

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



Consent and Minor Variance
COMMENTS TO THE COMMITTEE OF ADJUSTMENT
Panel 1

Site Address: 106 Prince Albert Street

Legal Description: Lots 192 & 193, Registered Plan 341

File No.: D08-01-23/B-00059, D08-02-23/A-00050 & D08-02-23/A-00051

Date: March 31, 2023

Hearing Date: April 5, 2023

Planner: Margot Linker

New Official Plan Designation: Inner Urban Transect, Neighbourhood

Zoning: R3M (Residential Second Density, Subzone M)

Mature Neighbourhood Bylaw: N/A

DEPARTMENT COMMENTS

The Planning, Real Estate and Economic Development Department **requests an adjournment** for the above-noted application.

DISCUSSION AND RATIONALE

The subject property is located within the Inner Urban Transect Policy Area on Schedule A and is designated Neighbourhood on Schedule B2 in the Official Plan. Policy 2 within Section 6.3.2 encourages form-based regulation which has regard for local context and character of existing development; appropriate interfaces with the public realm and between residential buildings, including provision of reasonable and appropriate soft landscaping and screening to support livability; as well as the intended density to be accommodated within the permitted building envelope.

Staff note that the R3M (Residential Third Density, Subzone M) zone allows a mix of residential building forms ranging from detached to townhouse dwellings. This zone regulates development in a manner that is compatible with existing land use patterns so that the detached and two principal dwelling, residential character of the neighbourhood is maintained or enhanced.

Regarding the requested minor variances:

Staff have no concerns with the placement of the entrance to the garage. Staff recognize that the proposed design includes porch, stair and façade treatments that project into the required 6 metre front yard as well as large amounts of glazing to emphasize living space, which reduces the visual impact of the permitted



attached garage.

Staff have no concerns with the increased building height. The main roof, which is the tallest feature, has a complying building height of 7.6 metres when measured from the mid-point and its tallest point is located towards the rear of the property; however, the actual building height will be measured as a technicality from the mid-point of the large dormers, which are 8.9 metres in height. Staff appreciate that this increased building height measured from the dormers is concentrated towards the middle of the building, and does not pose additional privacy concerns or appear to increase shadows on abutting properties to the east and west. Staff also appreciate the low eaves of the main roof, which appear to reduce the visual impact of the building height. Staff do not anticipate any privacy concerns from the increased building height in the rear, as to the south of the subject property there is a parking lot buffer and an apartment building with a large rear yard setback.

Regarding the adjournment request:

Upon review of the application, staff identified a zoning deficiency for rear yard setback. Pursuant Section 144, Table 144B, where a front yard setback is greater than 4.5 metres, the required rear yard setback is 28 per cent of the lot depth where the lot depth is greater than 25 metres but not more than 32 metres. An adjournment will allow the applicant to resubmit the minor variance application to include a minor variance for rear yard setback.

Staff do not anticipate any concerns with the reduced rear yard setback of the proposed building. Given the site context, staff recognize that there is a large parking lot buffer that mitigates privacy concerns for the lots to the rear. The proposed rear yard setback also aligns with the building on the property to the east. Due to the irregular shape of the lot, the proposed rear façade abutting the property to the west is approximately 0.5 metres closer to the rear lot line than what is required by the Zoning By-law. Staff do not anticipate any additional privacy issues on the property to the west caused by the reduced rear yard setback.

Forestry Comments:

The plan as proposed requires removal of the newly planted City tree due to the proposed driveway locations. A private tree in the rear yard is also proposed for removal due to its failing condition. While it is generally not acceptable to impact a City tree, in this case the tree is young and more reasonable to be replaced rather than redesign the lot. The Tree Information Report submitted does not accurately reflect the plan proposed on site and must be revised, along with a planting plan showing all required compensation trees, as a condition of approval.



The Department further requests that the following conditions be imposed on the minor variance and 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.
2. The Owners agree to provide a revised tree information report 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**. 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 specific mitigation measures where work is proposed within the Critical Root Zone of a protected tree.
3. 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 (50mm caliper) required under the Tree Protection By-law, assuming that all proposed tree removals are permitted.
4. That the Owner(s) provide proof to the satisfaction of both the **Chief Building Official and the Development Review Manager of the Central 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/building has been removed under the authority of a building permit.
5. That the Owner(s) provide evidence to the satisfaction of **the Development Review Manager of the Central 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) 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- **Central Manager of the Central 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- **Central Manager of the Central 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.

7. 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 **Central Manager of the Central 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 **Central Manager of the Central Branch within Planning, Real Estate and Economic Development Department, or his/her designate**.
8. That the Owner(s) provide evidence (servicing plan), to the satisfaction of the **Central Manager of the Central 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.
9. That the Owner(s) enter into a Development Agreement with the City, at the expense of the Owner(s) and to the satisfaction of **Central Manager of the Central 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 Prince Albert Street, 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 **Central Manager of the Central 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 **Central Manager of the Central 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.

Additional Comments:

1. 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**.
2. The plan as proposed requires removal of the newly planted City tree due to the proposed driveway locations. A private tree in the rear yard is also proposed for removal due to its failing condition. While it is generally not acceptable to impact a City tree, in this case the tree is young and more reasonable to be replaced rather than redesign the lot. The Tree Information Report submitted does not accurately reflect the plan proposed on site and must be revised, along with a planting plan showing all required compensation trees, as a condition of approval.
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. Service lateral spacing shall be as specified in City of Ottawa Standard S11.3.
10. In accordance with the Sewer Connection By-Law a minimum spacing of 1.0m is required between service laterals and the foundation face.

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