



Committee of Adjustment

Panel 3

Tuesday, July 16, 2024

9:00 AM

Ben Franklin Place, The Chamber, Main Floor, 101 Centrepointhe Drive, and by electronic participation

The hearing can be viewed on the Committee of Adjustment [YouTube](#) page. For more information, visit [Ottawa.ca/CommitteeofAdjustment](https://ottawa.ca/CommitteeofAdjustment)

Simultaneous interpretation in both official languages, accessible formats and communication supports are available for any specific agenda item by calling the Committee information number at least 72 hours in advance of the hearing.

Coordinator: [Geoff Huson](#)

Panel Members:

Chair: Terry Otto

Members: Jocelyn Chandler, Beth Henderson, Martin Vervoort

CALL TO ORDER

OPENING REMARKS

DECLARATIONS OF INTEREST

CONFIRMATION OF MINUTES

ADJOURNMENT REQUESTS

HEARING OF APPLICATIONS

1. 6079 McVagh (Ward 20 - Osgoode)
D08-01-23/B-00279 - 00280

Consent Applications

Applicant(s): Romay Automotive Ltd.

Agent: M. Virginillo

To convey a portion of the property to the abutting property owner to the south, and to subdivide the remaining property into two separate parcels of land to create one new lot for a surplus farm dwelling.

2. **6105 McVagh (Ward 20 - Osgoode)**
D08-01-23/B-00276

Consent Application

Applicant(s): Roday Automotive Ltd.

Agent: M. Virginillo

To subdivide the property into two separate parcels of land to create one new lot for a surplus farm dwelling and to establish an easement for shared driveway access and hydro services in favour of 6079 McVagh Road.

3. **113 Northshire (Ward 5 - West Carleton-March)**
D08-02-24/A-00158

Minor Variance Application

Applicant(s): Brian Hart

Agent: M. Wildeboer

To permit an increased building height and building area for the construction of a coach house.

4. **541 Somme (Ward 20 - Osgoode)**
D08-01-24/B-00105

Consent Application

Applicant(s): Tomlinson Development Corporation

Agent: T. Freeman

To subdivide the property into two separate parcels for future development.

5. **4093 Caracourt (Ward 20 - Osgoode)**
D08-02-24/A-00163

Minor Variance Application

Applicant(s): Shane and Amy LaBrash

To permit an increase in cumulative floor area and building height for the construction of a two-storey garage with loft.

6. 7084 Mason (Ward 20 - Osgoode)
D08-02-24/A-00137

Minor Variance Application

Adjourned from July 2, 2024

Applicant(s): Aman Dhaliwal and Rajvarinder Kuar Dhaliwal

Agent: C. McCuaig

To permit increased lot coverage for the construction of a detached dwelling.

7. 7090 Marco (Ward 20 - Osgoode)
D08-02-24/A-00138

Minor Variance Application

Adjourned from July 2, 2024

Applicant(s): Deepak and Ranju Kumar

Agent: C. McCuaig

To permit increased lot coverage for the construction of a detached dwelling. The existing dwelling and detached garage will be demolished.

OTHER BUSINESS

ADJOURNMENT



Comité de dérogation

Groupe 3

le mardi 16 juillet 2024

09 h 00

Place-Ben-Franklin, salle du Conseil, premier étage, 101, promenade CentrepoinTE, et participation
par voie électronique

L'audience pourra être visionnée sur la chaîne YouTube du Comité de dérogation. Pour en savoir
plus, allez au [Ottawa.ca/Comitedederogation](https://ottawa.ca/Comitedederogation)

*Les participants pourront bénéficier d'une interprétation simultanée dans les deux langues officielles
et de formats accessibles et d'aides à la communication pour toute question à l'ordre du jour s'ils en
font la demande par téléphone auprès du service d'information du Comité au moins 72 heures à
l'avance.*

Coordonnateur : Geoff Huson

Membres du Groupe:

Président: Terry Otto

Membres: Jocelyn Chandler, Beth Henderson, Martin Vervoort

APPEL NOMINAL

MOT D'OUVERTURE

DÉCLARATIONS D'INTÉRÊT

RATIFICATION DU PROCÈS-VERBAL

DEMANDES D'AJOURNEMENT

AUDIENCE DES DEMANDES

1. **6079 McVagh (Quartier 20 - Osgoode)**
D08-01-23/B-00279 - 00280

Demandes d'autorisation

Requérant(e)(s) : Romay Automotive Ltd.
Agent : M. Virginillo

Céder une partie du bien-fonds à la propriétaire du bien-fonds voisin au sud, et lotir la partie restante du terrain en deux parcelles distinctes afin de créer un nouveau lot pour une habitation agricole excédentaire.

