-related concerns with the requested variance. The existing City tree must be protected through any work on the building's front exterior, in accordance with the TIR and City of Ottawa tree protection specifications.

Margot Linker

Wendy Ise

Margot Linker Planner II, Development Review All Wards Planning, Development and Building

Wendy Tse Planner III(A), Development Review All

Planning, Development and Building Services Department

# **Committee of Adjustment**



## Comité de dérogation

## NOTICE OF HEARING

Pursuant to the Ontario Planning Act

**Minor Variance Application** 

Panel 1 Wednesday, September 4, 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-00193

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

**Applicants:** James Ketcheson and Elyse Pratt Johnson

**Property Address:** 45 Bower Street

Ward: 17 - Capital

**Legal Description:** Lot 42, Registered Plan 171815

**Zoning:** R1TT

**Zoning By-law:** 2008-250

#### APPLICANT'S PROPOSAL / PURPOSE OF THE APPLICATION:

The Applicants wants to replace the existing roof to provide an accessible third floor on the existing detached dwelling.

#### **REQUESTED VARIANCES:**

The Applicants require the Committee's authorization for a minor variance from the Zoning By-law to permit an increased building height of 9.75 metres, whereas the By-law permits a maximum building height of 8.5 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 <a href="mailto:cofa@ottawa.ca">cofa@ottawa.ca</a> 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 <a href="mailto:cofa@ottawa.ca">cofa@ottawa.ca</a>. 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: August 16, 2024



Ce document est également offert en français.

## **Committee of Adjustment**

613-580-2436

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Ottawa.ca/CommitteeofAdjustment
cofa@ottawa.ca



## Comité de dérogation

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## **Committee of Adjustment**



# Comité de dérogation

## **AVIS D'AUDIENCE**

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

## Demande de dérogation mineure

## Groupe 1

## Mercredi 4 septembre 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.

**Dossier:** D08-02-24/A-00193

**Demande :** Dérogation mineure en vertu de l'article 45 de la *Loi sur* 

l'aménagement du territoire

**Propriétaires/requérants**: James Ketcheson et Elyse Pratt Johnson

Adresse de la propriété : 45, rue Bower Quartier : 17 – Capitale

**Description officielle:** Lot 42, plan enregistré 171815

**Zonage**: R1TT **Règlement de zonage**: 2008-250

#### PROPOSITION DES REQUÉRANTS ET OBJET DE LA DEMANDE :

Les requérants souhaitent remplacer le toit existant afin d'ajouter un troisième étage accessible à leur habitation isolée.

## **DÉROGATION DEMANDÉE:**

Les requérants demandent au Comité d'accorder une dérogation mineure au Règlement de zonage pour permettre l'augmentation de la hauteur de bâtiment à 9,75 mètres, alors que le règlement permet une hauteur de bâtiment maximale de 8,5 mètres.

La propriété 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 <a href="mailto:cded@ottawa.ca">cded@ottawa.ca</a> 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.

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# 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'agente ou agent, 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 le 16 août 2024



This document is also available in English.

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

Ville d'Ottawa 101, promenade Centrepointe Ottawa ON K2G 5K7 Ottawa.ca/Comitedederogation cded@ottawa.ca 613-580-2436





Committee of Adjustment Comité de dérogation

# CIRCULATION MAP / PLAN DE CIRCULATION

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SUBJECT LAND / TERRAIN EN QUESTION

45 rue Bower Street



# This document is presented in the language it was provided. Ce document est présenté dans la langue dans laquelle il a été fourni.



August 7th, 2024

Re: 45 Bower St - Application for Minor Variance

To whom it may concern,

# Committee of Adjustment Received | Reçu le

Revised | Modifié le : 2024-08-08

City of Ottawa | Ville d'Ottawa

Comité de dérogation

This application seeks a minor variance to adjust the maximum permitted height at 45 Bower St from 8.50 m to 9.75 m to accommodate a new roof with a raised ridge and dormers. The overall ridge height of the proposed new roof would fall within permitted limits if the roof pitch was steeper; however, the dormers' low slope raises the roof midpoint above the permitted maximum height, necessitating the requested height variance. This proposed adjustment will increase the third-floor ceiling height of the existing single-family home, thereby increasing the habitable space, without increasing the footprint of the home. We do not feel that the proposed change will result in any noticeable deviations from the existing neighborhood character, nor will it in any way contravene the intent or purpose of either the official plan or the zoning bylaw. To summarize, the third floor is existing, however the ceiling height is currently too low to make the entire floor accessible. We are requesting to raise the roof to allow for the entire floor to be usable space.

The change to the streetscape resulting from the proposed renovations at 45 Bower St will be limited to the look and height of the roof, which will remain consistent with the style of the pre-existing house, and of adjacent properties. Overall, the impact of raising the roof is significantly less than attempting to increase the home's area through other types of addition, which would risk compromising tree roots and would reduce the landscaped area on the property. As such, we feel this variance is desirable to avoid higher-impact changes that would otherwise be required for the property owner to gain usable space within their existing home.

The modest difference of 1.25 m above the building height currently permitted is unlikely to noticeably increase unwanted shading of neighboring properties and given the existing proximity of houses in this neighborhood, there are no views from neighboring properties that will be impeded by the requested increase in height.

The proposed modifications to the house will be limited to the third floor and will not affect or modify any pre-existing street-facing elements, nor will any entrances, driveways, or garages be relocated or modified in any way. As such, we understand that no streetscape analysis should be required for this application

There are no trees on the property at 45 Bower St that will be affected by this work, as all work will be limited to the top floor of the existing dwelling. As such, no Tree Information Report is required or provided with this minor variance application. This project does not trigger any requirements for a TIA.

Please refer to the attached zoning summary, drawings, and images for further clarification of the proposed construction intent.

In closing, we do not believe that the requested variance will result in any significant departure from the existing conditions within the neighborhood, nor will it result in a built condition that would be incompatible with the current character of the neighborhood or in any way contravene the purpose of the official plan or zoning by-law. As such, we feel that the variance is minor in nature and is in keeping with the general intent the Zoning by law.

Kind regards,

Leila Emmrys | Architect, OAA | B. Arch S. | M.Arch



# **ZONING: R1TT (MATURE NEIGHBOURHOODS OVERLAY) (Table 156A/B)**

LOT AREA (MIN. 270) : 301.47 m<sup>2</sup>

LOT WIDTH (MIN 9m): 12.19 m

HEIGHT (MAX 8.5m): EXISTING 7.67 m I PROPOSED 9.75 m

MAX LOT COVERAGE: N/A

MIN LNADSCAPING, FRONT AND CORNER SIDE (35%): NO CHANGE

DRIVEWAY: **NO CHANGE**GARAGE: **NO CHANGE** 

FRONT ENTRY: **NO CHANGE** 

**AREAS:** 

	AREA (m²)
EXISTING GFA	144
N=W 0=0	38 (gained through
NEW GFA	increased head room)
TOTAL NEW GFA	182

#### **SETBACKS**

YARD	PERMITED	LAWFULLY EXISTING	DIFFERENCE	COMPLIANCE
156A/B FRONT YARD (SOUTH)	3m	5m	N/A	NO CHANGE
144 (3) (i) (ii): REAR YARD (NORTH)	7.27m	7.4m	N/A	NO CHANGE
156A/B INT SIDE YARD (EAST)	0.6-1.2m	0.86m	N/A	NO CHANGE
156A/B INTERIOR SIDE YARD (WEST)	0.6-1.2m	0.6m	N/A	NO CHANGE

#### **ZONING WAIVER VARIANCES REQUESTED:**

**SECTION 156A, COLUMN IV** (By-law 2009-164) (OMB Order file No:PL150797, issued July 25, 2016 — By-law 2015-228) (By-law 2020-288) (By Law 2021111) (By-law 2022-103)

R1TT: The maximum permitted building height 8.5 m.

Requested Variance – Increase height to accommodate The new mid point of proposed raised dormer will be 9.75m above average grade.



# **EXISTING SITE PHOTOS:**

Refer to the site plan for locations and dimensions.



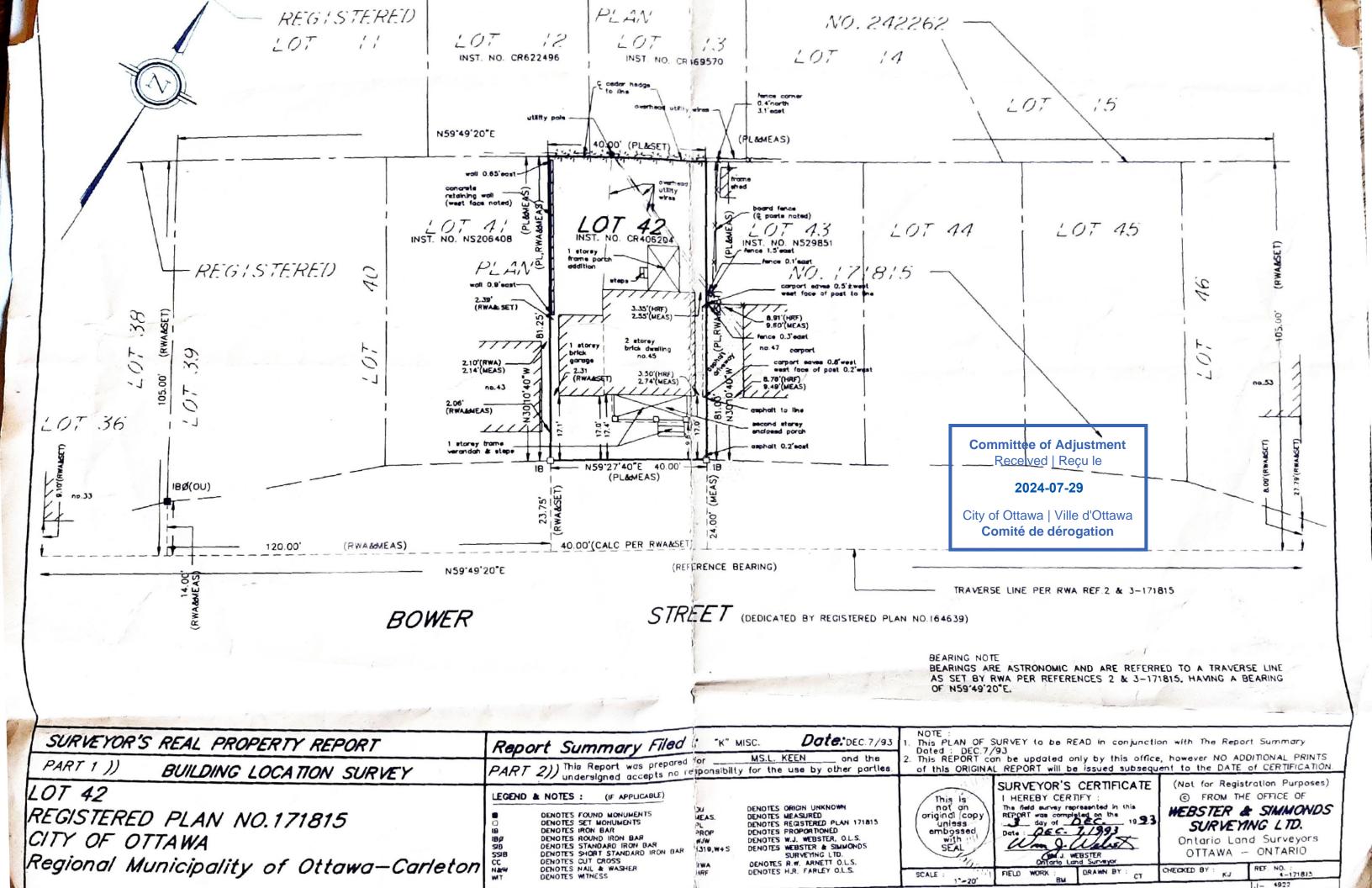
Image 1. View of existing Front elevation along Bower St



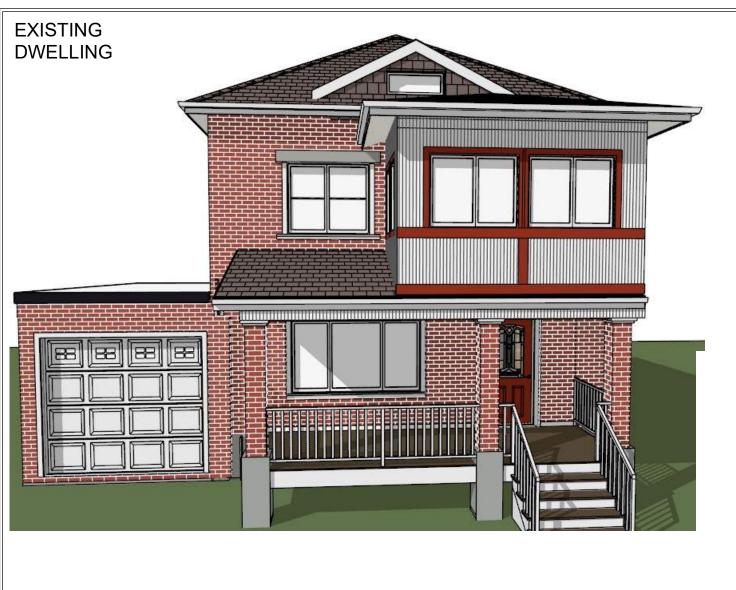
Image 2. Street view of 45 Bower and Neighboring properties along Bower St.



Image 3. Street view of 45 Bower, existing condition androposed changes.



MIN. LOT WIDTH = 9 m **EXISTING AVERAGE GRADE MEASUREMENT POINTS FOR BOWER ST.** MIN. LOT AREA = 270 m2 **EXISTING AVERAGE GRADE** TOP OF FOUNDATION ASSIGNED 0'-0" MAX. BUILDING HEIGHT = 8.5 m **CALCULATION** A -36 1/2" MIN. FRONT YARD SETBACK = 3.36 m B -17 1/4" MIN. REAR YARD SETBACK = 7.27m C -15 1/4" MIN. INTERIOR YARD SETBACK = 1.8m total (no less than 0.6m one side) D -27 3/4" AVERAGE IS -2'-0 1/4" SEE A7 FOR TOTAL PROPOSED BUILDING HEIGHT renovations 1'-11 3/4" 0.60 m INTERIOR YARD SETBACK ⊒5.18 m EXISTING 1-STORY ADDITION 45 BOWER ST. **EXISTING 3-STORY DWELLING** R1TT **BOWER ST.** 36' MATURE NEIGHBOURHOOD OVERLAY 12.19 m 10.97 m **REAR YARD SETBACK** 11' 3.36 23'-10 1/4" **EXISTING** 7.27 m 3'-11 1/4" 1.20 m 17'-1 1/4" INTERIOR YARD SETBACK \_\_\_\_ 5.22 m 2'-41/2" 0.72 m В 81'-3" 24.77 m PROJECT **Committee of Adjustment** 45 BOWER ST. **BOWER ST.** Received | Reçu le DRAWING TITLE SITE PLAN 2024-07-29 SCALE City of Ottawa | Ville d'Ottawa C. HRUSHKA 1/8" = 1'-0" Comité de dérogation SITE PLAN DATE METRIC BAR SCALE SCALE: 1/8" = 1'-0" **A**1 2024-07-25



**Committee of Adjustment** Received | Reçu le

2024-07-29

City of Ottawa | Ville d'Ottawa Comité de dérogation





PROJECT

45 BOWER ST.

DRAWING TITLE

**EXTERIOR RENDERINGS** 

N.T.S.

