

Committee of Adjustment

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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: 183 Woodroffe Avenue
Legal Description: Lot 6 and Part of Lot 7, Registered Plan 389
File No.: D08-01-24/B-00065-D08-01-24/B-00066
D08-02-24/A-00089-D08-02-24/A-00090
Report Date: May 9, 2024
Revised May 13, 2024
Hearing Date: May 14, 2024
Planner: Samantha Gatchene
Official Plan Designation: Inner Urban Transect, Mainstreet Corridor
Evolving Neighbourhood Overlay
Zoning: R4D

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 R4D and designed Mainstreet Corridor under the Official Plan. The proposed consent aligns with the requirements of the Zoning By-law for lot area and lot width. Mainstreet Corridors are intended to accommodate intensification and provide transition to what are typically lower-density neighbourhoods, of which this is an example.

Staff do not have concerns with the requested variance to increase the maximum building height from 8 metres to 10.7 metres. The site is appropriately located on an arterial road (Woodroffe Avenue) which is intended to accommodate higher building heights. The site also backs onto Woodroffe Park, thereby assisting with mitigating potential impacts due to the increased height.

Based on the revised site plan which allows for the retention of tree 8, staff do not have concerns with the reduced front yard setback. The reduced setback is not anticipated to negatively impact the streetscape and is appropriate for the proposed development.

The revised site plan includes a larger interior side yard setback between the two buildings which addresses staff's concern regarding the space for servicing for the rear units.

ADDITIONAL COMMENTS

Planning Forestry

While there are no tree-related concerns with the increased building height, the reduced front yard setback will have some impacts on the tree retention and replacement options within the front yard. Revisions have been made to the site plan, with the guidance of the consulting arborist, to modify the window well, front entrance and walkway to allow for the retention of tree #8 with the reduced setback. The proposed design may have additional impacts to trees on adjacent properties which require more detail in the TIR and possible modifications if the neighbours do not agree to the impacts or removals. The design and TIR must account for the adequate protection of identified trees, including any proposed grading and servicing on the lot.

A planting plan must be provided showing all required compensation trees on site, including considering options to plant trees for screening within Woodroffe Park.

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.

- 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.
- This property does not have frontage on a storm sewer.
- Provide a minimum of 1.5m between the proposed driveway and the utility pole.
- The Planning, Development and Building Services Department requires proof that the Rideau Valley Conservative Authorities have granted their approval due to development being located within the regulatory limit.
- 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.
- A geotechnical memo addressing the spacing for adequate access for repair and maintenance of the services will be requested.

Right of Way Management

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

Transportation Engineering

- Remove existing driveway depressed curbs and reinstate with full height curb and sidewalk to City standards.
- The site is located within 300 m of the OLRT rail corridor. The City of Ottawa will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way.
- Please note that Woodroffe Avenue is designated as a protected right of way and requires a 26m ROW be maintained as per Schedule C16 of the Official Plan. Any property within 13m of the centreline of Woodroffe Avenue will need to be dedicated to the City through this application.

CONDITIONS

If approved, the Planning, Development and Building Services 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 Owners provide a combined Grading & Drainage Plan and Site Servicing Plan including, where applicable, the tree locations and protection

recommendations from the approved Tree Information Report, to the satisfaction of the Development Review All Wards Branch within the Planning, Development and Building Services Department, or their designates, the plans can be shown on one sheet or multiple sheets, but must include the following information: 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;

- a. Minimum Grading and Servicing Plan Specifications Infill Serviced Lots
- b. City of Ottawa Standard Drawings, By-laws, and Guidelines, as amended.

The Site Servicing Plan must be prepared by a relevant professional: Professional Engineer (P.Eng.), Certified Engineering Technologist (CET), or Ontario Land Surveyor (OLS) and adhere to the requirements as noted for the Grading & Drainage Plan.

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 Tree Information Report.