2. **6105 McVagh (Quartier 20 - Osgoode)**
D08-01-23/B-00276

Demande d'autorisation

Requérant(e)(s) : Romay Automotive Ltd.
Agent : M. Virginillo

Lotir le bien-fonds en deux parcelles distinctes afin de créer un nouveau lot pour une habitation agricole excédentaire, et établir une servitude/emprise pour l'accès à une entrée de cour commune et aux services hydroélectriques au bénéfice du 6079, chemin McVagh.

3. **113 Northshire (Quartier 5 - West Carleton-March)**
D08-02-24/A-00158

Demande de dérogation mineure

Requérant(e)(s) : Brian Hart
Agent : M. Wildeboer

Permettre l'augmentation de la hauteur et de la surface du bâtiment pour la construction d'une annexe résidentielle.

4. **541 Somme (Quartier 20 - Osgoode)**
D08-01-24/B-00105

Demande d'autorisation

Requérant(e)(s) : Tomlinson Development Corporation
Agent : T. Freeman

Pour lotir le bien-fonds en deux parcelles distinctes en vue d'un aménagement futur.

5. **4093 Caracourt (Quartier 20 - Osgoode)**
D08-02-24/A-00163

Demande de dérogation mineure

Requérant(e)(s) : Shane et Amy LaBrash

Permettre l'augmentation de la surface de plancher cumulative et de la hauteur du bâtiment pour la construction d'un garage de deux étages avec grenier.

6. **7084 Mason (Quartier 20 - Osgoode)**
D08-02-24/A-00137

Demande de dérogation mineure

Ajournée du 2 juillet 2024

Requérant(e)(s) : Aman Dhaliwal et Rajvarinder Kuar Dhaliwal
Agent : C. McCuaig

Permettre l'augmentation de la surface bâtie pour la construction d'une maison isolée.

7. **7090 Marco (Quartier 20 - Osgoode)**
D08-02-24/A-00138

Minor Variance Application

Ajournée du 2 avril 2024

Requérant(e)(s) : Deepak et Ranju Kumar
Agent : C. McCuaig

Permettre l'augmentation de la surface bâtie pour la construction d'une maison isolée. La maison et le garage isolé existants seront démolis.

AUTRES QUESTIONS

AJOURNEMENT

NOTICE OF HEARING

Pursuant to the Ontario *Planning Act*

Consent Application

Panel 3
Tuesday, July 16, 2024
9 a.m.

Ben Franklin Place, Main Floor Chamber, 101 Centrepointe Drive
and by videoconference

Owners of neighbouring properties within 60 metres of the property address below are receiving this notice in case they want to comment on the application(s) and/or participate at the hearing.

The hearing can also be viewed on the Committee of Adjustment [YouTube](#) page.

Simultaneous interpretation in both official languages, accessible formats and communication supports are available for any specific agenda item by contacting the Committee of Adjustment at least 72 hours before the hearing.

File No.:	D08-01-23/B-00279 & D08-01-23/B-00280
Application:	Consent under section 53 of the <i>Planning Act</i>
Owner/Applicant:	Romay Automotive Limited
Property Address:	6079 McVagh Road
Ward:	20 – Osgoode
Legal Description:	Part of Lot 26 and 27, Concession 8, Geographic Township of Cumberland
Zoning:	AG2
Zoning By-law:	2008-250

APPLICANT'S PROPOSAL / PURPOSE OF THE APPLICATION:

The Owner wants to convey a portion of their property to the abutting property owner to the south, known municipally as 6105 McVagh Road. The Owner then wants to subdivide their remaining property into two separate parcels of land to create one new lot for a surplus farm dwelling.

At its hearing on December 12, 2023, the Committee adjourned the applications to allow the Owner time to revise the size of severed lands and to confirm the location of the septic system and its distance from the proposed lot lines.

CONSENT IS REQUIRED FOR THE FOLLOWING:

The Owner requires the Committee's consent for a lot line adjustment and to sever the land. The property is shown as Parts 3 through 8 on the Draft 4R-Plan filed with the applications and the separate parcels will be as follows:

Table 1 Proposed Parcels

File No.	Frontage	Depth	Area	Part No.	Municipal Address
B-00279	3.15 m	Irregular	1.7 ha	3 & 6	Vacant land will merge with the property to the south, known municipally as 6105 McVagh Road.
B-00280	22.87 m	Irregular	2.38 ha	4, 5 & 7	6079 McVagh Road Existing dwelling and accessory structures

The land to be retained, shown as Part 8 on said Plan, will have a frontage of 434.25 metres, an irregular depth, and a lot area of 21.92 hectares. This parcel will contain the vacant farmland and be known municipally as 6001 McVagh Road.