DRAWN BY C. HRUSHKA

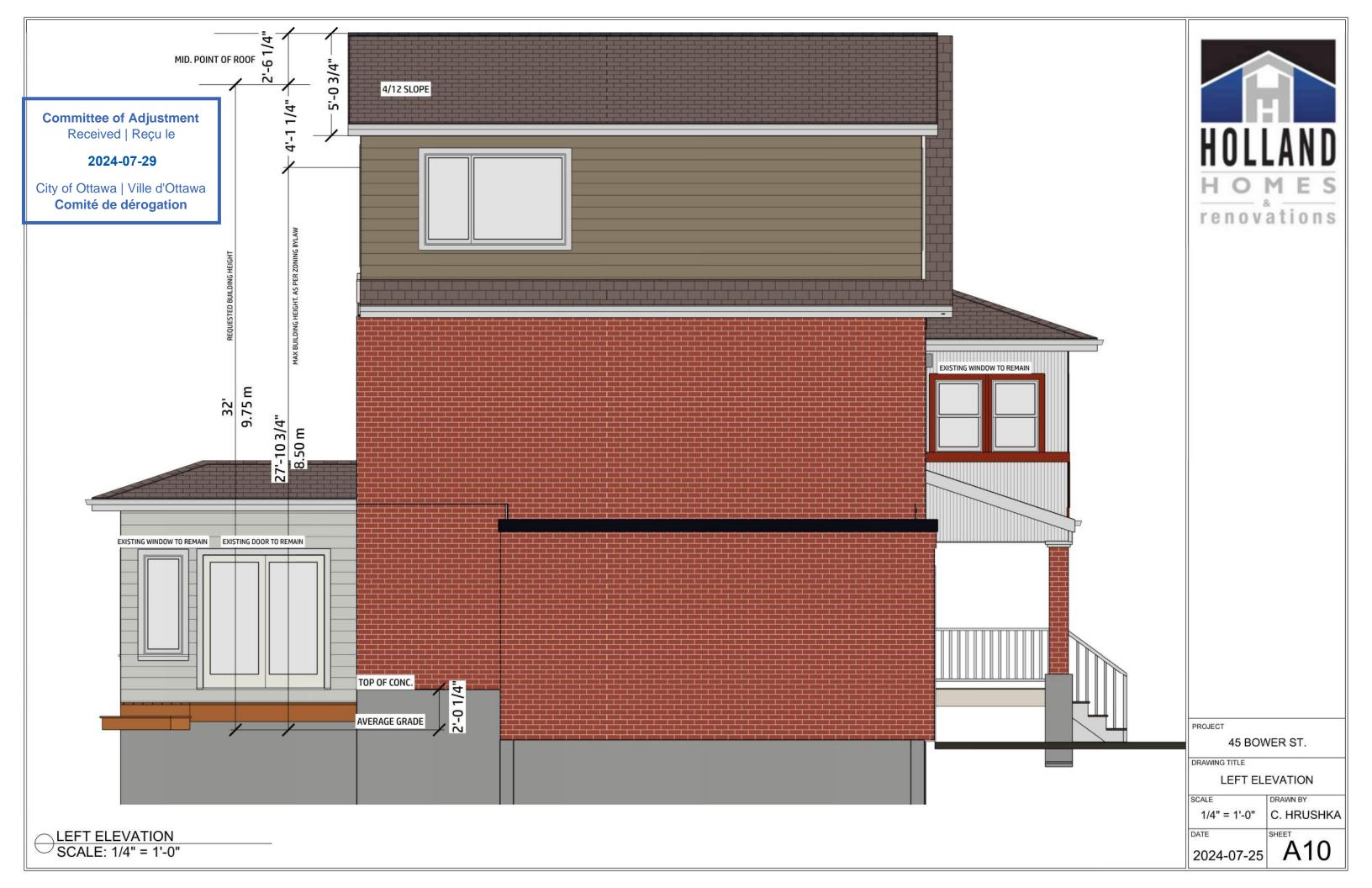
SHEET **A2** 2024-07-25

SCALE: N.T.S.









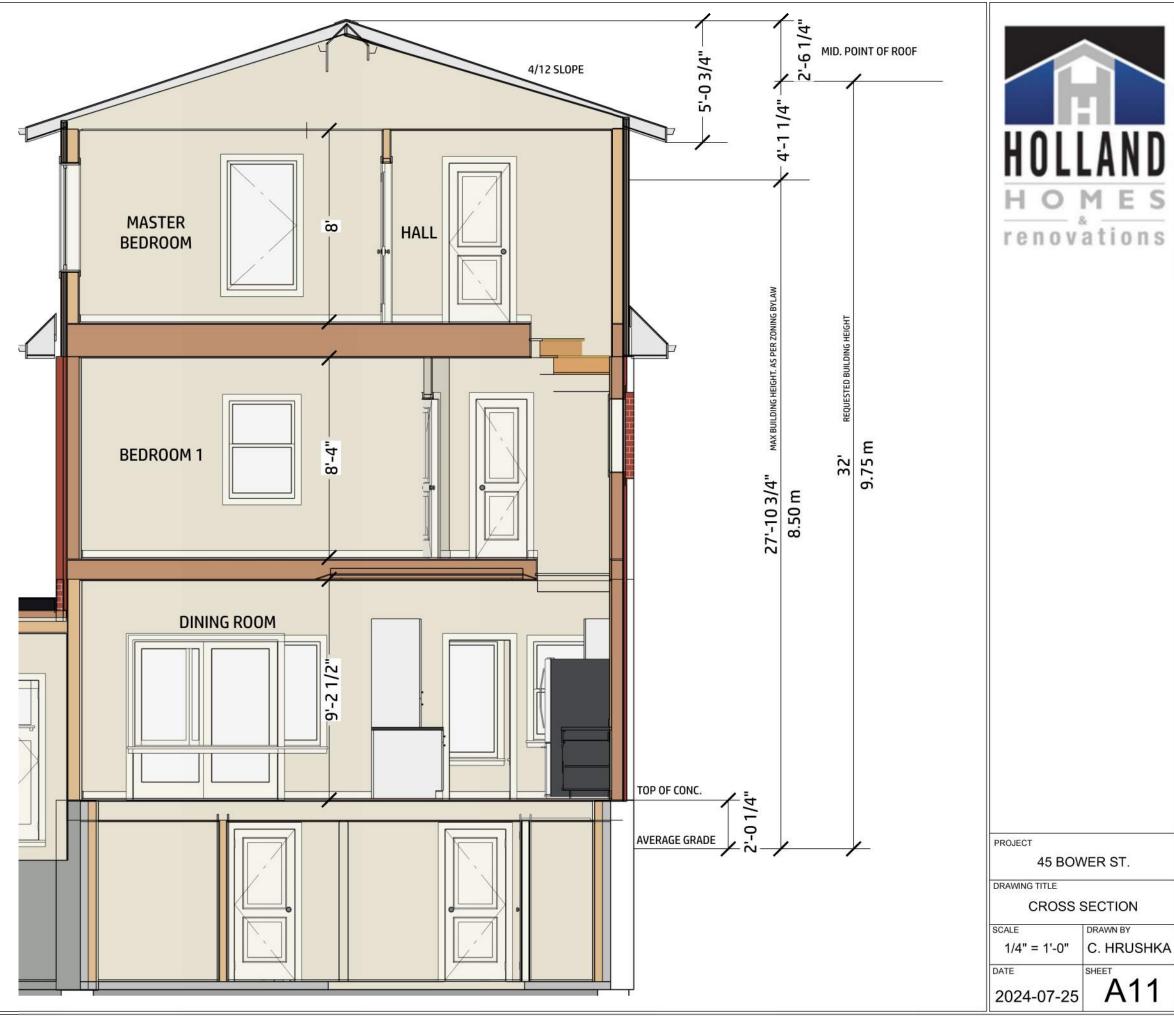
**Committee of Adjustment** Received | Reçu le

2024-07-29

City of Ottawa | Ville d'Ottawa

Comité de dérogation

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



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# **Committee of Adjustment** Received | Recu le

MINOR VARIANCE APPLICATION 2024-08-28

COMMENTS TO THE COMMITTEE OF ADJUSTMENT

PANEL 1 City of Ottawa | Ville d'Ottawa

Comité de CHANNING, DE VELOPMENT AND BUILDING SERVICES DEPARTMENT

Site Address: 45 Bower Street

Legal Description: Lot 42, Reg Plan 171815

File No.: D08-02-24/A-00193

Report Date: August 29, 2024

September 4, 2024 Hearing Date:

Planner: Margot Linker

Official Plan Designation: Inner Urban Transect, Neighbourhood, Evolving Overlay

Old Ottawa East Secondary Plan

Zoning: Residential First Density, Subzone TT (R1TT)

#### **DEPARTMENT COMMENTS**

The Planning, Development and Building Services Department has no concerns with the application.

#### **DISCUSSION AND RATIONALE**

Staff have reviewed the subject minor variance application against the "four tests" as outlined in Section 45 (1) of the Planning Act, R.S.O. 1990 c. P.13, as amended. Staff are satisfied that the requested minor variance(s) meet(s) the "four tests".

The site is zoned R1TT and is designated Neighbourhood within the Evolving Overlay in the Inner Urban Transect on Schedules A and B2 of the Official Plan. This site is also located within the Old Ottawa East Secondary Plan, where it is designated Neighbourhood Low-Rise. This area is intended to maintain a low-rise built form that has regard for the local context and character.

Staff have no concerns with the proposed increase in building height, and do not anticipate massing or privacy issues as a result of this addition. Bower Street currently has many two-and-a-half-storey and some three-storey single detached dwellings. The addition is stepped back from the existing garage, providing a buffer between the addition and the abutting lot, mitigating massing impacts on the property to the west. The addition is also stepped back from the existing covered porch and front façade, which minimizes impacts on the public realm. The property to the east contains a carport immediately abutting the subject site, which will not be negatively impacted by the proposed addition. No new windows are proposed on the east elevation.

110 Laurier Avenue West, Ottawa ON K1P 1J1 110, av. Laurier Ouest, Ottawa (Ontario) K1P 1J1 Courrier interne: 01-14

Mail code: 01-14

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# **ADDITIONAL COMMENTS Planning Forestry**

Records indicate a Tree was planted in the right-of-way of this property through the City's Trees in Trust program. Please ensure the tree and surrounding softscape is protected from construction-related impacts, in accordance with the <u>Tree Protection</u> Specification.

Margot Linker

Wendy Ise

Margot Linker Planner II, Development Review All Wards Planning, Development and Building Services Department

Wendy Tse Planner III (A), Development Review All Wards Planning, Development and Building Services Department

# **Committee of Adjustment**



# Comité de dérogation

# NOTICE OF HEARING

Pursuant to the Ontario Planning Act

# **Consent Applications**

Panel 1 Wednesday, September 4, 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.: D08-01-24/B-00134 & D08-01-24/B-00135

**Applications:** Consent under section 53 of the *Planning Act* 

Applicant(s): Eli Irani, Thamar Irani, & Kevin Irani

Property Address: 191 Granville Street
Ward: 12 – Rideau-Vanier

**Legal Description:** Lots 1 & 2, Registered Plan 636

Zoning: R4UA Zoning By-law: 2008-250

#### APPLICANTS PROPOSAL / PURPOSE OF THE APPLICATIONS:

The Applicants want to subdivide their property into three separate parcels of land to create a new lot for future development and establish separate ownership for each half of a semi-detached dwelling currently under construction.

## CONSENT IS REQUIRED FOR THE FOLLOWING:

The Applicants require the Committee's consent to sever land. The property is shown as Parts 1 & 2 on a draft 4R-plan filed with the applications and the separate parcels will be as follows:

Table 1 Proposed Parcels

File No.	Frontage	Depth	Area	Part No.	Municipal Address
B-00134	12.04 m	28.96 m	351.1 sq. m	Part 1	351 St. Denis Street
B-00135	7.17 m	28.96 m	207.6 sq. m	Part 2	353 St. Denis Street

The retained land will have a frontage of 14.32 metres, a depth of 28.06 metres and a lot area of 414.7 sq. metres. This parcel will be vacant and known municipally as 355 St. Denis Street.

The subject 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 <a href="mailto:cofa@ottawa.ca">cofa@ottawa.ca</a> 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 <a href="mailto:cofa@ottawa.ca">cofa@ottawa.ca</a>. 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: August 16, 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

# **Committee of Adjustment**



# Comité de dérogation

# **AVIS D'AUDIENCE**

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

#### **Demandes d'autorisation**

# Groupe 1

# Mercredi 4 septembre 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 <u>YouTube</u> 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**: D08-01-24/B-00134 et D08-01-24/B-00135

**Demande:** Autorisation en vertu de l'article 53 de la *Loi sur* 

l'aménagement du territoire

**Propriétaires/requérants :** Eli Irani, Thamar Irani et Kevin Irani

Adresse de la propriété : 191, rue Granville

Quartier : 12 – Rideau-Vanier

**Description officielle :** Lots 1 et 2, plan enregistré 636

**Zonage**: R4UA **Règlement de zonage**: 2008-250

# PROPOSITION DES REQUÉRANTS ET OBJET DES DEMANDES :

Les requérants souhaitent lotir leur propriété en trois parcelles afin de créer un nouveau lot aux fins d'aménagement futur et d'établir des titres de propriété distincts pour chaque moitié d'une habitation jumelée en cours de construction.

#### **AUTORISATION REQUISE:**

Les requérants sollicitent l'autorisation du Comité pour morceler le bien-fonds. La propriété est représentée par les parties 1 et 2 sur le plan 4R préliminaire déposé avec les demandes, et les parcelles séparées seront les suivantes :

Tableau 1 Parcelles proposées

Dossier	Façade	Profondeur	Superficie	Partie	Adresse municipale
B-00134	12,04 m	28,96 m	351,1 m <sup>2</sup>	Partie 1	351, rue St-Denis
B-00135	7,17 m	28,96 m	207,6 m <sup>2</sup>	Partie 2	353, rue St-Denis

Le terrain conservé aura une façade de 14,32 mètres, une profondeur de 28,06 mètres et une superficie de 414,7 mètres carrés. Cette parcelle sera inoccupée et portera pour adresse municipale le 355, rue St-Denis.

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**

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

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FAIT le 16 août 2024



This document is also available in English.