The following information from the Tree Information Report must be included on both the Grading and Servicing Plans to ensure that these elements are designed to follow the recommendations within the TIR:

- c. Surveyed locations of all protected trees on and adjacent to the subject site
 - d. Location of tree protection fencing
 - e. Measurements from the tree(s) trunks to nearest limit of excavation or grade changes
 - f. 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).
 - g. Proposed planting locations from the associated Tree Planting Plan, if provided
3. That the Owner(s) provide(s) a Grading and Servicing Plan and Site Plan with the proposed elements (services, retaining walls, etc.), and the capping location of existing services, designed and located to ensure the adequate protection of Protected Trees as identified in the Tree Information Report. The Owner(s) further acknowledge(s) and agree(s) that this review may result in relocation of these structures and agrees to revise their plans accordingly to the satisfaction of the Manager of the Development Review All Wards Branch within the Planning,

Development and Building Services Department, or their designate(s). The Tree Information Report may require revision to reflect these changes.

4. That the Owner/Applicant(s) provide a signed letter of permission from the owner(s) of identified adjacent or boundary tree(s), for the proposed removal or operations impacting the tree(s). The owner/applicant(s) acknowledge(s) 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.
5. The Owner/Applicant(s) shall prepare and submit a tree planting plan, prepared to the satisfaction of the Manager of the Development Review All Wards Branch within the Planning, Development and Building Services 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.
6. That the Owner(s) provide proof to the satisfaction of the Manager of the Development Review All Wards Branch within the 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.
7. That the Owner(s) provide evidence to the satisfaction of both the Chief Building Official and Manager of Development Review All Wards Branch within the 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.
8. 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 Manager of the Development Review All Wards Branch within the Planning, Development and Building Services Department, or his/her 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 Manager of the Development Review All Wards Branch within the Planning, Development and Building Department , or their designate.

The Owner(s) acknowledges and agrees to 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.

The owners acknowledge and agree that 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.

9. That the Owner(s) enter into a Joint Use, Maintenance and Operating Agreement, at the expense of the Owner(s), setting forth the obligations between the Owner(s) and the proposed future owners.

The Joint Use, Maintenance and Operating Agreement shall set forth the joint use and maintenance of all common elements including, but not limited to, the common party walls, common structural elements such as roof, footings, soffits, foundations, common areas, common driveways and common landscaping.)

The Owner shall ensure that the Agreement is binding upon all the unit owners and successors in title and shall be to the satisfaction of Manager of the Development Review All Wards Branch within Planning, Development and Building Services Department Planning, Development and Building Services Department, or their designate, and City Legal Services. The Committee requires written confirmation that the Agreement is satisfactory to Manager of the Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate, and is satisfactory to City Legal Services, as well as a copy of the Agreement and written confirmation from City Legal Services that it has been registered on title.

10. The Owner(s) shall prepare a noise attenuation study in compliance with the City of Ottawa Environmental Noise Control Guidelines to the satisfaction of the Manager of the Development Review All Wards Branch within the Planning, Development and Building Services 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.

11. 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 – Woodroffe Avenue) and may therefore be subject to noise and other activities associated with that use”

The Agreement shall be to the satisfaction of the Manager of the Development Review All Wards Branch within the 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.

12. 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 the Manager of the Development Review All Wards Branch within the, 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 Manager of the Development Review All Wards Branch within the Planning, Development and Building Services Department, or their designate.

13. That the Owner(s) enter into a Development Agreement with the City, at the expense of the Owner(s) and to the satisfaction of the Manager of the Development Review All Wards Branch within the Planning, Development and Building Services Department, or their 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 the Manager of the Development Review All Wards Branch within the 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 Manager of the Development Review All Wards Branch within the 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.

14. That the Owner acknowledges and agrees to convey to the City, at no cost to the City, an unencumbered road widening across the complete frontage of the lands, measuring 13 meters from the existing centerline of pavement/the abutting right-of-way along Woodroffe pursuant to Section 50.1(25)(c) of the Planning Act and Schedule C16 of the City's new Official Plan, if required. The exact widening must be determined by legal survey. The Owner shall provide a reference plan for registration, indicating the widening, to the City Surveyor for review and approval prior to its deposit in the Land Registry Office. Such reference plan must be tied to the Horizontal Control Network in accordance with the municipal requirements and guidelines for referencing legal surveys. The Owner(s) must provide to the City Surveyor a copy of the Committee of Adjustment Decision and a draft Reference Plan that sets out the required widening. The Committee requires written confirmation from City Legal Services that the transfer of the widening to the City has been registered. All costs shall be borne by the Owner.



Samantha Gatchene, MCIP, RPP
Planner I
Development Review, All Wards
Planning, Development and Building
Services Department



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