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Ottawa General Contractors



200-1886 Merivale Rd. Ottawa Ontario K2G 1E6 613-225-9991

Committee of Adjustment Received | Recule

Committee of Adjustment 101 Centrepointe Drive Ottawa, Ontario, K2G 0B5

2023-06-30

June 20, 2023

City of Ottawa | Ville d'Ottawa Comité de dérogation

RE: 598 Kirkwood - Minor Variance Application

Dear Committee Members,

OGC Ltd. is pleased to submit a Minor Variance application on behalf of the owner, for the subject site known as 598 Kirkwood to permit a reduced rear yard setback for the construction of a low-rise apartment addition to an existing building.

Upon review of our application, you will find the following:

- One (1) copy of the Permission Application form, including owner authorization
- One (1) copy of a cover letter/planning rationale
- One (1) copy of a Tree Information Report
- Two (2) copies of the Survey plan (1 full size and 1 reduced)
 - Two (2) copies of each of the following plans (1 full size and 1 reduced):
 - Drawing A-1 Site Plan
 - Drawing A-2 Reference Floor Plans
 - Drawing A-3 Reference Floor Plans
 - Drawing A-4 Exterior Elevations
 - Drawing A-5 Exterior Elevations



1.0 – Introduction

This application has been prepared and submitted for a minor variance application for the address known as 598 Kirkwood Avenue, Ottawa, Ontario.

The application is seeking relief to permit a reduced rear yard setback to permit the addition of a low-rise apartment to an existing stacked dwelling. The proposed development will add an additional 4 units to the existing 6 unit building.

2.0 – Site Context

The subject site is located in the Westboro Community on a corner lot fronting Devonshire and Kirdwood Avenue. The existing building currently resides a 2 story, 6 unit stacked dwelling. The main building further West on the lot was originally constructed as a duplex with a basement in 1970. Since then, the further East portion of the building was constructed as an addition in 1988 to add an additional 4 units on a slab-on-grade type structure.

The lot is zoned Fourth Density under the current zoning by-law 2008-250, with a zone designation R4UC which offers a wide range of residential uses, which a low-rise apartment of 9 units or more is listed as a permitted use.



Figure 1 – Site Location

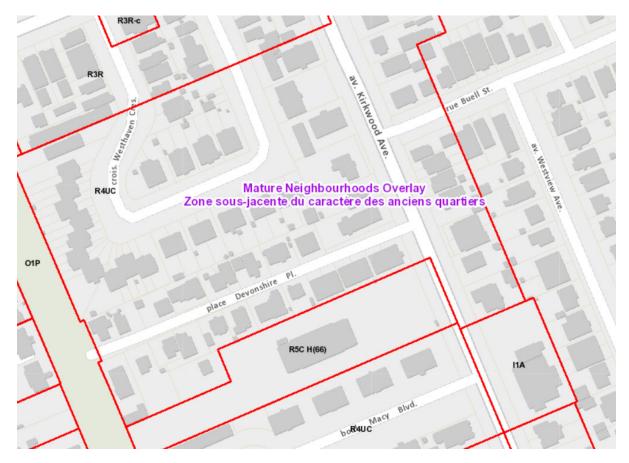


598 Kirkwood fronts Devonshire with a lot frontage of 42.93m and lot depth of 16.12m for a total lot area of 704m².

All surrounding properties are of the same zoning designation of R4UC and are within the mature neighborhood overlay and consist of a mixture of low-rise, townhome and detached dwelling properties ranging in 2 to 3 stories.

South of Devonshire, the zoning designation changes to R5C H(66) and resides a high-rise apartment dwelling building.







Under the zoning by-law 2008-250, rear yard setbacks for the construction of a low-rise apartment building of 9 or more units is 25% of the lot depth as per section 144 of the by-law requirements or 4.03m in the case for the property located at 598 Kirkwood.

The proposed design is also incorporating an enclosed exit staircase meeting Ontario Building Code egress requirements over the proposed rear yard setback reduction in compliance with zoning by-law clause 2008-250, Part 6, Residential Fourth Density, Section 161, article (15) (m), where a required exit may project to a maximum of 2.2m into a required rear yard.

