

2024-08-29

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:	3776-3782 Albion Road
Legal Description:	Part of Lot 8, Concession 3 (Rideau Front), Geographic Township of Gloucester
File No.:	D08-01-24/B-00136 & D08-01-24/B-00137 D08-02-24/A-00207 & D08-01-24/A-00208
Report Date:	August 28, 2024
Hearing Date:	September 3, 2024
Planner:	Penelope Horn
Official Plan Designation:	Outer Urban, Neighbourhood,
Zoning:	R3B[2821]

DEPARTMENT COMMENTS

The Planning, Real Estate and Economic Development Department **requests an adjournment of** the applications. The TIR provided is outdated (2021) and does not include the following required information in order to evaluate the impacts of the requested variances on existing trees: a site plan with the tree locations overlaid including adjacent and boundary trees which could be impacted by the project, and a planting plan showing all required compensation trees for the proposed removals. Adjournment is recommended to provide time for updated information to be submitted and staff review.

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. Staff are satisfied that the requested minor variances to the minimum driveway width, eaves and stair projections meet the “four tests”. The site applicant undertook a zoning by-law amendment in 2022 to allow back-to-back townhouse on each lot, with four primary

dwelling units, each with an additional dwelling unit, for a total of 16 units. Staff have some concerns regarding the requested minor variances to permit individual and shared driveways on the same lot, given discrepancies between provided plans.

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 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 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.).
- Existing Catch Basin is not to be located within the driveway.
- Provide a minimum of 1.5m between the proposed driveway and the utility pole.

Planning Forestry

The plan appears to propose removal of all existing trees on site (>19) and replacement with 4 trees, which is not in line with the direction of the Official Plan to maintain canopy cover and to prioritize retention of existing trees over replacement. An updated TIR and tree planting plan including all required compensation trees is required for review of this application.

The plans associated with the file show a great deal of impact to trees outside of the building footprint, through the current design of parking, storm water management, and potentially servicing. One of the requested variances relates to the provision of shared and single driveways on one lot, which directly impacts tree #17. Forestry has significant concerns with the number and arrangement of the parking spaces proposed, given that it is above what is required through Zoning. The Landscape Plan shows a storm water pond in the rear yard, which must be designed and located to minimize impacts to existing trees.

This is a large site with opportunities to design the parking, storm water management, servicing and other elements to retain existing trees and to enhance the canopy cover. The site, servicing and grading plans must be designed to minimize the impacts to existing trees, particularly those outside of the building footprint. The TIR and planting plan must account for any changes to the other plans for the site and must include all required compensation trees for those proposed for removal, including trees within the ROW to improve the streetscape of the site.

Right of Way Management

The Owner shall be made aware that private approach permits are required to construct or modify any newly created driveway/approaches in the Right-of-way.

Transportation Engineering

Transportation Engineering Services does not support the minor variance to Section 139(2)(d) of the zoning by-law permitting the four individual driveways providing access to front yard parking. In addition to Section 139(2)(d) of the Zoning By-Law, provision of these four individual driveways would contradict the following:

- Section 4.1.2 4) of the Official Plan, which states that *“development of land abutting an existing or planned cycling facility identified in the TMP and associated plans will be designed to minimize vehicle access across the cycling facility in order to reduce potential conflict points, such as by providing vehicular access to parking and service areas from side streets or rear lanes.”*

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(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 t All Wards 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 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 All Wards 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.
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, 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 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 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 (Collector Road and, airport) and may therefore be subject to noise and other activities associated with that use”
The Agreement shall be to the satisfaction of **Development Review All Wards Manager within 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.
7. 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 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 within Planning, Development and Building Services Department, or their designate**.
8. 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 Albion, 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 All-Wards Branch **within Planning, Development and Building Services Department, or their designate**, shall deem this condition satisfied.
9. 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 Development Review Manager All Wards within Planning, Development and Building Services Department, or their 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 Development Review Manager of **All Wards** within Planning, Development and Building Services Department Planning, Development and Building Services Department, or their designate.

10. That the Owner(s) 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. 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.
11. That the Owner/Applicant(s) provide a Grading and Site Plan with the proposed elements/structures (parking, driveways, retaining walls, storm water management, etc.) designed and located based on the least impact to protected trees and tree cover, as well as a revised Tree Information Report reflecting these changes to the satisfaction of the Development Review Manager All Wards within the Planning, Real Estate and Economic Development Department, or their designate(s).
12. That the Owner/Applicant(s) provide a tree planting plan, prepared to the satisfaction of the Development Review Manager All Wards 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.



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