Parts 4 and 5 will be subject to an easement in favour of 6105 McVagh Road for access to the shared driveway and for the existing hydro services.

The subject property is not subject to any other current application under the *Planning Act*.

FIND OUT MORE ABOUT THE APPLICATION(S)

For more information about this matter, contact the Committee of Adjustment at the address, email address, website or QR code below.

Visit **[Ottawa.ca/CommitteeofAdjustment](https://ottawa.ca/CommitteeofAdjustment)** and follow the link to **Next hearings** to view panel agendas and application documents, including **proposal cover letters, plans, tree information, hearing notices, circulation maps, and City planning reports**. Written decisions are also published once issued and translated.

If you don't participate in the hearing, you won't receive any further notification of the proceedings.

If you want to be notified of the decision following the hearing, and of any subsequent appeal to the Ontario Land Tribunal, send a written request to the Committee.

HOW TO PARTICIPATE

Submit written or oral comments before the hearing: Email your comments to cofa@ottawa.ca at least 24 hours before the hearing to ensure they are received by the

panel adjudicators. You may also call the Coordinator at 613-580-2436 to have your comments transcribed.

Register to Speak at the hearing at least 24 hours before by contacting the Committee Coordinator at 613-580-2436 or at cofa@ottawa.ca. You will receive details on how to participate by videoconference. If you want to share a visual presentation, the Coordinator can provide details on how to do so. Presentations are limited to five minutes, and any exceptions are at the discretion of the Chair.

Hearings are governed by the Committee of Adjustment's *Rules of Practice and Procedure* accessible online.

ALL SUBMITTED INFORMATION BECOMES PUBLIC

Be aware that, in accordance with the *Planning Act*, the *Municipal Act* and the *Municipal Freedom of Information and Privacy Act*, all information presented to the Committee of Adjustment is considered public information and can be shared with any interested individual. Information you choose to disclose in your correspondence and during the hearing, including your personal information, will become part of the public record, and shared with Committee Members, the Applicant(s) or their agent and any other interested individual, and potentially posted online and become searchable on the Internet.

COMMITTEE OF ADJUSTMENT

The Committee of Adjustment is the City of Ottawa's quasi-judicial tribunal created under the Ontario *Planning Act*. Each year, it holds hearings on hundreds of applications under the *Planning Act* in accordance with the Ontario *Statutory Powers Procedure Act*, including consent to sever land and minor variances from the zoning requirements.

DATED: June 28, 2024



Ce document est également offert en français.

Committee of Adjustment

City of Ottawa

101 CentrepoinTE Drive

Ottawa ON K2G 5K7

Ottawa.ca/CommitteeofAdjustmentcofa@ottawa.ca

613-580-2436

**Comité de dérogation**

Ville d'Ottawa

101, promenade CentrepoinTE

Ottawa ON K2G 5K7

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613-580-2436

AVIS D'AUDIENCE

Conformément à la *Loi sur l'aménagement du territoire* de l'Ontario

Demandes d'autorisation

Groupe 3
Mardi 16 juillet 2024
9 h

**Place-Ben-Franklin, salle Chamber, 101, promenade CentrepoinTE
et par vidéoconférence**

Les propriétaires des biens-fonds situés dans un rayon de 60 mètres de l'adresse ci-dessous reçoivent le présent avis afin de formuler des observations sur la ou les demandes et de participer à l'audience s'ils le souhaitent.

L'audience peut aussi être visionnée sur la page [YouTube](#) du Comité de dérogation.

Les participants peuvent bénéficier de l'interprétation simultanée dans les deux langues officielles, de formats accessibles et d'aides à la communication pour toute question de l'ordre du jour en s'adressant au Comité de dérogation au moins 72 heures à l'avance.

Dossiers :	D08-01-23/B-00279 et D08-01-23/B-00280
Demandes :	Autorisation en vertu de l'article 53 de la <i>Loi sur l'aménagement du territoire</i>
Propriétaire/requérante :	Romay Automotive Limited
Adresse municipale :	6079, chemin McVagh
Quartier :	20 - Osgoode
Description officielle :	Partie des lots 26 et 27, concession 8, canton géographique de Cumberland
Zonage :	AG2
Règlement de zonage :	n° 2008-250

PROPOSITION DE LA REQUÉRANTE ET OBJET DES DEMANDES :

La propriétaire souhaite céder une partie du bien-fonds à la propriétaire du bien-fonds voisin au sud, situé au 6105, chemin McVagh. La propriétaire souhaite ensuite lotir la partie restante de son terrain en deux parcelles distinctes en vue de créer un nouveau lot pour une habitation agricole excédentaire.