3.0 – Policies

The City of Ottawa Official Plan lists the property as General Urban. The General Urban area designation permits a full range of housing types, which includes low-rise apartments as a listed permitted use under the R4UC zoning designation.

Under the new City of Ottawa Official plan, the subject site is classified as Inner Urban Transect along a minor corridor and is listed as an evolving neighborhood. The evolving Neighborhood overlay is applied to properties in close proximity to hubs and corridors that can support intensification through land diversity.

The City of Ottawa Urban Design Guidelines for low-rise infill housing offers strategies for layout, massing and function for infill projects for the impact on the community and neighboring properties. The proposed development is found to meet the purpose and intent of these guidelines, specifically, the requirement to have the façade setback an additional 600mm for 20% of the façade area, landscape requirements and massing when compared to existing comparable developments within the neighborhood.

4.0 – Zoning Requirements

The subject properties are designated Residential Fourth Density (R4UC) in the City of Ottawa zoning by-law (2008-250). The following table summarizes the zoning requirements and outlines the area of non-compliance.

	Required	Provided	Compliance	
Minimum Lot Area	450m ²	704m ²	Yes	
Minimum Lot Width	15m	10.115m	Yes	
Minimum Front Yard Setback	Average of abutting properties	42.93m	Yes	
Minimum Interior Yard	1.5m	1.56m	Yes	
Minimum Rear Yard	25% lot depth	18.14%	No	
Maximum Building Height	11m	10.41m	Yes	
Permitted projections Canopies	Stairs <0m	Stairs: 0.3m	Yes	
and Stairs at grade	Canopies <0.6m	Canopies: 0.6m		
Minimum Landscape	35m ²	>35m²	Yes	
Minimum Parking Spaces	0 spaces for first twelve units	0 Provided	Yes	
Minimum Bicycle Parking	0.5 per unit, 5 required	5 Provided	Yes	



The proposed development meets the majority of the zoning provisions under R4UC with the (1) exception. We seek relief for the reduction of a rear yard setback to be 18.14% of the lot depth, where to zoning by-law requires 25%.

5.0 – Site Massing

Under the R4UC zoning design for low-rise apartments of 9 units or more, the building is permitted to be constructed up 11m in height. The following figures have been created to evaluate the impact of the proposed development to adjacent neighboring properties.

Figure 3 – Site Context along Devonshire

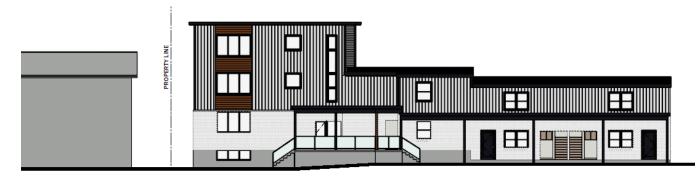


Figure 4 – Site Context along Kirkwood



The streetscape appearance along Kirkwood remains the same when considering the depth of lot and location of the proposed addition in relation to the existing dwellings.



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6.0 – Tree Protection

The adjacent and subject site, have existing distinctive trees with critical root zones in close proximity to the proposed development. Please refer to report prepared by IFS Associates.

7.0 – Hydro Ottawa

Main hydro corridors and easements occur on both lot frontages along Devonshire and Kirkwood Avenue. Clearances will be adhered to for permanent structures to overhead distribution lines as per Hydro Ottawa's OLS0002 standard.

8.0 Rationale

In summary, it is in our opinion that the requested reduced rear yard meets the four tests for the following reasons:

