



**CONSENT & MINOR VARIANCE APPLICATION
COMMENTS TO THE COMMITTEE OF ADJUSTMENT
PANEL 2**

PLANNING, REAL ESTATE AND ECONOMIC DEVELOPMENT DEPARTMENT

Site Address: 481 Wentworth Avenue
Legal Description: Lot 58 & Part of Lot 57, Registered Plan 324
File No.: D08-01-23/B-00124, D08-01-23/B-00125
D08-02-23/A-00099, D08-02-23/A-00100
Report Date: June 15, 2023
Hearing Date: June 20, 2023
Planner: Alex Gatien
Official Plan Designation: Inner Urban Transect, Neighbourhood Designation, Evolving Neighbourhood Overlay, Mature Neighbourhoods Overlay
Zoning: R2F

Committee of Adjustment
Received | Reçu le

2023-06-15

City of Ottawa | Ville d'Ottawa
Comité de dérogation

DEPARTMENT COMMENTS

The Planning, Real Estate and Economic Development Department **requests an adjournment of** the applications in order to provide the applicant the opportunity to address outstanding concerns with the six boundary trees shared with 485 Wentworth.

The applicant has not provided evidence that they obtained permission from the neighbouring property owner at 485 Wentworth for the removal of Tree #3, and staff are not satisfied that they have considered the potential impact of the development on the five other boundary trees identified on the Tree Information Report (TIR). Staff recommend adjourning the application so the applicant can address the concerns raised by Planning Forestry, and to conduct further investigation with respect to retention of the five boundary trees as recommended in the TIR. Modifications to the plans for the proposed new dwelling at 481 Wentworth may be required if the applicant does not obtain permission for boundary tree removal from the neighbouring property owner.

DISCUSSION AND RATIONALE

The Official Plan designates the subject property as Neighbourhood within the Inner Urban Transect and it is subject to both the Evolving Neighbourhood Overlay and the Mature Neighbourhood Overlay. The Evolving Neighbourhood Overlay is intended to encourage gradual intensification near corridors and rapid transit. The property is located near Carling Avenue, which is a major corridor, and approximately 650 metres from the Carling LRT Station.

The property is zoned Residential Second Density, Subzone F (R2F), which limits developed to semi-detached and detached dwellings. The proposed detached dwellings represent appropriate infill within an established neighbourhood. With the exception of lot frontage and lot area, the proposed dwellings will meet all other zoning provisions and conform to the requirements of the provided Streetscape Character Analysis. Identical variances are sought for each new parcel.

Reduced Frontage and Lot Area (Variances A and B)

The applicant is requesting a reduction in lot frontage to 11.44m when 15m is required, and in lot area to 348.8m² when 450m² is required in an R2F Zone. There is considerable variety of lot size and frontage within the surrounding neighbourhood, both for detached and semi-detached dwellings. While the new lots will create an additional access, the combined width of two single-width driveways will be comparable to the existing double-width driveway for the existing residence, resulting in similar soft landscaping coverage.

The intent of the minimum lot size provisions is to ensure that lots can accommodate on site uses and regulate lot pattern. The site plan submitted with the application demonstrates that the severed lot can accommodate an appropriately sized dwelling, complying with the required side yard setbacks, parking and soft landscaping requirements.

Section 53 (12) of the *Planning Act*, R.S.O. 1990, c .P.13, as amended, permits the criteria for the subdivision of land listed in Section 51 (24) to be considered when determining whether provisional consent may be granted by a committee of adjustment. With respect to the criteria listed in Section 51 (24), staff have no concerns with the proposed consent. The consent will facilitate context appropriate intensification in accordance with the goals of the Evolving Neighbourhood Overlay.

Staff are satisfied that the requested minor variances meet the “four tests” as outlined in Section 45 (1) of the *Planning Act*, R.S.O. 1990 c. P.13, as amended.

ADDITIONAL COMMENTS

Planning Forestry

The Tree Information Report recommends removal of 1 boundary tree (due to its poor condition) and root exploration to determine the possibility of retention of 5 adjacent or boundary trees. With the setbacks proposed, excavation would be beyond the limit of excavation recommended as a Best Management Practice to safely retain these trees and there is a risk that this design would require removal of 6 boundary trees. Permits cannot be issued for removal of boundary or adjacent trees without permission from the adjacent owner. In the absence of this permission, plans must account for adequate protection of these trees, which may require modifications to the side yard setback and excavation area in proximity to these trees. Detail will be required in the TIR as to what setback would allow for the retention of these trees. Adjournment is recommended to provide time to connect with the neighbour or to modify the plans and TIR accordingly if

no permission or input is provided. Should this application be heard, conditions (2-5) are required as part of the decision.

If tree #3 is permitted for removal, 3 compensation trees will be required; if any of the other boundary trees are impacted there will be further compensation requirements. The planting plan must be revised to include the appropriate number of compensation trees.

Right of Way Management

The Right-of-Way Management Department has **no concerns** with the proposed Consent Applications or the proposed Minor Variance Applications. However, the applicant shall be made aware that a private approach permit will be required for each of the newly constructed 2-storey detached dwellings. The owner shall be made further aware that a Streetscape Character Analysis will be required to demonstrate that the parking space or driveway, including its location and maximum width, comply with Zoning regulations.

CONDITIONS

If approved, the Planning, Real Estate and Economic Development Department requests that the Committee of Adjustment impose the following conditions on the applications:

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. That the Owner/Applicant(s) shall provide a signed letter of permission from the owner of identified adjacent or boundary tree(s), for the proposed removal or operations impacting the tree(s). The applicant acknowledges that a tree removal permit cannot be issued without the permission of all owners of a tree, and that the development plan must be revised to allow for the retention and protection of the adjacent or boundary trees if this letter cannot be produced. The Building Permit for 481 Wentworth must not be issued prior to the completion of the severance.
3. The Owners agree to provide a revised site plan and tree information report 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. 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.

4. The Owner/Applicant(s) shall prepare and submit a tree planting plan, prepared 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, showing the location(s) of the specified number of compensation trees (50mm caliper) required under the Tree Protection By-law, assuming that all proposed tree removals are permitted.
5. Prior to the stamping of the deed(s), 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 March 3, 2023, and associated security for tree protection. The securities, which will be based on the value of the trees to be protected (Tree 1) 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.

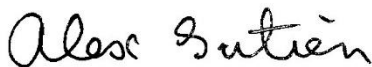
Servicing

6. That the Owner(s) provide proof 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 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.
7. That the Owner(s) provide proof 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 each new parcel has its own independent storm, sanitary and water services connected to City infrastructure and that these services do not cross the proposed severance line.
8. 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, identified as a Play Structure on the submitted R-Plan, has been removed or relocated in conformity with the Zoning By-law.

9. 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 West 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. The grading and drainage plan shall delineate existing and proposed grades for both the severed and retained properties, to the satisfaction of West Manager of the West Branch within Planning, Real Estate and Economic Development Department, or his/her designate.
10. 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 Wentworth Avenue, 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.



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