# **Committee of Adjustment**

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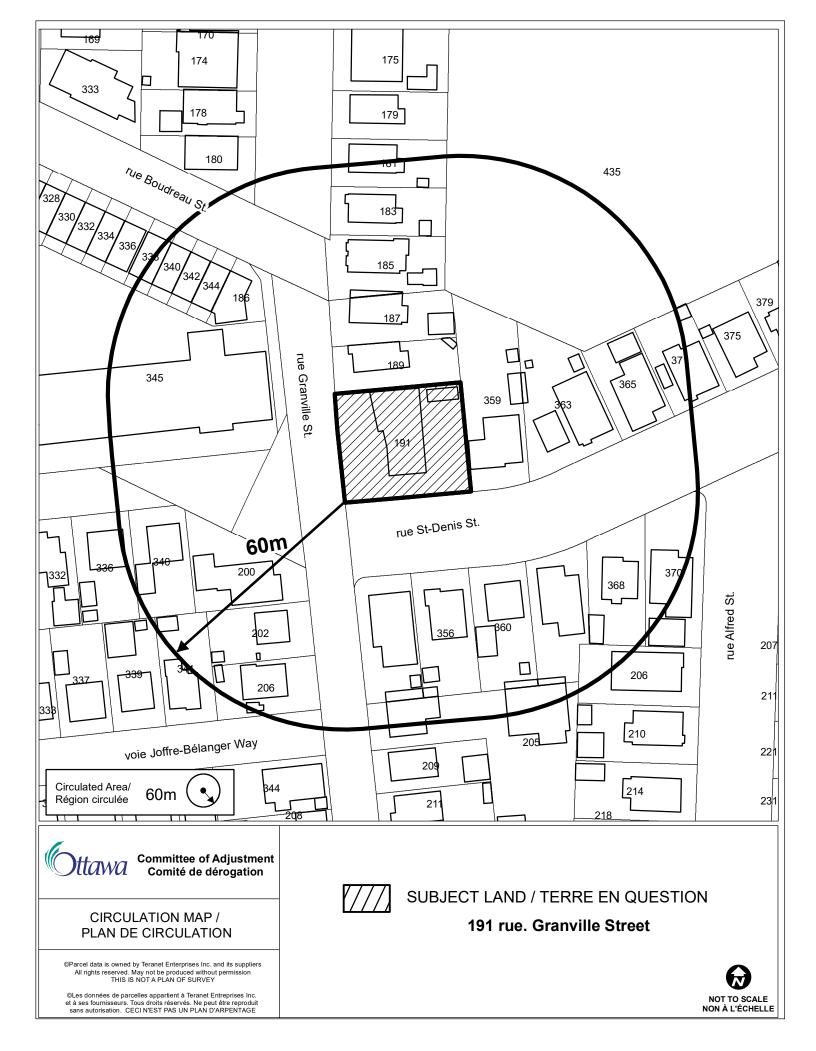


# Comité de dérogation

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Page 4 / 4



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Date: July 29, 2024

Committee of adjustment

City of Ottawa

Committee of Adjustment Received | Reçu le

Revised | Modifié le : 2024-08-13

City of Ottawa | Ville d'Ottawa
Comité de dérogation

Dear Chair,

Please kindly grant the approval to sever the corner lot under construction located at 191 Granville Street and referred to as 351-353 and 355 St. Denis Street.

This property is walking distance to Montreal Rd in Ward 12 Rideau-Vanier and complied with subdivision criteria under 51(24) of the planning acts.

#### Criteria

- (24) In considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality and to,
  - a) The effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;
  - b) Whether the proposed subdivision is premature or in the public interest;
  - c) Whether the plan conforms to the official plan and adjacent plans of subdivision, if any;
  - d) The suitability of the land for the purposes for which it is to be subdivided;
    - d.1) if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;
  - e) the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;
  - f) The dimensions and shapes of the proposed lots;

- g) the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;
- h) Conservation of natural resources and flood control;
- i) The adequacy of utilities and municipal services;
- j) The adequacy of school sites;
- k) The area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;
- I) The extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and
- m) the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act or subsection 114 (2) of the City of Toronto Act, 2006. 1994, c. 23, s. 30; 2001, c. 32, s. 31 (2); 2006, c. 23, s. 22 (3, 4); 2016, c. 25, Sched. 4, s. 8 (2).

There is no demolition to be done in order to sever this under construction semis which 85% completed at this time.

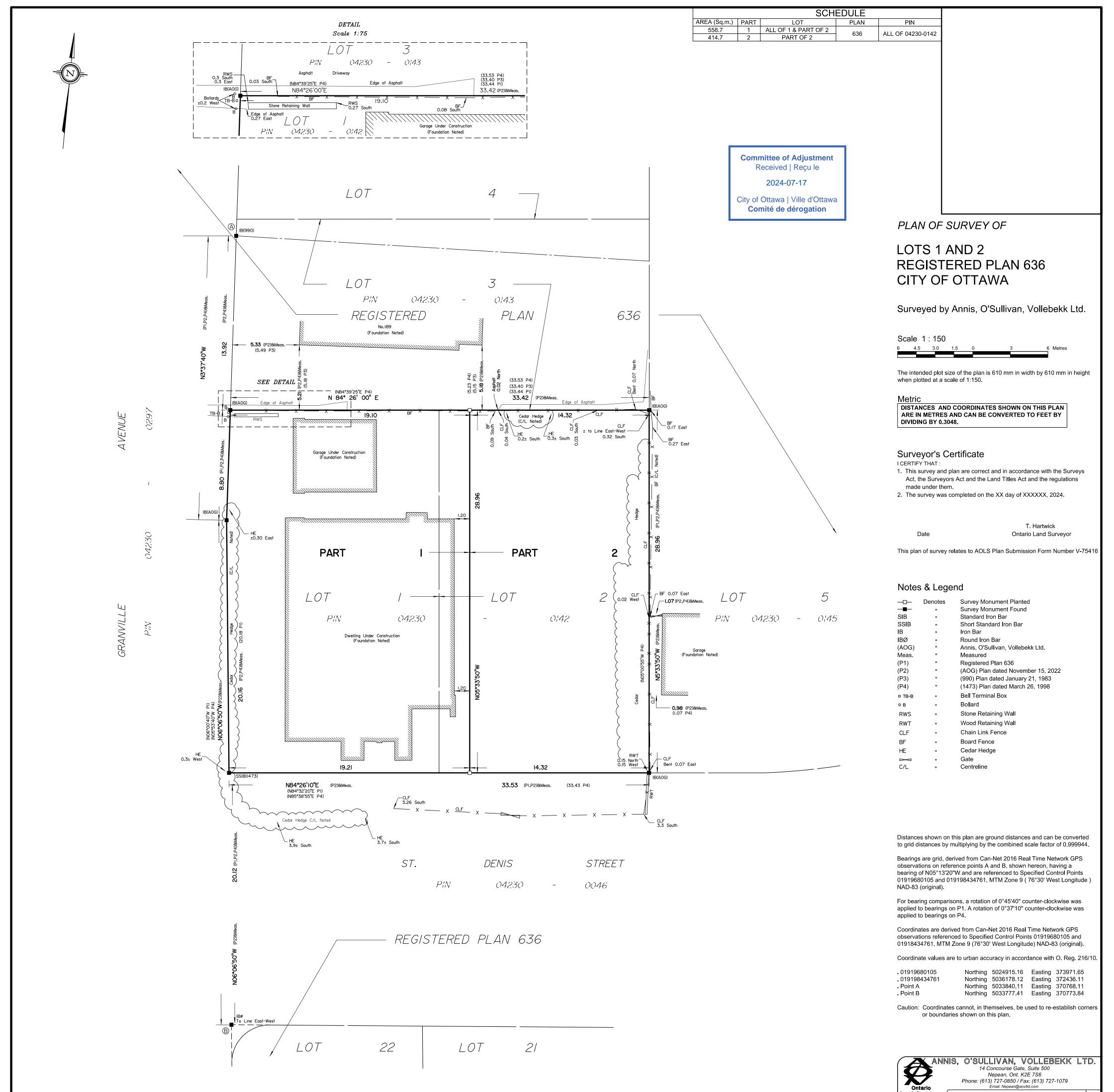
1-We are submitting two applications for severing 191 Granville Street.

First one is for severing 2 parcels known as 351,353 and other one as 355 St. Denis Second one is for severing 351 St. Denis from 353 St. Denis

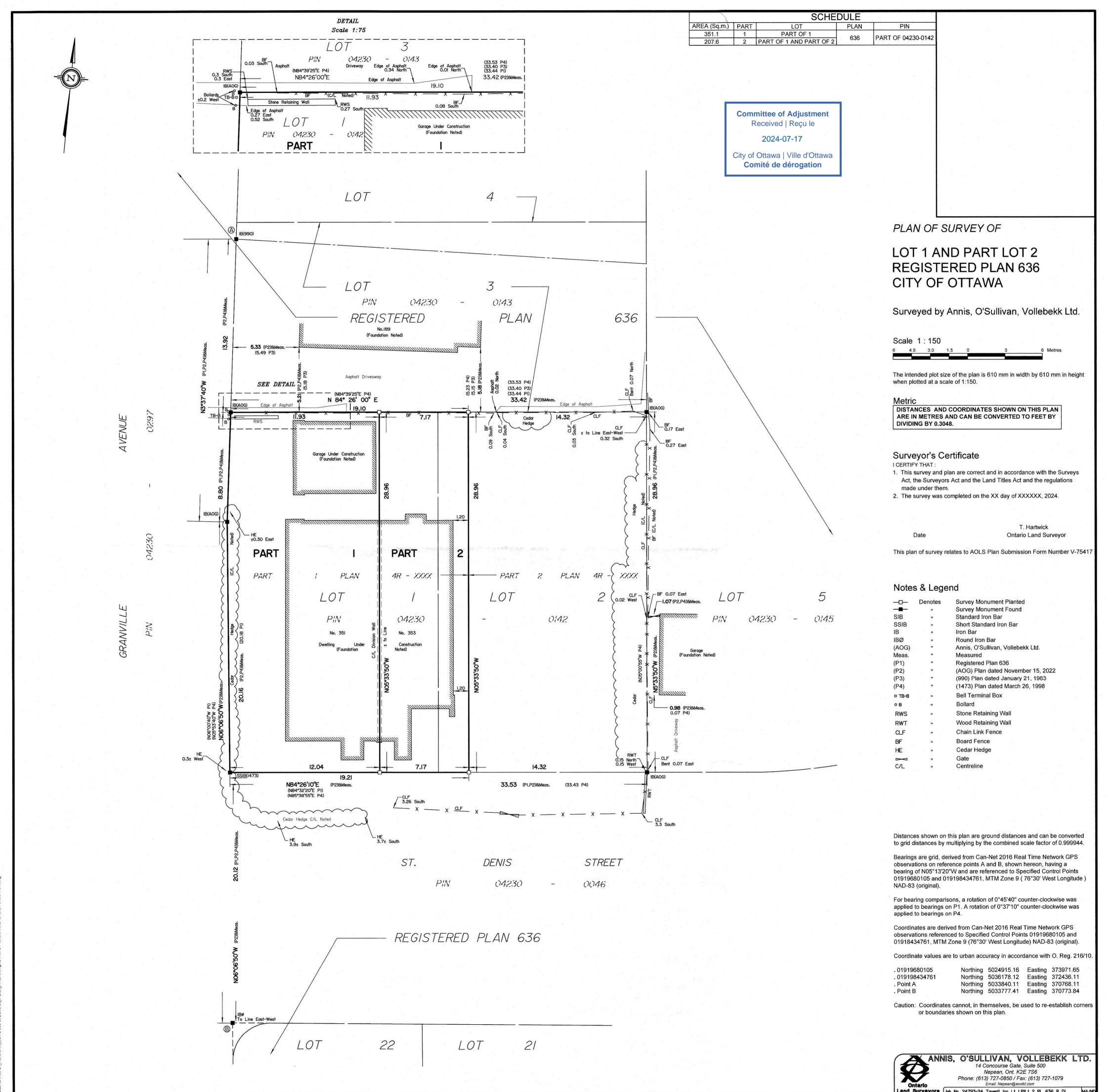
- 2- Subject land zoned R4U under zoning by-law previously R2L
- 3- Zoning By-Law been maintained in all aspects before acquiring the permit
- 4- The proposed building and lot sizes to be severed are complied with the city official plan plus integrated very well with existing neighborhood

