

2025-05-01

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: 75 Aylen Avenue
Legal Description: Lot 26 and Part of Lot 27, Registered Plan 232
File No.: D08-01-25/B-00061 & D08-01-25/B-00062
D08-02-25/A-00068 & D08-02-25/A-00069
Report Date: May 01, 2025
Hearing Date: May 06, 2025
Planner: Nivethini Jekku Einkaran
Official Plan Designation: Inner Urban Transect, Neighbourhood,
Evolving Neighbourhood Overlay
Zoning: R2F

DEPARTMENT COMMENTS

The Planning, Development and Building Services Department **has some concerns with** the applications.

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 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 variance(s) meet(s) the “four tests”.

Staff have no concerns with the minor variance applications. However, with regard to criteria for consent, staff have concerns with rear yard layout and conformity with Official Plan direction to prioritize tree planting over provision of parking. The property is within Area X on Schedule 1 to the Zoning By-law and as per Section 101(3)(a) of the Zoning By-law, off-street parking is not required for first twelve dwelling units. Staff have concerns with the proposed parking spaces as it impacts ability for tree planting. Staff also have concerns with the site functionality with respect to the parking spaces.

Additional space may be needed for the vehicles to have a safe turning radii from the shared driveway, though it is not a Zoning By-law requirement.

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 as the Tree Information does not show the current design on the report and must be revised as per the requirements found here: [Tree Protection \(By-law No. 2020-340\) | City of Ottawa](#).

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.).
- This property does not have frontage on a storm sewer.
- 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.
- **Please note that depending on the grading on this lot, more intense drainage solutions may be required. Depending on the grading & what is proposed, an ECA, easement, or additional JUMA inclusions may be required.**
 - **There may not be enough room to accommodate a rear yard CB as well as servicing for the back-half of the long semi. Without services to the rear half of the semis, the properties may not be further severable in the future (for a total of four lots), as they would not have independent servicing.**

Planning Forestry

This application was previously approved in 2022 with a different plan. The TIR submitted is from 2021 and is not based on the current proposal; a revised submission is required to accurately reflect the impacts.

The current plan proposes 6 rear yard parking spaces in an area where no parking is required; this parking design would impact all of the existing trees on and adjacent to the site, most of which are outside of the allowable building footprint. The Official Plan section 4.8.2 provides clear direction to maintain the urban forest canopy and its ecosystem services during intensification, giving priority to retention of existing healthy trees over removal and replacement. As seen in the previous application, there are opportunities to both intensify this site with some parking, and to retain existing trees; as such, staff have significant concerns with this application and the proposed parking layout established through the severance.

The applicant must provide a TIR which meets the submission requirements to facilitate review. Conditions are recommended to provide a revised Site Plan to redesign in such a way that allows for retention of trees in the rear yard, as well as to provide a planting plan. Given the concerns with the severance application and arrangement of shared driveway and parking, it would be best to address these issues prior to a hearing.

