

Committee of Adjustment
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City of Ottawa | Ville d'Ottawa
Comité de dérogation



Minor Variance
COMMENTS TO THE COMMITTEE OF ADJUSTMENT
Panel 2

Site Address:	31 Starwood Road
Legal Description:	Lots 1913, 1914, 1915, 1916 and 1917 Registered Plan 375
File No.:	D08-02-23/A-00009, D08-02-23/A-00010 & D08-01-23/B-00008
Date: March 29, 2023	Hearing Date: April 5, 2023
Planner:	Cass Sclauzero
Official Plan Designation:	Outer Urban Transect, Evolving Neighbourhood Overlay
Zoning:	R1FF [632]

DEPARTMENT COMMENTS

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

DISCUSSION AND RATIONALE

With respect to the criteria for the subdivision of land listed in Section 51 (24) of the Planning Act, R.S.O. 1990, c.P.13, staff have no concerns with the proposed severance. Sections 53 (12) and 54 (6) of the Act permit the criteria under Section 51 (24) to be considered by a committee of adjustment when determining whether provisional consent is to be granted.

With respect to the requested minor variances for reduced lot width and area, staff also have no concerns. The property is designated Neighbourhood within the Outer Urban Transect of the new OP and is subject to the Evolving Neighbourhood Overlay. Although the zoning continues to restrict new residential development to detached dwellings only, Sections 5.3 and 5.6.1.1 of the new OP encourage increased density in the Neighbourhood areas and within the Evolving Neighbourhood overlay. Creating two new lots from one large lot supports this policy. Infill development within the built-up urban area is in keeping with the growth management strategy under Section 2.2.1 that includes a 60 per cent intensification target by 2046.



The minor variance applications are consistent with the intent of the R1FF zone, which are, among others, to “restrict building form to detached dwellings” and “regulate development in a manner that is compatible with existing land use patterns so that the detached dwelling, residential character of a neighbourhood is maintained or enhanced”. A variance to permit reduced lot width and area for each proposed lot is indeed minor in nature and would still provide for appropriate development of one detached dwelling on each lot.

Exception 632 allows owners of lots on Plan 375 to utilize a portion of the rear lane, not exceeding 1.6 metres in depth and running the entire length of the rear lot line, to be used for calculating minimum lot area, maximum lot coverage and minimum rear yard requirements. The site plan indicates that the agent has utilized this exception such that the proposed detached dwellings comply with all relevant provisions under the Zoning By-law related to lot coverage, rear yard area, and rear yard setbacks. The proposed lot areas of 552.8 square metres per each proposed lot both include 24.4 square metres of the rear lane.

ADDITIONAL COMMENTS

During review of the documents submitted as part of the first application, heard by the Committee on February 15, 2023, staff identified several instances of non-compliance with the Zoning By-law related to rear yard setbacks, rear yard area, driveway width, and location of the garage in relation to the principal entrance and front lot line. Staff requested an adjournment of the previous application so that the application could revise their plans or apply for additional variances.

The applicant revised their application such that, based on the revised site plan, staff are satisfied that the proposed detached dwellings are fully compliant with all relevant sections of the Zoning By-law.

Stormwater Management

The City engaged Robinson Consultants Inc. (RCI) to complete the “City View and Lakeview Drainage Study: Existing Conditions Report”, dated April 2022. An update to this report, titled “City View and Lakeview Drainage Study: Final Report” and dated November 2022, was provided to City staff in December 2022 and outlined existing conditions and remediation strategies to return the drainage system to proper operational capacity. The RCI report and City engineering staff specify that the predominant cause of drainage issues within City View relate to blocked culverts and ditches as a result of lack of maintenance and modifications



made by area residents (i.e. extension of culverts, or installing ditch piping likely for the benefit of flat front yards). These causes have resulted in a loss of stormwater conveyance and storage volume within the ditches. The City's next steps include a detailed design and phased implementation of that detailed design over a 10-year timeline, as budgets permit. The RCI report does not, however, provide recommendations for infill development within City View.

The City acknowledges that the increase in imperviousness related to infill development plays a role in exacerbating the existing drainage problems within City View. City staff have discussed these problems and potential solutions among various stakeholder departments, and found that motion PLC-ARAC 2021-5-53, presented by Councillor Brockington at the October 27, 2021 City Council meeting, specifically relates to imposing stormwater management requirements on infill development in areas where the existing ditch systems are underperforming. This motion was subsequently carried by Council and as such, the City recommends inclusion of a stormwater management condition on all applications to the Committee in the City View area.