Sincerely Yours,

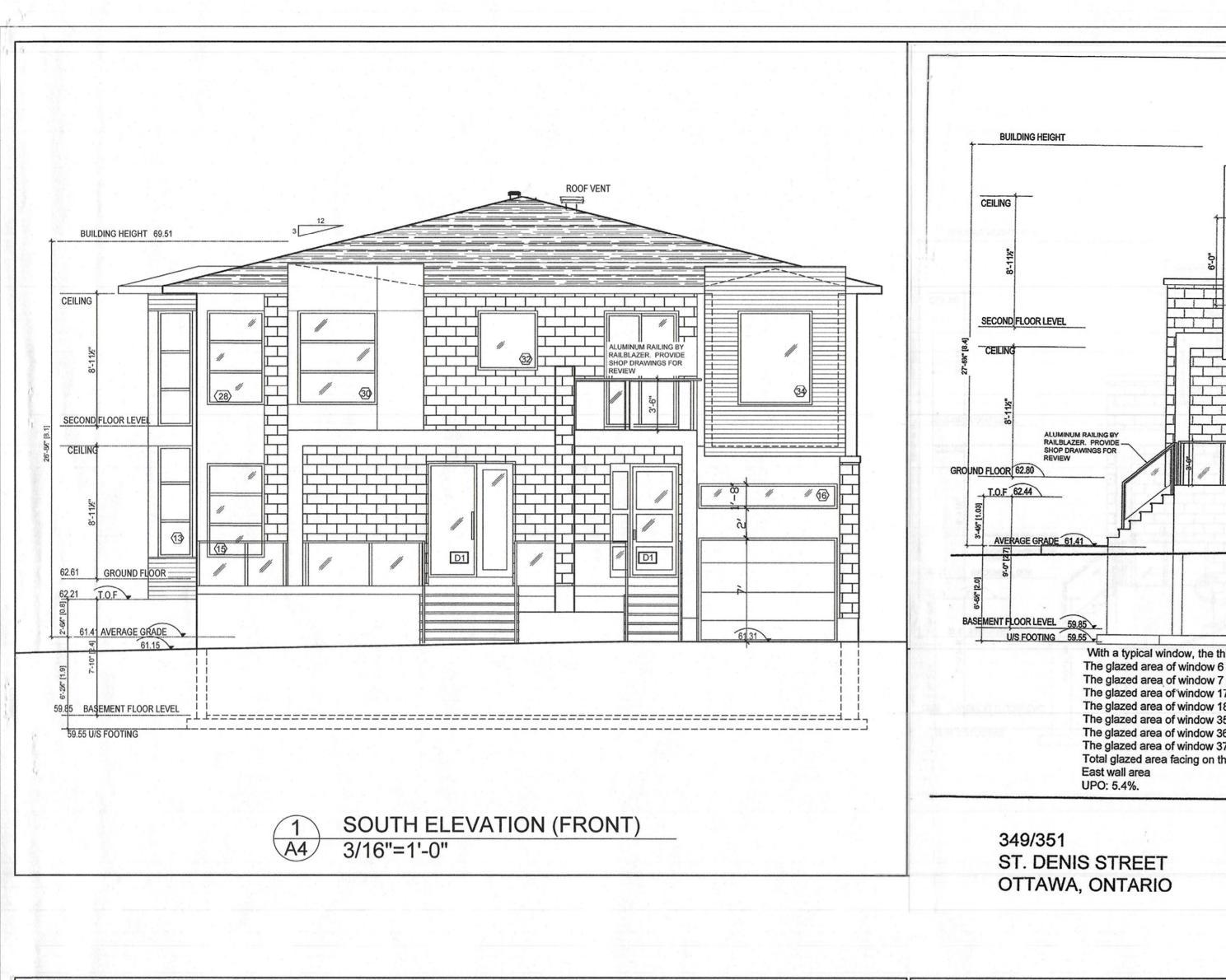
Majid Ebrahimipour

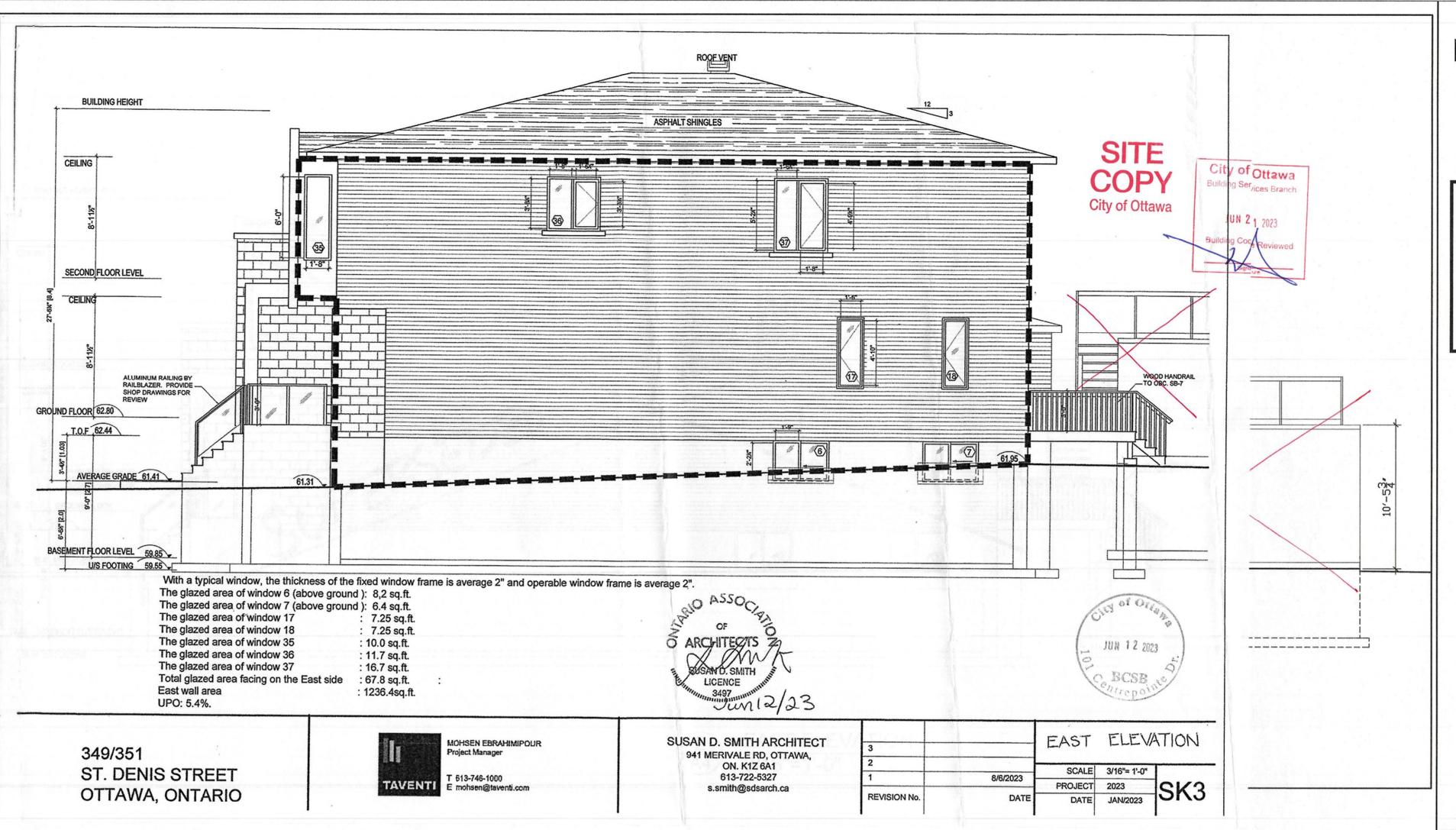


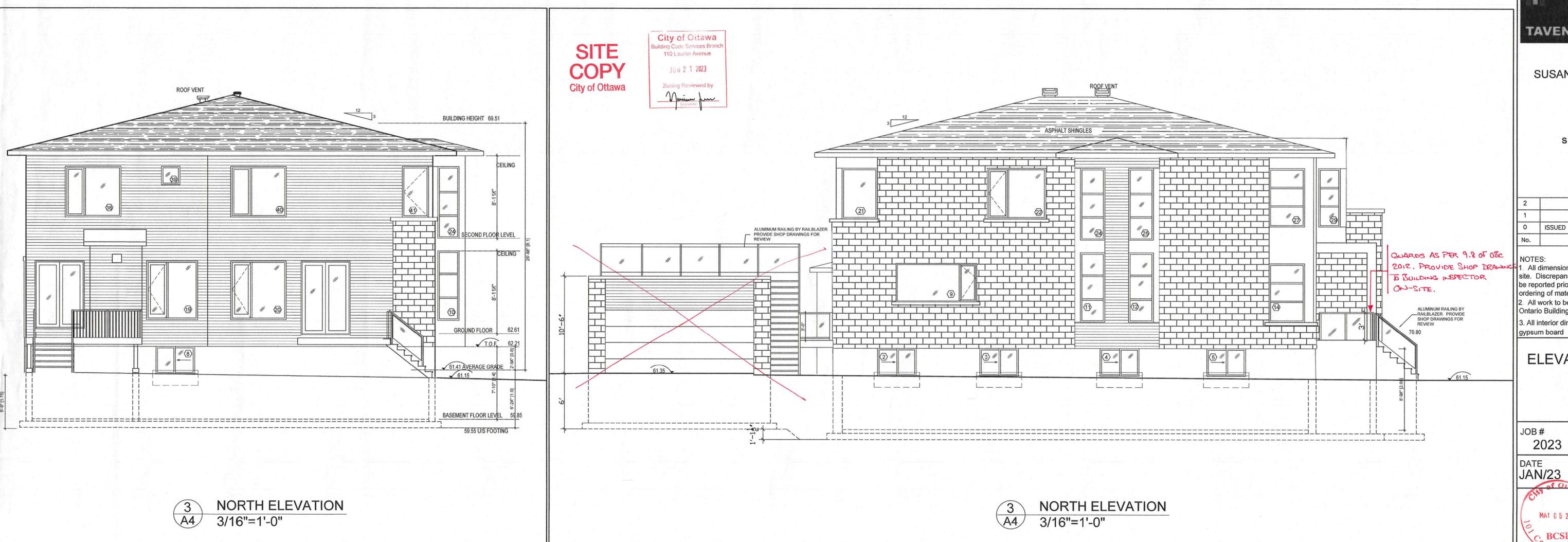
Land Surveyors Job No. 24794-24 Taventi Inc Lts I,2 PL 636 R DI



Land Surveyors Job No. 24793-24 Taventi Inc Lt I,PtLt 2 PL 636 R DI







NEW SEMI-DETACHED 349/351 St. DENIS ST.

OTTAWA, ONT.



**Committee of Adjustment** Received | Reçu le

2024-07-29

City of Ottawa | Ville d'Ottawa Comité de dérogation



MOHSEN EBRAHIMIPOUR Project Manager

T 613-746-1000 TAVENTI E mohsen@taventi.com

SUSAN D. SMITH ARCHITECT 941 Merivale Rd Ottawa, Ontario K1Z 6A1 613-722-5327 s.smith@sdsarch.ca

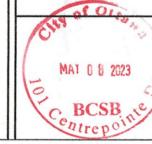
1		1
0	ISSUED FOR BUILDING PERMIT	28/04/2023
No.	REVISION	DATE

1. All dimensions are to be checked on site. Discrepancies or ambiguities should be reported prior to work on site or

ordering of materials. 2. All work to be in accordance with the Ontario Building Code, latest edition. 3. All interior dimensions are to face of

**ELEVATIONS** 

DRAWING BY JOB# 2023 SCALE AS NOTED



# This document is presented in the language it was provided. Ce document est présenté dans la langue dans laquelle il a été fourni.



P.O. BOX 13593, STN. KANATA, OTTAWA, ON K2K 1X6 TELEPHONE: (613) 838-5717 Website: www.ifsassociates.ca

WEBSITE. WWW.IFSASSU

URBAN FORESTRY & FOREST MANAGEMENT CONSULTING

February 9, 2023

Mohsen Ebrahimipour, Project Manager Taventi Inc. 1725 St. Laurent Boulevard, Suite 219 Ottawa, ON K1G 3V4

# RE: TREE INFORMATION REPORT (FULL) FOR 191 GRANVILLE AVENUE & 351-355 St. DENIS STREET, OTTAWA

This report details tree information for the above noted property in Ottawa. The need for this report is related to trees protected under the City of Ottawa's Tree Protection By-law (By-law No. 2020-340). The work proposed for this residential lot consists of the demolition of the existing single-family dwelling and construction of two new semi-detached dwellings.

Tree information reports are to include assessments of all impacted distinctive trees on the subject and adjacent private properties. Within the inner urban area of Ottawa distinctive trees are identified as having diameters of 30cm and greater at 1.3m from grade. Adjacent trees are to be taken into account if their critical root zones extend onto the property slated for development. A tree's critical root zone is calculated as diameter x 10cm. All trees of any diameter on City of Ottawa lands are to be included in tree information reports. A tree is defined in the By-law as "any species of woody perennial plant, including its root system, which has reached or can reach a minimum height of at least 450 cm at physiological maturity".

The approval of this tree information report by the City and the issuing of a permit authorizes the removal of approved trees. Importantly, although this report may be used to support the application for a tree removal permit, it does not by itself constitute permission to remove trees or begin site clearing activities. No such work should occur before a tree removal permit is issued authorizing the injury or destruction of a tree in accordance with the Bylaw. Further, the removal of any trees shared with or fully on neighbouring properties will require written permission of the adjacent landowner.

In total, two trees were found – one mature maple fully on the subject property and a shared cedar hedge which extends onto City land at its south end. The attributes of each of these trees are noted in Table 1 on page 2 of this report. Field work for this report was completed in January 2023.

Picture 1 on page 6 of this report show the trees on and shared with the subject property.

Committee of Adjustment Received | Reçu le

2024-07-17

City of Ottawa | Ville d'Ottawa
Comité de dérogation

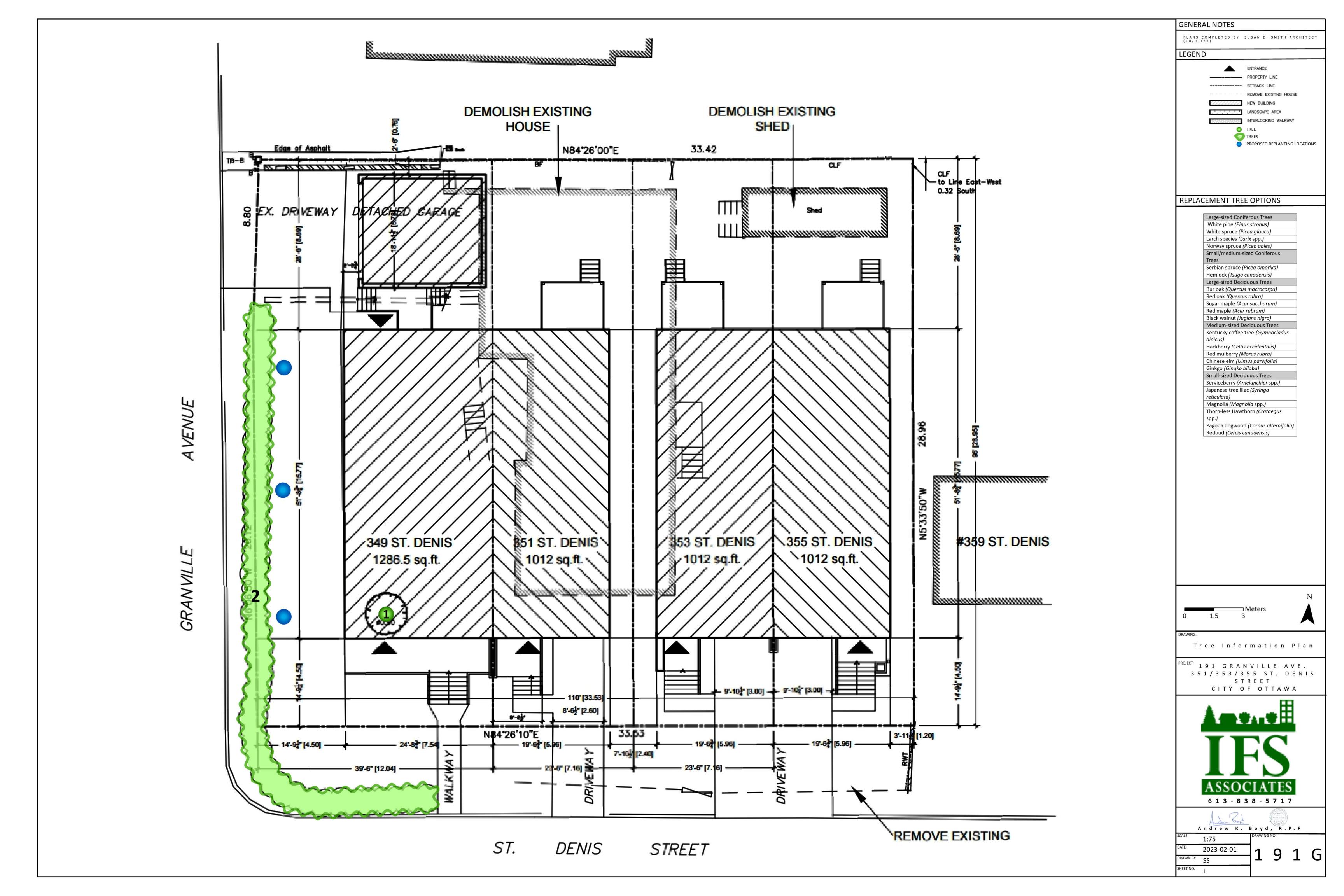
# TREE SPECIES, CONDITION, SIZE AND STATUS

Table 1 below details the species, ownership, size (diameter) and condition of the individual trees on and adjacent to the subject property. Each of these trees is referenced by the numbers plotted on the tree information plan included on page 3 of this report.

