

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 1

Site Address: 65 Acacia Avenue

Legal Description: Lot 11, Registered Plan 189537, City of Ottawa

File No.: D08-02-22/A-00336

Date: April 14, 2023

Hearing Date: April 19, 2023

Planner: Margot Linker

New Official Plan Designation: Inner Urban Transect, Evolving Neighbourhood

Zoning: R4UD[2646] (Residential Fourth Density, Subzone UD, Urban Exception 2646)

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 Evolving Neighbourhood on Schedule B2 in the Official Plan. Policy 5.2.1 states that development shall be encouraged to move towards an urban built form pattern, and that mid- to high-density is generally supported. These areas are encouraged to be developed with a focus on multi-modal transportation methods, particularly walking, cycling and transit. Neighbourhoods located within the Inner Urban Transect are targeted to have a residential density range of 60 to 80 dwelling units per net hectare. In the Evolving Overlay, the City will be supportive of applications for low-rise intensification that seek to move beyond the development standards of the underlying zone where the proposal demonstrates that the development achieves objectives of the applicable transect with regards to density, built form and site design in keeping with the intent of Sections 3 (Growth Management Framework) and 5 (Transects) of the Official Plan.

Staff note that the R4UD[2646] (Residential Fourth Density, Subzone UD, Urban Exception 2646) zone permits a mix of residential building forms ranging from detached to low-rise apartment dwellings. This zone requires a minimum lot area of 300 square metres and a minimum lot width of 10 metres for low-rise apartment uses with a maximum of 8 units. The Urban Exception was added to the zoning



code as part of a site-specific Zoning By-law amendment (D08-02-20-0001) to accommodate a specific project at that time.

Regarding the requested minor variances:

Staff have no concerns with the reduced rear yard area of 70 square metres or rear yard amenity area of 56 square metres. The Urban Exception required 116 square metres of rear yard area and 102 square metres of rear yard amenity area to accommodate a previously approved development spanning two properties. Without the Urban Exception, the R4UD zone requires approximately 71.4 square metres of rear yard area and there is no requirement for rear yard amenity area.

Staff have no concerns with the reduced interior side yard setback of 1.5 metres. The Urban Exception required an interior side yard setback of 2 metres to accommodate the previously approved development. Without the Urban Exception, the R4UD zone requires a minimum of 1.5 metres for the interior side yard setback.

Minimum lot areas seek to ensure that all elements associated with the introduction of a low-rise apartment building can be adequately accommodated on site. Staff have no concerns with the reduced lot area.

Regarding the adjournment request:

Staff have outstanding concerns related to the northern retaining wall. Staff request that either the plans demonstrate a 0.75 metre allowance from the property line where the retaining wall will be located or providing staff with the retaining wall cross-section, stamped by a Professional Engineer, showing the realistic width of the proposed wall. Confirming the size of the retaining wall during this stage will ensure that the 1.2 metre unobstructed path for waste will be maintained and no additional minor variances will be required.

In addition, an adjournment will be requested if the applicant is not able to provide an updated TIR to the city's satisfaction in advance of the hearing.

Infill Forester Comments:

The original site plan forced the removal of all 5 protected trees on site. The revised site plan retains 4 of these trees. The site plan shows a retaining wall in the front yard within the critical root zone of tree # 1. Direct comments from the arborist detailing how construction will impact tree #1's critical root zone must be added to the TIR. The TIR must also be updated to reflect the current site plan. Two new 50mm trees are required as compensation for the loss of tree #2; a revised planting plan must be provided with the Tree Permit application.



Additional Comments:

1. The **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. All trees on City property and private trees greater than 30cm in diameter in the inner urban area are protected under the Tree Protection By-law (2020-340), and plans are to be developed to allow for their retention and long-term survival. A Tree Removal Permit and compensation are required for the removal of any protected tree.
5. 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**.
6. Existing grading and drainage patterns must not be altered.
7. A report addressing the stability of slopes, prepared by a qualified geotechnical engineer licensed in the Province of Ontario, should be provided wherever a site has slopes (existing or proposed) steeper than 5 horizontal to 1 vertical and/or more than 2 metres in height.
8. Provide a minimum of 1.5m between the proposed driveway and the utility pole.
9. Provide a minimum of 3m between the proposed driveway and the fire hydrant.
10. Service lateral spacing shall be as specified in City of Ottawa Standard S11.3.
11. Encroachment on or alteration to any easement is not permitted without authorization from easement owner(s).

Margot Linker
Planner I
Development Review, Central Branch
Planning, Real Estate and Economic
Development Department

Jean Charles Renaud, MCIP RPP
Planner III
Development Review, Central Branch
Planning, Real Estate and Economic
Development Department