

2024-09-26

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: 290 Holmwood Avenue
Legal Description: Lots 89 and 90, Reg Plan 108654, Township of Nepean
File No.: D08-01-23/B-00287-289 & 00292
Report Date: September 26, 2024
Hearing Date: October 2, 2024
Planner: Margot Linker
Official Plan Designation: Inner Urban Transect, Neighbourhood, Evolving Overlay
Zoning: R3P[1474] (Residential Third Density, Subzone P, Urban Exception 1474)

Staff note that the notice does not identify the retained land. Staff note in our conditions that 290 Holmwood (Part 3 on the draft reference plan) is the retained land for the purposes of providing conditions below.

DEPARTMENT COMMENTS

On August 6, 2024, Staff requested evidence that the retained lot could be developable post severance, through providing a conceptual building envelope that could be developed on the vacant lot while accounting for servicing, grading, and tree retention. This information was not received.

Firstly, the Planning, Development and Building Services Department **requests an adjournment of** the application for the following to be provided to allow for an accurate review to confirm developability:

- A revised TIR showing the allowable or conceptual building footprint for the severed lot, to show that it is developable based on the grading and tree retention requirements,
- A combined grading plan and TIR to confirm that all trees proposed for retention are able to be adequately retained and protected based on the requested variance to the rear yard setback and grading requirements for slope stability. The TIR must include protection and mitigation measures for all retained trees.

Secondly, if the above information is provided and demonstrates that the lots can be developed without the removal of additional trees, staff have some concerns, specifically regarding the rear yard setback.

Thirdly, if the application is heard prior to receiving this information, staff have concerns with the proposed application and have the following comments and requested conditions:

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 concerns** with the proposed consent. Staff have also 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, and have some concerns with the proposed minor variances.

The subject site is located within the Inner Urban Transect and designated as Neighbourhood within the Evolving Overlay on Schedules A and B2 in the Official Plan. The site is zoned R3P[1474]. This area is intended for low-rise development.

Staff have no concerns regarding the minor variances for the proposed attached front facing garage or the landing and step projections. Due to the existing grading of the site, interior side yard and rear yard parking is not favourable. While no parking is required for this area in the city, the proposal includes front facing balconies and living spaces which cantilever over the driveway and garage entry, which are oriented to allow the living spaces to interact with the public realm and reduce the visual impact of the front-facing attached garages.

Staff have some concerns regarding the proposed rear yard setback. The proposed rear yard setback of 6.9 metres would not be in line with the general massing pattern on this street. In addition, the proposed rear yard setback and rear terrace encroach within the critical root zone of tree 5, threatening its proposed retention. Staff have requested condition #8 to provide evidence on the impact of the proposed setback reduction and grading on this tree, and the tree protection measures which will be required to allow for its retention. It must also be clarified through condition #9 that the grading plan will allow for the retention of existing trees along the rear property line.

Staff have concerns regarding the developable potential of the retained lot (Part 3 on the draft reference plan) with grading and tree retention constraints, particularly for tree #18, a boundary tree without permission for removal. Staff have requested condition #9 to demonstrate that a conceptual (reasonable) building envelope could be developed on the vacant lot while accounting for servicing and grading (including retaining walls), and the ability to retain the boundary tree (#18) and preferably the portion of the grouping of spruce along the eastern property line, to maintain stability.

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. A private approach permit is required for any access off of the City street.
5. Existing grading and drainage patterns must not be altered.
6. Existing services are to be blanked at the owner's expense.
7. 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.).
8. A report addressing the stability of slopes, prepared by a qualified geotechnical engineer licensed in the Province of Ontario, should be provided wherever a site has slopes (existing or proposed) steeper than 5 horizontal to 1 vertical and/or more than 2 metres in height.
9. Service lateral spacing shall be as specified in City of Ottawa Standard S11.3.
10. In accordance with the Sewer Connection By-Law a minimum spacing of 1.0m is required between service laterals and the foundation face.

Right of Way Management

The Owner shall be made aware that a private approach permit is required to construct a newly created entrance, as well as to modify or close any existing entrance. The current proposal requires two private approach permits as a result, for each of the newly created entrances. **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 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 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) 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 Development Review All Wards Manager within Planning, Development and Building Services Department, or their designate, or 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, or 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.

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 provide a Slope Stability Report, for 292A & 292B Holmwood Avenue (Parts 1 & 2 on Draft R-plan), prepared by a Professional Geotechnical Engineer currently licensed in the Province of Ontario, that is satisfactory to 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 PDBS to the Committee, demonstrating that all parcels to be created by this application are, or can be made, suitable for residential purposes.

7. 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, 290 Holmwood Avenue (Part 3 on the Draft R-plan), to deal with the following covenant/notice that shall run with the land and bind future owners on subsequent transfers:

“The lot is located adjacent to lands with slope stability concerns. Additional engineering and slope stability measures may be required prior to issuance of Building Permits for development on the lot.”

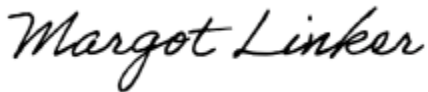
The Committee requires a copy of the Agreement and written confirmation from City Legal Services that it has been registered on title.

8. That the Owner(s) enter into an Infrastructure Agreement with the City of Ottawa to extend the municipal services on Holmwood Avenue, for 292A & 292B Holmwood Avenue (Parts 1 & 2 on Draft R-plan), at their own costs and post the necessary securities for the work on the City Right-of-Way to the satisfaction of the City’s Planning, Development and Building Services Department’s Infrastructural Approvals Branch and to the satisfaction of City Legal Services. The Owner(s) must also receive the approval of the Ontario Ministry of the Environment Conservation and Parks for the extension of the municipal services. The Committee requires a copy of the Agreement and written confirmation from City Legal Services that it has been registered on title. Where the approved Site Servicing Plan demonstrates that an Infrastructure Agreement to extend the municipal services on Holmwood Avenue is not required, the Development Review Manager of the All-Wards Branch within Planning, Development and Building Services Department, or their designate, shall deem this condition satisfied.

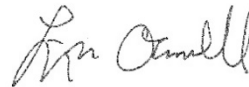
9. That the owner provide a revised site plan for Parts 1 and 2 on the draft reference plan with the locations of proposed elements (buildings, driveways, services, grading, etc.) designed to reduce any excavation within the Critical Root Zones

of protected trees and/or to provide sufficient soil volume to plant new trees, to the satisfaction of the Development Review Manager of the relevant Branch within the Planning, Real Estate and Economic Development Department, or his/her designate. The Tree Information Report must be revised to reflect changes to the site plan and to show the accurate tree protection areas and mitigation measures.

10. That the Owner/Applicant(s) provide a combined Grading & Drainage, Site Servicing and Tree Information Plan, including the locations of existing and proposed trees, as well as tree protection measures outlined in the Tree Information Report, to the satisfaction of the Development Review Manager, Planning, Development and Building Services Department, or their designates. The plans can be shown on one or multiple sheets, but must include all standard grading information along with measurements from the trunks of existing protected trees to the nearest limit of excavation or grade changes. 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.
11. The Owner/Applicant(s) shall prepare and submit a tree planting plan, prepared to the satisfaction of the Development Review Manager of the relevant Branch within the Planning, Real Estate and Economic Development Department, or his/her designate, showing the location(s) of the specified number of compensation trees (50mm caliper) required under the Tree Protection By-law, assuming that all proposed tree removals are permitted.



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