Table 1. Tree information for 191 Granville Avenue & 351-355 St. Denis Street, Ottawa

Tree	Tree species	Owner-	DBH <sup>2</sup>	$CRZ^3$	Distance to	Tree Condition, Age Class,	Reason for	Forester's
No.	/Tolerance to	ship	(cm)	(m)	excavation	Condition Notes, and Species Origin	removal	Opinion re.
	Construction <sup>1</sup>				$(m)^4$			Removal
1	Sugar maple	Private	76.1	1	-	Fair; mature; multiple competing	Conflicts	Tree be
	(Acer					stems starting at 1.5m – none	with 191	removed
	saccharinum)/					dominant; broad crown; at least one	Granville	
	Poor-					interior stem has been removed due	Avenue	
	Moderate					to dieback; root collar obscured by		
						snow at the time of inspection;		
						native species		
2	White cedar	Shared	<5	-	-	Fair; mature; maintained at 1-1.25m	Conflicts	Hedge be
	(Thuja	with	avg.			height; covered by snow at the time	with	removed
	occidentalis)/	City				of inspection; native species	construction	
	Good	_				-	access	

<sup>&</sup>lt;sup>1</sup>As taken from Managing Trees during Construction; 2<sup>nd</sup> Ed., Fite and Smiley; <sup>2</sup> Diameter at breast height, or 1.3m from grade (unless otherwise indicated); <sup>3</sup> Critical root zone (CRZ) is considered as being 10 centimetres from the trunk of a tree for every centimetre of DBH. The CRZ is calculated as DBH x 10 cm; <sup>4</sup>Approximate distances only.



#### PROVINCIAL REGULATIONS

Certain provincial regulations are applicable to trees on private property. In particular, the Endangered Species Act (2007) mandates that tree species on the Species at Risk in Ontario (SARO) list be identified. Butternut (*Juglans cinerea*) is present in Eastern Ontario and is listed as threatened on the SARO. Because of this it is protected from harm. No trees of this species were identified on the subject property or nearby adjacent properties.

# **TREE PROTECTION MEASURES**

In this instance, as no trees are being preserved, protection measures intended to mitigate damage during construction are not required.

## REPLACEMENT TREE PLANTING OR COMPENSATION

As the property is within the inner urban area, the following ratios are used in terms of replacement tree planting: 2:1 for each distinctive tree measuring 30-49 cm in diameter and 3:1 for each distinctive tree measuring 50 cm or greater in diameter. As one tree greater than 50cm is being removed, compensation of three new trees is required. Replacement trees must be at least 50mm in caliper if deciduous species and 2m height if coniferous. Suggested replanting locations are shown on the plan on page 3.

I trust this report satisfies your requirements. Please do not hesitate to contact me with any questions or comments you may have.

1828

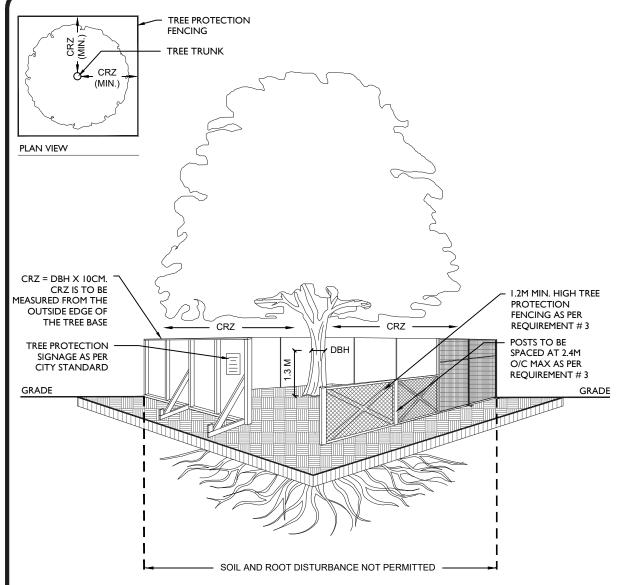
This report is subject to the attached Limitations of Tree Assessments and Liability to which the reader's attention is directed.

Yours,

Andrew K. Boyd, B.Sc.F, R.P.F. (#1828)

Certified Arborist #ON-0496A and TRAQualified

Consulting Urban Forester



#### 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.
- 2. 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
- 3. 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 MINIMISE DAMAGE TO EXISTING ROOTS. (SEE DETAIL)
- 4. 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.
- 5. 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.

ACCESSIBLE FORMATS AND COMMUNICATION SUPPORTS ARE AVAILABLE, UPON REQUEST



# TREE PROTECTION SPECIFICATION

TO BE IMPLEMENTED FOR RETAINED TREES, BOTH ON SITE AND ON ADJACENT SITES, PRIOR TO ANY TREE REMOVAL OR SITE WORKS AND MAINTAINED FOR THE DURATION OF WORK ACTIVITIES ON SITE.

SCALE: NTS

DATE: MARCH 2021

DRAWING NO.: 1 of 1



Picture 1. Trees #1 (maple) and #2 (cedar hedge) at 191 Granville Avenue & 351-355 St. Denis Street, Ottawa

# LIMITATIONS OF TREE ASSESSMENTS & LIABILITY

#### GENERAL

It is the policy of *IFS Associates Inc.* to attach the following clause regarding limitations. We do this to ensure that our clients are clearly aware of what is technically and professionally realistic in assessing trees for retention.

This report was carried out by *IFS Associates Inc.* at the request of the client. The information, interpretation and analysis expressed in this report are for the sole benefit and exclusive use of the client. Possession of this report or a copy thereof does not imply right of publication or use for any purpose by any other than the client to whom it is addressed. Unless otherwise required by law, neither all or any part of the contents of this report, nor copy thereof, shall be conveyed by anyone, including the client, to the public through public relations, news or other media, without the prior expressly written consent of the author, and especially as to value conclusions, identity of the author, or any reference to any professional society or institute or to any initialed designation conferred upon the author as stated in his qualifications.

This report and any values expressed herein represent the opinion of the author; his fee is in no way contingent upon the reporting of a specified value, a stipulated result, nor upon any finding to be reported. Details obtained from photographs, sketches, *etc.*, are intended as visual aids and are not to scale. They should not be construed as engineering reports or surveys. Although every effort has been made to ensure that this assessment is reasonably accurate, the tree(s) should be reassessed at least annually. The assessment presented in this report is valid at the time of the inspection only. The loss or alteration of any part of this report invalidates the entire report.

#### LIMITATIONS

The information contained in this report covers only the tree(s) in question and no others. It reflects the condition of the assessed tree(s) at the time of inspection and was limited to a visual examination of the accessible portions only. *IFS Associates Inc.* has prepared this report in a manner consistent with that level of care and skill ordinarily exercised by members of the forestry and arboricultural professions, subject to the time limits and physical constraints applicable to this report. The assessment of the tree(s) presented in this report has been made using accepted arboricultural techniques. These include a visual examination of the above-ground portions of each tree for structural defects, scars, cracks, cavities, external indications of decay such as fungal fruiting bodies, evidence of insect infestations, discoloured foliage, the condition of any visible root structures, the degree and direction of lean (if any), the general condition of the tree(s) and the surrounding site, and the proximity of people and property. Except where specifically noted in the report, the tree(s) examined were not dissected, cored, probed or climbed to gain further evidence of their structural condition. Also, unless otherwise noted, no detailed root collar examinations involving excavation were undertaken.

While reasonable efforts have been made to ensure that the tree(s) proposed for retention are healthy, no warranty or guarantee, expressed or implied, are offered that these trees, or any parts of them, will remain standing. This includes other trees on or off the property not examined as part of this assignment. It is both professionally and practically impossible to predict with absolute certainty the behaviour of any single tree or groups of trees or their component parts in all circumstances, especially when within construction zones. Inevitably, a standing tree will always pose some risk. Most trees have the potential for failure in the event of root loss due to excavation and other construction-related impacts. This risk can only be eliminated through full tree removal.

Notwithstanding the recommendations and conclusions made in this report, it must be realized that trees are living organisms, and their health and vigour constantly change over time. They are not immune to changes in site conditions, or seasonal variations in the weather. It is a condition of this report that *IFS Associates Inc.* be notified of any changes in tree condition and be provided an opportunity to review or revise the recommendations within this report. Recognition of changes to a tree's condition requires expertise and extensive experience. It is recommended that *IFS Associates Inc.* be employed to re-inspect the tree(s) with sufficient frequency to detect if conditions have changed significantly.

## **ASSUMPTIONS**

Statements made to *IFS Associates Inc*. in regards to the condition, history and location of the tree(s) are assumed to be correct. Unless indicated otherwise, all trees under investigation in this report are assumed to be on the client's property. A recent survey prepared by a Licensed Ontario Land Surveyor showing all relevant trees, both on and adjacent to the subject property, will be provided prior to the start of field work. The final version of the grading plan for the project will be provided prior to completion of the report. Any further changes to this plan invalidate the report on which it is based. *IFS Associates Inc*. must be provided the opportunity to revise the report in relation to any significant changes to the grading plan. The procurement of said survey and grading plan, and the costs associated with them both, are the responsibility of the client, not *IFS Associates Inc*.

#### LIABILITY

Without limiting the foregoing, no liability is assumed by *IFS Associates Inc*. for: 1) any legal description provided with respect to the property; 2) issues of title and/or ownership with respect to the property; 3) the accuracy of the property line locations or boundaries with respect to the property; 4) the accuracy of any other information provided by the client or third parties; 5) 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, 6) the unauthorized distribution of the report.

#### INDEMNIFICATION

An applicant for a permit or other approval based on this report shall agree to indemnify and save harmless *IFS Associates Inc.* from any and all claims, demands, causes of action, losses, costs or damages that affected private landowners and/or the City of Ottawa may suffer, incur or be liable for resulting from the issuance of a permit or approval based on this report or from the performance or non-performance of the applicant, whether with or without negligence on the part of the applicant, or the applicant's employees, directors, contractors and agents.

Further, under no circumstances may any claims be initiated or commenced by the applicant against *IFS Associates Inc.* or any of its directors, officers, employees, contractors, agents or assessors, in contract or in tort, more than 12 months after the date of this report.

#### ONGOING SERVICES

*IFS Associates Inc.* accepts no responsibility for the implementation of any or all parts of the report, unless specifically requested to supervise the implementation or examine the results of activates recommended herein. In the event that examination or supervision is requested, that request shall be made in writing and the details, including fees, agreed to in advance.

## **Committee of Adjustment** Received | Recu le

This document is presented in the language it was provided. Ce document est présenté dans la langue dans laquelle il a été fourni.

2024-08-28

## **CONSENT APPLICATION**

City of Ottawa | Ville d'COMMENTS TO THE COMMITTEE OF ADJUSTMENT Comité de dérogation PANEL 1

PLANNING DEVELOPMENT AND BUILDING SERVICES DEPARTMENT

191 Granville Street Site Address:

Legal Description: Lots 1 and 2, Reg Plan 636

File No.: D08-01-24/B-00134 & D08-01-24/B-00135

Report Date: August 29, 2024

September 4, 2024 Hearing Date:

Planner: Margot Linker

Official Plan Designation: Inner Urban Transect, Neighbourhood

R4UA (Residential Fourth Density, Subzone UA) Zoning:

#### **DEPARTMENT COMMENTS**

The Planning, Development and Building Services Department has no concerns with the applications.

## **DISCUSSION AND RATIONALE**

The subject site is located within the Inner Urban Transect and designated as Neighbourhood within Schedules A and B2 of the Official Plan. It is zoned R4UA. This area is intended for low-rise residential development.

Section 53 (12) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, permits the criteria for the subdivision of land listed in Section 51 (24) to be considered when determining whether provisional consent may be granted by a committee of adjustment. With respect to the criteria listed in Section 51 (24), staff have no concerns with the proposed consent. The proposed consent will create zoning-compliant lots to facilitate separate ownership of an existing semi and a third lot that will be large enough for future development.

### ADDITIONAL COMMENTS

Please note that the R Plan must identify the retained lands as "Part 3".

### **Planning Forestry**

A tree removal permit was issued through the building permit process. 3 compensation trees are required as replacement. One new tree in the ROW or frontage of each lot is recommended to improve the streetscape and canopy cover of the site.

110 Laurier Avenue West, Ottawa ON K1P 1J1 110, av. Laurier Ouest, Ottawa (Ontario) K1P 1J1 Courrier interne: 01-14

Mail code: 01-14

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## **Right of Way Management**

- 1. A Private Approach Permit is required to construct a new driveway (#353 St. Denis) and to modify the existing private approach (#351 St. Denis on the Granville frontage). Please contact the ROW Department for any additional information at rowadmin@ottawa.ca or visit the City webpage Driveways | City of Ottawa to submit a Private Approach application.
- 2. The Owner shall also be made aware that the existing hedge located in the St, Denis right of way is to be removed as it interferes with sight lines on the corner
- 3. The existing chainlink fence along the St. Denis ROW frontage in front of the retained lot (#355 St. Denis) and new severed lot (#353 St. Denis) is required to be removed. By-law Regulatory Services would enforce the fence under the Fence By-Law (No. 2003-462).

## **Transportation Engineering**

1. Provide a 3m x 9m corner triangle per Policy 2.1.1 (e) of Schedule C16 of the Official Plan. Dedicate the corner triangle to the City of Ottawa road right of way.

### **CONDITIONS**

If approved, the Planning, Development, and Building Services Department requests that the Committee of Adjustment impose the following condition on the applications:

- 1. That the Owner(s) provide evidence that payment has been made to the City of Ottawa for cash-in-lieu of the conveyance of land for park or other public recreational purposes, plus applicable appraisal costs. The value of land otherwise required to be conveyed shall be determined by the City of Ottawa in accordance with the provisions of By-Law No. 2022-280, as amended. Information regarding the appraisal process can be obtained by contacting the Planner.
- 2. That the Owner(s) provide evidence to the satisfaction of both the Chief Building Official and Development Review Manager, Planning, Development and Building Services Department, or designates, that both severed and retained parcels have their own independent water, sanitary and storm connection as appropriate, and that these services do not cross the proposed severance line and are connected directly to City infrastructure. Further, the Owner(s) shall comply to 7.1.5.4(1) of the Ontario Building Code, O. Reg. 332/12 as amended. If necessary, a plumbing permit shall be obtained from Building Code Services for any required alterations.
- That the Owner(s) enter into a Joint Use, Maintenance and Operating Agreement, at the expense of the Owner(s), setting forth the obligations between the Owner(s) and the proposed future owners.

The Joint Use, Maintenance and Operating Agreement shall set forth the joint use and maintenance of all common elements including, but not limited to, the common party walls, common structural elements such as roof, footings, soffits, foundations, common areas, common driveways and common landscaping.

The Owner shall ensure that the Agreement is binding upon all the unit owners and successors in title and shall be to the satisfaction of Development Review Manager of the Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate, or City Legal Services. The Committee requires written confirmation that the Agreement is satisfactory to Relevant Manager of the Relevant Branch within Planning, Development and Building Services Department, or their designate, or is satisfactory to City Legal Services, as well as a copy of the Agreement and confirmation that it has been or will be registered on title.

