

## **179 Carleton Avenue Development Proposal Final Report**

### **Summary:**

The goals of the CPCA and the involved neighbours, related to this proposal to demolish the existing single home to build a new semi-detached dwelling, were:

- To preserve the four trunked bur oak that straddles the property line between 175 and 179 Carleton (protected as a "distinctive" tree under the Urban Tree Conservation By-law and as a "boundary tree" under the Forestry Act).
- To achieve a dwelling that, while larger than existing mature single family homes, is as compatible as possible in appearance with the existing Carleton Avenue streetscapes

The CPCA delineated these goals from the outset and negotiated with the Owners during a number of meetings with the Senior Private Planner the Owners had hired to interface with the community.

Through these negotiations the CPCA achieved:

- an increase in front yard set-back to achieve compatibility with the abutting properties at 175 and 183 Carleton (as per requirements of the new zoning by-law), and to allow more rooting area for the bur oak
- an improved architectural design
- a Committee of Adjustment ruling in favour of an "undertaking" by the owners to enter into a tree preservation agreement with the CPCA
- a Committee of Adjustment condition that the owners obtain a permit under the Urban tree Conservation By-law specifying protective measures

The tree preservation agreement between the Owner and CPCA was successfully negotiated. This agreement contains a detailed commitment by the Owners to implement most of the protective measures that were specified in the following three documents:

- professional arborist report commissioned by the Owners
- professional forester report commissioned by the CPCA
- letter to the Committee of Adjustment by the City of Ottawa Forestry Department

The CPCA has communicated with the Forestry Department related to the tree permit, has made them aware of the condition in the Committee of Adjustment Decision, and has encouraged them to implement this condition.

### **Excerpts from the Committee of Adjustment Decision:**

The Community Association has...no objections to the revised proposal, ...provided that any approval of the Committee be conditional upon the Owner of the property obtaining a comprehensive tree permit for the mature Burr Oak, which would ensure compliance with the Urban Tree Conservation By-law. Ms Pearl also indicated for the committee's information that a private agreement would be entered into between the proponents and members of the community concerning the preservation of the tree before, during and after the proposed construction.

Mr. Chown indicated that his client was amendable to the imposition of the aforementioned condition.

***In deliberating on these applications, the Committee acknowledges the concessions made by both the proponents and the community in order to ultimately arrive at a proposal that is compatible with the existing built form in the area, maintains the forested character of***

***the community through the preservation of the existing Burr Oak tree on the property, and will have no undue adverse impact on abutting property owners. The Committee is also favourably disposed by the undertaking given by the applicant to the community to enter into a private agreement to deal with tree preservation measures during the construction process.***

This application is granted subject to the proposed construction being in accordance with the revised plans filed and Committee of Adjustment date-stamped September 17, 2012, and subject to the following condition:

***That the Owners obtain a permit in accordance with the Urban Tree conservation By-law to ensure the protection of the existing Burr Oak tree located on the property,*** to the satisfaction of the General Manager, Planning and Growth Management Department, or his delegate.