



**CONSENT APPLICATION  
COMMENTS TO THE COMMITTEE OF ADJUSTMENT  
PANEL 1  
PLANNING, REAL ESTATE AND ECONOMIC DEVELOPMENT DEPARTMENT**

Site Address: 612 Tweedsmuir Avenue  
Legal Description: Lot 9, Registered Plan 356  
File No.: D08-01-23/B-00151 & D08-01-23/B-00152  
D08-02-23/A-00136 & D08-02-23/A-00137  
Report Date: June 27, 2023  
Hearing Date: July 5, 2023  
Planner: Basma Alkhatib  
Official Plan Designation: Inner Urban Transect, Evolving Neighbourhood Overlay  
Zoning: R4UA [2686] H (8.5) (Residential fourth density, subzone UA, exception 2686, maximum height 8.5 metres)

**Committee of Adjustment**  
Received | Reçu le  
**2023-06-30**  
City of Ottawa | Ville d'Ottawa  
**Comité de dérogation**

**DEPARTMENT COMMENTS**

The Planning, Real Estate and Economic Development Department **has no concerns with** the proposed severance nor with minor variances b, d, and f, and **have concerns** with minor variance a, c, e, and g.

**DISCUSSION AND RATIONALE**

**Proposed Consent:**

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 Official Plan designates the property as Neighbourhood within the Inner Urban Transect. Urban areas are described as a range of lot sizes that will include smaller lots, and higher lot coverage and floor area ratios. Policy 2.2.1 of the Official Plan states the directions of Intensification and Diversifying Housing Options, and one of them is Provide housing options for larger households, where there needs to be opportunities in residential Neighbourhoods within a short walking distance to Hubs and Corridors to build dwelling units with enough floor space to accommodate larger households within buildings typologies that increase densities on existing lots.

Policy 5.2.1 states that development shall be encouraged to move towards an urban built form pattern. These areas are encouraged to be developed with a focus on multi-modal transportation methods, particularly walking and cycling. Neighbourhoods are anticipated to maintain their low-rise nature unless otherwise stated in Zoning or applicable Secondary Plans.

The proposed severance will facilitate the establishment of separate ownership of each principal unit in the proposed semi-detached, permitted use in the R4UA zone. The R4UA zone allows a mix of residential building forms ranging from detached to Planning unit development. This zone requires a minimum lot area of 180 square meters and a minimum lot width of 6 metres for semi-detached. The proposed severance will provide 2 lots with width and area that exceeds the minimum requirements by the Zoning By-law.

The Department has **no concerns** with the proposed consent application because it adheres to the Official Plan policies for those lands designated as Inner Urban Neighbourhood. The size and shape of the proposed lots are suitable for the use of the land and the lots will front onto an established municipal road with municipal services.

### **Proposed Minor Variances:**

Staff **have concerns with minor variance a and e** to reduce the front yard setback and corner yard setback of the proposed semi-detached because the reduction of the front yard setback is in the favour of the proposed attached front facing garage which is not required by the Zoning By-law and not the dominant character of the street. Moreover, these reductions to the front yard and corner yard setbacks affect the ability to retain trees within the frontage and are not supported. Section 4.8.2 of the Official Plan prioritizes retention of existing trees over planting new trees and allows for refusal of applications where tree removals are avoidable; in this case it appears that a different design could allow for retention of more trees.

Although, staff recognized that the setback is not extended parallel to the front lot line, and there is efforts made to align with the neighbour on the west side, Staff are of the opinion that the front yard reduction has impact on the street look, and is resulting in reducing the front yard softscaping area which is aimed to create the privacy between the property and the public realm.

Staff have **no concerns with minor variances b, and f** to reduce the interior side yard setback for both proposed lots, as the required reduction is minimal and will not affect the surrounding context.

Staff have **no concern with minor variance d**, to permit a doorway entrance leading to a secondary dwelling unit to be added to the front wall because the new directions of Bill 23 encourage secondary dwellings, and the proposed entrance is not proponent than the primary dwelling entrance.

Staff have **concerns with minor variance c and g**, to permit a front-facing garage, whereas the Zoning By-Law does not permit a front facing-garage as, according the

Streetscape Character Analysis, the resulting dominant character is ABA, which means no front facing garage is permitted. In this special case this proposal will result in two attached garages that are impacting the street look of two streets. The subject sites are four minutes walking distance from Churchill Avenue, designated as a Minor Corridor, where a bus station is ten minutes walking distance. The Official Plan promotes healthy 15 minutes neighbourhood which will be achieved by maintaining the street dominant characters in Mature neighbourhood and Tweedmuir Avenue is proposed for future Transit Corridor.

