



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

PLANNING, DEVELOPMENT AND BUILDING SERVICES DEPARTMENT

Site Address: 882 and 884 Smyth Road
Legal Description: Lot 353A Registered Plan 643 and
Lot 314 Registered Plan 627
File No.: D08-01-24/B 00110 and
D08-02-24/A-00159 & D08-02-24/A-00162
Report Date: August 1, 2024
Hearing Date: August 6, 2024
Planner: Penelope Horn
Official Plan Designation: Outer Urban, Neighbourhood, Evolving Neighbourhood
Overlay
Zoning: R2F

DEPARTMENT COMMENTS

The Planning, Real Estate and Economic Development Department **has concerns with** the variance application for 882 Smyth Road.

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 existing semi-detached dwellings will remain and the dimensions of the proposed lots comply with the subzone requirements.

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. Staff are not satisfied that the requested minor variance meets the “four tests”.

While staff have no concerns with the location of the proposed coach house at 884 Smyth Road, there are concerns with the proposed coach house at 882 Smyth Road.

At 882 Smyth Road, the requested variance to the interior side yard setback would result in a placement of the coach house requiring the removal of existing distinctive trees. This does not meet intent of Policy 3 of Section 4.2.1 of the Official Plan, which outlines that

the preservation of distinctive trees and plantings shall be considered for minor variances related to coach houses.

ADDITIONAL COMMENTS

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 may be required.
- 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**.
- Encroachment on or alteration to any easement is not permitted without authorization from easement owner(s).
- Note regarding Coach Houses:
 - Ensure the servicing trench is identified from the main dwelling to the coach house on the grading or servicing plan.

Planning Forestry

- The proposed coach house at 882 Smyth would force the removal of two healthy trees, in contradiction to Official Plan Section 4.8.2 Policy 3) d) to give priority to the retention and protection of large healthy trees, over replacement plantings and compensation.
- The coach house at 882 Smyth should be relocated to permit the retention of the privately-owned spruce. If retention is impossible, a tree removal permit application will be required, as well as the planting of four replacement trees on site. A tree planting plan is required if the removals are approved.
- **The location and design of the proposed coach house at 882 Smyth must be revised to allow for the retention of the existing protected trees. The TIR will need to be revised based on the revised plans, and must also include confirmation of**

whether separate services exist or if there will be additional tree impacts for installation of new services.

CONDITIONS

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

1. That the Owner/Applicant(s) provide 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 all compensation trees required under the Tree Protection By-law and/or one new tree (50 mm caliper) per lot, whichever is greater. This condition may be waived if the plans are changed to retain existing trees.
2. That the Owner/Applicant(s) provide a revised Site Plan and Servicing Plan with the proposed elements (services, retaining walls, etc.) 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.
3. 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 tree protection requirements outlined in the Tree Protection By-law and associated specifications based on the conceptual Tree Information Report prepared by Dendron Forestry Services, dated April 3, 2024, and associated securities for tree protection. The securities, which will be based on the value of the City tree(s) to be protected (Trees 2 & 3) 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. The Owner(s) agree(s) that if, in the opinion of the City Forester and/or the Manager of the relevant Branch

within Planning, Real Estate, and Economic Development, the report indicates that any tree is declining and must be removed, the Security for that tree, in its entirety, will be forfeited. **If the servicing plan shows that separate services exist and to not need further maintenance, this condition may be waived.**

4. That the Owner(s) provide a servicing plan or other 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 each existing building and/or unit on the severed and retained parcels has its own independent water, sanitary and sewer connection, as appropriate, that are directly connected to City infrastructure and do not cross the proposed severance line.
5. 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 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, 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 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.

6. 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.

7. 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 Smyth, 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.



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