Lors de l'audience du 12 décembre 2023, le Comité a ajourné l'étude des demandes pour permettre à la propriétaire de revoir la taille des terrains visés et de confirmer l'emplacement de la fosse septique et sa distance par rapport aux lignes de lot proposées.

AUTORISATION REQUISE :

La propriétaire nécessite l'autorisation du Comité en vue d'un redressement de ligne de lot et d'un morcellement du bien-fonds. La propriété est représentée par les parties 3 à 8 sur le plan 4R préliminaire qui accompagne les demandes. Les parcelles séparées sont décrites ci-après :

Tableau 1 Parcelles proposées

Dossier	Façade	Profondeur	Superficie	Parties	Adresse municipale
B-00279	3,15 m	Irrégulière	1,7 ha	3 et 6	Parcelle vacante qui sera fusionnée avec la propriété au sud, située au 6105, chemin McVagh.
B-00280	22,87 m	Irrégulière	2,38 ha	4, 5 et 7	6079, chemin McVagh Habitation et structures accessoires existantes

Le terrain qui sera conservé est représenté par la partie 8 sur ledit plan. Il aura une façade de 434,25 mètres, une profondeur irrégulière et une superficie de 21,92 hectares. Cette parcelle correspondra à la terre agricole vacante et sera située au 6001, chemin McVagh.

Les parties 4 et 5 feront l'objet d'une servitude au bénéfice du 6105, chemin McVagh pour l'accès à l'entrée de cour commune et pour les services hydroélectriques existants.

La propriété en question ne fait l'objet d'aucune autre demande en cours en vertu de la *Loi sur l'aménagement du territoire*.

POUR EN SAVOIR PLUS SUR LES DEMANDES

Pour obtenir plus de renseignements à ce sujet, communiquez avec le Comité de dérogation via l'adresse, le courriel, le site Web ou le code QR ci-dessous.

Visitez le site **Ottawa.ca/Comité de dérogation** et suivez le lien **Prochaines audiences** pour consulter l'ordre du jour du Comité et les documents relatifs aux demandes, y compris **les lettres d'accompagnement des propositions, les plans, l'information sur les arbres, les avis d'audience, les cartes de diffusion et les rapports d'urbanisme de la Ville**. Les décisions écrites sont également publiées une fois rendues et traduites.

Si vous ne participez pas à l'audience, vous ne recevrez pas d'autre avis à ce sujet.

Si vous souhaitez recevoir un avis de la décision prise à l'issue de l'audience et de tout appel ultérieur interjeté devant le Tribunal ontarien de l'aménagement du territoire, faites-en la demande par écrit au Comité.

COMMENT PARTICIPER

Présentez vos observations écrites ou orales avant l'audience : Veuillez faire parvenir vos observations par courriel à cded@ottawa.ca au moins 24 heures avant l'audience afin de vous assurer que les membres des groupes chargés du rendu des décisions les ont bien reçues. Vous pouvez également téléphoner au coordonnateur ou à la coordonnatrice au numéro 613-580-2436 pour demander que vos observations soient transcrites.

Inscrivez-vous au moins 24 heures à l'avance en communiquant avec le coordonnateur ou la coordonnatrice du Comité au numéro 613-580-2436 ou à l'adresse à cded@ottawa.ca. Vous recevrez des détails sur la façon de participer par vidéoconférence. Si vous souhaitez faire une présentation visuelle, le coordonnateur ou la coordonnatrice sera en mesure de vous fournir des détails sur la façon de procéder. Les présentations sont limitées à cinq minutes et toute exception est laissée à la discrétion du président ou de la présidente.

Les audiences sont régies par les *Règles de pratique et de procédure* du Comité de dérogation et sont accessibles en ligne.

TOUS LES RENSEIGNEMENTS PRÉSENTÉS DEVIENNENT PUBLICS

Sachez que, conformément à la *Loi sur l'aménagement du territoire*, à la *Loi sur les municipalités* et à la *Loi sur l'accès à l'information municipale et la protection de la vie privée*, les observations écrites adressées au Comité de dérogation sont considérées comme des renseignements publics et peuvent être communiquées à toute personne intéressée. Les renseignements que vous choisissez de divulguer dans votre correspondance, notamment vos renseignements personnels, seront versés au dossier public et communiqués aux membres du Comité, au(x) requérant(s) ou à l'agent, l'agente, ainsi qu'à toute autre personne intéressée et pourront éventuellement être affichés en ligne et faire l'objet d'une recherche sur Internet.

