

Committee of Adjustment

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2023-03-31

City of Ottawa | Ville d'Ottawa
Comité de dérogation



Minor variance

COMMENTS TO THE COMMITTEE OF ADJUSTMENT

Panel 1

Site Address: 243 Carruthers Avenue

Legal Description: Part of Lot 33, Registered Plan No.83

File Nos.: D08-02-23/A-00056

Date: March 27, 2023

Hearing Date: April 5, 2023

Planner: Basma Alkhatib

Official Plan Designation: Inner Urban Transect, Evolving Neighbourhood

Zoning: R4UB (Residential forth density Zone, subzone UB)

DEPARTMENT COMMENTS

The Planning, Real Estate and Economic Development Department **has concerns** the above-noted application.

DISCUSSION AND RATIONALE

The subject site is within the Inner Urban Transect Policy Area on Schedule A and Evolving Neighbourhood designated on Schedule B2 in the Official Plan. Section 6.3.2 outlines that new development should respect the character of existing areas and development. The intended pattern of development in the Inner Urban Transect is urban including a minimum of two functional storeys, buildings attached or with minimal functional side yard setbacks and small areas of formal landscape. Policy 5.2.1 states that this development shall encourage moving towards an urban built form pattern, encouraging these areas to develop with a focus on multi-modal transportation methods, particularly walking and cycling. It also should include space for soft landscape, trees, and hard surfacing.

The proposed development respects the goals of the Official plan by maintaining a consistent street edge, aligning with existing neighbouring buildings, and keeping the urban pattern. But it did not support the prioritizing of softscaping and tree canopy over parking space described in the Official Plan.

One of the main goals of the Official plan is to give landscaping a higher priority than on-site parking to prevent the loss of “green space” and tree canopy in new infill and intensification projects. The reduced minimum aggregated rectangular soft landscaped area in the rear yard of 16.98 square metres, whereas the By-law requires a minimum aggregated rectangular soft landscaped area in the rear yard of 25 square metres, this reduction is made to provide 2 parking spaces which are not required by the By-law.

Staff has concern with the reduced soil volume that will allow only a small or ornamental tree to be planted. As in the Official Plan, greenspaces are described as “necessary elements” to facilitate achieving a 60 per cent intensification target. Moreover, the Official Plan target for improving public amenities and services to provide equitable



access to greenspace that provide shade and opportunities to promote mental and physical health and wellbeing.

Staff has no concern with the reduced lot area of 283.8 square metres and the reduced rear yard soft landscaped area of 34.6 square metres, as both are minimal and do not affect the surrounding context.

The Department has **concern** with the applicant's request for reduced aggregate softscape, because this reduction eliminates the use of the rear yard as an amenity space and does not facilitate tree planting.

Forestry Services Comments:

1. The Tree Information Report confirms that there are no existing protected trees on site. While there are no concerns with regard to tree protection, the ability to plant new trees on site to improve the streetscape and provide future canopy cover is impacted by the proposed minor variance reducing the aggregated soft landscape to 16.98m². With the soil volume requirements, this would allow only a small or ornamental tree to be planted vs a medium or conifer tree in the required landscaping area of 25m². The Official Plan provides a target of 40% canopy cover for the urban area, and section 4.8.2(6) notes that Council or the Committee of Adjustment may refuse a planning application if it fails to provide space and adequate volume of soil for existing and/or new tree(s). As such, the minor variance for reduced soft landscape area is not supported and plans should be revised to show where a minimum of 2 new 50mm caliper trees can be planted on site, one of which must be at least medium in size at maturity to provide canopy cover.

Additional Comments:

1. **Planning, Real Estate and Economic Development Department** will do a complete review of grading and servicing during the building permit process.
2. At the time of building permit application, a grading/servicing plan prepared by a Professional Engineer, Ontario Land surveyor or a Certified Engineering Technologist will be required.
3. Any proposed works to be located within the road allowance requires prior written approval from the Infrastructure Services Department.
4. In accordance with the Tree Protection By-law all City owned trees are to be protected and compensation will be required if any tree is damaged or lost.
5. The Tree Protection By-law is in effect and a permit is required to remove any protected trees (30 cm or greater in the urban area and 50 cm or greater in the suburban area) located on private property.
6. The surface storm water runoff including the roof water must be self contained and directed to the City Right-of-Way, not onto abutting private properties as approved by **Planning, Real Estate and Economic Development Department**.
7. A private approach permit is required for any access off of the City street.



8. Existing grading and drainage patterns must not be altered.
9. Existing services are to be blanked at the owner's expense.
10. Asphalt overlay would be required if three or more road-cuts proposed on City Right of way. This includes the road cut for blanking of existing services, and any other required utility cuts (ie, gas, hydro, etc.).
11. The **Planning, Real Estate and Economic Development Department** requires proof that the Rideau Valley Conservative Authorities have granted their approval due to development being located within the regulatory limit.
12. Service lateral spacing shall be as specified in City of Ottawa Standard S11.3.
13. In accordance with the Sewer Connection By-Law a minimum spacing of 1.0m is required between service laterals and the foundation face.
14. Encroachment on or alteration to any easement is not permitted without authorization from easement owner(s).
15. The Right-of-Way Management Department has **no concerns** with the Minor Variance Application. However, the Owner/Applicant shall be made aware that a Private Approach Application is required for any modification to the private approach/driveway.

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

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