

Committee of Adjustment
Received | Reçu le

2023-04-28

City of Ottawa | Ville d'Ottawa
Comité de dérogation



Consent and Minor Variance
COMMENTS TO THE COMMITTEE OF ADJUSTMENT
Panel 2

Site Address: 1353 and 1354 McMahon Avenue, and 1349 Ridgedale Street
Legal Description: Part of Lot 8, Concession 3 (Rideau Front), Geographic Township of Gloucester, and Lot 65, Registered Plan 674
File No.: D08-02-23/A-00017 to D08-02-23/A-00019; D08-02-23/A-00017 to D08-02-23/A-00019
Date: April 28, 2023 Hearing Date: May 3rd, 2023
Planner: Siobhan Kelly
Official Plan Designation: Outer Urban Transect, Neighbourhood
Zoning: R1WW [637]

DEPARTMENT COMMENTS

The Planning, Real Estate and Economic Development Department has **no concerns with the severance applications** but **has concerns with variances b)** to permit increased driveway widths.

DISCUSSION AND RATIONALE

The Committee of Adjustment adjourned the subject applications at the March 1, 2023, hearing to recirculate the applications to submit additional materials, including a revised Tree Information Report and draft reference plan.

The subject lands consist of Parts 1 to 8 on 4R16709 and are known municipally as 1353 McMahon Avenue, 1354 McMahon Avenue, and 1349 Ridgedale Street. It is staff's understanding that the lots merged in title when the properties came under single ownership. The owners are proposing to sever Part 7 on 4R16709 and shown as 1349 Ridgedale Street to facilitate the development of three residential lots (see Figure 1 below).

The Official Plan designates the subject property Neighbourhood in the Outer Urban Transect. The Official Plan provides policy direction that development in Neighbourhoods shall be low-rise, respond to context, and include areas for soft landscaping, main entrances at-grade, front porches, or balconies, where appropriate.

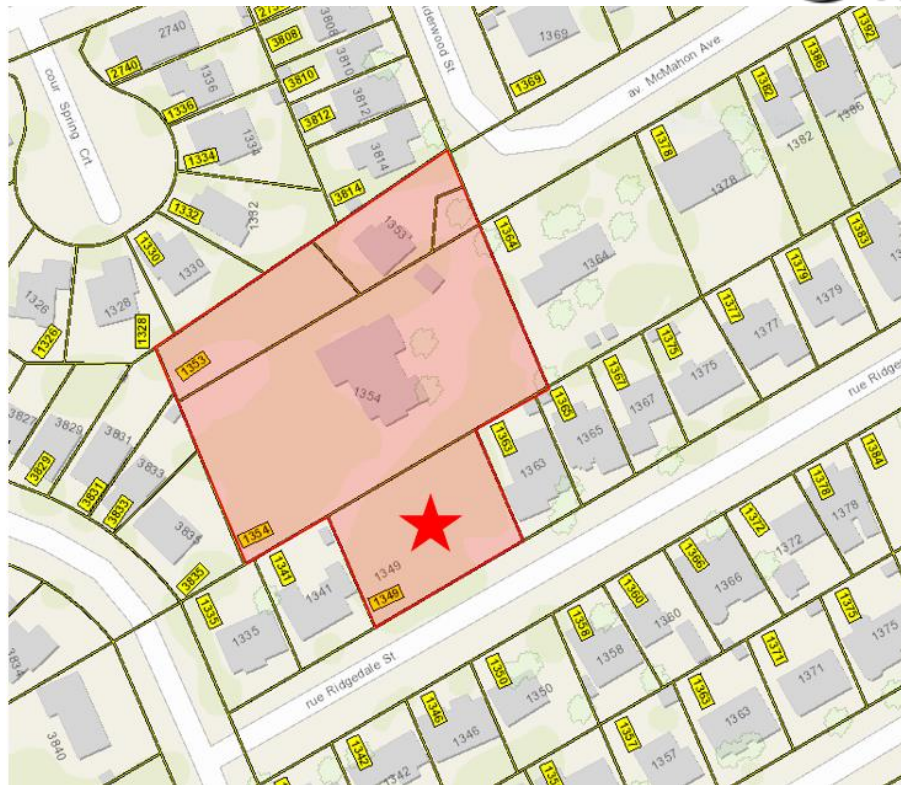


Figure 1. Location Map

The property is zoned Residential First Density Zone, Subzone WW Urban Exception 637 (R1WW [637]). The intent of the zone is to restrict building form to detached dwellings and regulate development in a manner that is compatible with existing land use patterns. Urban Exception 637 increases the minimum lot area from 450 square metres to 555 square metres. The Zoning By-law carried this requirement over from the former City of Gloucester (By-law No. 333 of 1999), which zoned the property Rs4 – Residential, Single Dwelling Zone.

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 has no concerns with the proposed severance. The size and shape of the resulting lots are suitable for the proposed residential use and the lots will front onto an established municipal road with municipal services.

Reduced Lot Area:

Staff has no concerns with variances a) to permit reduced lot areas of 464.3 square metres, whereas Urban Exception 637 requires minimum lot area of 555 square metres. As proposed, the three lots measure 14.84 metres in width, which exceeds the minimum



lot width requirement of 9.0 metres for R1WW. Staff note that to achieve the minimum lot area requirement, a larger lot width is needed beyond the 9-metre requirement.

The intent of the minimum lot area provision is to regulate lot pattern and ensure lots can accommodate on site uses, including an appropriately sized building envelope, parking, and soft landscaping. The proposed lots accommodate the three single detached dwellings, which comply with the required setbacks, and space remains available for parking and landscaping. Staff is of the opinion that the requested variances maintain the intent of the Zoning By-law and are minor as they will result in adequately sized lots for the development. Further, the reduced lot areas are consistent with the lot pattern along Ridgedale Street as existing lots range from 351 square metres to 910 square metres.

