

2024-01-11



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

PLANNING, REAL ESTATE AND ECONOMIC DEVELOPMENT DEPARTMENT

Site Address: 44 Dunham Street
Legal Description: Part of Lot 112, Registered Plan 591
File No.: D08-01-23/B-00266 & D08-01-23/B-00267,
D08-02-23/A-00258 & D08-02-23/A-00259
Report Date: January 10, 2024
Hearing Date: January 16, 2024
Planner: Cass Sclauzero
Official Plan Designation: Outer Urban Transect, Neighbourhood
Zoning: R1WW[637]

DEPARTMENT COMMENTS

The Planning, Real Estate and Economic Development Department **has no concerns with** the application(s).

DISCUSSION AND RATIONALE

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.

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.

Exception 637 is applicable to the subject property and requires a minimum lot area of 555 square metres. The exception reflects the previous Rs4 zoning under the former Gloucester Zoning By-law (1999), where the minimum lot width and area requirements were 9 metres and 555 square metres, respectively.

The application was adjourned at the November 14, 2023 hearing so that the minor variance applications and accompanying notice could be revised to state the minimum lot area requirement under Exception 637.

Most of the interior lots in the surrounding subdivision are 18 or 19 metres wide by approximately 54 metres deep and were created when larger interior lots on the

underlying plan of subdivision, Registered Plan 591, were severed into two or three long, narrow parcels. Corner lots on Plan 591, including Lot 112 from which the subject property was created, were typically further subdivided into three parcels—two interior and one corner. The interior lots created from corner lots on Plan 591 are typically wider and narrower than those created from other interior lots.

Staff are of the opinion that the exception restricting the lot area to a minimum of 555 square metres was a carryover from the Gloucester by-law, imposed at amalgamation and intended to prohibit further subdivision of interior lots that would result in extremely long, narrow parcels.

Given the above and that the R1WW zone permits a minimum lot area of 450 square metres, and that the lot width on both the proposed severed and retained parcels will exceed the minimum requirement, staff have no concerns with the requested variances.

ADDITIONAL COMMENTS

The applicant's initial plans proposed a driveway on Part 1 that exceeded the maximum permitted width for a single-lane driveway per Section 139 of the Zoning By-law, and leading to a parking area that was wider than the maximum permitted width per Section 106 of the by-law.

Although the site plan submitted with the application shows a driveway at 3 metres wide, the garage and parking space dimensions have not been included on the revised site plan. While the Zoning By-law does not restrict the width of a garage opening, staff note that, per Section 139, any walkway extending to the right of way must be separated from the driveway by a soft landscaping buffer of at least 0.6 metres wide, and only one such walkway is permitted per yard. A walkway abutting a driveway that does not extend to the right of way cannot exceed 1.2 metres in width and cannot be used as additional parking surface. Per Section 109, all portions of a front yard not occupied by driveways or walkways must be softly landscaped.

Planning Forestry

The Tree Information Report (TIR) must be revised to include the allowable building footprint and driveway location on Part 2 to accurately assess the impacts of the proposed severance. It must also include all protected trees on and adjacent to the site, as it appears that one City-owned tree will be directly impacted by the driveway for Part 1. Permission is required from the Owner(s) of any boundary or adjacent trees if there are to be any impacts; without this permission, plans for Part 2 must be designed to allow for their retention. A tree planting plan will be required to show replacements for any protected trees which must be removed.

Right of Way Management

The Right-of-Way Management Department has **no concerns** with the proposed consent/minor variance Application. However, the Owner shall be made aware that a private approach permit is required to construct the newly created driveway/approach.

CONDITIONS

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

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 a revised site plan and Tree Information Report to the satisfaction of the Development Review Manager of the East Branch within the Planning, Real Estate and Economic Development Department, or their designates. 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 an assessment of impacts related to the as-of-right building envelope and specific mitigation measures where work is proposed within the Critical Root Zone of a protected tree.
3. That the Owner(s) provide a Grading and Servicing Plan or Existing Conditions, Removals, and Decommissioning Plan showing the existing services and the capping location, to be determined based on the least impact to existing protected trees, to the satisfaction of the Development Review Manager of the East Branch within the Planning, Real Estate and Economic Development Department, or their designates.
4. That the Owner(s) provide a revised Grading and Servicing Plan with the design and locations of proposed elements (services, retaining walls, etc.) accounting for the adequate protection of Protected Trees as identified in the Tree Information Report. 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 East Branch within the Planning, Real Estate and Economic Development Department, or their designates. The Tree Information Report may require revision to reflect these changes.
5. That the Owner(s) prepare and submit a tree planting plan, prepared to the satisfaction of the Development Review Manager of the East Branch within the Planning, Real Estate and Economic Development Department, or their designates, 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, or a minimum of one new tree in the Right of Way of Part 1.

6. That the Owner(s) provide a signed letter of permission from the owner of identified adjacent or boundary tree(s), 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.
7. That the Owner(s) provide evidence to the satisfaction of both the Chief Building Official and the Development Review Manager of the East Branch within the Planning, Real Estate and Economic Development Department, or their designates, that both severed and retained parcels have their own independent water, sanitary and storm connection as appropriate, and that these services do not cross the proposed severance line and are connected directly to City infrastructure. Further, the Owner(s) shall comply with 7.1.5.4(1) of the Ontario Building Code, O. Reg. 332/12 as amended. If necessary, a plumbing permit shall be obtained from Building Code Services for any required alterations.
8. That the Owner(s) provide a combined Grading and Drainage Plan and Site Servicing Plan including, where applicable, the tree locations and protection recommendations from the approved Tree Information Report (TIR) to the satisfaction of the Managers of the East Branch within the Planning, Real Estate, and Economic Development, or their designates. The plans can be shown on one sheet or multiple sheets but must include the following information.
 - a. The Grading and Drainage Plan must be prepared by a relevant professional: Professional Engineer (P.Eng.), Certified Engineering Technologist (CET), Ontario Land Surveyor (OLS), Professional Landscape Architect (OLA), or Professional Architect (OAA) and adhere to the following:
 - i. Minimum Grading and Servicing Plan Specifications Infill Serviced Lots; and
 - ii. City of Ottawa Standard Drawings, By-laws, and Guidelines, as amended.
 - b. The Site Servicing Plan must be prepared by a Professional Engineer (P.Eng.), Certified Engineering Technologist (CET), or Ontario Land Surveyor (OLS) and adhere to the requirements as noted for the Grading and Drainage Plan.
 - c. In the case of a vacant parcel being created, the plan(s) must show a conceptual building envelope to establish that the lot can be graded to a sufficient and legal outlet, has access to services with adequate capacity, and follows the recommendations of the TIR.

- d. The following information from the TIR must be included on both the Grading and Servicing Plans to ensure that these elements are designed to follow the recommendations within the TIR:
- i. Surveyed locations of all protected trees on and adjacent to the subject site;
 - ii. Location of tree protection fencing;
 - iii. Measurements from the tree(s) trunks to nearest limit of excavation or grade changes;
 - iv. Any notes related to excavation or grade changes within the Critical Root Zone, as recommended in the TIR (e.g., use of hydrovac, directional boring, or capping of services outside of the Critical Root Zone); and
 - v. Proposed planting locations from the associated Tree Planting Plan, if provided.
9. That the Owner(s) provide evidence to the satisfaction of the Development Review Manager of the East Branch within the Planning, Real Estate and Economic Development Department, or their designates, to be confirmed in writing from the Department to the Committee, that the existing dwelling/building has been removed.



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