

2023-12-06



**CONSENT APPLICATION
COMMENTS TO THE COMMITTEE OF ADJUSTMENT
PANEL 2**

PLANNING, REAL ESTATE AND ECONOMIC DEVELOPMENT DEPARTMENT

Site Address: 81 Boyce Avenue
Legal Description: Part of Lot 274 and Lot 275, Registered Plan 384
File No.: D08-01-23/B-00294, D08-01-23-B-00295 and
D08-02-23/A-00276
Report Date: December 7, 2023
Hearing Date: December 12, 2023
Planner: Samantha Gatchene
Official Plan Designation: Outer Urban Transect, Neighbourhood Designation
Evolving Overlay
Zoning: R1O

DEPARTMENT COMMENTS

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

DISCUSSION AND RATIONALE

The property is designated Neighbourhood within the Outer Urban Transect of the Official Plan (OP). The Evolving Neighbourhood Overlay also applies. Section 5.3 of the OP encourages increased density in Neighbourhoods. The Outer Urban Transect is also planned to evolve from a suburban to a more urban context, which includes a range of lot sizes including smaller lots. Infill development within the built-up urban area is in keeping with the growth management strategy under Section 2.2.1 that includes a 60 per cent intensification target by 2046.

The property is zoned Residential First Density, Subzone O. The requested minor variances are consistent with the intent of the R1O zone, which are, among others, to “restrict building form to detached dwellings” and “regulate development in a manner that is compatible with existing land use patterns so that the detached dwelling, residential character of a neighbourhood is maintained or enhanced”.

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.

Reduced Minimum Lot Area and Reduced Lot Width (Variances A and B)

Staff do not have concerns with Variances A and B to permit a reduced lot area 239.6 square metres whereas a minimum lot area of 450 square metres is required; and to permit a reduced lot width of 7.85 metres whereas a minimum lot width of 15 metres is required for Part 2. Lots with a similar lot area and width are not uncommon in the surrounding neighbourhood within the R1O zone. Therefore, the variances would result in a lot that is consistent with existing lot fabric. The variances for reduced lot area and lot width meet the general intent of the Official Plan which encourages a more urban form in the Outer Urban Transect, including smaller lots. Further, staff do not foresee negative impacts to occur on the existing streetscape as a result of the reduced lot dimensions.

Reduced Interior Side Yard Setback (Variance C)

Staff do not have concerns with Variance C to allow for a Part 2 to have a reduced total interior side yard setback of 1.8 metres and reduced northern interior side yard of 0.6 metres. The Zoning By-law requires a minimum total interior side yard setback of 3.0 metres with one yard no less than 1.2 metres.

Negative impacts on privacy as a result of the reduced northern interior side yard setback are not anticipated because minimal no windows are proposed on the north side of the new dwelling. Access to the rear yard will be provided by the southern interior side yard. Staff also note that there are multiple other R1 subzones that permit a total interior side yard of 1.8 metres with a single yard no less than 0.6 metres in conjunction with smaller required minimum lot areas ranging from 195 square metres to 270 square metres. Therefore, the requested variance meets the general intent of the Zoning By-law. Overall staff are satisfied that the requested variance is appropriate for the development and will not result in negative impacts on the surrounding properties.

ADDITIONAL COMMENTS

Planning Forestry

There are 7 protected trees on the subject property. The TIR must be updated as a condition of the severance application as the ownership of trees 4-7 is missing from the Tree Information Table.

Tree 1 is a 114 cm silver maple in the as of right building footprint of the proposed development. A tree removal permit would need to be obtained for this tree. An application for the permit can be made online at the time of the building permit application.

Tree 2 is jointly owned and will be impacted by the excavation of the proposed development. The adjacent landowner must provide written confirmation that they are

aware of the plans in place. The applicant's engineering team has provided an excavation plan that shows at least 2 m can be maintained between tree 2. Adhering to this plan would align with International Society of Arboriculture (ISA) best management practices. Failure to follow this plan would be a violation of the Tree Protection By-law. Any changes to the excavation plan require the applicant to contact forestry services immediately (forestry@ottawa.ca). If pruning of this or any of the other retained tree's canopy is required to facilitate the development, an ISA certified arborist should complete the work.

Tree # 5 appears to be jointly owned with the City and requires removal because of the location of the proposed driveway. Options to retain tree 5 and remove private tree 4 instead were explored but the applicant's agent indicated setbacks from the hydro pole to a private approach would not result in a better environment for tree 5. A tree removal permit and monetary compensation for the value of tree 5 would be required.

The TIR must also be updated to show the location of tree protection fencing around trees 6 and 7. This is to prevent any damage from machinery access, movement, and equipment storage. Tree protection for all retained trees must be installed and maintained for the extent of construction. The application for this free program can be found here: <https://ottawa.ca/en/living-ottawa/environment-conservation-and-climate/public-spaces-and-environmental-programs/tree-planting/trees-trust>

A planting plan is being requested to show where there is adequate space and soil volume for compensation trees that would be required as a condition of tree removal. If permission from the owner of the retained lot is provided, compensation planting can also be accommodated on this property (if the consent is approved).

Right of Way Management

The Right-of-Way Management Department has no concerns with the proposed Consent & Minor Variance Applications. However, the Owner shall be made aware that private approach permits are required to construct each of the newly created driveways/approaches.

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.

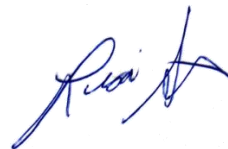
2. That the Owners agree to determine ownership of trees on site. If the identified trees are determined to be boundary or adjacent trees, the Owner/Applicant(s) shall provide a signed letter of permission from the owner, for the proposed removal or operations impacting the tree(s). The applicant acknowledges 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.
3. That the Owners agree to provide a revised tree information report to the satisfaction of the General Manager of 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. That the Owners agree that the location of the proposed structures, including the driveways, retaining walls, projections, etc. shown on the Grading & Servicing Plan, will be determined based on the least impact to protected trees and tree cover. The Owner(s) further acknowledges and agrees that this review may result in relocation of these structures and agrees to revise their plans accordingly 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.
5. 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.
6. That the Owner(s) provide evidence (servicing plan), to the satisfaction of the Development Review Manager of the West Branch within Planning, Infrastructure 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 water, sanitary and sewer connection, as appropriate, and that these services do not cross the proposed severance line and are connected directly to City infrastructure. 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.

7. 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 West Branch within Planning, Infrastructure 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 West Branch within Planning, Infrastructure and Economic Development Department, or his/her designate.
8. 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 West Branch within Planning, Infrastructure and Economic Development Department, or his/her designate, to require that an asphalt overlay will be installed, at the Owner(s) expense, on Bradford Street, 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 West Branch within Planning, Infrastructure 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 West Branch within Planning, Infrastructure 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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