Increased Driveway Width:

It is staff's opinion that variances b) to permit an increased driveway width of 5.5 metres do not meet the intent of the Zoning By-law and are not minor. For lots between 8.25 metres and 15 metres, the Zoning By-law prescribes a maximum driveway width of 3.0 metres and prohibits double-wide driveways (i.e., 5.5 to 6 metres in width). The intent of the maximum driveway width provision is to provide adequate front yard landscaping, which can support tree retention and planting. Staff recognize that the proposed lots comply with the minimum front yard landscaping requirement, which equates to 40% of the front yard area. However, the proposed 5.5 wide metre driveways reduce opportunities for replacement tree planting by virtue of increasing the hard and impermeable surfaces on site.

Further, the proposed 5.5 metre driveway on Part 2 necessitates the removal of 2 City-owned red pine trees. As outlined below, Planning Forestry staff confirmed that the loss of the 2 trees is avoidable with a revised design featuring a 3.0 metre driveway. The Official Plan provides explicit policy direction that when considering impacts on individual trees, planning and development decisions, including Committee of Adjustment decisions, shall give priority to the retention and protection of large, healthy trees over replacement plantings and compensation (Section 4.8.2).

ADDITIONAL COMMENTS

Planning Forestry:

There are 44 protected trees on this property, 25 of which are planned for removal and 19 are to be retained. The applicant must apply for and obtain a tree removal permit before removing any protected trees. Compensation will be required and collected as part of the tree removal permit application process.

Planning Forestry staff do not support the proposed variance to permit a double wide driveway on Part 2. The double wide driveway proposed on Part 2 necessitates the removal of 2 City-owned red pine trees. As confirmed by the applicant's consultant, the tree loss is avoidable as a 3.0 metre driveway would eliminate tree impacts. A revised



design featuring a single, 3.0 metre driveway offers the best protection for the City-owned trees and reduces impacts to the critical root zones. The applicant must provide an updated site plan and tree information report showing the retention of trees # 10 and 11. Securities will be held for the 9 retained City trees (# 2,3,4,5,6,7,8,9,10,11) for 2 years following construction, to ensure the utmost care is taken when working around these city trees.

Installation services, particularly for Part 1 and 2, must be installed with the least impact to trees. This may include exploring the option of locating the services under the proposed driveway. Tree protection fencing must be installed and maintained throughout construction as detailed in the TIR. The City's Tree Protection Specification can also be accessed by clicking this link:

https://documents.ottawa.ca/sites/documents/files/tree_protection_specification_en.pdf

Right-of-Way Management:

The owner(s) are required to obtain a Private Approach Permit to legally establish driveway access for each of the newly created lots from the Right of Way Management Department. In addition, the driveways shall be constructed in accordance with the provisions of By-law No. 2003-447 Private Approach By-law. Furthermore, the Owner(s) shall obtain road cut permits in accordance with the provisions of By-law 2003-445 being the City's Road Activity By-law or a successor by-law thereto.

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

CONDITIONS OF APPROVAL

If approved, the Planning, Real Estate and Economic Development Department requests that 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 Owners agree that the location of the proposed structures, including the driveways, retaining walls, services, 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.

3. That the Owner(s) provide a revised site plan and tree information report to the satisfaction of the Development Review Manager of the South 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. The report will reflect a retention solution for tree #s 10 and 11.
4. That the Owner(s), prior to the issuance of a building permit, shall enter into a Development Agreement or a Letter of Undertaking (LOU) with the City of Ottawa, at the expense of the Owner/Applicant(s), and to the satisfaction of the Development Review Manager of the South Branch within the Planning, Real Estate, and Economic Development Department, or his/her designate. A development agreement is to be registered on Title of the property (where applicable), which will include the mitigation measures outlined in the approved Tree Information Report, prepared by Dendron Forestry Services, dated March 7, 2023, and associated security for tree protection. The securities, which will be based on the value of the trees to be protected (#s 2,3,4,5,6,7,8,9,10,11) shall be retained for 2 years following completion of construction and returned to the owner only upon the City having received a report from an arborist or appropriate professional confirming that the trees identified are in good health and condition and remain structurally stable.

Servicing

5. That the Owner(s) provide evidence (i.e., servicing plan), to the satisfaction of the Development Review Manager of the South Branch within the 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.

Grading and Drainage

6. 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 South Branch within the 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.

Asphalt Overlay

7. 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 South Branch within the 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 Ridgedale Street, fronting the subject lands, over the entire public driving surface area within the limits of the overlay, as shown on the approved Site Grading and Servicing Plan. The Committee requires a copy of the Agreement and written confirmation from City Legal Services that it has been registered on title.

Noise Study & Warning Clauses

8. The Owner(s) shall prepare a noise attenuation study (or noise and vibration attenuation study if applicable) in compliance with the City of Ottawa Environmental Noise Control Guidelines to the satisfaction of the Development Review Manager of the South 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 (and vibration if applicable) 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.
9. That the Owner enter into an Agreement with the City, at the expense of the Owner, which is to be registered on Title to deal with the covenants/notices that shall run with the land and bind future owners on subsequent transfers;

“The property is located next to lands that have an existing source of environmental noise (arterial road, highway, airport, etc.) and may therefore be subject to noise and other activities associated with that use”

The Agreement shall be to the satisfaction of the Development Review Manager of the South 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.



Skelly

Siobhan Kelly
Planner I
Development Review, South Branch
Planning, Real Estate and Economic
Development Department

Mélanie Gervais

Mélanie Gervais, MCIP, RPP
Planner III(A)
Development Review, South Branch
Planning, Real Estate and Economic
Development Department