

Committee of Adjustment

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City of Ottawa | Ville d'Ottawa
Comité de dérogation



**CONSENT APPLICATION
COMMENTS TO THE COMMITTEE OF ADJUSTMENT
PANEL 2**

PLANNING, DEVELOPMENT AND BUILDING SERVICES DEPARTMENT

Site Address: 3440 Woodroffe Avenue
Legal Description: Part of Lot 12, Concession 2,
Geographic Township of Nepean
File No.: D08-01-24/B-00268 to D08-01-24/B-00270
Report Date: January 30, 2025
Hearing Date: February 04, 2025
Planner: Nivethini Jekku Einkaran
Official Plan Designation: Suburban Transect, Neighbourhood,
Evolving Neighbourhood Overlay
Zoning: R1E

DEPARTMENT COMMENTS

The Planning, Development and Building Services Department **has no concerns with** the application(s).

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 subject property is within the Hearts Desire Private Service Enclave as per Annex 9 of the Official Plan, which has minimum lot area requirements where lots are serviced privately. However, as the lots are proposed to be connected to municipal services on Woodroffe Avenue, including the lot fronting on Howard Court through a servicing easement, the intent of the Official Plan is met.

ADDITIONAL COMMENTS

The subject property was previously granted consent in 2022, and the majority of conditions originally requested have been cleared. Conditions requested now are those that were not completed through the previous consent of 2022. Upon further review, it was determined that a Joint Use Joint Use, Maintenance and Common Elements

Agreement condition that was requested in 2022 would not be required as an easement for servicing has been requested along with the consent.

Planning Forestry

Through the previously approved application, a TIR, conceptual grading plan and planting plan were provided for condition clearance. Based on those materials, the proposed severance will have a significant impact on existing trees based on the considerable re-grading and servicing needed for construction of the 3 new lots. The TIR on file does not reflect the new Tree Protection By-law including all trees >30cm, so there will be more impacts and compensation requirements than shown currently, however, it is understood that the application is just for the severance and that the plans shown are subject to change.

It is understood that the plans currently provided are conceptual and that the final design of the houses and grading will be determined through the Building Permit process. The design and locations of the buildings, servicing and particularly grading must be determined based on the least impact to the existing trees on site, prioritizing the retention of boundary and City-owned trees, and as much of the spruce hedgerows as possible, to maintain the privacy of adjacent properties. New TIR(s) will be required for each lot through the Building Permit process, including compensation requirements, detailed mitigation measures, and corrected permission from neighbours whose trees will be affected. A planting plan must be provided showing the location of all required compensation trees for improvement of the streetscape and canopy cover.

Right of Way Management

The Right-of-Way Management Department has no concerns with the proposed Consent Applications, as there are no requested changes to private approaches. The Owner shall be made aware however, that a private approach permit is required to construct any new entrance, as well as to modify or close an existing entrance that becomes redundant.

Please contact the ROW Department for further information at rowadmin@ottawa.ca.

CONDITIONS

If approved, the Planning, Development, and Building Services Department requests that the Committee of Adjustment impose the following condition(s) on the application(s):

1. That the Owner(s) provided evidence to the satisfaction of **Manager of the Development Review All Wards Branch within Planning, Development and Building Services Department, or designate** of an Agreement associated with the service easements that will address maintenance responsibilities.
2. That the Owner(s) provide evidence to the satisfaction of both the **Chief Building Official and Manager of the Development Review All Wards Branch within 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.

3. 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 **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 **Manager of the Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate**.
4. The Owner(s):
Design the dwelling units with central air conditioning and 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 will bind future owners on subsequent transfers, warning purchasers and/or tenants of expected noise levels due to the existing source of environmental noise. The following two conditions will be included in the above-noted Agreement. Notices-on-Title respecting noise:

“The Purchaser/Lessee for himself, his heirs, executors, administrators, successors and assigns acknowledge being advised that this dwelling unit has been supplied with a central air conditioning system which will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the City of Ottawa’s and the Ministry of the Environment and Climate Change’s noise criteria.”

“The Purchaser/Lessee for himself, his heirs, executors, administrators, successors and assigns acknowledge being advised that despite the inclusion of noise control features in this development and within building units, noise levels from increasing roadway traffic may be of concern, occasionally interfering with some activities of the dwelling occupants as the outdoor sound level exceeds the City of Ottawa’s and the Ministry of the Environment and Climate Change’s noise criteria.”

J. E. Nivethini

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