

2024-05-30



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

**PLANNING, DEVELOPMENT AND BUILDING SERVICES DEPARTMENT**

Site Address: 176 Oakridge Boulevard  
Legal Description: Lot 75, Registered Plan 348978  
File No.: D08-01-24/B-00054 and B-00055,  
D08-02-24/A-00076 and A-00117  
Report Date: May 30, 2024  
Hearing Date: June 4, 2024  
Planner: Samantha Gatchene  
Official Plan Designation: Outer Urban Transect, Neighbourhood  
Evolving Neighbourhood Overlay  
Zoning: R1FF

**DEPARTMENT COMMENTS**

The Planning, Development and Building Services 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.

The site is zoned R1FF and designed Neighbourhood under the Official Plan. Staff do not have concerns with the variances for reduced lot width and reduced lot area. The reduced lot widths will result in developable lots capable of complying with the setback requirements. Neighbourhoods are intended to evolve through gradual development, of which this application is an example.

## **ADDITIONAL COMMENTS**

### **Planning Forestry**

Through pre-consultation it was determined that the existing City trees will not be impacted by the proposed severance, provided that the future plans are designed to minimize excavation within their Critical Root Zones.

Conditions will be included to ensure that the design allows for the retention and protection of these trees, to take securities to ensure their protection, and for a planting plan, to provide one new tree per lot following construction, to enhance the streetscape and canopy cover of the site.

### **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.
- All trees on City property and private trees greater than 30cm in diameter in the inner urban area are protected under the Tree Protection By-law (2020-340), and plans are to be developed to allow for their retention and long-term survival. A Tree Removal Permit and compensation are required for the removal of any protected tree.
- 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.
- Asphalt overlay would be required if three or more road-cuts proposed on City Right of way. This includes the road cut for blanking of existing services, and any other required utility cuts (ie, gas, hydro, etc.).
- This property does not have frontage on a storm sewer.
- Service lateral spacing shall be as specified in City of Ottawa Standard S11.3.

### **Right of Way Management**

The Right-of-Way Management Department has no concerns with the proposed Consent Application, however, there are requested changes to the private approach/driveway locations. The Owner shall be made aware that a private approach permit is required to construct newly created entrances, as well as closing any existing entrances.

## Transportation Engineering

- Per Section 26 (1) (d) of the Private Approach By-law, no private approach shall be constructed within 0.3 metres of any adjacent property measured at the highway line, and at the curb line or roadway edge. Applicant will need to obtain written permission from owner of 32 Donna Street to construct a private approach in proposed location.

## CONDITIONS

If approved, the Planning, Development and Building Services 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(s) a Grading and Servicing Plan/Site Plan with the proposed elements/structures (services, retaining walls, projections, etc.) designed and located to allow for the retention and protection of existing trees, as detailed in the Tree Information Report prepared by Ottawa Tree Reports on Dec 2, 2023. This plan will be to the satisfaction of the Manager of the relevant Branch within the Planning, Development and Building Services Department, or their designate(s).
3. That the Owner/Applicant(s) enter into a Development Agreement or a Letter of Undertaking (LOU) with the City of Ottawa, at the expense of the Owner/Applicant(s), and to the satisfaction of the Manager of the relevant branch within Planning, Real Estate, and Economic Development Department, or their designate(s). A development agreement is to be registered on Title of the property (where applicable).
  - a. The agreement will include the tree protection requirements outlined in the Tree Protection By-law and associated specifications based on the conceptual Tree Information Report prepared by Ottawa Tree Reports, dated Dec 2, 2023, and associated securities for tree protection. The securities, which will be based on the value of the trees to be protected (Trees 1 and 2) shall be retained for 2 years following issuance of an occupancy permit, and thereafter returned to the owner only upon the City having received a report from an arborist or appropriate professional confirming that the identified trees are healthy, retainable, and remain structurally stable. The Owner(s) acknowledges and agrees that if, in the

opinion of the City Forester and/or the Manager of the relevant Branch within Planning, Real Estate, and Economic Development, the report indicates that any tree is declining and must be removed, the Security for that tree, in its entirety, will be forfeited.

4. The Owner/Applicant(s) shall prepare and submit a tree planting plan, prepared to the satisfaction of the Manager of the relevant Branch within the Planning, Development and Building Services Department, or their designate(s), showing the location(s), species or ultimate size of one new 50 mm tree to be planted on each lot following construction, to enhance the urban tree canopy.
5. 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.
6. That the Owner(s) submit a Stormwater Management Brief prepared by a Professional Civil Engineer licensed in the Province of Ontario, demonstrating a design for controlling post-development stormwater peak flows to pre-development peak flows for all stormwater events up to the 100 year storm event, to the satisfaction of the Development Review All Wards Manager within Planning, Development and Building Services Department, or their designate, to be confirmed in writing from the Department to the Committee, If the Stormwater Management Brief includes infiltration techniques, the Owner(s) must submit a supporting Geotechnical Brief prepared by a Professional Civil Engineer licensed in the Province of Ontario, for approval by the Development Review Manager of the West Branch within Planning, Development and Building Services Department Planning, Development and Building Services Department, or their designate.
7. That the Owner(s) enter into a Development Agreement with the City to construct the required stormwater system, including posting required securities. A copy of the Agreement and written confirmation from City Legal Services that it has been registered on title, shall be forwarded to the Committee of Adjustment. If applicable, the Owner(s) shall obtain an Environmental Compliance Approval from the Ontario Ministry of Environment, Conservation and Parks. Should the stormwater management system cross property lines or access to the system be over multiple properties, that the owner will seek approval of the Committee to grant easement(s) for access and maintenance of the stormwater

system or register a Joint Use and Maintenance Agreement on title of the properties, all at the owner(s) costs.

8. 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) and may therefore be subject to noise and other activities associated with that use”

The Agreement shall be 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.

9. 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 Development Review All Wards 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. The grading and drainage plan shall delineate existing and proposed grades for both the severed and retained properties, 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.
10. That the Owner convey a 3m x 3m corner sight triangle located at the intersection of Oakridge and Donna to the City, with all costs to be borne by the Owner(s), to the satisfaction of the Surveys and Mapping Branch of the City. This area will be free of all structures, plantings, etc. and will allow a proper sighting distance for motorists when performing turning movements within the intersection. The Committee must receive written confirmation from City Legal Services that the transfer of the lands to the City has been registered.
11. 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 Oakridge 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 of the Development Review All Wards Branch 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.



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