COMITÉ DE DÉROGATION

Le Comité de dérogation est le tribunal quasi judiciaire de la Ville d'Ottawa créé en vertu de la *Loi sur l'aménagement du territoire* de l'Ontario. Chaque année, il tient des audiences sur des centaines de demandes en vertu de la *Loi sur l'aménagement du territoire*, conformément à la *Loi sur l'exercice des compétences légales* de l'Ontario, y compris des demandes d'autorisation de morcellement de terrain et de dérogation mineure aux exigences en matière de zonage.

FAIT : 28 juin 2024



This document is also available in English.

Committee of Adjustment

City of Ottawa
101 CentrepoinTE Drive
Ottawa ON K2G 5K7

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613-580-2436



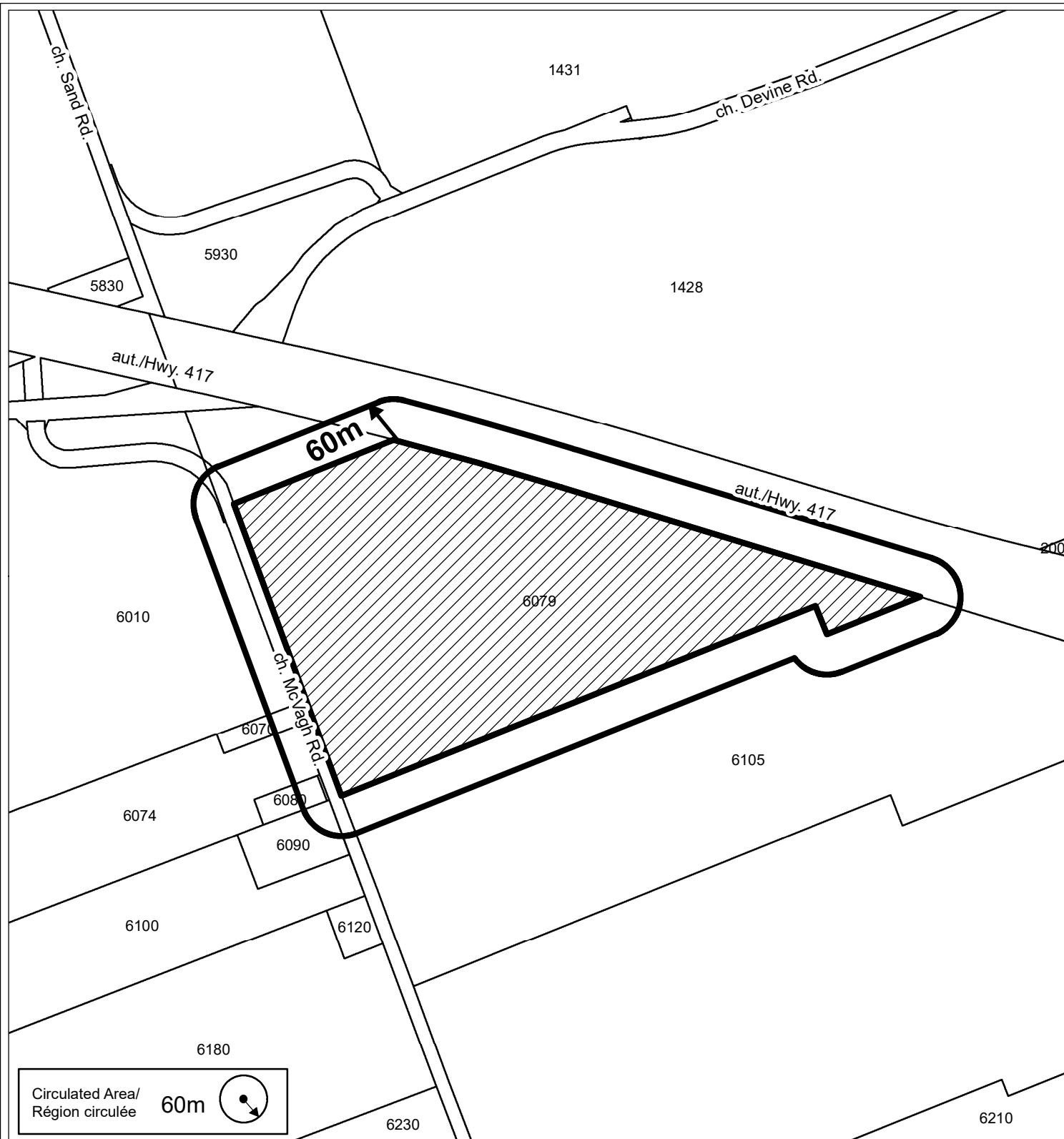
Comité de dérogation

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Committee of Adjustment
Comité de dérogation

CIRCULATION MAP / PLAN DE CIRCULATION

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SUBJECT LAND / TERRAIN EN QUESTION

6079 ch. McVagh Road



NOT TO SCALE
NON À L'ÉCHELLE

This document is presented in the language it was provided.
Ce document est présenté dans la langue dans laquelle il a été fourni.