Right of Way Management

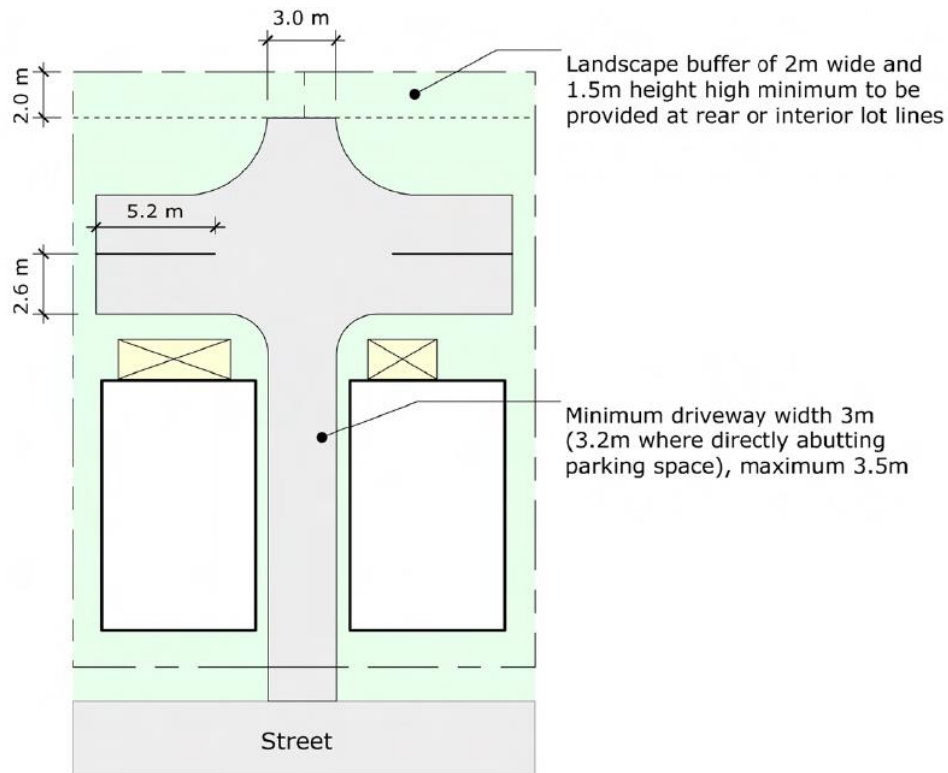
The Right-of-Way Management Department has **no concerns** with the proposed Consent Application to sever the property. A Private approach permit is required to construct any newly created or modified driveway/approaches or close redundant approaches so one is required to close the existing entrance and create the new shared driveway down the middle. Acknowledge there are proposed reciprocal access easements to be provided to provide vehicle access to rear-yard parking.

Please contact the ROW Department for any additional information at rowadmin@ottawa.ca or visit the City webpage [Driveways | City of Ottawa](https://www.ottawa.ca/en/transportation/driveways) to submit a Private Approach application.

Transportation Engineering

The site is located within 300 m of the O-Train Line 1/3 rail corridor. The City of Ottawa will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way.

The six proposed parking spaces in the rear yard do not appear to be functional. Provide swept path analysis (AutoTURN) to demonstrate that cars can maneuver in and out of the spaces. Recommend removing two of the six spaces and providing a “hammerhead” turning space as demonstrated in the new Zoning By-Law, see below:



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 proof, to the satisfaction of the Manager of Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate, that the existing dwelling/building has been demolished in accordance with the demolition permit. Notice shall be provided in writing to the Committee from the Department confirming this condition has been fulfilled.
3. That the Owner(s) provide a Stormwater Management Report, prepared by a Professional Civil Engineer, licensed in the Province of Ontario, demonstrating a design for post-development stormwater peak flows that are controlled to pre-development peak flows for all stormwater events up to and including the 100

year storm event. The report shall be to the satisfaction of and approved by the Manager of Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate.

If the Stormwater Management Report includes infiltration techniques, the Owner(s) must provide a supporting Geotechnical Brief prepared by a Professional Civil Engineer licensed in the Province of Ontario, for approval by the Manager of Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate.

4. 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.

5. That the Owner(s) provide evidence (servicing plan), to the satisfaction of both the Chief Building Official and the Manager of Development Review All Wards Branch within Planning, Development and Building Services Department, or their designates, that both severed and retained parcels have their own independent water, sanitary and storm connection as appropriate, 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.
6. 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.
7. The Owner(s) shall prepare a Noise & Vibration 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 & Vibration 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.

8. That the Owner(s) enter into a Joint Use and Maintenance Agreement, at the expense of the Owner(s), setting forth the obligations between the Owner(s) and the proposed future owners with respect to the joint use and maintenance of all common elements including, but not limited to, the common areas, common driveways and common landscaping.

The Owner shall ensure that the Agreement is binding upon all unit owners and successors in title and shall be to the satisfaction of Manager of Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate, or City Legal Services. The Committee shall be provided written confirmation that the Agreement is satisfactory to the Manager of 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 confirmation that it has been registered on title.

9. 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 75 Aylen, 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.
10. That the Owner/Applicant(s) provide a revised site and grading/servicing plan with the locations of proposed elements (buildings, driveways, parking, 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 Manager of the relevant Branch within the Planning, Development and Building Services Department, or their designate(s). 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.

11. 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.
12. 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.



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