

2024-04-12



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

PLANNING, REAL ESTATE AND ECONOMIC DEVELOPMENT DEPARTMENT

Site Address: 958 Woodroffe Avenue
Legal Description: Part of Lot 48, Registered Plan 293826, Geographic Township of Nepean
File No.: D08-01-24/B-00028 & D08-01024/B-000029, D08-02-24/A-00036 & D08-02-24/A-00037
Report Date: April 11, 2024
Hearing Date: April 16, 2024
Planner: Penelope Horn
Official Plan Designation: Inner Urban Transect, Neighbourhood, Evolving Neighbourhood
Zoning: R2G

DEPARTMENT COMMENTS

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

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 property is in the Residential 2 Zone, which permits the long semi-detached built form. The subject property is within the Inner Urban Transect and Evolving Neighbourhood Overlay in the Official Plan, which supports infill development and a range of housing types. The reduction in lot width reflects the diversity in lot widths along this stretch of Woodroffe Avenue. The applicant has submitted an updated site plan and Draft R-Plan, which address Staff’s previous servicing concerns. The updated site plan has increased the proposed interior setbacks from 1.5 metres to 1.7 metres. As a result, the total interior side yard setback for each lot will have a deficiency of approximately 10

centimetres, which represents a minor reduction and would not affect the functionality of the site.

ADDITIONAL COMMENTS

Infrastructure Engineering

- The applicant will need to demonstrate how they will connect the catch basin shown in the rear parking area to the storm sewer, since the drive aisle will be occupied by the services for the rear units.
- The Planning, Real Estate and Economic Development 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, Real Estate and Economic Development Department.
- A private approach permit is required for any access off of the City street.
- 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.).
- 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.
- Encroachment on or alteration to any easement is not permitted without authorization from easement owner(s).
- Please note that the 1.7m pole width reflected in the updated plans is required to meet City standards and to clear the servicing condition.

Planning Forestry

- The proposed design for long semis with a shared central driveway and rear yard parking will require removal of all existing trees on site and within the City ROW, which is generally not in keeping with the direction of the Official Plan, particularly section 4.8.2 which gives the COA the authority to refuse an application where removal of a protected tree is avoidable. It is understood that through pre-consultation the removal of the City-owned tree (#1) was agreed to due to

evidence of decline of Princeton elms across the city. Consent has been provided by the neighbour for removal of tree #3 (shared ownership). Tree #5 is the only tree outside of the allowable footprint, which would be a priority to retain, however the arborist has confirmed that even without construction, this tree should be removed due to its declining condition. A planting plan has been provided showing 8 of the 9 required replacement trees; compensation for loss of the City tree must be paid to Forestry through the tree permit process. Opportunities should be sought through the planting plan to provide large-growing species where space allows, to adequately replace those being lost to this development.

Right of Way Management

- The Right-of-Way Management Department has no concerns with the proposed Consent and Minor Variance Application, however, there are requested changes to the private approaches/driveways. The Owner shall be made aware that a private approach permit is required to construct any new entrance, as well as to close any existing entrances in accordance with and shall comply with the City's Private Approach By-Law No. 2003-447, as amended, 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.

CONDITIONS

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

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. 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, Real Estate and Economic Development Department, or their designate(s), showing the location(s), species or ultimate size of the specified number of compensation trees (50 mm caliper) required under the Tree Protection By-law, assuming that all proposed tree removals are permitted.
3. That the Owner(s) provide evidence to the satisfaction of both the Chief Building Official and Development Review Manager, Planning, Real Estate and Economic Development 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) 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, Real Estate 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 Relevant Manager of the Relevant Branch within Planning, Real Estate and Economic Development Department, or his/her designate.
5. That the Owner(s) provide proof to the satisfaction of the Development Review Manager of the Relevant Branch within Planning, Real Estate and Economic Development Department, or his/her designate, to be confirmed in writing from the Department to the Committee, that the existing dwelling/building has been removed.
6. That the Owner(s) enter into a Development Agreement with the City, at the expense of the Owner(s) and to the satisfaction of Relevant Manager of the Relevant Branch within Planning, Real Estate and Economic Development Department, or his/her designate, to require that an asphalt overlay will be installed, at the Owner(s) expense, on Woodroffe 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 Relevant Manager of the Relevant Branch within Planning, Real Estate 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 Relevant Manager of the Relevant Branch within Planning, Real Estate 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.
7. The Owner(s) shall prepare a noise attenuation study in compliance with the City of Ottawa Environmental Noise Control Guidelines to the satisfaction of Relevant Manager of the Relevant Branch within Planning, Real Estate and Economic Development Department, or his/her designate. The Owner(s) shall enter into an agreement with the City that requires the Owner to implement any noise control

(and vibration if applicable) 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.



Penelope Horn
Planner I, Development Review All Wards
Planning, Real Estate and Economic
Development Department



Erin O'Connell
Planner III, Development Review All Wards
Planning, Real Estate and Economic
Development Department