October 13, 2023
Revised May 27, 2024

City of Ottawa
Committee of Adjustment
101 Centrepointhe Drive
Ottawa, ON K2G 5K7

Committee of Adjustment
Received | Reçu le

2024-06-03

City of Ottawa | Ville d'Ottawa
Comité de dérogation

Attention: Michel Bellemare, Secretary-Treasurer

Reference: 6079 McVagh Road, Vars, Ontario
Applications for Consent for Lot Line Adjustment, Severance and Easement
Our File No.: 122155
CofA File No.: D08-01-23/B-00279 – 00280 & D08-01-23/B-00276

Novatech has been retained by the owner of 6079 McVagh Road (the 'Subject Site' hereafter) to prepare and file Consent applications for Severance and Easement applications. The Subject Site contains agricultural lands and a farm dwelling which are used by separate parties.

The owner of the Subject Site owns the neighbouring property at 6105 McVagh Road which also contains agricultural lands and a "land-locked" farm surplus dwelling. These applications for Consent are submitted concurrently with the applications for Consent for Lot Line Adjustment, Severance and Easement for the neighbouring property, 6105 McVagh Road.

The owner wishes to sever the farm surplus dwellings and to rationalize the existing farm operations on both properties and therefore requires the following:

- Consent for lot line adjustment between the Subject Site and 6105 McVagh Road;
- Consent to sever the farm surplus dwelling on the Subject Site;
- Consent to create a reciprocal easement over the shared driveway between the Subject Site and 6105 McVagh Road; and
- Consent to create easements for private hydro services.

The following letter describes the existing conditions of the Subject Site, the proposed applications, and the rationale in support of the applications.

Application History

Applications were filed in October 2023 for the same purposes outlined above and were adjourned from the December 12, 2023 hearing to allow for further discussion with the City regarding the size and shape of the proposed severed lot for 6079 McVagh Road and for further discussion with the Ottawa Septic System Office related to minimum clearance requirements for the existing septic systems for both proposed severed lots.

Discussions were held with City Planning Staff in December 2023 and February 2024 to discuss the size and shape of the proposed lot. The meetings resulted in the changes outlined in this letter and submitted to the Committee of Adjustment.

A septic systems letter prepared by Novatech dated May 23 2024 has been submitted to the OSSO to provide additional information related to the clearances to the existing septic systems.

Existing Conditions

The Subject Site is located within Ward 19 – Cumberland of the City of Ottawa approximately 2 km southwest of the village of Vars and immediately south of Highway 417, as shown in Figure 1. The Subject Site has approximately 460.3 m of frontage along McVagh Road and an area of 26.06 ha.

6079 McVagh Road is legally described as:

PT LT 26 CON 8 CUMBERLAND; PT LT 27 CON 8 CUMBERLAND PT 2, 50R124; CUMBERLAND



Figure 1: Subject Site with markup by Novatech (GeoOttawa, 2017)

A review of aerial photography through GeoOttawa shows that the dwelling, structures and farm have been in operation since 1976, if not earlier.

In the 2010s, the Subject Site accommodated a small hobby farm, and then the Penny Lane Farm animal sanctuary.

The Subject Site is currently used by separate parties for crop-related agricultural operations and a single-detached residential dwelling with two accessory structures on the property: one is a converted garage used for storage, the other is an unoccupied barn used for storage, as shown in Figure 2.

Surrounding uses include:

- to the north: Devine Road, Highway 417 and existing agricultural lands and severed farm surplus dwellings;
- to the east: Highway 417 and existing agricultural lands and severed residential lots;
- to the south: additional lands owned by the applicant at 6105 McVagh Road and existing agricultural lands and severed residential lots; and
- to the west: McVagh Road and existing agricultural lands and severed residential lots.



Figure 2: The exterior and interior of the vacant barn on the Subject Site (Novatech, June 2023).

Proposed Consents

The proposed lot line adjustment is shown on *Consent Sketch 1* submitted with this application and shown as Figure 3 below. Parts 3 and 6 on the draft Reference Plan will convey an area of approximately 17,489.6 m² (1.7 ha) from the Subject Site to 6105 McVagh Road. Part 3 will ensure that the future severed surplus farm dwelling on 6105 McVagh Road has sufficient frontage on a public road and access over the shared driveway, while Part 6 will convey farmland on the Subject Site to the retained lands on 6105 McVagh (Figure 4).