Presently, the City imposes requirements for ditch reinstatement, where possible, through Grading and Servicing review of Consent and Building Permit applications. Inspections are also conducted during construction to ensure ditches are reinstated per the approved plans. Further, City Council approved an update to the City's Ditch Alteration Policy in July 2022. The update alters the means by which the City may address unauthorized ditch alterations, now permitting such alterations to be enforced under the Use and Care of Roads By-law and/or Site Alteration By-law. The policy update also clearly outlines that the only options for legal ditch alteration are either by Local Improvement or Development Agreement processes.

Forestry

The Tree Information Report (TIR) has been updated to show retention of six trees of the eight protected trees on site. Relocating the driveway allowed for retention of Tree 8, a 61 centimetre white pine. Securities will be held for Tree 8 to ensure protection throughout construction.

Two protected trees (6 and 7) require removal. Tree 6 is in fair condition and conflicts with the proposed development. Tree 7 is in fair to good condition but is within the area of excavation for the new home. Removal of these trees requires permits and will require compensation planting of 5 trees. The City requests that large canopy trees, including conifers, be incorporated into the planting. A significant amount of canopy cover was removed from the property and replacing



what was lost is critical. A security will be applied to ensure these trees are planted. A signed boundary tree declaration form was provided for Tree 7 showing the neighbour's consent for its removal.

Tree protection fencing must be installed and maintained through construction to the City's Tree Protection Specification standards.

Engineering

The Planning, Real Estate and Economic Development Department will do a complete review of grading and servicing during the building permit process.

An asphalt overlay is required if three or more road cuts are proposed on the City Right of Way. This includes the road cut for blanking of existing services, and any other required utility cuts (ie, gas, hydro, etc.).

CONDITIONS OF APPROVAL

The Department further requests that the following condition be imposed on the consent application if approved:

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. Information regarding the appraisal process can be obtained by contacting the Planner.
2. That the Owner(s) submit a Stormwater Management Brief prepared by a Professional Civil Engineer licensed in the Province of Ontario, for approval by the Development Review Manager of the West Branch within Planning, Real Estate and Economic Development Department, or his/her designate, to be confirmed in writing from the Department to the Committee, demonstrating a design for post-development stormwater peak flows that are controlled to pre-development peak flows for all stormwater events up to and including the 100 year storm event. The Owner(s) also agrees to enter into a Development Agreement with the City to implement any proposed stormwater system including posting required securities. The Committee requires a copy of the Agreement and written confirmation from City Legal Services that it has been registered on title.



If applicable, the Owner(s) must obtain an Environmental Compliance Approval from the Ontario Ministry of Environment, Conservation and Parks and if required by the Development Review Manager of the West Branch within Planning, Real Estate and Economic Development Department, or his/her designate, approval of the Committee to grant easement(s) for access and maintenance of the stormwater system or register a Joint Use and Maintenance Agreement on title of the properties, all at the owner(s) costs.

3. That the Owner(s) provide proof to the satisfaction of the Development Review Manager of the West Branch within Planning, Real Estate and Economic Development Department, or his/her designate, to be confirmed in writing from the Department to the Committee, that the existing dwelling has been removed, that the existing sewer services are capped at the sewer and that the existing water service is blanked at the watermain.
4. That the Owner(s) provide evidence (servicing plan), to the satisfaction of the Development Review Manager of the West Branch within Planning, Real Estate and Economic Development Department, or his/her designate, to be confirmed in writing from the Department to the Committee, that both the severed and retained parcels have their own independent water, sanitary and sewer connection, as appropriate, and that these services do not cross the proposed severance line and are connected directly to City infrastructure. If they do cross the proposed severance line, or they are not independent, the Owner(s) will be required to relocate or construct new services from the city sewers and/or watermain at his/her own costs.
5. That the Owner(s) provide evidence to the satisfaction of the Development Review Manager of the West Branch within Planning, Real Estate and Economic Development Department, or his/her designate, to be confirmed in writing from the Department to the Committee, that the accessory structure has been demolished in accordance with the demolition permit or relocated in conformity with the Zoning By-law.
6. That the Owner(s) shall provide evidence that a grading and drainage plan, prepared by a qualified Civil Engineer licensed in the Province of Ontario, an Ontario Land Surveyor or a Certified Engineering Technologist, has been submitted to the satisfaction of the Development Review Manager of the West Branch within Planning, Real Estate and Economic Development Department, or his/her designate to be confirmed in writing from the Department to the Committee. The grading and drainage plan shall



delineate existing and proposed grades for both the severed and retained properties, to the satisfaction of the Development Review Manager of the West Branch within Planning, Real Estate and Economic Development Department, or his/her designate.