- 4. The Owner(s) shall prepare a noise attenuation study in compliance with the City of Ottawa Environmental Noise Control Guidelines to the satisfaction of Development Review Manager of the Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate. The Owner(s) shall enter into an agreement with the City that requires the Owner to implement any noise control attenuation measures recommended in the approved study. The Committee requires a copy of the Agreement and written confirmation from City Legal Services that it has been registered on title.
- 5. That the Owner enter into an Agreement with the City, at the expense of the Owner, which is to be registered on Title to deal with the covenants/notices that shall run with the land and bind future owners on subsequent transfers;

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

The Agreement shall be to the satisfaction of Development Review Manager of the Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate. The Committee requires a copy of the Agreement and written confirmation from City Legal Services that it has been registered on title.

6. That the Owner convey a 3m x 9m corner sight triangle located at the intersection of St. Denis & Granville Street to the City, with all costs to be borne by the Owner(s), to the satisfaction of the Surveys and Mapping Branch of the City. This area will be free of all structures, plantings, etc. and will allow a proper sighting distance for motorists when performing turning movements within the

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- intersection. The Committee must receive written confirmation from City Legal Services that the transfer of the lands to the City has been registered.
- 7. That the Owner(s) enter into a resurfacing agreement with the City to the satisfaction of the Program Manager, Right of Way Branch within Planning, Development and Building Services Department, or their designate, and provide financial security in accordance with the Road Activity By-law, as amended, to install an asphalt overlay over the roadway surface of St. Denis Street, fronting the subject lands, to the limits shown on the approved Site Servicing Plan. Where the approved Site Servicing Plan demonstrates that resurfacing is not required based on the City's Road Cut Resurfacing Policy, the Development Review Manager of the All-Wards Branch within Planning, Development and Building Services Department, or their designate, shall deem this condition satisfied.
- 8. That the Owner/Applicant(s) provide a tree planting plan, prepared to the satisfaction of the Manager of the relevant Branch within the Planning, Real Estate and Economic Development Department, or their designate(s), showing the location(s) and species or ultimate size of all compensation trees required under the Tree Protection By-law and/or one new tree (50 mm caliper) per lot, whichever is greater.
- 9. That the Owner(s) provide evidence to the satisfaction of the Chief Building Official, or designate, that the party wall meets the Ontario Building Code, O Reg. 332/12 as amended, which requires a 1-hour fire separation from the basement through to the underside of the roof. Verification from the Building Inspector is required. If necessary, a building permit shall be obtained from Building Code Services for any required alterations.

Margot Linker

Margot Linker Planner II, Development Review All Wards Planning, Development and Building

Services Department

Jean-Charles Renaud

Planner III, Development Review All Wards Planning, Development and Building

Services Department

# **Committee of Adjustment**



# Comité de dérogation

## NOTICE OF HEARING

Pursuant to the Ontario Planning Act

**Minor Variance Application** 

Panel 1 Wednesday, August 7, 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-00168

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

Applicant: Patrick Szlanta

**Property Address:** 167 Powell Avenue

Ward: 17 – Capital

**Legal Description:** Lot 71, Part of Lot 70 and Part of the Rear Passage (Lying

between Percy Street and Lyon Street), Registered Plan

4M-19

**Zoning:** R3P

**Zoning By-law**: 2008-250

### APPLICANT'S PROPOSAL / PURPOSE OF THE APPLICATION:

The Applicant wants to construct a below grade garage beneath the existing house with a reverse grade driveway, as shown on plans filed with the Committee.

### **REQUESTED VARIANCES:**

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

- a) To permit an increased driveway gradient of 14.2%, whereas the By-law requires a driveway gradient not exceed an average of 8%.
- b) To permit a front-facing attached garage, whereas the By-law does not permit a front-facing attached garage based on the conclusions of a Streetscape Character Analysis.

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

## FIND OUT MORE ABOUT THE APPLICATION

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 <a href="mailto:cofa@ottawa.ca">cofa@ottawa.ca</a> 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 <a href="mailto:cofa@ottawa.ca">cofa@ottawa.ca</a>. 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: July 19, 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

Ville d'Ottawa 101, promenade Centrepointe Ottawa ON K2G 5K7

Ottawa.ca/Comitedederogation cded@ottawa.ca

613-580-2436

# **Committee of Adjustment**



# Comité de dérogation

## **AVIS D'AUDIENCE**

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

## Demande de dérogations mineures

Groupe 1 Mercredi 7 août 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 cidessous 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 <u>YouTube</u> 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-00168

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

l'aménagement du territoire

Requérant : Patrick Szlanta

Adresse municipale: 167, avenue Powell

**Quartier:** 17 – Capitale

**Description officielle :** Lot 71, partie du lot 70 et partie de l'allée arrière (entre la

rue Percy et la rue Lyon), plan enregistré 4M-19

Zonage: R3P

Règlement de zonage : n° 2008-250

## PROPOSITION DU REQUÉRANT ET OBJET DE LA DEMANDE :

Le requérant souhaite construire un garage souterrain sous la maison existante avec une entrée de cour à pente inversée, conformément aux plans déposés auprès du Comité.

## **DÉROGATIONS DEMANDÉES:**

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

- a) Permettre l'augmentation de la pente de l'entrée de cour à 14,2 %, alors que le Règlement exige que la pente de l'entrée de cour n'excède pas une movenne de 8 %.
- b) Permettre un garage attenant faisant face à l'avant, alors que le Règlement ne permet pas un garage attenant faisant face à l'avant, selon les conclusions d'une analyse du caractère du paysage de rue.

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 <u>cded@ottawa.ca</u> 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 <u>cded@ottawa.ca</u>. 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**: 19 juillet 2024



This document is also available in English.

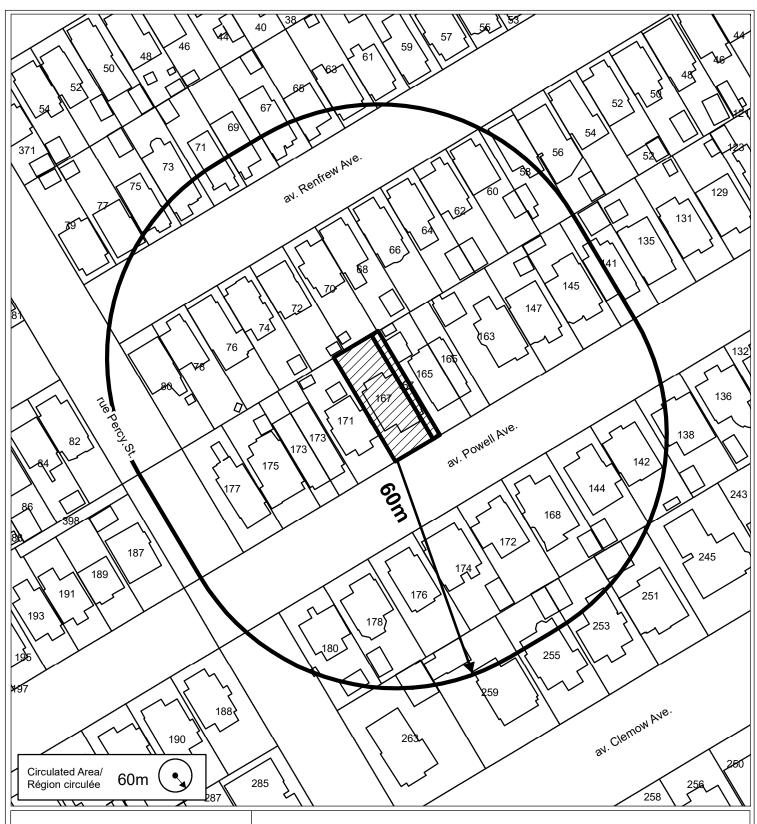
## **Committee of Adjustment**

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



## Comité de dérogation

Ville d'Ottawa
101, promenade Centrepointe
Ottawa ON K2G 5K7
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cded@ottawa.ca
613-580-2436





Committee of Adjustment Comité de dérogation

# CIRCULATION MAP / PLAN DE CIRCULATION

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SUBJECT LAND / TERRAIN EN QUESTION 167-169 av. Powell Avenue



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Committee of Adjustment Received | Reçu le

2024-06-25

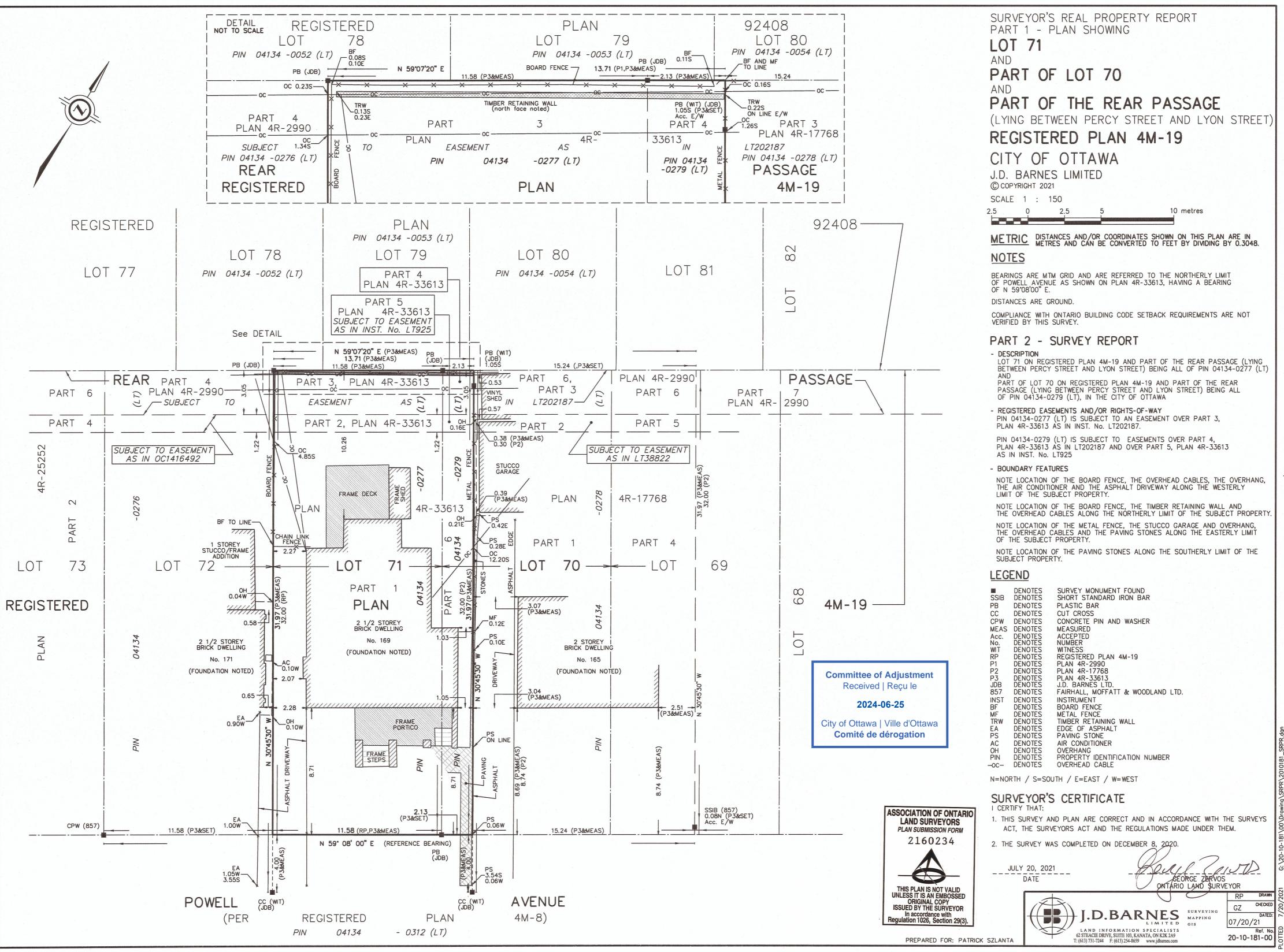
City of Ottawa | Ville d'Ottawa

Comité de dérogation

Cover Letter: P Szlanta, Minor Variance Application for 167 & 169 Powell Avenue RATIONALE FOR REVERSE GRADE DRIVEWAY AND BELOW GRADE GARAGE:

- 1. The proposed below-grade garage, being beneath the existing house, frees up the rear accessory building to be a coach house, enabling greater density (a return to 3 units on the lot).
- 2. Contemplated Alternatives: Visually disruptive options: removing the seamless 1930s east side addition, cantilevering over alleyway, subterranean lifts (3 quotes obtained).
- 3) This plan removes a conflict with the neighbour's leaning tree (branches projecting 1'-2' into driveway) and mini split compressor, and lessens a conflict with overhead branches of city trees. With potential for new ROW tree/plantings.
- 4) The proposal provides a more discrete garage compared to having it at the rear and is also similar in terms of other recently constructed/renovated houses with below grade garages in the neighbourhood, including on this street (recent vintages). Plantings help obscure, suggestion to setback within structure will be adhered to, further obscuring the change.
- 5) Existing living space and entrance at grade will not change through this construction, so the street interaction will not be lost.
- 6) No reduction of street parking, given prescribed minimum lengths and setback from the end of driveways (anecdotally no instance of multiple cars parked out front).
- 7) Interior side yard is less than 2.6 metres wide and there is no existing easement over the neighbour's property, so the proposed garage is an improvement for the parking situation.
- 8) Given the unaltered section of city owned RoW and reduced hardscape, there will be less surface rainwater runoff to the street than an at grade driveway.