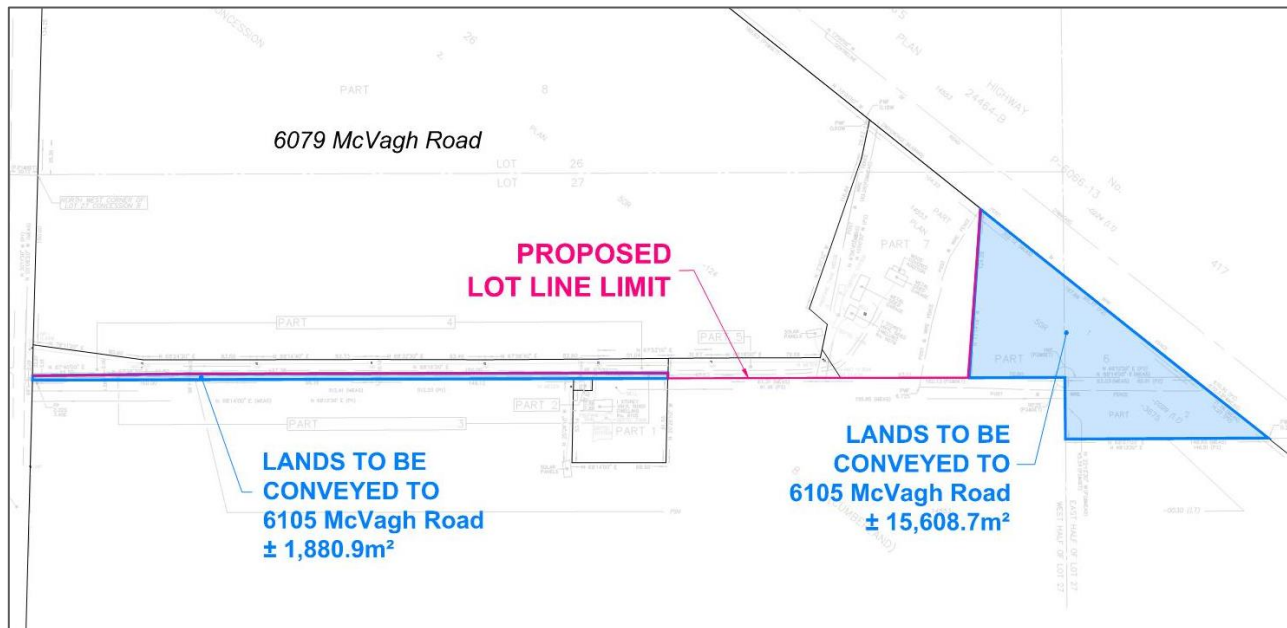


Figure 3: Excerpt of *Consent Sketch 1* - Lot Line Adjustment prepared by Novatech showing the Proposed Lot Line Limit.



Figure 4: Image of Subject Site looking south-east towards Part 6 on the draft Reference Plan (Novatech, June 2023).

As shown on *Consent Sketch 2* in Figure 5 below, the proposed severed and retained lots are indicated as *Lands to be Severed* and *Lands to be Retained*, with the *Proposed Easements*. On the draft Reference Plan, Parts 4, 5, and 7 will be severed and Part 8 will be retained.

