

2023-07-24



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

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

Site Address: 845 Dundee Avenue  
Legal Description: Lot 83, East Dundee Street, Plan 4M-311  
File No.: D08-02-23/A-00122 & A-00145  
Report Date: July 24, 2023  
Hearing Date: August 1, 2023  
Planner: Samantha Gatchene  
Official Plan Designation: Inner Urban Transect, Neighbourhood  
Evolving Neighbourhood Overlay  
Zoning: R2G[1564]

**DEPARTMENT COMMENTS**

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

**DISCUSSION AND RATIONALE**

The Official Plan designates the property Neighbourhood within the Inner Urban Transect. The Evolving Neighbourhood Overlay also applies. 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 Second Density Subzone G, Urban Exception [1564] (R2G[1564]), which permits detached and semi-detached dwellings. The purpose of this zone is to limit development to detached dwellings and two-principal unit buildings regulate the massing, height, and design of new developments in a manner that is compatible with the existing land use pattern and built form as well as permit front yard parking

Staff do not have concerns with the variances for reduced rear yard setback, reduced rear yard area and increased size of a Secondary Dwelling Unit in terms of the "four tests" as outlined in Section 45 (1) of the *Planning Act*, R.S.O. 1990 c. P.13, as

amended. Variances to permit reduced rear yard setbacks and areas are indeed minor in nature and would still provide for an appropriate separation between the proposed semi-detached building and the abutting properties. The variances to increase the maximum size of a Secondary Dwelling Unit would enable infill development without resulting in negative impacts on the function of the site or the surrounding neighbourhood.

## **ADDITIONAL COMMENTS**

### **Planning Forestry**

- There is a row of eastern white cedar bordering the subject property that are fully owned by 851 Dundee. The owner of 851 Dundee has clearly indicated (through email and phone communication) they would like their trees protected throughout the development of 845 Dundee. The applicant has worked with their consulting arborist to develop a retention plan for these cedar trees. Based on the International Society of Arboriculture best management practices, no linear excavation is to enter the static root zone of a tree as the risk of instability increases drastically. The largest tree in the row is 45 cm in diameter meaning its static root zone has a radius of 1.35m from the trunk of the tree (diameter x 3). The extent of excavation for the two largest trees (tree # 4, 45cm, and tree #5, 40 cm) is shown as 1.68m from the trunk of the trees. The extent of excavation narrows near the front of the dwelling (1.45 m) as well as in the rear where the trees are smaller.
- The impact to the critical root zones of the retained trees varies based on their size. The TIR notes that all excavation will be less than 30% of the trees critical root zone which aligns with the International Society of Arboriculture's best management practices. The TIR emphasizes that following the mitigation measures listed on page 6 for working around these trees on site is necessary to retain them. Failure to do so would be a by-law infraction and a potential civil issue with the neighboring landowner who owns the trees. If there are any questions or concerns about appropriate measures for working around trees, reach out to your consulting arborist immediately.
- There is also a Colorado spruce (tree #1) to the west on 841 Dundee's property. The TIR indicates some pruning maintenance is necessary to facilitate the construction project. The work must be completed by a certified arborist and it is advised the homeowner of 841 Dundee is aware of the works being completed. Approximately 5% of this tree critical root zone will be impacted by the construction. Tree Protection Fencing following the [City of Ottawa's tree specification](#) will be installed around all protected trees for the entire construction period.

### **Right of Way Management**

- The Right-of-Way Management Department no concerns with the proposed Minor Variance Applications, as the zoning of the property has the benefit of exception

that allows for front yard parking. However, the owner shall be made aware that a permit approach permit is required to establish a driveway/private approach for each of the dwelling units.



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