The Department has the impression that the design could have mitigated the impacts by excluding the attached parking and providing the required setbacks to retain more trees.

## **ADDITIONAL COMMENTS**

### **Planning Forestry**

Through pre-consultation with the arborist and previous applicant, it was made clear that the design of the proposed houses needed to account for retention of some of the trees on site. The current application proposes removal of all but 3 of the 18 existing trees (though 9 of these trees are impacted by the approved development of 608 Tweedsmuir, accordingly, permits and compensation will be handled through that application). The majority of the trees impacted by this application are outside of the building envelope and some are on or shared with City property; as such, these trees are a high priority to retain. This is a **significant impact** to the canopy cover, which is not in keeping with the goals of the Official Plan, to address the cumulative impacts to canopy cover and to prioritize retention of existing trees over planting new trees. It should also be noted that the hydro wires over both frontages limit any new planting in these areas to small species which will not provide canopy cover, further exacerbating the canopy loss on site. If the 6 trees unimpacted by adjacent development are permitted for removal, 14 compensation trees would be required in addition to compensation for removal of City-owned trees.

### **Transportation Engineering**

#### **CONDITIONS**

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

1. That the Owner(s) provide plans, drawings or reports for Part 1 and Part 2, as may be required to demonstrate, to the satisfaction of the Manager, Right-of-Way, Heritage, and Urban Design Department or his/her designate that a **private approach that conforms with the Private Approach By-law** (2003-447) can reasonably be established on the severed land, to be confirmed in writing from the Department to the Committee.

2. That the Owner(s) provide **proof** to the satisfaction of the Development Review Manager of the Central 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/building has been removed.**
3. That the Owner(s) **provide a servicing plan**, to the satisfaction of the Development Review Manager of the Central 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 both the severed and retained parcels has its own independent water, sanitary and sewer connection**, as appropriate, that are directly connected to City infrastructure and do not cross the proposed severance line.
4. That the Owner(s) **provide evidence** to the satisfaction of the Development Review Manager of the Central 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 has been demolished** in accordance with the demolition permit or relocated in conformity with the Zoning By-law.
5. 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 Central 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 the Development Review Manager of the Central Branch within Planning, Real Estate and Economic Development Department, or his/her designate.
6. That the Owner **conveys a 3m x 3m corner sight triangle located at the intersection of Tweedsmuir Avenue and Duncairn Avenue to the City**, with all costs to be borne by the Owner(s), to the satisfaction of the Surveys and Mapping Branch of the City. This area will be free of all structures, plantings, etc. and will allow a proper sighting distance for motorists when performing turning movements within the intersection. The Committee must receive written confirmation from **City Legal Services** that the transfer of the lands to the City has been registered.
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 Central 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 Duncairn Avenue or Tweedsmuir 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 the Development Review Manager of the Central Branch within the 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 Development Review Manager of the Central 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.

8. That the Owner(s) enter into a **Joint Use, Maintenance and Common Elements Agreement**, at the expense of the Owner(s), setting forth the obligations between the Owner(s) and the proposed future owners.

The Joint Use, Maintenance and Common Elements Agreement shall set forth the joint use and maintenance of all common elements including, but not limited to, the common party walls, common structural elements such as roof, footings, soffits, foundations, common areas, common driveways, and common landscaping.

The Owner shall ensure that the Agreement is binding upon all the unit owners and successors in title and shall be to the satisfaction of the Development Review Manager of the Central Branch within Planning, Real Estate and Economic Development Department, or his/her designate, and City Legal Services. The Committee requires written confirmation that the Agreement is satisfactory to the Development Review Manager of the Central Branch within Planning, Real Estate and Economic Development Department, or his/her designate, and is satisfactory to **City Legal Services**, as well as a copy of the Agreement and written confirmation from **City Legal Services** that it has been registered on title.

9. The owners agree to provide a **revised site and grading plan** with the building and all related elements and services situated to allow for **retention of protected trees outside** of the building envelope, to the satisfaction of the Development Review Manager of the Central Branch within the Planning, Real Estate and Economic Development Department, or his/her designate. The Tree Information Report must be revised to reflect these changes and to tree protection and mitigation guidance.

10. The Owner/Applicant(s) shall **prepare and submit a tree planting plan**, prepared to the satisfaction of the Development Review Manager of the Central 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. Compensation for any trees which cannot be planted on site will be paid to Forestry Services with the tree removal permit application.

11. That the owner(s) provide evidence that the 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.



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