



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

**PLANNING, REAL ESTATE AND ECONOMIC DEVELOPMENT DEPARTMENT**

Site Address: 845 Dundee Avenue  
Legal Description: Lot 83, East Dundee Street, Plan 4M-311  
File No.: D08-02-23/A-00122 & A-00145  
Report Date: June 29, 2023  
Hearing Date: July 4, 2023  
Planner: Samantha Gatchene  
Official Plan Designation: Inner Urban Transect, Neighbourhood  
Evolving Neighbourhood Overlay  
Zoning: R2G[1564]

**Committee of Adjustment**  
Received | Reçu le  
2023-06-29  
City of Ottawa | Ville d'Ottawa  
**Comité de dérogation**

**DEPARTMENT COMMENTS**

The Planning, Real Estate and Economic Development Department **requests an adjournment** of the application so that the agent may apply for additional variances and provide Forestry and Planning staff with an updated Tree Information Report (TIR) to demonstrate adequate retention of trees on the abutting property.

**DISCUSSION AND RATIONALE**

The Official Plan designates the property Neighbourhood within the Inner Urban Transect. The Evolving Neighbourhood Overlay also applies. The Official Plan provides policy direction that Neighbourhoods located in the Inner Urban Transect shall accommodate residential growth to meet the City's Growth Management Framework and that new development should include urban built form and site design attributes, including shallow front yard setbacks, range of lot sizes including smaller lots and higher lot coverage, small formal landscaped areas, and limited automobile parking.

The property is zoned Residential Second Density Subzone G, Urban Exception [1564] (R2G[1564]), which permits detached and semi-detached dwellings. The purpose of this zone is to limit development to detached dwellings and two-principal unit buildings regulate the massing, height, and design of new developments in a manner that is compatible with the existing land use pattern and built form as well as permit front yard parking

Staff do not have concerns with variances A, B, C and D for reduced rear yard setback and increased size of a Secondary Dwelling Unit in terms of the “four tests” as outlined in Section 45 (1) of the *Planning Act*, R.S.O. 1990 c. P.13, as amended. However, after review of the proposal an additional variance was identified to reduce the minimum required rear yard area 25% to 23%. The applicant has indicated that they are supportive of the adjournment to add this variance.

staff are not satisfied that the TIR submitted demonstrates that excavation for the proposed development will enable adequate tree retention of the trees located on the abutting property to the south at 851 Dundee Avenue. Therefore, staff are requesting an adjournment of the application in part to allow for the TIR to be revised as well as allow the agent the opportunity to submit a grading plan that demonstrates that there are no additional impacts to the trees.

## **ADDITIONAL COMMENTS**

### **Planning Forestry**

- There are five protected trees on adjacent properties influenced by this development. One is on the front yard of 841 Dundee (Tree #1) and the other four, owned by 851 Dundee, span the interior side yard (Tree #s 2-5). Tree # 1s Critical Root Zone (CRZ) is already impeded by the existing driveway at 845 Dundee. The construction will have minimal impact to this trees CRZ as a result. Trees 2-5 are mature eastern white cedars that are very close to the property boundary between 845 and 851 Dundee. The owner of 851 Dundee has communicated that they want their trees adequately protected and retained through development of 845 Dundee. The applicant and their consulting arborist have been working on a site design with the goal of providing suitable protection for these trees. There will be roughly 1.2 m between trees 2-5 and the nearest extent of excavation. The International Society of Arboriculture’s best management practices guide for *Managing Trees in Construction* (Edition 2) explains that no linear cut should be made closer than three times the diameter of a tree without risking instability. Tree # 3 has a diameter of 46.5 cm meaning no excavation should take place within 1.39 m of this tree. The current plan does not respect this best management practice. Grading is also not permitted within the CRZ of these trees. City staff did request a grading plan to confirm no additional impacts to these trees is planned. The applicant has been contacted to discuss plan revisions for adequate tree retention and City staff are awaiting a response.
- Maintaining a larger rear yard setback is desirable as space to support large canopy trees has the greatest benefit to the urban forest. The reduced rear yard setback of 7 m to account for the front yard setback however still would provide enough space for a tree to be planted post construction.

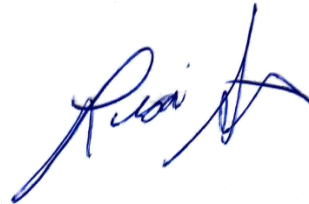
## Right of Way Management

- The Right-of-Way Management Department no concerns with the proposed Minor Variance Applications, as the zoning of the property has the benefit of exception that allows for front yard parking. However, the owner shall be made aware that a permit approach permit is required to establish a driveway/private approach for each of the dwelling units.



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