

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 2

Site Address:	56 Starwood Road
Legal Description:	Lots 1816, 1817, 1818, and 1819, Registered Plan 375, City of Ottawa
File No.:	D08-02-22/A-00330 & D08-02-22/A-00331
Date: April 26, 2023	Hearing Date: May 3, 2023
Planner:	Cass Sclauzero
Official Plan Designation:	Outer Urban Transect, Evolving Neighbourhood Overlay
Zoning:	R1FF [632]

DEPARTMENT COMMENTS

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

At its hearing on February 1, staff requested an adjournment of the application so that the agent could obtain permission from the neighbour/owner(s) at 52 Starwood Road to remove a jointly-owned tree. This tree is identified as Tree 5 on the Tree Information Report (TIR) that was submitted with this application. The TIR indicated that the proposed new construction on Part 2 would necessitate removal of this tree. A Tree Removal Permit cannot be issued for a jointly-owned tree unless written consent for its removal is provided by all owners of the tree. Forestry and Planning staff recommended that the application be adjourned until such permission was granted by the joint owner or, if permission was not granted, until the applicant revises their plans such that Tree 5 may be retained.

The joint owner of Tree 5 subsequently consented to its removal and staff are satisfied that the application may proceed.

For the purposes of calculating lot area, Exception 632 allows the owner of the lots on Plan 375 to utilize a portion of the rear lane not exceeding 1.6 metres in depth and running along the entire length of the rear lot line. With the addition of approximately 23.16 square metres per new lot, representing the area of the



portion of the rear lane as described above, 56 and 58 Starwood Road each have a proposed lot area of approximately 440 square metres.

DISCUSSION AND RATIONALE

The property is designated Neighbourhood within the Outer Urban Transect of the Official Plan (OP) and is subject to the Evolving Neighbourhood Overlay. Although the zoning continues to restrict new residential development to detached dwellings only, Sections 5.3 and 5.6.1.1 of the OP encourage increased density in the Neighbourhood areas and within the Evolving Neighbourhood overlay. 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. Exception 632 allows owners of lots on Plan 375 to utilize a portion of the rear lane, not exceeding 1.6 metres in depth and running the entire length of the rear lot line, to be used for calculating minimum lot area, maximum lot coverage and minimum rear yard requirements. The site plan indicates that the agent has utilized this exception to a depth of 1.60 metres of the rear lane such that the proposed detached dwellings comply with all relevant provisions under the Zoning By-law related to lot coverage, rear yard area, and rear yard setbacks.

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

The City engaged Robinson Consultants Inc. (RCI) to complete the “City View and Lakeview Drainage Study: Existing Conditions Report”, dated April 2022. An update to this report, titled “City View and Lakeview Drainage Study: Final Report” and dated November 2022, was provided to City staff in December 2022 and



outlined existing conditions and remediation strategies to return the drainage system to proper operational capacity. The RCI report and City engineering staff specify that the predominant cause of drainage issues within City View relate to blocked culverts and ditches as a result of lack of maintenance and modifications made by area residents (i.e. extension of culverts, or installing ditch piping likely for the benefit of flat front yards). These causes have resulted in a loss of stormwater conveyance and storage volume within the ditches. The City's next steps include a detailed design and phased implementation of that detailed design over a 10-year timeline, as budgets permit. The RCI report does not, however, provide recommendations for infill development within City View.

The City acknowledges that the increase in imperviousness related to infill development plays a role in exacerbating the existing drainage problems within City View. City staff have discussed these problems and potential solutions among various stakeholder departments, and found that motion PLC-ARAC 2021-5-53, presented by Councillor Brockington at the October 27, 2021 City Council meeting, specifically relates to imposing stormwater management requirements on infill development in areas where the existing ditch systems are underperforming. This motion was subsequently carried by Council and as such, the City recommends inclusion of a stormwater management condition on all applications to the Committee in the City View area.

Presently, the City imposes requirements for ditch reinstatement, where possible, through Grading and Servicing review of Consent and Building Permit applications. Inspections are also conducted during construction to ensure ditches are reinstated per the approved plans. Further, City Council approved an update to the City's Ditch Alteration Policy in July 2022. 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 Alteration 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.

Forestry

The Tree Information Report (TIR) shows nine trees, eight of which are protected. Three of the protected trees (5,8 and 9) are planned for removal because of conflicts with the planned construction. The applicant must apply for a tree removal permit.

As requested of the applicant, updates were made to the TIR providing mitigation measures for working in the Critical Root Zones of Trees 3 and 4. Tree 5 is jointly-



owned and planned for removal. Consent from the neighboring landowner for removal of this tree was provided. As compensation, the neighbor has requested two trees be planted on their property.

For the retained trees, tree protection fencing must be installed and maintained through construction. The City of Ottawa Tree Protection Specification can be found here: https://documents.ottawa.ca/sites/documents/files/tree_protection_specification_en.pdf

Engineering

An asphalt overlay is required if three or more road cuts are proposed on the City-owned right of way. This includes the road cut for blanking of existing services, and any other required utility cuts (ie, gas, hydro, etc.).

CONDITIONS OF APPROVAL

The Department further requests that the following condition be imposed on the minor variance application if approved:

1. 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 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, 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) also agrees to enter into a Development Agreement with the City to implement any proposed stormwater system including posting required securities. The Committee requires a copy of the Agreement and written confirmation from City Legal Services that it has been registered on title.

If applicable, the Owner(s) must obtain an Environmental Compliance Approval from the Ontario Ministry of Environment, Conservation and Parks and if required by **the Development Review Manager of the West Branch within Planning, Real Estate and Economic Development Department, or his/her designate**, 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.



A handwritten signature in black ink, appearing to read "C Schlauzero".

Cass Schlauzero
Planner I, Development Review,
East Branch
Planning, Real Estate and Economic
Development Department

A handwritten signature in blue ink, appearing to read "Lisa Stern".

Lisa Stern, MCIP RPP
Planner III (A), Development Review,
West Branch
Planning, Real Estate and Economic
Development Department