4 Tests: Is This Proposal:	Front Yard Parking	Reverse slope driveway to below grade garage.
Minor in Nature?	Present in neighbourhood, recently put in (current zoning). Presently parking for 2 cars, no increase sought.	Much of the area is already covered by walkway and driveway adjacent pavers that have been present for decades. The garage entrance would be in line with the existing window and be mostly obscured by the slope, the height of the city ROW (4m), and plantings.
Appropriate and desirable for the neighbourhoo d?	Allows for avoidance of neighbour's leaning tree and any projections into alleyway space. Plus increased safety of not driving through narrow passage. Increases green space by removing much of the asphalt in the alleyway and existing driveway.	Allows for noisy woodworking to take place behind 1'-2' concrete and stone walls, more neighbour friendly setup. Increases clearances under existing branches of city owned trees. Powell Avenue is serviced by separate storm and sanitary sewers, proposal would reduce the amount of runoff.
In keeping with purpose/intent of zoning?	Protection of tree canopy and soft landscaping is prioritized. 24m+ of asphalt drastically reduced.	Street facing garage is a dominant characteristic. Reverse slope driveway enables obscuring garage entrance from streetscape.
In keeping with purpose and intent of Official Plan?	Small but meaningful contribution to intensification by enabling detached approved structure at rear to be repurposed into a coach house.	Small but meaningful contribution to intensification by enabling detached approved structure at rear to be repurposed into a coach house. Increases greenspace & permeable area



**Committee of Adjustment GENERAL NOTES:** Received | Reçu le Revised | Modifié le : 2024-07-31 City of Ottawa | Ville d'Ottawa Comité de dérogation DESCRIPTION: BY: DATE: STATUS: **CONSTRUCTION ISSUE** DESIGNED BY: PROJECT ADDRESS: **CLIENT:** ARCHITECT:

DRAWING TITLE:

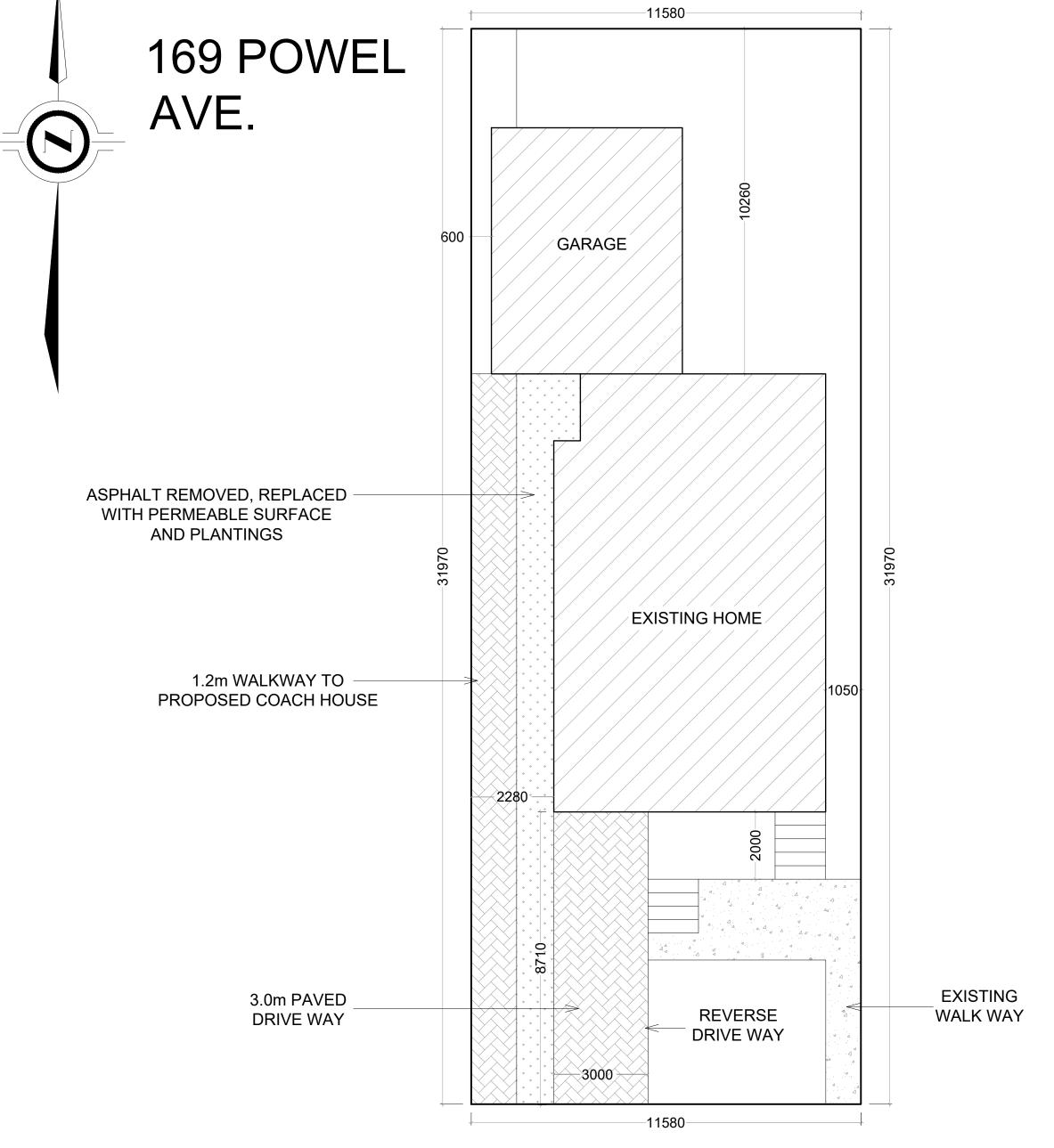
PROJECT NO. DRAWING NO:

SCALE: AS SHOWN

SITE/ SURVEY PLAN

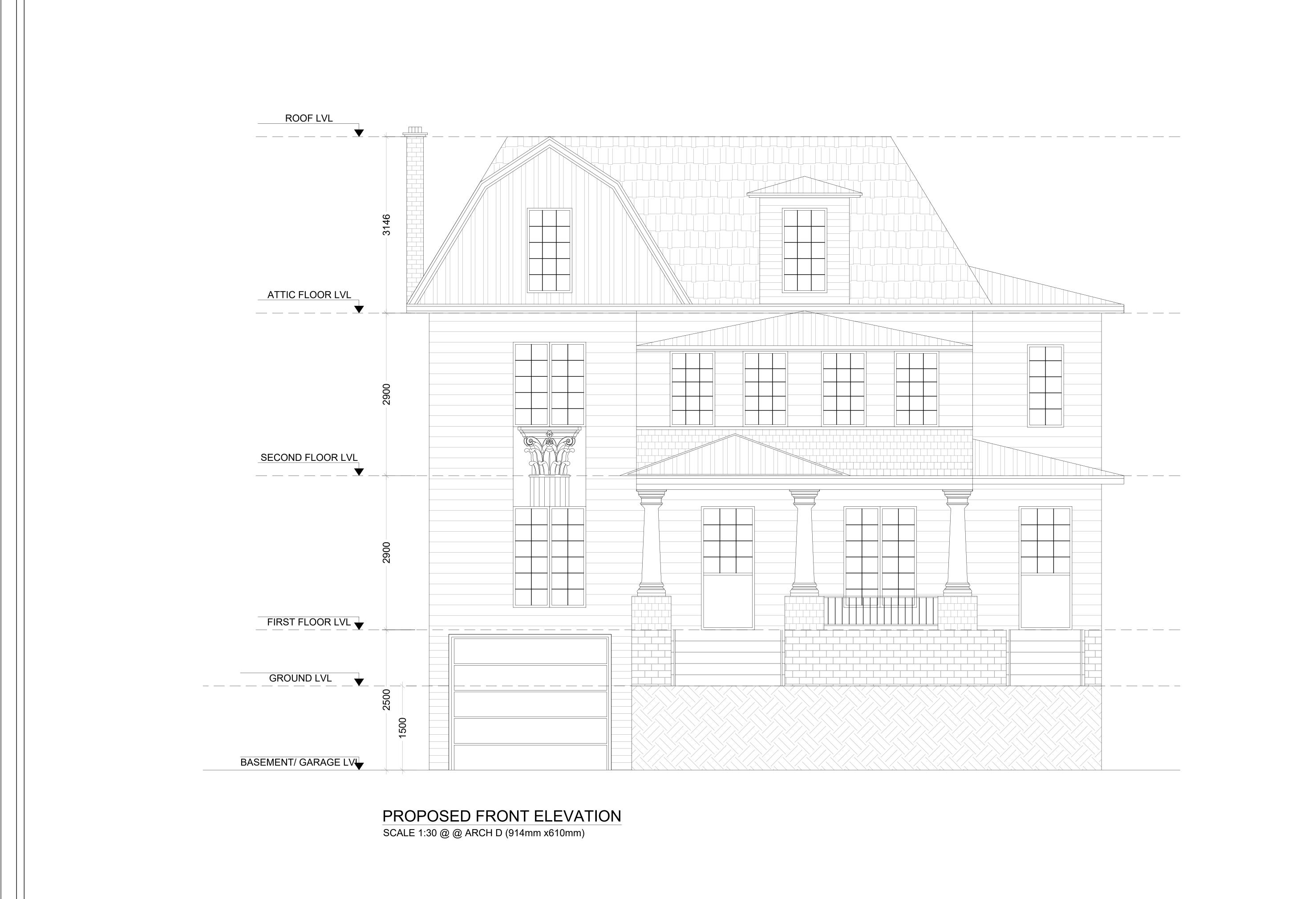
**A01** 

DATE: DRAWN: CHECKED:



SITE PLAN

SCALE 1:100 @ ARCH D (914mm x610mm)



GENERAL NOTES:

7
6
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REV. DESCRIPTION: BY: DATE:
STATUS:
CONSTRUCTION ISSUE

**DESIGNED BY:** 

PROJECT ADDRESS:

CLIENT:

ARCHITECT:

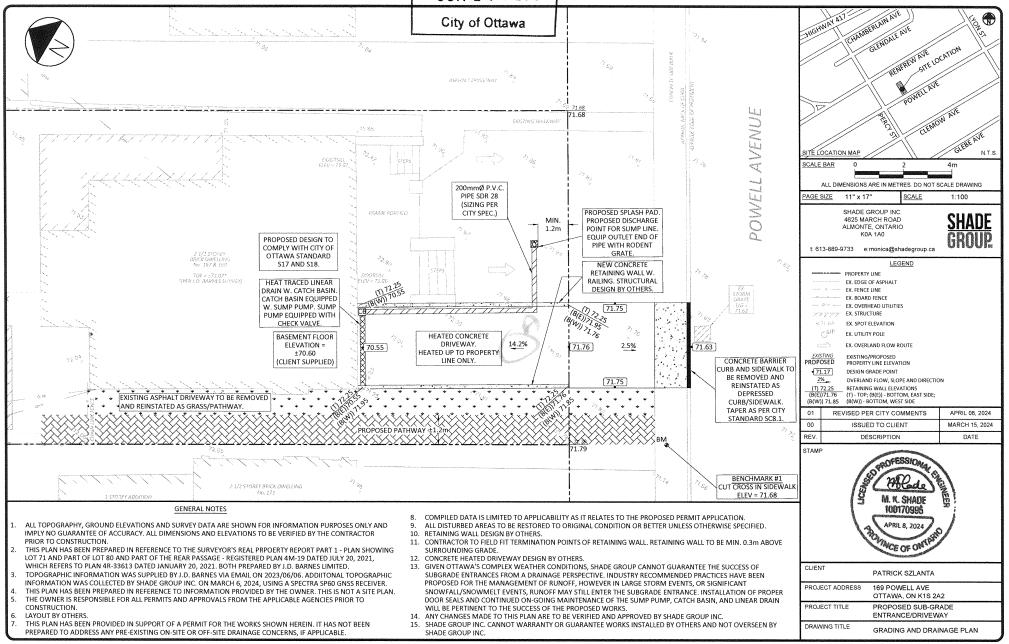
DRAWING TITLE:

PROPOSED RONT ELEVATION

SCALE: AS SHOWN DATE: DRAWN: CHECKED: PROJECT NO. DRAWING NO: REVISION:

## Committee of Adjustment

## JUN 2 4 2024



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169 POWELL AVENUE

# 169 POWELL AVENUE TREE INFORMATION REPORT

Committee of Adjustment Received | Reçu le

2024-06-25

City of Ottawa | Ville d'Ottawa

Comité de dérogation



**DATE: APRIL 23, 2024** 

OTTAWA TREE REPORTS

SCOTT PETRIE

## **Table of Contents**

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Tree Information	4
Tree Inventory and Assessment Methodology	4
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## Introduction

Ottawa Tree Reports was retained by Patrick Szlanta to complete a Tree Information Report in support of a Variance Application for the property located at 169 Powell Avenue in Ottawa, Ontario.

The work plan for this Tree Information Report included the following:

- Prepare inventory of the tree resources on the subject property and within vicinity of impact on adjacent neighbouring property;
- Evaluate potential tree protection and preservation opportunities based on proposed site plans;
   and
- Document the findings in a Tree Information Report.

#### **Contact Information**

Owner Information:

Name: Patrick Szlanta Phone #: 343-364-0643

Email: patrickvachonszlanta@icloud.com

**Arborist Information:** 

Name: Scott Petrie Phone #: 613-204-8687

Email: info@ottawatreereports.com

**Contractor Information:** 

Name: Phone #: Email:

## **Policy Framework**

The subject property is subject to the provisions of the City of Ottawa's Tree Protection By-law 2020-340. The purpose of this by-law is for the protection of municipal trees and municipal natural areas in the City of Ottawa and trees on private property in the urban area of the City of Ottawa.

City of Ottawa tree protection requirements were applied during the Tree Information Report planning process. These protection requirements indicate a minimum distance at which the critical root zone (CRZ) must be protected.

The CRZ distances allow for maximum development potential while providing sufficient space to ensure the tree(s) are not subject to any long term adverse due to the impacts of development. In instances where the CRZ will be encroached upon and impacted, an Adjusted Tree Protection Zone (Adj TPZ) has been calculated based upon impacts to the CRZ; further mitigation measure may be required to ensure there are no adverse long-term impacts to the tree(s).

## **Tree Information**

Field assessments were conducted on April 22, 2024, the results of the assessment are provided in the Tree Information Table found in Appendix "A".

## Tree Inventory and Assessment Methodology

All trees on the subject property and those that maybe impacted on adjacent properties were inventoried and assessed, with specific focus on trees that are protected and thus subject to the provisions of the City of Ottawa's Tree Protection By-law 2020-340.

Tree inspections were limited to visual, on-ground examinations. No boring, probing, or sonic tomography was employed during the assessments. Any data and information collected is based on the conditions at the time of inspection.

## **Subject Trees**

A total of 2 trees were inventoried and assessed for the project, it has been determined that only 1 protected tree and will be directly impacted by the installation of the new private approach. Please refer to the table below for the number of trees, number of impacted trees, and the distribution of protection status and type of impact.

Table 1 - Tree Information Dashboard

Ī	# of Trees Inventoried	# of Protected Trees	# Protected Tree Impacts	Protected Tr	ee Removals	Protected Tree Injuries			
	ilivelitorieu	ntoried frees free init		# of City Trees	# of Private Trees	# of City Trees	# of Private Trees		
	2	2	1	0	0	1	0		

## **Impacted Trees**

In total, 1 tree will be impacted by the proposed work, and it is protected under the City of Ottawa's Tree Protection By-law 2020-340. No protected trees are to be removed; Tree # 1 is the protected tree that has been identified for CRZ injury, based on their location and proximity to proposed work, and the nature of impact to be incurred will be further discussed. Even though, Tree #2 will not be directly impacted by the proposed works it will be also be discussed for potential injury.

Table 2 - Tree Impact Table

		Chasias			pə:		tions			
		Species	(cm)	hip	Protected	(F	Poor/Fair/Goo	d)	rist ndatic	
Tree #				nership		Trunk	Canopy	Canopy	po	
	Common	Botanical	рвн	»O	By-Law	Integrity	Structure	Vigour	Ar	
1	Norway Maple	Acer plataniodes	48	City	Yes	F	F	F	Injure	
2	Norway Maple	Acer plataniodes	45	City	Yes	F	F	G	Other	

**Tree 1** is a 48 cm Norway Maple *Acer plantanoides*, that is completely located on City property (asset ID 8194980), in front of the subject property, approximately 6.3 m east of the current private approach. This tree has a CRZ of 4.8m, the proposed private approach will be installed at 4m west of this tree, and approximately less than 10% of the trees CRZ will be impacted by the proposed works. The installation of the 200mm pipe and splash pad will also occur within the CRZ estimated at 4.3m north west of the base of this tree, it is recommended that the installation of the splash pad be moved 0.5m north and outside the CRZ.