- 1. Is the variance minor
 - a. We find the requested relief to be minor as the proposed addition follows the Northern façade of the existing building which has a yard reduction of 3.49m as an existing condition.
- 2. Is the variance desirable for the appropriate development or use of the property
 - a. We find the requested relief to be desirable and appropriate for the use of the property when considering the conversion of a surface type parking lot is being converted into housing stock.
 - b. We also find the requested relief to be desirable considering the most dominant feature of the Northern façade is located nearest to the existing accessory buildings of the adjacent lots to help reduce the impact on neighboring properties and their outdoor amenity spaces.
- 3. Is the variance maintaining the general intent and purpose of the zoning by-law
 - a. Yes, as under the R4UC zoning designation, intensification is outlined for increase dwelling options through-out the City and the proposed development offers a wide range of housing options in the Westboro community.
- 4. Does the variance maintain the general intent and purpose of the Official Plan
 - a. Yes, we do find that the requested relief does follow the intent of the official plan as the proposed development is creating an increase in soft landscaping on the site with the conversion of the a parking lot to a building.
 - b. We also find with the requested relief, follows the general intent of the official plan by the reduction of parking which will promote the use of transit while the proposed site is situated in an evolving neighborhood and is along a minor corridor.

In summary, we are of the opinion that the requested relief for the proposed development meets the four tests as established in the planning act.



June 23, 2023

Alain Bisson Senior Architectural Technician, M.A.A.T.O. Ottawa General Contractors 1886 Merivale Road. Ottawa, ON K2G 1E6

RE: TREE INFORMATION REPORT (FULL) FOR 598 KIRKWOOD AVENUE

This Tree Information Report (TIR) was prepared by IFS Associates Inc. (IFS) in support of an application for a minor variance in relation to 598 Kirkwood Avenue. The need for this report is related to trees protected under the City of Ottawa's Tree Protection By-law (By-law No. 2020-340). The work proposed for the subject property includes a three-storey addition to the rear of an existing two-storey building.

Within the inner urban area of Ottawa a TIR is required for infill developments and/or demolitions when a 'distinctive' tree is present (*i.e.* 30 cm in diameter at breast height (DBH) or greater). This includes distinctive trees on adjacent properties which have critical root zones (CRZ) extending onto a property slated for development or demolition. A "tree" is defined in the By-law as any species of woody perennial plant, including its root system, which has reached or can reach a minimum height of at least 450 cm at physiological maturity. The CRZ is calculated as DBH x 10 cm.

The approval of this TIR by the city and the issuing of a permit authorizes the removal of approved trees. Importantly, although this report may be used to support the application for a tree removal permit, it does not by itself constitute permission to remove trees or begin site clearing activities. No such work should occur before a tree removal permit is issued authorizing the injury or destruction of a tree in accordance with the By-law. Further, the removal of any trees shared with or fully on neighbouring properties will require written permission of the adjacent landowner.

The inventory in this report details the assessment of all individual trees on the subject and adjacent private property, including any trees on nearby City of Ottawa lands. Field work for this report was completed in June 2023.

TREE SPECIES, CONDITION, SIZE AND STATUS

Table 1 on page 2 details the two individual distinctive trees on the subject property. Both trees are referenced by the numbers plotted on the tree information plan included on page 3 of this report.