7. The Owner(s) shall prepare a noise attenuation study (or noise and vibration attenuation study if applicable) in compliance with the City of Ottawa Environmental Noise Control Guidelines to the satisfaction of the Development Review Manager of the West Branch within Planning, Real Estate and Economic Development Department, or his/her designate. The Owner(s) shall enter into an agreement with the City that requires the Owner to implement any noise control (and vibration if applicable) 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.
8. That the Owner(s) enter into a Development Agreement with the City, at the expense of the Owner(s) and to the satisfaction of the Development Review Manager of the West Branch within Planning, Real Estate and Economic Development Department, or his/her designate, to require that an asphalt overlay will be installed, at the Owner(s) expense, on Starwood Road, fronting the subject lands, over the entire public driving surface area within the limits of the overlay, if the approved Site Servicing Plan shows three or more cuts within the pavement surface. The overlay must be carried out to the satisfaction of the Development Review Manager of the West Branch within Planning, Real Estate and Economic Development Department, or his/her designate. The Committee requires a copy of the Agreement and written confirmation from City Legal Services that it has been registered on title.

If the Development Review Manager of the West Branch within Planning, Real Estate and Economic Development Department, or his/her designate determines that a Development Agreement requiring an asphalt overlay is no longer necessary, this condition shall be deemed as fulfilled.

9. The Owner, or any subsequent Owners, acknowledges and agrees to obtain a private approach permit for each of the newly constructed Detached Dwellings. In addition, the private approaches shall be designed and located in accordance with and shall comply with the City's Private Approach By-Law, being By-law No. 2003-447, as amended, and shall be subject to approval of the Right-of-Way, Heritage, and Urban Design Department. Furthermore, any works required to be done by the Owner(s) on the City



Road allowances shall be according to the specifications and by-laws of the City. The Owner, or its contractor, shall be required to obtain all the necessary permits for road cuts prior to the disruption of the City Road allowance and it is further understood and agreed that the aforementioned cuts shall be reinstated to the satisfaction of the Director, Infrastructure Services.

10. The Owner/Applicant(s) shall prepare and submit a tree planting plan, prepared to the satisfaction of the Development Review Manager of the relevant Branch within the Planning, Real Estate and Economic Development Department, or his/her designate, showing the location(s) of the specified number of compensation trees (50 millimetre caliper) required under the Tree Protection By-law, assuming that all proposed tree removals are permitted.
11. Prior to the stamping of the deed(s), the Owner/Applicant(s) shall enter into a Development Agreement or a Letter of Undertaking (LOU) with the City of Ottawa, at the expense of the Owner/Applicant(s), and to the satisfaction of the General Manager of the Planning, Real Estate, and Economic Development Department, or his/her designate. A development agreement is to be registered on Title of the property.
 - a. That the Owner(s) agree to provide securities for a period of 3 years following the completion of construction, which is equivalent to the value of the tree(s) to be protected (Tree 8). The Owner(s) agree that the security shall be returned to the owner only upon the City having received a report from an arborist or appropriate professional confirming Tree 8 remains in good health and condition, and structural stability. The Owner(s) acknowledge and agree that if, in the opinion of the City Forester and/or the Development Review Manager of the relevant Branch within Planning, Real Estate, and Economic Development, the report indicates that Tree 8 is declining and must be removed, the Security for that tree, will be forfeited.
 - b. That the Owner(s) agree to prepare and implement the tree planting plan and to provide securities in the amount of \$400 per tree for a period of 1 year from the issuance of the final occupancy permit. Compensation for any trees which cannot be planted on site will be paid to Forestry Services with the tree permit application. The Owner agrees that the security shall be returned to the original payee only upon the City having received a report from an arborist or appropriate professional confirming that all replacement trees are in good health;



any of the replacement trees which have died or are in poor condition must be replaced.

12. That the Owner(s) agree to provide proof that the tree protection fencing around the Critical Root Zone of the protected tree is installed as shown in the Tree Information Report, prior to capping of services, to prevent any excavation within this zone. The sanitary and storm services, if present, must be abandoned and capped outside of the Critical Root Zone of protected trees as clearly demonstrated on the Existing Conditions, Removals, and Decommissioning plan.
13. That the Owner(s) agree that the location of the proposed structures, including the driveways, retaining walls, projections, etc. shown on the Grading & Servicing Plan, will be determined based on the least impact to protected trees and tree cover. The Owner(s) further acknowledges and agrees that this review may result in relocation of these structures and agrees to revise their plans accordingly to the satisfaction of the Development Review Manager of the relevant Branch within the Planning, Real Estate and Economic Development Department, or his/her designate.

A handwritten signature in black ink, appearing to read "C Schlauzero".

Cass Schlauzero
Planner I, Development Review

A handwritten signature in black ink, appearing to read "Lisa Stern".

Lisa Stern, MCIP RPP
Planner III (A), Development Review,
West