

Committee of Adjustment
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City of Ottawa | Ville d'Ottawa
Comité de dérogation



CONSENT & MINOR VARIANCE APPLICATION
COMMENTS TO THE COMMITTEE OF ADJUSTMENT
PANEL 3

PLANNING, DEVELOPMENT AND BUILDING SERVICES DEPARTMENT

Site Address: 55 Henry Goulburn Way
Legal Description: Lot 44, Registered Plan 635
File No.: D08-01-25/B-00032 & D08-01-25/B-00033
D08-02-25/A-00047, D08-02-25/A-00048 &
D08-02-25/A-00049
Report Date: April 10, 2025
Hearing Date: April 15, 2025
Planner: Nivethini Jekku Einkaran
Official Plan Designation: Suburban Transect, Neighbourhood
Zoning: R1D

DEPARTMENT COMMENTS

The Planning, Development and Building Services Department **requests an adjournment of** the application(s) to address forestry's concerns.

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 not satisfied that the requested minor variance(s) meet(s) the "four tests".

Staff do not have concerns with reduced lot width, lot area and front yard setback variances. As per Section 4.8.2(3)(d) of the Official Plan, priority must be given to the retention and protection of trees over replacement plantings and compensation when considering impacts on individual trees. Staff have concerns with the minor variances for reduced rear yard setback and increased lot coverage as they result in the loss of several trees on the property and as such do not meet the intention of Section 4.8.2 (3) of the Official Plan.

Staff are requesting an adjournment to address Forestry's concerns as additional information is required on the justification for the removal of trees.

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.
- 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 grading and drainage patterns must not be altered.
- 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.).
- Service lateral spacing shall be as specified in City of Ottawa Standard S11.3.
- 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

The proposed TIR recommends removal of all but 2 of the existing trees on and adjacent to the site, which is not in keeping with the direction of Official Plan section 4.8.2 to maintain the urban forest canopy through intensification. The TIR does not provide sufficient information regarding the impacts of the requested variances for context or justification of these removals. Many of the trees are outside of the allowable building footprints and on adjacent properties, which would require permission from the owners for removal or redesign if approval is not obtained.

Staff have concerns with the plans as proposed and require more detail to assess the impacts of the requested variances on the existing trees and the ability to retain and/or replace them. Adjournment is recommended to provide time to revise the plans to allow for retention of trees outside of the allowable building footprints and particularly those on adjacent properties.

Right of Way Management

The Right-of-Way Management Department has **no concerns** with the proposed Consent Application. However, the owner shall be made aware that Private Approach permits are required to establish new entrances at 55, 57, 59 Henry Goulburn Way, 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) 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 evidence to the satisfaction of the Chief Building Official, or designate, that the existing detached dwelling have been demolished or relocated under the authority of a building permit.
3. That the Owner/Applicant(s) provide a revised Tree Information Report, to the satisfaction of the Manager of the relevant Branch within the Planning, Development and Building Services Department, or their designate(s). This report shall be prepared by an Arborist, identifying all trees protected under the City's Tree Protection by-law, and meeting the standards of the City's Tree Information Report Guidelines, including an assessment of impacts related to the site plan, and specific mitigation measures where work is proposed within the Critical Root Zone of a protected tree.
4. That the Owner/Applicant(s) provide a Grading and Servicing Plan/Site Plan with the proposed elements/structures (driveways, retaining walls, projections, 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 Manager of the relevant Branch within the Planning, Development and Building Services Department, or their designate(s).
5. 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). A tree removal permit cannot be issued without the permission of all owners of a tree, and 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.

6. That the Owner/Applicant(s) provide a tree planting plan, prepared to the satisfaction of the Manager of the relevant Branch within the Planning, Development and Building Services Department, or their designate(s), showing the location(s) and species or ultimate size of at least one new tree (50 mm caliper) per lot, in addition to any compensation trees required under the Tree Protection By-law.
7. That the Owner(s) provide evidence, to the satisfaction of the Manager of Development Review All Wards, Planning, Development and Building Services Department, that each existing parcel has its own independent storm, sanitary and water services connected to City infrastructure and that these services do not cross the proposed severance line. If they do cross or are not independent, the Owner(s) will be required, at their own cost, to relocate the existing services or construct new services from the City sewers/watermain. Notice shall be provided in writing to the Committee from the Department confirming this condition has been fulfilled.
8. The Owner(s) shall:
prepare a Noise Control Study, in compliance with the City of Ottawa Environmental Noise Control Guidelines, to the satisfaction of the Manager of Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate. The Owner(s) shall enter into an agreement with the City, at the expense of the Owner(s), that requires the Owner(s) to implement any noise control attenuation measures recommended in the approved study. The Agreement shall also deal with any covenants/notices, recommended in the approved study, that shall run with the land and bind future owners on subsequent transfers, warning purchasers and/or tenants of expected noise levels due to the existing source of environmental noise (arterial, highway, airport, etc.). The Committee shall be provided a copy of the Agreement and written confirmation from City Legal Services that it has been registered on title.

or

Design the dwelling units with the provision for adding central air conditioning at the occupant's discretion 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 shall run with the land and bind future owners on subsequent transfers, warning purchasers and/or tenants of expected noise levels due to the existing source of environmental noise. The Committee requires a copy of the Agreement and written confirmation from City Legal Services that it has been registered on title. The following two conditions will be included in the above-noted Agreement:

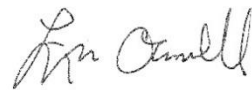
Notices-on-Title respecting noise:

- i. “The Purchaser/Lessee for himself, his heirs, executors, administrators, successors and assigns acknowledges being advised that this dwelling unit has been fitted with a forced air heating system and the ducting, etc. was sized to accommodate central air conditioning. Installation of central air conditioning by the Purchaser/Lessee 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;” and
 - ii. “The Purchaser/Lessee for himself, his heirs, executors, administrators, successors and assigns acknowledges being advised that noise levels due to 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.”
9. That the Owner(s) provide proof 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, delineating the existing and proposed grades for both the severed and retained lands has been provided to the satisfaction of the Manager of Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate.
10. That the Owner(s) enter into a Resurfacing Agreement with the City, to the satisfaction of the Program Manager, Right of Way Branch within the 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 Henry Goulburn Way, fronting the subject lands, to the limits shown on the approved Site Servicing Plan. Where the approved Site Servicing Plan demonstrates the resurfacing is not required, based on the City’s Road Cut Resurfacing Policy, the Manager of Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate, shall deem this condition satisfied.
- ~~11. The Owner agrees to convey to the city, at no cost to the City, an unencumbered corner sight triangle, measuring 3 x 9 m, at the intersection of Henry Goulburn Way and Brae Crescent, respectively. The corner sight triangle must be determined by legal survey. The Owner shall provide a reference plan for registration, indicating the corner sight triangle, 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 corner sight triangle. The Committee shall be provided written confirmation from City Legal Services that the transfer of the corner sight triangle to the City has been registered. All costs shall be borne by the Owner.~~



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