Considering **Tree 1** is a City of Ottawa owned tree, it is recommended that the owner contact City of Ottawa Forestry Operations to perform a root pruning (grinding) operation on a perpendicular line, 4 m from the base (west) of the tree, from the back of sidewalk north to the property line of 169 Powell Avenue. This will cleanly severe all roots according to arboricultural best practices, and at this distance from the trunk flare the static relevant zone or stability of Tree 1 will not be impacted. If the City's Forestry Operations cannot meet the timelines associated with the proposed works, it is recommended the owner receive written authorization to perform the root grinding as prescribed, under the supervision of Ottawa Tree Reports.

**Tree 2** is a 45 cm Norway Maple *Acer plantanoides*, completely located on City property (asset ID 8194983) in front of 171 Powell Avenue, approximately 2.1 m west of the existing private approach of 169 Powell Ave. The 4.5m CRZ of this tree potentially extends under the existing private approach by approximately 2.4m. Considering there is a positive grade change down from the trunk flare of this tree, the absence of any bulges or ridges (indicating settlement around roots) on the existing private approach surface, would suggest that structural surface roots may not present. In discussion with the property owner, only the surface of the existing private approach will be removed at this location, therefore the granular, or subsurface layer will not be removed.

However, if roots are encountered during excavation to remove the private approach (for 169 Powell Avenue), it is recommended that any, and all roots that are exposed or damaged during excavation, shall be pruned in accordance with good arboricultural practices under the guidance of Ottawa Tree Reports.

### **Tree Protection Details**

Both protected trees are required to have tree protection measures installed as outlined in the City of Ottawa's Tree Protection Specification and Tree Protection Plan found in Appendix "B". Tree protection measures are recommended to be installed prior to the commencement of the proposed works to ensure tree resources designated for retention and protection are not impacted by the development. The tree protection measures should be maintained throughout the duration of the proposed works until final grading and landscaping are complete, or as otherwise directed by City of Ottawa staff.

Unless otherwise indicated, tree protection shall be installed at the minimum extent of the CRZ.

OTTAWA TREE REPORTS 5 | Page

Table 3 - Tree Protection Table

Tree	Species		Species		Species		Species		(cm)	Ownership	Protected	Arborist Rec	(m)	Impacted	ion Limit (m)	TPZ (m)	Specification Rec	Notes
#	Common	Botanical	ОВН	Owne	By-Law F	Arbori	CRZ	CRZ Im	Rec Excavation	Adj TF	Specifica	Notes						
1	Norway Maple	Acer plataniodes	48	City	Yes	Injure	4.8	Yes	4.0	4.0	Snow fence	Root severing is recommended to occur parallel to the private approach surface, perpendicular to the back of sidewalk to the property line.						
2	Norway Maple	Acer plataniodes	45	City	Yes	Other	4.5	Yes*	NA	2.1	Snow fence	any, and all roots that are exposed or damaged during excavation, shall be pruned in accordance with good arboricultural practices						

<sup>\*</sup>See notes in the Impacted Trees section

**Tree 1** is a 48 cm Norway Maple *Acer plantanoides*, completely located on City property (asset ID 8194980), in front of 169 Powell Avenue. It is recommended that snow fence (in accordance to the City's specification) be installed perpendicular at the adjusted tree protection zone limit of 4m, from the back (means towards home) of sidewalk, towards the property line for 4.8 m. The tree will protection will act as a barrier to ensure construction related material are not stored on CRZ, nor are the roots subject to compaction. The Contractor should also ensure that exhaust fumes from all equipment must NOT be directed towards this trees canopy.

**Tree 2** is a 45 cm Norway Maple *Acer plantanoides*, completely located on City property (asset ID 8194983) in front of 171 Powell Avenue. It is recommended that snow fence (in accordance to the City's specification) be installed perpendicular at the adjusted tree protection zone limit of 2.1m from the back (means towards home) of sidewalk along the driveway edge, towards the property line for 4.5 m. The tree will protection will act as a barrier to ensure construction related material are not stored on CRZ, nor are the roots subject to compaction. The Contractor should also ensure that exhaust fumes from all equipment must NOT be directed towards this trees canopy

## Tree Compensation and Replanting

No trees are proposed to be removed with the associated works; therefore, Tree Compensation and Replanting is not required. However, once all proposed construction works are completed, it is strongly encouraged that the owner contact the City of Ottawa to participate in the Trees and Trust planting program for streetscape tree planting.

## **Summary**

Ottawa Tree Reports was retained by Patrick Szlanta to complete a Tree Information Report in support of a Variance Application for the property located at 169 Powell Avenue in Ottawa, Ontario.

The findings of the tree inventory indicate a total of 1 protected tree on the subject property will be impacted, and 1 protected tree on neighbouring property potentially will be impacted by the proposed

TREE INFORMATION REPORT: 169 POWELL AVENUE

works. Both protected trees have been identified for retention and the installation of tree protection measures.

The following recommendations are suggested to minimize impacts to trees identified for protection. Refer to Tree Protection Drawing in Appendix "B" for additional tree preservation plan notes and the tree protection fence details.

- Tree protection barriers and fencing should be erected at locations prescribed on Tree Protection Drawing in accordance to the Tree Protection Specification in Appendix "B".
- Tree protection measures will have to be implemented prior to construction phase to ensure the trees identified for preservation and protection are not impacted by the development.
- Roots that extend past prescribed critical root zone and/or adjusted tree protection zones that
  require pruning must be pruned by a qualified Arborist or other tree professional. All pruning of
  tree roots must be in accordance with good arboricultural practices.
- Site visits, pre, during and post construction is recommended by Ottawa Tree Reports to ensure proper utilization of tree protection barriers.

Trees should also be inspected for damage incurred during construction to ensure appropriate corrective pruning or other mitigation measures are implemented.

## **Application Fees**

At this time no tree removals are required to facilitate the proposed works, therefore no additional tree removal or compensation fees should be required. Application fees outlined are not considered final until confirmed by the City of Ottawa.

Respectfully Submitted,

Scott Petrie, Dip EMT, EDDM

**Ottawa Tree Reports** 

Scott Petrie

## **APPENDIX A**

## **Tree Information Table**

Table 4 – Tree Information Table

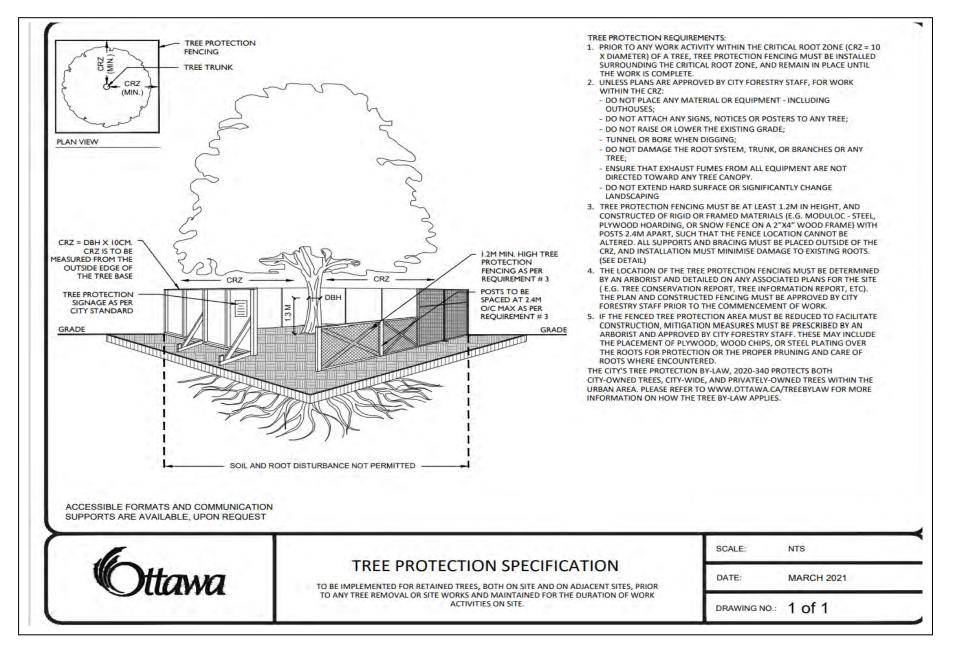
		Species	s   J		Condition Poor/Fair/Goo	od)	Sec	Troc		•	cted	n Limit	(m)	ition dations			
Tree #		3H (cn	mersh	v Prot	Trunk	Canopy Canopy	orist (	Tree Planting	#s &	RZ	RZ (m	avatio (m)	TPZ	cifica men	Notes		
	Common	Botanical	80	ð	By-Lav	Integrity	Structure	Vigour	Arb	전 Required		ō	CRZ	Rec Exc	Adj	Spec	
1	Norway Maple	Acer plataniodes	48	City	Yes	F	F	F	Injure	No	NA	4.8	Yes	4.0	4.0	Snow fence	Root severing is recommended to occur parallel to the private approach surface, perpendicular to the back of sidewalk to the property line.
2	Norway Maple	Acer plataniodes	45	City	Yes	F	F	G	Other	No	NA	4.5	Yes	NA	2.1	Snow fence	any, and all roots that are exposed or damaged during excavation, shall be pruned in accordance with good arboricultural practices

## **Tree Identification Plan**

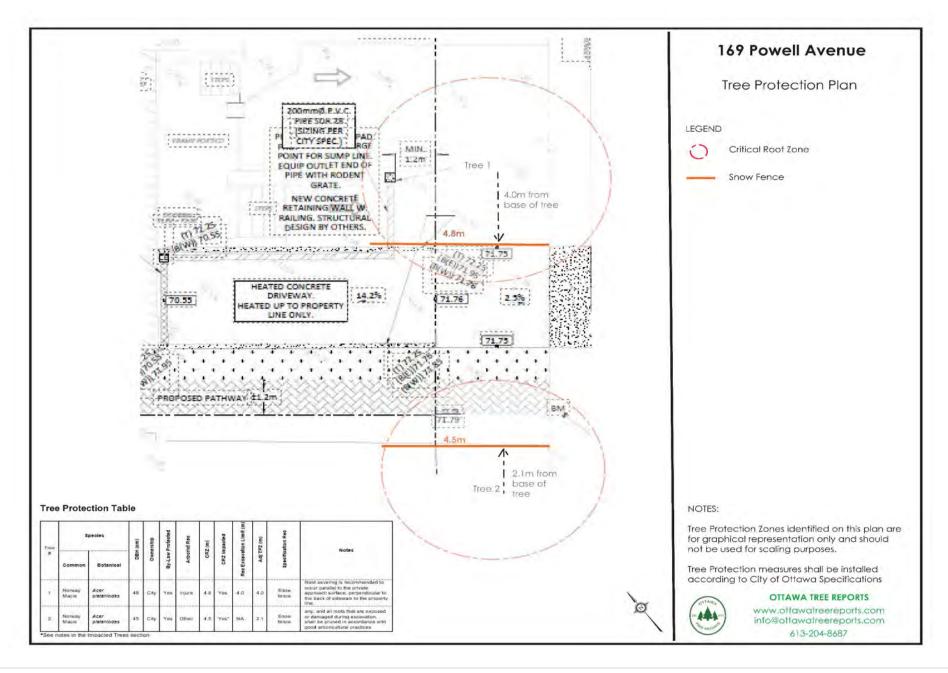


## **APPENDIX B**

## **Tree Protection Specification**



## **Tree Protection Plan**



## **Self-Declaration Statement**

By signing this application declaration, the owner, arborist and contractor (if known at time of application) which confirms that all parties agree with the information provided and will respect the proposed work and mitigation measures (if required). Furthermore, the signature of the owner is also acknowledging and understanding that a City of Ottawa Forestry Staff may enter your property at a reasonable time for the purpose of carrying out an inspection. You also acknowledge and understand that failure to abide by the recommendations of the approved Tree Information Report, damaging or destructing trees identified for protection, you will be responsible to bear fully the cost of compensation, removal and replacement.

It is the owner/applicant's responsibility to ensure that all protection and mitigation measures described in the Tree Information Report are followed, and where necessary are done so under the supervision of an arborist.

Pin M

## **Owner/Applicant**

Patrick Szlanta	THE SOLL
Print Name	Signature
Arborist	
Scott Petrie	Scott Petrie
Print Name	Signature
Contractor	
Duint Name	
Print Name	

## **Committee of Adjustment** Received | Recu le

2024-08-29

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MINOR VARIANCE APPLICATION City of Ottawa | Ville d'Ottawa | Ville d'Ottawa | To THE COMMITTEE OF ADJUSTMENT Comité de dérogation PANEL 2

PLANNING, DEVELOPMENT AND BUILDING SERVICES DEPARTMENT

Site Address: 167 Powell Avenue

Legal Description: Lot 71, Part of Lot 70 and Part of the Rear Passage (Lying

between Percy Street and Lyon Street), Registered Plan

4M-19

File No.: D08-02-24/A-00168

Report Date: August 28, 2024

**Hearing Date:** September 4, 2024

Planner: Penelope Horn

Official Plan Designation: Inner Urban Transect, Neighbourhood

R<sub>2</sub>F Zoning:

#### **DEPARTMENT COMMENTS**

The Planning, Real Estate and Economic Development Department has no concerns with the application.

### **DISCUSSION AND RATIONALE**

This application was adjourned on August 7<sup>th</sup>, to allow the applicant time to provide more information in support of their application. Staff have reviewed the subject minor variance application against the "four tests" as outlined in Section 45 (1) of the *Planning Act*. R.S.O. 1990 c. P.13, as amended. Staff are satisfied that the requested minor variances meet the "four tests".

Given that the existing dwelling will remain, Staff believe that the introduction of a frontfacing garage will have limited impacts on the streetscape. In addition, the proposal will convert the current non-complying driveway in the interior side yard into a walkway and permeable surface with plantings.

The intent of the maximum driveway slope provisions is to prevent issues with drainage, safety, and functionality. The heated driveway mitigates concerns related to snow clearing, through consultation with Staff, a drain and sub pump are proposed. Staff were initially concerned that the transition from a 14.2 percent slope to a 2.5 percent slope at the private approach could cause damage to vehicles. However, since the adjournment, the applicant has provided a transition of 7 percent at the bottom and the top of the

driveway. As a result, Staff have no concerns with the increased driveway gradient.

## **ADDITIONAL COMMENTS**

## Infrastructure Engineering

- The Planning, Development and Building Services Department will do a complete review of grading and servicing during the building permit process.
- At the time of building permit application, a grading/servicing plan prepared by a Professional Engineer, Ontario Land surveyor or a Certified Engineering Technologist may be required.
- A private approach permit is required for any access off of the City street.
- Depressed driveways to have a catch-basin drain which connects directly to City infrastructure. (See City of Ottawa, Sewer Design Guidelines, Section 5.7.6)
- As the proposed driveway is a reverse grade design, you will need a permit from the Private Approach office. Contact Linda Uhryniuk in the Traffic & Parking Operations Branch (Ext. 16049).

## **Planning Forestry**

The TIR outlines adequate mitigation and tree protection measures for the existing city trees at the front of the property. The Tree Protection Specification must be implemented throughout construction, and roots cleanly severed at the limit of excavation.

Puntyn Hon

Penelope Horn Planner I, Development Review All Wards

Planning, Development and Building Services Department

Wendy Tse

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