

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 2

Site Address:	50 Oakridge Boulevard
Legal Description:	Part of Lot 32, Concession 1 Rideau Front, Geographic Township of Nepean
File No.:	D08-01-223/B-00087, D08-01-23/B-00088, D08-02- 23/A-00068 & D08-02-23/A-00069
Date: April 14, 2023	Hearing Date: April 19, 2023
Planner:	Samantha Gatchene
Official Plan Designation:	Outer Urban Transect, Neighbourhood
Zoning:	R2G

DEPARTMENT COMMENTS

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

DISCUSSION AND RATIONALE

The property is designated Neighbourhood within the Outer Urban Transect of the Official Plan (OP). Although the zoning continues to restrict new residential development to detached dwellings only, Section 5.3 of the OP encourages increased density in Neighbourhoods. 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 property is zoned Residential First Density, subzone FF. The requested minor variances 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 is indeed minor in nature and would still provide for appropriate development of one detached dwelling on each lot.

Staff note that throughout the City View neighbourhood and also within the R1FF



subzone, several other lots have been severed for the creation of two new lots comparable in size to those proposed under this consent application.

ADDITIONAL COMMENTS

Stormwater Management

At its December 11, 2022 hearing, the Committee referenced a stormwater study that was completed in the City View area and noted that the City View Community Association expressed concerns about infill development in light of this study. The Committee adjourned the application so that staff could provide additional information related to the study that may impact the proposed development and/or impose additional conditions related to stormwater management.

The City engaged Robinson Consultants Inc. (RCI) to conduct field work to evaluate drainage conditions related to infrastructure in the City View and Lakeview neighbourhoods in the fall of 2021 and spring of 2022. In April 2022, they presented the City with the “City View and Lakeview Drainage Study: Existing Conditions Report”. The study summarizes the field research and identifies a number of factors contributing to ponding and poor drainage in City View. Modifications made to existing drainage systems, including extending culverts or installing ditch piping systems—both for the benefit of creating flat front yards—, poor ditch maintenance, and ditch modifications including landscaping have resulted in a loss of stormwater conveyance and storage volume in the ditches. The study also found that the most common deficiency in both areas were culvert blockages.

A follow-up report was presented by RCI to staff in late 2022. The report addresses remediation strategies for existing conditions in order to return the drainage system to proper operational capacity, but does not provide recommendations for new development within City View. City engineering staff reiterated that the predominant causes of drainage problems in City View are related to blocked culverts and ditches as a result of both lack of maintenance and deliberate modifications, but acknowledged that increased imperviousness related to infill development is exacerbating the existing drainage problems.

Presently, there is no stormwater management requirement for residential development that is not also subject to Site Plan Control Approval; however, the City has been imposing requirements for ditch reinstatement during review of Building Permit applications. Should they be implemented in future, new requirements for stormwater management of low-rise residential redevelopment will



mitigate the impact of increased imperviousness resulting from intensification (new hard surfaces, increased/additional building footprints, etc.) on the existing drainage system performance, such that post-development runoff would match pre-development runoff.

In July 2022, City Council approved an update to the City's Ditch Alteration Policy. 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 Alterations 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.

Engineering staff also provided the following statement in response to questions related to imposing additional conditions related to stormwater management, including ditch reinstatement, on consent applications in the City View area:

"Drainage issues relating to ditches will be addressed at building permit stage, as grading and drainage is assessed comprehensively for each lot undergoing the Building Permit application process."

In light of the RCI study and subsequent report, and the supplementary information provided by City engineers related to the conditions in the City View area, staff maintain the position that they have **no concerns** related to the requested variances for reduced lot width and area.

Forestry

Through pre-consultation plans were revised to allow for retention of more of the existing jointly-owned trees than originally proposed. With the new design 8 of the 16 existing trees shared with this site will be retained, and 5 of the required 14 compensation trees will be planted following construction. Permission from the owners has been provided for removal of the jointly-owned trees closest to the new build. There are no further tree related concerns with the severance or minor variances, provided that tree protection fencing is installed and maintained in accordance with the TIR.

Right-of-Way

The Right-of-Way Management Department has no concerns with the proposed Consent Applications.

The Owner, or any subsequent owners, acknowledges and agrees to obtain a



private approach permit for the newly constructed two-storey detached dwelling on the severed land. In addition, the private approach 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 a road cut 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

Transportation Engineering Services

The draft plan filed with the application does not provide sufficient detail to review the proposed driveway(s) against the Private Approach By-Law.

CONDITIONS OF APPROVAL

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

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 No. 2022-280. Information regarding the appraisal process can be obtained by contacting the Planner.

Tree Protection

2. The Owner shall enter into an Agreement with the City, through a Development Agreement or Letter of Undertaking, at the expense of the Owner(s) and to the satisfaction of the Development Review Manager of the relevant Branch within Planning, Real Estate and Economic Development Department, or his/her designate, agreeing 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.

Servicing

3. That the Owner(s) provide proof to the satisfaction of the Development Review Manager of the West Branch within Planning, Infrastructure 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) enter into a Development Agreement with the City, at the expense of the Owner(s) and to the satisfaction of West 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 Oakridge Boulevard, 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 West 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 West 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.

7. 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 Manager of Development Review 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) acknowledges and agrees to enter into a Development Agreement with the City to construct the required stormwater system, including posting required securities. A copy of the Agreement and written confirmation from City Legal Services that it has been registered on title, shall be forwarded to the Committee of Adjustment.

If applicable, the Owner(s) shall obtain an Environmental Compliance Approval from the Ontario Ministry of Environment, Conservation and Parks.

The Owner(s) acknowledges and agrees that should the stormwater management system cross property lines or access to the system be over multiple properties, that the owner shall obtain 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.



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