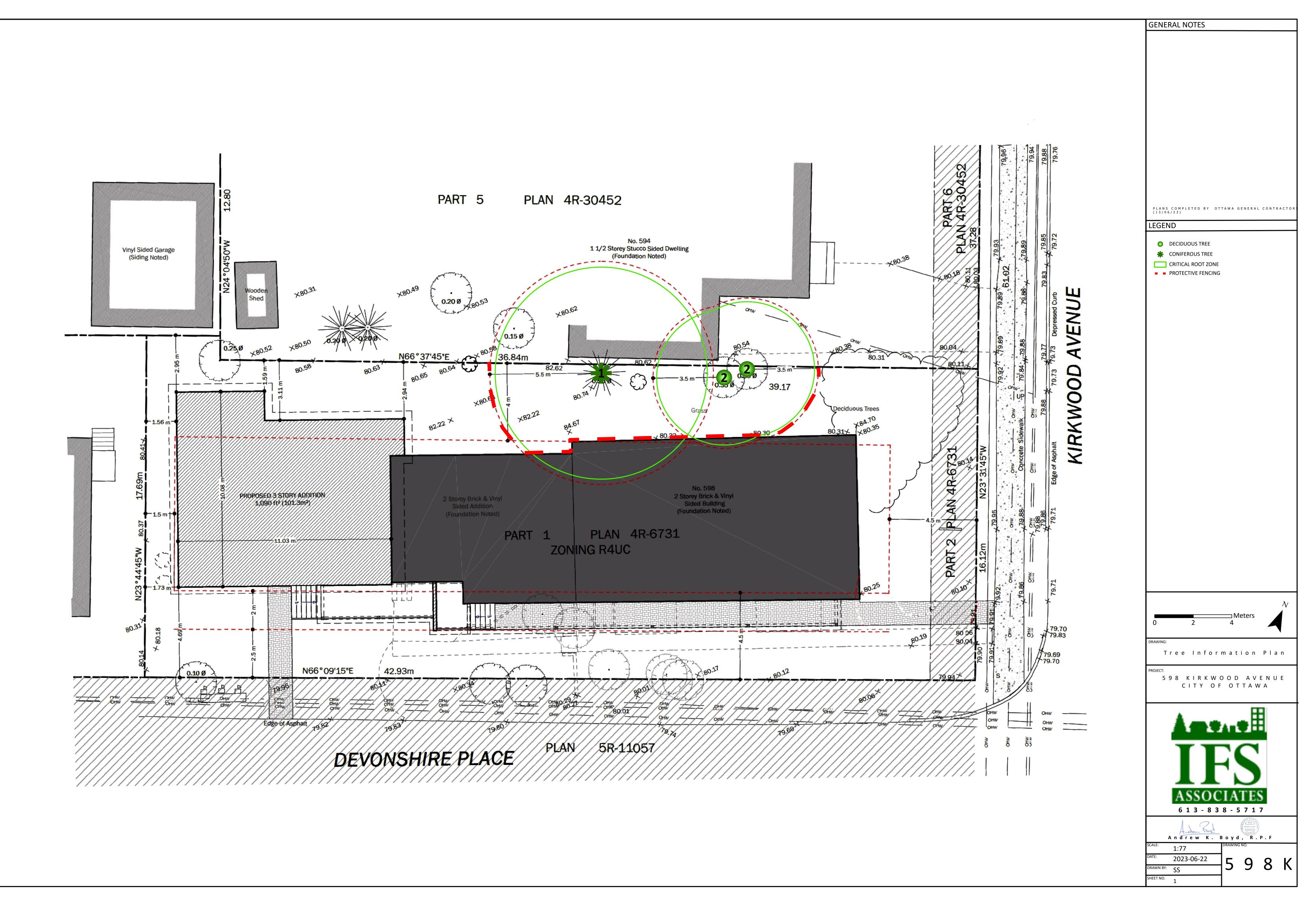


Tree	Tree species	Owner	DBH ²	CRZ^3	Distance to	Tree Condition, Age Class, Condition	Reason	Forester's
No.	/Tolerance to	ship	(cm)	(m)	excavation	Notes, Species Origin and Status (to be	for	Opinion re.
	Construction ¹	_			(m) ⁴	removed or preserved and protected)	removal	Removal
1	White spruce	Private	54.7	5.5	>10	Fair; mature; central dominant stem for	Not	Not
	(Picea					entire height heavy vine growth into	applicable	applicable
	glauca) /					lower crown; fair crown density, annual	– to be	
	Moderate -					increment (vigour) and needle colour;	preserved	
	Good					native species; to be preserved and	-	
						protected		
2	Manitoba	Private	35	3.5	>10	Poor; mature; double-stemmed from	Not	Not
	maple (Acer		avg.			grade; western stem bisects at 1.2m from	applicable	applicable
	negundo) /		C			grade into one central, generally upright	- to be	
	Good					stem and one divergent stem which has	preserved	
						been topped; eastern stem is strongly	-	
						divergent towards north; naturalized		
						species; to be preserved and protected		

Table 1. Tree information for 598 Kirkwood Avenue

¹As taken from Managing Trees during Construction; 2nd Ed., Fite and Smiley; ² Diameter at breast height, or 1.3m from grade (unless otherwise indicated); ³ Critical root zone (CRZ) is considered as being 10 centimetres from the trunk of a tree for every centimetre of DBH. The CRZ is calculated as DBH x 10 cm; ⁴Approximate distances only.





