



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

PLANNING, DEVELOPMENT AND BUILDING SERVICES DEPARTMENT

Site Address: 1302 Aurele Street
Legal Description: Part Lot 44, Registered Plan 685
File No.: D08-01-24/B-00060 and B-00061, D08-02-24/A-00082
Report Date: May 8, 2024
Hearing Date: May 14, 2024
Planner: Jerrica Gilbert
Official Plan Designation: Outer Urban Transect, Neighbourhood, Evolving Neighbourhood Overlay
Zoning: R2N

Committee of Adjustment
Received | Reçu le

2024-05-08

City of Ottawa | Ville d'Ottawa
Comité de dérogation

DEPARTMENT COMMENTS

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 property is in the Residential Two Subzone N Zone, which permits the proposed land uses of semi-detached dwellings with accessory dwelling units. 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.

Parking is proposed in the extension of the corner side yard over Part 4 to help mitigate affects to an existing tree. Relocating the parking further north will give space to any future trees in the western portion of the site. The existing overhead hydro wires running through the northern property line would restrict large tree planting where the parking is proposed, and staff consider the impact to the public realm for this specific site to be negligible given the screening and soft landscaping proposed.

The requested variance for lot area is a result of the unusual lot shape due to the corner site triangle requirements. The overall functionality of the site should not be impacted by the reduction in lot area and the variance is minor in nature.

ADDITIONAL COMMENTS

Infrastructure Engineering

The Planning, Development and Building Services Department will provide a complete review of grading and servicing during the building permit process.

The applicant should be aware that a grading/servicing plan prepared by a Professional Engineer, Ontario Land surveyor or a Certified Engineering Technologist will be required at the time of building permit application. Existing grading and drainage patterns must not be altered. 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 minimum pole width of 1.7 meters from building foundation to property line is required for servicing trench. Service lateral spacing shall be as specified in City of Ottawa Standard S11.3. A minimum spacing of 1.0 metres is required between service laterals and the foundation face as per the Sewer Connection (By-law No. 2003-513).

A geotechnical memorandum will be requested to address the spacing of adequate access for repair and maintenance of the services.

Any proposed works to be located within the road allowance requires prior written approval from the Infrastructure Services Department. The relocation of existing street signs is at the Owner's expense. Encroachment on or alteration to any easement is not permitted without authorization from easement Owner(s).

Planning Forestry

The configuration of the proposed parking would significantly impact the critical root zone (CRZ) of Tree 4, located on the neighbouring property at 1555 Eugene St. The revised TIR (v2.0, dated April 29, 2024, and prepared by Dendron Forestry Services) outlines mitigation measures to reduce excavation in the CRZ, though the impact to the tree is still expected to be significant.

A distinctive tree permit is required for the injury of Tree 4. The applicant must inform the neighbouring property owner of the injury and mitigation measures and obtain their written consent to the application.

To enhance the streetscape and contribute towards the City's 40% canopy goal, trees will need to be planted in the right-of-way following construction, in line with the Official

Plan's policies to enhance and protect the urban forest canopy through growth and intensification (§ 4.8.2).

Right of Way Management

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

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 Owner(s) provide proof to the satisfaction of the Development Review Manager of East Branch within Planning, Development and Building Services Department, or his/her 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 East Branch within Planning, Development and Building Services Department, or his/her 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. That the Owner(s) enter 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.

- a. *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 the Development Review Manager of East Branch within Planning, Development and Building Services Department or his/her designate, and City Legal Services. The Committee requires written confirmation that the Agreement is satisfactory to the Development Review Manager of East Branch within Planning, Development and Building Services Department, or his/her 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.

6. The Owner(s) shall prepare a noise attenuation study (*or noise and vibration attenuation study if applicable*) in compliance with the City of Ottawa Environmental Noise Control Guidelines to the satisfaction of the Development Review Manager of East Branch within 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.
7. 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;
 - a. "The property is located next to lands that have an existing source of environmental noise (Highway 174) and may therefore be subject to noise and other activities associated with that use"

- b. The Agreement shall be to the satisfaction of the Development Review Manager of East Branch within Planning, Development and Building Services 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.
8. That the Owner(s) enter into an Agreement with the City, at the expense of the Owner(s), which is to be registered on the Title of the property, to deal with the following covenant/notice that shall run with the land and bind future owners on subsequent transfers:

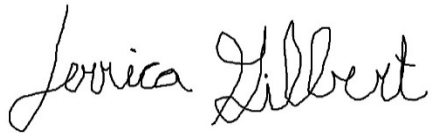
“The property is located next to lands that have an active railway line now, or may have one in the future, and may therefore be subjected to noise, vibration, and other activities associated with this use.”

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 the Development Review Manager of East Branch within Planning, Development and Building Services 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 the Development Review Manager of East Branch within Planning, Development and Building Services Department, or his/her designate.
10. The Owner/Applicant(s) shall prepare and implement a tree planting plan, **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/ultimate size of at least one new 50 mm tree to be planted on the property frontage or right-of-way of each lot / on each lot following construction, to enhance the urban tree canopy and streetscape.
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 the Development Review Manager of East Branch within Planning, Development and Building Services Department, or his/her designate. This will ensure that the requirement of an asphalt overlay will be installed at the Owner(s) expense, on Aurele 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 Development Review Manager of East Branch within Planning, Development and Building Services 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.

- a. If the Development Review Manager of East Branch within Planning, Development and Building Services 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.



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