

2024-06-27

City of Ottawa | Ville d'Ottawa  
Comité de dérogation



**CONSENT & MINOR VARIANCE APPLICATION  
COMMENTS TO THE COMMITTEE OF ADJUSTMENT  
PANEL 1**

**PLANNING, DEVELOPMENT AND BUILDING SERVICES DEPARTMENT**

Site Address: 370 Princeton Avenue  
Legal Description: Lot 27 (East side Melbourne Avenue Lots), Registered Plan 204, City of Ottawa  
File No.: D08-01-24/B-00100, D08-01-24/B-00101  
D08-02-24/A-00145, D08-02-24/A-00146  
Report Date: June 26, 2024  
Hearing Date: July 3, 2024  
Planner: Margot Linker  
Official Plan Designation: Inner Urban Transect, Neighbourhood  
Zoning: R4UA[2686] H(8.5)

**DEPARTMENT COMMENTS**

The Planning, Development and Building Services Department **has some 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. The proposed lots generally align with the existing lot fabric found within the site vicinity.

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 subject site is located within the Inner Urban Transect and designated Neighbourhood on Schedule B2 in the Official Plan. This area is intended for low-rise residential development with massing that is generally compatible with the local context and character of existing development.

The site is zoned R4UA[2686] H(8.5) (Residential Fourth Density, Subzone UA, Urban Exception 2686, Maximum Height 8.5 Metres). The zoning was implemented in 2021 in part of the Westboro neighbourhood to permit a range of housing types based on a

number of development standards that addresses key characteristics of the neighbourhood. The subject site, being a corner lot on local streets, is intended for higher density development compared to interior lots on local streets, to a maximum of six units, three storeys in height, and prioritizing soft landscaping.

Staff have no concerns with the lot size of the proposed interior lot, which does not appear to depart from the actual lot fabric in the neighbourhood.

Staff generally have no concerns regarding the proposed building height. Corner lots, which have the opportunity to “frame” the block, are generally envisioned to be three-storeys in height.. Staff do not anticipate any negative impacts resulting from the increased building height.

Staff have no concerns with the proposed interior side yard setbacks. The 1.5 metre requirement is established for all building typologies in the Westboro area in order to provide access to the rear yard, maintain exterior walls, and manage light and air flow between buildings, while harmonizing development standards between different dwelling types within the same context. Staff believe that the proposed setback meets this intent, and is compatible with existing side yard setbacks within the site vicinity.

Staff have concerns with the reduced corner side yard setback. Two City-owned trees (tree #1 and #9) are proposed for removal along this corner side yard. A compliant corner side yard setback and stronger tree protection measures could retain these trees, consistent with policy intent

Staff also have some concerns with the requested increase in number of units. A guiding principal in the Official Plan for infill development is that the exterior built form and site design of a building, not the number of units contained within the building, should be the primary determining factor in whether or not a development proposal is appropriate. However, Staff believe that there are implications for the increase in units, and that the site functionality could be better managed if there were fewer units.

The proposed development includes below and above grade entrances, most of which are accessed by stairs while some are accessed by a large ramp. The ramp encroaches within the City’s Right-of-Way, contrary to policy intent of balconies and street-facing entrances being main focal points. The proposed ramp also causes those using mobility devices to follow a circuitous route from their unit entrance to the waste storage area. Removing basement units could permit entry at grade, eliminating stairs and ramps and improving site circulation.

## **ADDITIONAL COMMENTS**

### **Infrastructure Engineering**

1. The Planning, Development and Building Services Department will do a complete review of grading and servicing during the building permit process.
2. Any proposed works to be located within the road allowance requires prior written approval from the Infrastructure Services Department.

3. 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.
4. Existing grading and drainage patterns must not be altered.
5. Existing services are to be blanked at the owner's expense.
6. Service lateral spacing shall be as specified in City of Ottawa Standard S11.3.
7. In accordance with the Sewer Connection By-Law a minimum spacing of 1.0m is required between service laterals and the foundation face.

### **Planning Forestry**

As per S.4.8.2 3) d) of the Official Plan: retention of healthy trees must be prioritized over removal and replacement. City trees 1 & 9 must be retained; the TIR and site plan must be updated to reflect retention and to relocate the walkway that conflicts with Tree 9.

Permits are required for the removal of one City tree, two private trees, and two boundary trees. The neighbour's permission must be obtained for removal of the boundary trees. A total of 10 replacement trees are required; any trees that can't be planted are to be compensated for in the form of cash-in-lieu.

### **Right of Way Management**

The Right-of-Way Management Department has concerns with the proposed ramp to be installed within the City right of way accessed at Melbourne Ave. The Owner shall be made aware that further ramp specifications and construction details would be required, as well as a circulation for approval before the City would consider entering into a Permanent Encroachment Agreement with the Owner.

The Owner shall be made aware that a private approach permit is required to construct a newly created entrance, as well as to close any existing entrance.

### **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 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, that the existing dwelling/building has been removed.

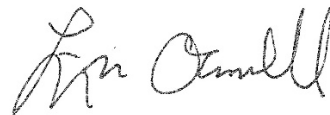
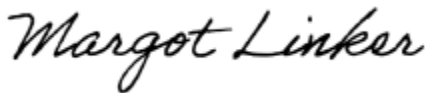
3. That the Owner(s) provide evidence to the satisfaction of the Development Review Manager of the Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate, to be confirmed in writing from the Department to the Committee, that the accessory structure has been demolished in accordance with the demolition permit or relocated in conformity with the Zoning By-law.
4. 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.
5. 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.
6. That the Owner(s) provide(s) a Grading and Servicing 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. This may result in relocation of these structures, and the owner may be required to revise their plans accordingly **to the satisfaction of the Manager of the relevant Branch within the Planning, Real Estate and Economic Development Department, or their designate(s)**. The Tree Information Report may require revision to reflect these changes.
7. That the Owner(s) enter into a Joint Use, Maintenance and Common Elements, 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 Common Elements 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 Development Review All Wards Manager within Planning, Development and Building Services Department, or their designate, and City Legal Services. The Committee requires written confirmation that the Agreement is satisfactory to Development Review All Wards Manager of the 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.

8. That the Owner convey a 3 m x 3 m corner sight triangle located at the intersection of Princeton & Melbourne 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.
9. That the Owner(s) enter into a resurfacing agreement with the City to the satisfaction of the Program Manager, Right of Way Branch within Planning, Development and Building Services Department, or their designate, and provide financial security in accordance with the Road Activity By-law, as amended, to install an asphalt overlay over the roadway surface of Princeton Avenue and/or Melbourne Avenue, fronting the subject lands, to the limits shown on the approved Site Servicing Plan. Where the approved Site Servicing Plan demonstrates that resurfacing is not required based on the City's Road Cut Resurfacing Policy, the Development Review Manager of the Right of Way Branch within Planning, Development and Building Services Department, or his/her designate, shall deem this condition satisfied.
10. 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). The agreement will include the mitigation measures outlined in the approved Tree Information Report v3.0, prepared by Dendron Forestry Services, dated May 14, 2024 (and any revised versions), and associated securities for tree protection. The securities, which will be based on the value of the tree(s) to be protected (**Trees 1, 8, 9, 10, & 11**) 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 tree(s) is/are healthy, retainable, and remain(s) structurally stable.

11. 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.
12. 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) and 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.



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