Pictures 1 and 2 on page 6 of this report show the two distinctive trees on the subject property.

PROVINCIAL REGULATIONS

Certain provincial regulations are applicable to trees on private property. In particular, the Endangered Species Act – ESA (2007) mandates that tree species on the Species at Risk in Ontario (SARO) list be identified. Butternut (*Juglans cinerea*) is present in Eastern Ontario and is listed as threatened on the SARO. Because of this it is protected from harm. No trees of this species were found on or near the subject property.

TREE PROTECTION MEASURES

Protection measures intended to mitigate damage during construction will be applied for the trees to be preserved. The following measures are the minimum required by the City of Ottawa to ensure tree survival during and following construction:

- 1. Erect a fence as close as possible to the critical root zone (CRZ) of trees (City of Ottawa tree protection barrier detail included on page 5).
- 2. Do not place any material or equipment within the CRZ of the tree.
- 3. Do not attach any signs, notices or posters to any tree.
- 4. Do not raise or lower the existing grade within the CRZ without approval.
- 5. Tunnel or bore when digging within the CRZ of a tree.
- 6. Do not damage the root system, trunk or branches of any tree.
- 7. Ensure that exhaust fumes from all equipment are NOT directed towards any tree's crown.

REPLACEMENT TREE PLANTING OR COMPENSATION

As no distinctive trees are to be removed because of the proposed construction, no replacement tree planting or compensation is required in this instance.

This report is subject to the attached limitations of tree assessments and liability to which the reader's attention is directed.

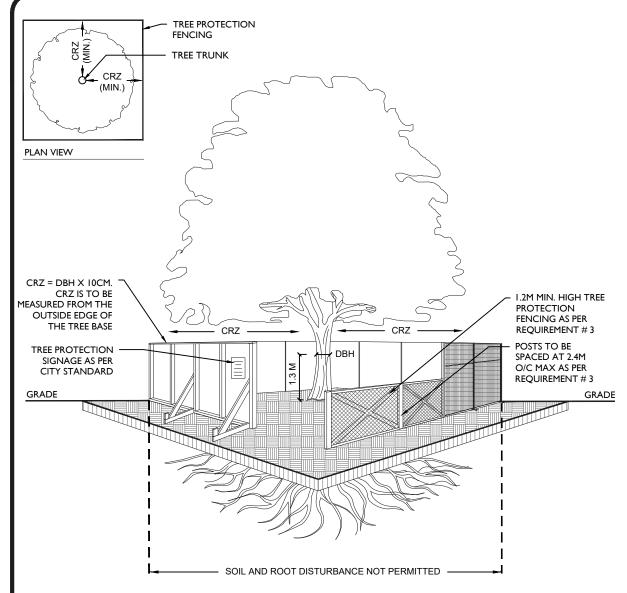
Please do not hesitate to contact me with any questions concerning this report.

Yours,



Andrew K. Boyd, B.Sc.F, R.P.F. (#1828) Certified Arborist #ON-0496A and TRAQualified Consulting Urban Forester





TREE PROTECTION REQUIREMENTS:

