

Committee of Adjustment
Received | Reçu le

2023-03-31

City of Ottawa | Ville d'Ottawa
Comité de dérogation



Consent

COMMENTS TO THE COMMITTEE OF ADJUSTMENT
Panel 2

Site Address: 236 Woodroffe Avenue

Legal Description: Lot 12, Registered Plan 446, City of Ottawa

File No.: D08-01-23/B-00066

Date: March 31, 2023

Hearing Date: April 5, 2023

Planner: Samantha Gatchene

Official Plan Designation: Inner Urban Transect, Mainstreet Corridor

Zoning: R4D

DEPARTMENT COMMENTS

The Planning, Real Estate and Economic Development Department **requests an adjournment** to recirculate the application. The requested adjournment will provide the applicant with additional time to submit an updated Tree Information Report and revise the plans to address staff concerns regarding tree retention.

The subject application was deemed to be complete on March 13, 2023.

DISCUSSION AND RATIONALE

The Official Plan designates the property Mainstreet Corridor within the Inner Urban Transect. The property is also within the Evolving Neighbourhoods Overlay. The Official Plan provides policy direction that development along Mainstreet Corridors in the Inner Urban Transect shall permit a mix of uses, including residential, and shall provide suitable transition to abutting low-rise areas. Where a lot is too small to provide such a transition, only low-rise development is permitted. Section 4.6.6 further outlines that low-rise buildings shall include areas for soft landscaping, main entrances at-grade, and front porches, where appropriate. As proposed the semi-detached dwelling features front yards with soft landscaping and entrances with front porches.

The property is zoned Residential Fourth Density Subzone D (R2D). As proposed, the severed and retained lots exceed the lot size requirements of the zone, which require a minimum lot width of 7.5 metres and minimum lot area of 225 square metres.

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. The severance will facilitate the development of a semi-detached dwelling, which conforms with the policies of the Official Plan and is a permitted use in the R4D zone. The size and shape of the resulting lots are suitable for the proposed building form and the lots front onto an established municipal road with municipal services.



ADDITIONAL COMMENTS

Forestry:

The TIR has identified ten protected trees on the property. Three trees are recommended for removal; one City tree because of conflicts with construction and two boundary trees because of their condition. Out of the remaining seven trees, six jointly and one adjacently owned, are listed for retention.

The City owned spruce, Tree #1, is in good condition, is not restricted by overhead wires and has been growing for years adjacent to the driveway and existing house. The existing services that are within the CRZ of Tree # 1 can be decommissioned and left underground, avoiding excavation in the CRZ. The new dwelling will have roughly the same frontage as the existing frontage meaning excavation in closer proximity to the tree is not expected when the new foundation is set. The new services installed at the property line will be +2m from this tree. For these reasons, City staff would like to see this healthy tree retained on site. The trees health will be continuously monitored through construction and any changes will be discussed with City staff on how to proceed. It is recommended that the air spade be used to create a trench along the edge of where excavation will occur for the new utilities so that Tree #1s roots allowing a certified arborist to cut them properly.

Tree # 2 is dead, meaning a permit is not required for its removal. The applicant is advised to still communicate the removal with the neighbour as it was a jointly owned tree. Compensation for the removal of a dead tree is still required in the form of one tree being planted on the property as a replacement. Tree #3 is jointly owned and will require written permission from the neighboring landowner prior to the issuance of a tree removal permit.

Trees 3-10 are all to be retained. Tree protection fencing to the [City of Ottawa's Tree Protection Specification](#) as stated in the TIR must be followed. Additional mitigation measures have been identified for retention of Tree #6 including installation of shoring, pruning, and installation of a cable system in the tree's canopy.

The TIR needs to be updated to show and describe the retention plan for Tree #1 and to add detail to the mitigation measures for the retention of Tree #6.

Right-of-Way Management:

In principle, the Right-of-Way Management Department has **no concerns** with the proposed Consent application. However, the applicant has not explained within the cover letter or identified on the plans if there are any modification to the existing private approach/driveway. In addition, there is no mention of a driveway being built to service the newly constructed dwelling. Therefore, out of an abundance of caution, the Department is requesting that the following condition be imposed:

- The Applicant shall be made aware that a Private Approach Permit is required prior to undertaking any modification to the existing driveway/private approach.



CONDITIONS OF APPROVAL

If approved, the Planning, Real Estate and Economic Development Department requests that the following conditions be imposed on the consent application(s):

Cash-in-Lieu of Parkland Dedication

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 2022-280. Information regarding the appraisal process can be obtained by contacting the Planner.

Tree Protection

2. 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 the City tree as clearly demonstrated on the Existing Conditions, Removals, and Decommissioning plan.
3. 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.
4. That the Owner(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 (50mm caliper) required under the Tree Protection By-law, assuming that all proposed tree removals are permitted.
5. The Owners agree to provide a revised site plan and tree information report to the satisfaction of the General Manager of the Planning, Infrastructure and Economic Development Department, or his/her designate. This report shall be prepared by an Arborist, identifying all trees protected under the City's Tree Protection by-law, and meeting the standards of the City's Tree Information Report Guidelines, including retention of tree #1 and specific mitigation measures for working in the critical root zone of tree #6.



Private Approach

6. The Owner, or any subsequent owners, acknowledges and agrees to obtain a private approach permit for each side of the newly constructed Semi-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.

Please contact the ROW Department for any additional information at rowadmin@ottawa.ca

Servicing

7. 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.
8. That the Owner(s) provide evidence to the satisfaction of both the Chief Building Official and Development Review Manager, Planning, Real Estate and Economic Development 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.
9. That the Owner(s) enter into a Joint Use, Maintenance and Common Elements 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 Common Elements 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 Manager of the West Branch within Planning, Real Estate and Economic Development Department, or his/her designate, and City Legal Services. The Committee requires written confirmation that the Agreement is satisfactory to the Development Review Manager of the West Branch within Planning, Real Estate and Economic Development Department, or his/her designate, and is satisfactory to City Legal Services, as well as a copy of the Agreement and written confirmation from City Legal Services that it has been registered on title.

10. The Owner(s) shall prepare a noise attenuation study 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 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.
11. 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.
12. 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 Woodroffe Avenue, 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.



13. That the Owner(s) convey, if required, at no charge to the City of Ottawa, sufficient frontage across the severed and retained lands to provide for a road right-of-way measuring 13 meters from the centreline of Woodroffe Avenue. The Owner(s) must provide to the City Surveyor a copy of the Committee of Adjustment Decision and a draft Reference Plan that sets out the required widening. The Committee requires written confirmation from City Legal Services that the transfer of the widening to the City has been registered.

If the Owner's Surveyor determines that the widening condition has already been satisfied, it must be indicated on the Draft Reference Plan and submitted to the City Surveyor for approval. The Committee requires written confirmation from the City Surveyor confirming that the widening is not required.

Samantha Gatchene, MCIP, RPP
Planner I
Development Review, West Branch
Planning Real Estate and Economic
Development Department

Lisa Stern, MCIP, RPP
Planner III
Development Review, West Branch
Planning Real Estate and Economic
Development Department