

2024-06-13

City of Ottawa | Ville d'Ottawa
Comité de dérogation



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

PLANNING, DEVELOPMENT AND BUILDING SERVICES DEPARTMENT

Site Address: 1729 Queensdale Avenue
Legal Description: Lots 698, 699, 780 & 781 and Part of Lane (Closed by Judge's Order Inst. No. GL52533) and Part of Fifth Street (Closed by Judge's Order Inst. No. GL52533, Plan 326)
File No.: D08-01-24/B-00092 to D08-01-24/B-00094
D08-02-24/A-00121, D08-02-24/A-00123 to
D08-02-24/A-00125
Report Date: June 13, 2024
Hearing Date: June 17, 2024
Planner: Penelope Horn
Official Plan Designation: Outer Urban Transect, Neighbourhood, Evolving Neighbourhood Overlay
Zoning: R1WW

DEPARTMENT COMMENTS

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

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. Staff are satisfied that the requested minor variance(s) meet(s) the "four tests". The reduced lot area will not affect the functionality of the site. Despite the increased height, the proposed dwelling maintains a low-rise form, which is defined as two-to-four storeys in the Neighbourhood designation in the Official Plan. One parking space per primary

dwelling unit is required and is not shown on the current plans. Staff are confident that the required parking could be accommodated with minimal changes to the plans.

ADDITIONAL COMMENTS

Infrastructure Engineering

- The **Planning, Development and Building Services Department** will do a complete review of grading and servicing during the building permit process.
- At the time of building permit application, a grading/servicing plan prepared by a Professional Engineer, Ontario Land surveyor or a Certified Engineering Technologist will be required.
- Any proposed works to be located within the road allowance requires prior written approval from the Infrastructure Services Department.
- The surface storm water runoff including the roof water must be self contained and directed to the City Right-of-Way, not onto abutting private properties as approved by **Planning, Development and Building Services Department**.
- Existing grading and drainage patterns must not be altered.
- Existing services are to be blanked at the owner's expense.
- Service lateral spacing shall be as specified in City of Ottawa Standard S11.3.
- In accordance with the Sewer Connection By-Law a minimum spacing of 1.0m is required between service laterals and the foundation face.

Planning Forestry

- The TIR provided (dated Mar. 19th, 2024; prepared by Dendron Forestry Services) does not reflect the proposed plans; an updated TIR will be required.
- Permits would be required for the privately-owned crabapple along Queensdale Ave, and for the adjacent trees at 1723 Queensdale, subject to written consent from the owners. The site plan provided suggests that both adjacent trees can be adequately protected through construction, which should be reflected in the updated TIR.
- The ownership of the cedar hedge along the property line shared with 1737 Queensdale has not been determined. Although a permit would not be required for removal of the cedars, the hedge should be preserved to maintain privacy with the neighbouring property.

Right of Way Management

The Right-of-Way Management Department has no concerns with the proposed Consent and Minor Variance Applications, however, the Owner shall be made aware that a private approach permit is required to construct any newly created driveway/approach, and, to modify, relocate, or to remove an existing private approach.

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 to the satisfaction of the Development Review Manager of the Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate, to be confirmed in writing from the Department to the Committee, that the existing dwelling/building has been removed.
3. That the Owner(s) provide evidence to the satisfaction of both the Chief Building Official and Development Review Manager, Planning, Development and Building Services Department, or 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 to 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.
4. That the Owner(s) provide evidence to the satisfaction of the Development Review Manager of the Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate, to be confirmed in writing from the Department to the Committee, that the accessory structure has been demolished in accordance with the demolition permit or relocated in conformity with the Zoning By-law.
5. The Owner(s) shall prepare a noise attenuation study in compliance with the City of Ottawa Environmental Noise Control Guidelines to the satisfaction of Development Review All Wards Manager Branch within Planning, Development

and Building Services Department, or their designate. The Owner(s) shall enter into an agreement with the City that requires the Owner to implement any noise control attenuation measures recommended in the approved study. The Committee requires a copy of the Agreement and written confirmation from City Legal Services that it has been registered on title.

6. That the Owner enter into an Agreement with the City, at the expense of the Owner, which is to be registered on Title to deal with the covenants/notices that shall run with the land and bind future owners on subsequent transfers; “The property is located next to lands that have an existing source of environmental noise (arterial road, highway, airport, etc) and may therefore be subject to noise and other activities associated with that use”

The Agreement shall be to the satisfaction of Relevant Manager of the Relevant Branch within Planning, Development and Building Services Department, or their designate. The Committee requires a copy of the Agreement and written confirmation from City Legal Services that it has been registered on title.

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 Relevant Manager of the Relevant Branch within Planning, Development and Building Services Department, or their 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 Relevant Manager of the Relevant Branch within Planning, Development and Building Services Department, or their 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 Development Review All Wards Manager of the Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate, to require that an asphalt overlay will be installed, at the Owner(s) expense, on Queensdale 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 Development Review All Wards Manager of the Development Review All Wards Branch within Planning, Development and Building Services Department, or their 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 All Wards Manager within Planning, Development and Building Services Department, or their designate determines that a Development Agreement requiring an asphalt overlay is no longer necessary, this condition shall be deemed as fulfilled. designate determines that a Development Agreement requiring an asphalt overlay is no longer necessary, this condition shall be deemed as fulfilled.

9. That the Owner(s) provide a Grading and Servicing Plan with the proposed buildings and driveways designed and located based on the least impact to protected trees and tree cover, as well as a revised Tree Information Report reflecting these changes to the satisfaction of the Manager of the relevant Branch within the Planning, Real Estate and Economic Development Department, or their designate(s).
10. The Owner/Applicant(s) shall prepare and submit a tree planting plan, to the satisfaction of the Manager of the relevant Branch within the Planning, Real Estate and Economic Development Department, or their designate(s), showing the location(s), species/ultimate size of one new 50 mm tree to be planted on the property frontage or right-of-way of each lot following construction, to enhance the urban tree canopy and streetscape.
11. The Owner, or any subsequent owners, at their expense acknowledges and agrees to obtain a private approach permit for the removal of the existing private approach at 1729 Queensdale Ave. Any newly constructed or removed private approach shall be designed, located, and comply with the City's Private Approach By-Law No. 2003-447, as amended, and shall be subject to approval of the Right-of-Way, Heritage, and Urban Design Department. Please contact the ROW Department for any additional information at rowadmin@ottawa.ca.



Penelope Horn
Planner I, Development Review All Wards
Planning, Development and Building
Services Department



Erin O'Connell
Planner III, Development Review All Wards
Planning, Development and Building
Services Department