- 1. PRIOR TO ANY WORK ACTIVITY WITHIN THE CRITICAL ROOT ZONE (CRZ = 10 X DIAMETER) OF A TREE, TREE PROTECTION FENCING MUST BE INSTALLED SURROUNDING THE CRITICAL ROOT ZONE, AND REMAIN IN PLACE UNTIL THE WORK IS COMPLETE.
- 2. UNLESS PLANS ARE APPROVED BY CITY FORESTRY STAFF, FOR WORK WITHIN THE CRZ:
 - DO NOT PLACE ANY MATERIAL OR EQUIPMENT INCLUDING OUTHOUSES;
 - DO NOT ATTACH ANY SIGNS, NOTICES OR POSTERS TO ANY TREE;
- DO NOT RAISE OR LOWER THE EXISTING GRADE;
- TUNNEL OR BORE WHEN DIGGING;
- DO NOT DAMAGE THE ROOT SYSTEM, TRUNK, OR BRANCHES OR ANY TREE;
- ENSURE THAT EXHAUST FUMES FROM ALL EQUIPMENT ARE NOT DIRECTED TOWARD ANY TREE CANOPY.
- DO NOT EXTEND HARD SURFACE OR SIGNIFICANTLY CHANGE LANDSCAPING
- 3. TREE PROTECTION FENCING MUST BE AT LEAST 1.2M IN HEIGHT, AND CONSTRUCTED OF RIGID OR FRAMED MATERIALS (E.G. MODULOC - STEEL, PLYWOOD HOARDING, OR SNOW FENCE ON A 2"X4" WOOD FRAME) WITH POSTS 2.4M APART, SUCH THAT THE FENCE LOCATION CANNOT BE ALTERED. ALL SUPPORTS AND BRACING MUST BE PLACED OUTSIDE OF THE CRZ, AND INSTALLATION MUST MINIMISE DAMAGE TO EXISTING ROOTS. (SEE DETAIL)
- 4. THE LOCATION OF THE TREE PROTECTION FENCING MUST BE DETERMINED BY AN ARBORIST AND DETAILED ON ANY ASSOCIATED PLANS FOR THE SITE (E.G. TREE CONSERVATION REPORT, TREE INFORMATION REPORT, ETC). THE PLAN AND CONSTRUCTED FENCING MUST BE APPROVED BY CITY FORESTRY STAFF PRIOR TO THE COMMENCEMENT OF WORK.
- 5. IF THE FENCED TREE PROTECTION AREA MUST BE REDUCED TO FACILITATE CONSTRUCTION, MITIGATION MEASURES MUST BE PRESCRIBED BY AN ARBORIST AND APPROVED BY CITY FORESTRY STAFF. THESE MAY INCLUDE THE PLACEMENT OF PLYWOOD, WOOD CHIPS, OR STEEL PLATING OVER THE ROOTS FOR PROTECTION OR THE PROPER PRUNING AND CARE OF ROOTS WHERE ENCOUNTERED.

THE CITY'S TREE PROTECTION BY-LAW, 2020-340 PROTECTS BOTH CITY-OWNED TREES, CITY-WIDE, AND PRIVATELY-OWNED TREES WITHIN THE URBAN AREA. PLEASE REFER TO WWW.OTTAWA.CA/TREEBYLAW FOR MORE INFORMATION ON HOW THE TREE BY-LAW APPLIES.

ACCESSIBLE FORMATS AND COMMUNICATION SUPPORTS ARE AVAILABLE, UPON REQUEST



TO BE IMPLEMENTED FOR RETAINED TREES, BOTH ON SITE AND ON ADJACENT SITES, PRIOR TO ANY TREE REMOVAL OR SITE WORKS AND MAINTAINED FOR THE DURATION OF WORK ACTIVITIES ON SITE.

SCALE:	NTS		
DATE:	MARCH 2021		
DRAWING NO.:	1 of 1		



Picture 1. Trees #1 and 2 (left to right), lower boles of private spruce and maple trees at 598 Kirkwood Avenue



Picture 2. Trees #1 and 2 (left to right), upper crowns of private spruce and maple trees at 598 Kirkwood Avenue



LIMITATIONS OF TREE ASSESSMENTS & LIABILITY

GENERAL

It is the policy of *IFS Associates Inc.* to attach the following clause regarding limitations. We do this to ensure that our clients are clearly aware of what is technically and professionally realistic in assessing trees for retention.

This report was prepared by *IFS Associates Inc.* at the request of the client. The information, interpretation and analysis expressed in this report are for the sole benefit and exclusive use of the client. Possession of this report or a copy thereof does not imply right of publication or use for any purpose by any other than the client to whom it is addressed. Unless otherwise required by law, neither all or any part of the contents of this report, nor copy thereof, shall be conveyed by anyone, including the client, to the public through public relations, news or other media, without the prior expressly written consent of the author, and especially as to value conclusions, identity of the author, or any reference to any professional society or institute or to any initialed designation conferred upon the author as stated in his qualifications.

This report and any values expressed herein represent the opinion of the author; his fee is in no way contingent upon the reporting of a specified value, a stipulated result, nor upon any finding to be reported.

