

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

**PURPOSE OF THE APPLICATION:**

The Owners want to construct a three-storey, **seven six**-unit low-rise apartment building, as shown on the plans filed with the Committee. **(as amended)**

**DEPARTMENT COMMENTS**

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

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.

**Infill Forester Comments:**

The TIR shows 5 protected trees on the property. Tree # 2 requires removal because of conflicts with the dwelling. A permit must be obtained prior to removal of this tree. Compensation in the form of planting two trees on the property will be required. A landscape plan, showing the location and species of these tree plantings will be a requirement of the tree removal permit and must be submitted to the Infill Forestry Inspector.

There are grade changes planned in the front and rear yards within the critical root zones of trees 1 and 3-5. Tree # 1 is in good condition, City owned, and must be adequately protected and worked around through construction. As a condition, securities will be held for this tree to ensure work is performed with the utmost care. Tree # 4 is owned by 41 Acacia. This landowner must be made of aware of construction taking place within the CRZ of their tree. The TIR outlines grade changes in proximity to Tree # 1 and within the tree protection zone of trees 3-5 must be kept under 10 cm. Any plans for grade changes greater than 10 cm must require the input of a certified arborist. When roots are encountered during the grading process and excavation for the retaining wall, a certified arborist with the



appropriate tools (as detailed in the TIR) must be on site to properly sever the roots. If the TIR is not followed and damage of a protected tree is incurred, it would be a Tree Protection By-law Infraction. Services are shown to be installed outside the CRZ of tree 1. If this changes, tree impacts must be accounted for.

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

1. Prior to the issuance of a building permit, the Owner/Applicant(s) 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 General Manager of 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 April 21, 2023, and associated security for tree protection. The Development Agreement shall be 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.
  - a. The Owner(s) agree to provide securities for a period of 2 years following the final occupancy permit, which is equivalent to the value of the trees to be protected (tree #1). The Owner(s) agree that the security shall be returned to the owner only upon the City having received a report from an arborist or appropriate professional confirming tree # 1 that they are in good health and condition and remain structurally stable. The Owner(s) acknowledge and agree that if, in the opinion of the City Forester and/or the General Manager, Planning, Infrastructure, and Economic Development, the report indicates that tree 1 is declining and must be removed, the Security, in its entirety, will be forfeited.

**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. 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**.

5. Existing grading and drainage patterns must not be altered.
6. 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.
7. Service lateral spacing shall be as specified in City of Ottawa Standard S11.3.
8. In accordance with the Sewer Connection By-Law a minimum spacing of 1.0m is required between service laterals and the foundation face.
9. Development review has concerns that structural design and geotechnical requirements of the proposed retaining wall along the north side of the property may be wider than the allocated space shown on the site plan. If during the grading examination of the building permit, the detailed design of the retaining wall and any of its appurtenances does not fit in the space currently allocated, the applicant may be required to seek additional minor variances with the Committee of Adjustment.

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