

2023-06-29



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

**PLANNING, REAL ESTATE AND ECONOMIC DEVELOPMENT DEPARTMENT**

Site Address: 672 Denbury Avenue  
Legal Description: Lot 24, Registered Plan 484  
File No.: D08-01-23/B-00139 & D08-01-23/B-00140;  
D08-02-23/A-00129  
Report Date: June 29, 2023  
Hearing Date: July 4, 2023  
Planner: Samantha Gatchene  
Official Plan Designation: Inner Urban Transect, Neighbourhood Designation  
Zoning: R1O

**DEPARTMENT COMMENTS**

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

**DISCUSSION AND RATIONALE**

The Official Plan designates the property Neighbourhood within the Inner Urban Transect. The Official Plan provides policy direction that Neighbourhoods located in the Inner Urban Transect shall accommodate residential growth to meet the City's Growth Management Framework and that new development should include urban built form and site design attributes, including shallow front yard setbacks, range of lot sizes including smaller lots and higher lot coverage, small formal landscaped areas, and limited automobile parking.

The property is zoned Residential First Density Subzone O (R1O), which permits detached dwellings. The purpose of this zone is to limit development to detached dwellings and regulate the massing, height, and design of new developments in a manner that is compatible with the existing land use pattern and built form.

The proposed lot width and area for Part A exceed the requirements of the Zoning By-law while also complying with the minimum interior side yard setback provisions. Therefore, staff are satisfied that the proposed consent would not result in the creation of an undersized lot for the existing dwelling. The variances to permit reduced lot width and

area for Part B are indeed minor in nature as they would create a new lot of an appropriate size and shape for future development.

Staff have reviewed the subject minor variance application against the “four tests” as outlined in Section 45 (1) of the *Planning Act*, R.S.O. 1990 c. P.13, as amended. Staff do not have concerns with these requested variances as they are satisfied that the variances meet the “four tests”.

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.

## **ADDITIONAL COMMENTS**

### **Planning Forestry**

- There are seven protected trees and three unprotected trees (less than 30 cm in diameter) on the subject property. Future development must prioritize planning around protected trees and established trees with good retention potential as identified in the TIR.
- On Part 1, if the existing dwelling is demolished and re-constructed in the future there will need to be many protected tree considerations on this lot. On Part 2, tree #5 was identified as a good candidate for retention. Section 4.8.2 of the Official Plan states that growth, development, and intensification shall maintain the urban forest canopy. Its strongly encouraged that a building design for this site (Part 2) would allow for retention of this established healthy Ginkgo tree.
- Please note removal of a protected tree will require a permit from the City of Ottawa. The tree removal permitted would be issued for a justified scenario at the time the building permit application has been submitted.

### **Right of Way Management**

- D08-01-23/B-00140 Part 2 (Vacant Lot):
  - That the Owner(s) provide plans, drawings or reports 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 vacant lot, to be confirmed in writing from the Department to the Committee.

## **CONDITIONS**

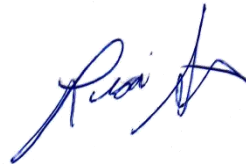
If approved, the Planning, Real Estate and Economic Development Department requests that the Committee of Adjustment impose the following conditions on the applications:

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, as amended. Information regarding the appraisal process can be obtained by contacting the Planner.
2. That the Owner(s) provide proof (Servicing Plan) 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 both the severed and retained parcels have their own independent storm, sanitary and water services connected to City infrastructure and that these services do not cross the proposed severance line. 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.
3. 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.



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