Details obtained from photographs, sketches, *etc.*, are intended as visual aids and are not to scale. They should not be construed as engineering reports or surveys. Although every effort has been made to ensure that this assessment is reasonably accurate, the tree(s) should be reassessed at least annually. The assessment presented in this report is valid at the time of the inspection only. The loss or alteration of any part of this report invalidates the entire report.

LIMITATIONS

The information contained in this report covers only the tree(s) in question and no others. It reflects the condition of the assessed tree(s) at the time of inspection and was limited to a visual examination of the accessible portions only. *IFS Associates Inc.* has prepared this report in a manner consistent with that level of care and skill ordinarily exercised by members of the forestry and arboricultural professions, subject to the time limits and physical constraints applicable to this report. The assessment of the tree(s) presented in this report has been made using accepted arboricultural techniques. These include a visual examination of the aboveground portions of each tree for structural defects, scars, cracks, cavities, external indications of decay such as fungal fruiting bodies, evidence of insect infestations, discoloured foliage, the condition of the tree(s) and the surrounding site, and the proximity of people and property. Except where specifically noted in the report, the tree(s) examined were not dissected, cored, probed or climbed to gain further evidence of their structural condition. Also, unless otherwise noted, no detailed root collar examinations involving excavation were undertaken.

While reasonable efforts have been made to ensure that the tree(s) proposed for retention are healthy, no warranty or guarantee, expressed or implied, are offered that these trees, or any parts of them, will remain standing. This includes other trees on or off the property not examined as part of this assignment. It is both professionally and practically impossible to predict with



absolute certainty the behaviour of any single tree or groups of trees or their component parts in all circumstances, especially when within construction zones. Inevitably, a standing tree will always pose some risk. Most trees have the potential for failure in the event of root loss due to excavation and other construction-related impacts. This risk can only be eliminated through full tree removal.

Notwithstanding the recommendations and conclusions made in this report, it must be realized that trees are living organisms, and their health and vigour constantly change over time. They are not immune to changes in site conditions, or seasonal variations in the weather. It is a condition of this report that *IFS Associates Inc*. be notified of any changes in tree condition and be provided an opportunity to review or revise the recommendations within this report. Recognition of changes to a tree's condition requires expertise and extensive experience. It is recommended that *IFS Associates Inc*. be employed to re-inspect the tree(s) with sufficient frequency to detect if conditions have changed significantly.

ASSUMPTIONS

Statements made to *IFS Associates Inc.* in regard to the condition, history and location of the tree(s) are assumed to be correct. Unless indicated otherwise, all trees under investigation in this report are assumed to be on the client's property. A recent survey prepared by a Licensed Ontario Land Surveyor showing all relevant trees, both on and adjacent to the subject property, will be provided prior to the start of field work. The final version of the grading plan for the project will be provided prior to completion of the report. Any further changes to this plan invalidate the report on which it is based. *IFS Associates Inc.* must be provided the opportunity to revise the report in relation to any significant changes to the grading plan. The procurement of said survey and grading plan, and the costs associated with them both, are the responsibility of the client, not *IFS Associates Inc.*

LIABILITY

Without limiting the foregoing, no liability is assumed by IFS Associates Inc. for:

- 1) Any legal description provided with respect to the property.
- 2) Issues of title and/or ownership with respect to the property.
- 3) The accuracy of the property line locations or boundaries with respect to the property.
- 4) The accuracy of any other information provided by the client of third parties.
- 5) Any consequential loss, injury or damages suffered by the client or any third parties, including but not limited to replacement costs, loss of use, earnings and business interruption; and,
- 6) The unauthorized distribution of the report.

Further, under no circumstances may any claims be initiated or commenced by the client against *IFS Associates Inc.* or any of its directors, officers, employees, contractors, agents or assessors, in contract or in tort, more than 12 months after the date of this report.

ONGOING SERVICES

IFS Associates Inc. accepts no responsibility for the implementation of any or all parts of the report, unless specifically requested to supervise the implementation or examine the results of activities recommended herein. In the event that examination or supervision is requested, that request shall be made in writing and the details, including fees, agreed to in advance.