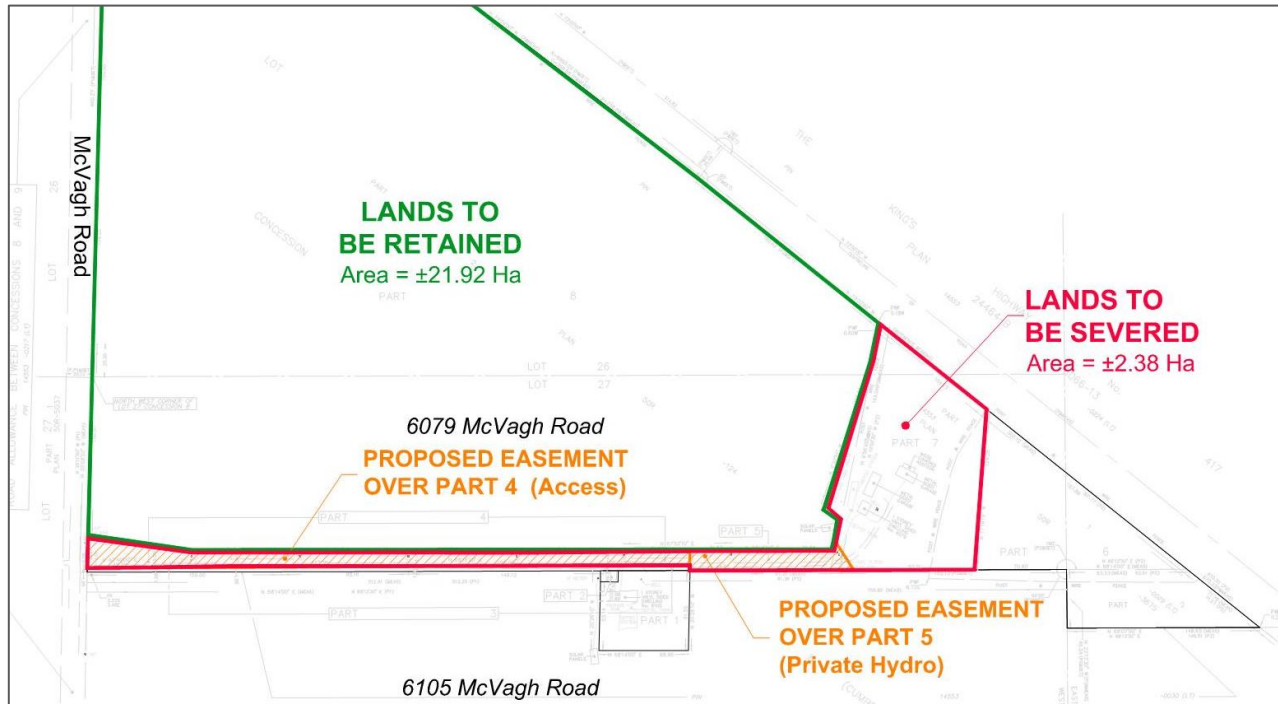


Figure 5: Excerpt of *Consent Sketch 2 - Severance and Easement*, markup prepared by Novatech showing Parts 4, 5, 7, and 8 on the draft Reference Plan.

The retained agricultural parcel will have a total area of approximately 219,172.7 m² (21.9 ha) and a frontage of approximately 460.3 m on McVagh Road.

The severed residential parcel is proposed to be approximately 2.38 ha with a frontage of approximately 22.9 m on McVagh Road. The proposed severed lot is an irregular shape and larger than the desired minimum lot size of 0.8 ha in order to recognize various existing conditions described below, as well as to ensure that the proposed severed farm surplus dwelling on the neighbouring lot at 6105 McVagh Road will meet the desired minimum lot size of 0.4 ha.

The proposed severed lot accommodates the existing detached dwelling and accessory structures, and includes an area of 7,171 m² (0.7 ha) for the shared driveway, private hydro lines and sufficient area for maintenance of these elements within Parts 4 and 5 on the draft reference plan. The proposed easement for access over the shared driveway is identified as Parts 3 and 4 on the draft reference plan, while Parts 4 and 5 will accommodate an easement for existing private hydro services.

Part 7 of the draft reference plan corresponds to the portion of the severed lot around the house measuring approximately 16,618.9 m² (1.6 ha). The intention of the owner is to provide sufficient area on the property for a hobby farm or animal sanctuary use. Part 7 also includes a large, vegetated berm that provides separation from Highway 417 to the rear of the severed lands (Figure 6). This large berm is a constraint on the property, and the proposed lot reflects the shape of the feature.



Figure 6: Image of the Subject Site looking south-west from Highway 417 (Google Streetview, June 2023).

In summary, the consent applications will:

- 1) adjust the lot line between the Subject Site and 6105 McVagh Road to:
 - a. provide street frontage to the “land-locked” farm surplus dwelling at 6105 McVagh Road, and
 - b. rationalize the existing agricultural operation at 6105 McVagh Road that crosses the shared property line to the northeast;
- 2) sever the farm surplus dwelling from the Subject Site; and
- 3) create reciprocal easements over the shared driveway between the Subject Site and 6105 McVagh Road, and
- 4) create easements for private hydro services for both the severed and retained portions of the Subject Site and 6105 McVagh Road.

Rationale

The following rationale demonstrates the appropriateness of the consent applications to facilitate the lot line adjustment, the proposed severance and the reciprocal easements.

Proposed Consents

The evaluation of consents in Ontario is regulated by the *Planning Act*. Subsection 53(1) of the *Planning Act* states:

An owner of charge of land, or such owner’s or chargee’s agent duly authorized in writing, may apply for a consent as defined in subsection 50(1) and the council or the Minister, as the case may be, may, subject to this section, give a consent if satisfied that a plan of subdivision of the

land is not necessary for the proper and orderly development of the municipality. 1994, c. 23, s. 32.; 2020, c. 34, Sched. 20, s. 2(2).

The proposed consents do not necessitate the construction of new public infrastructure, including roads and services. A plan of subdivision is not required for the proper and orderly development of the municipality.

Subsection 53(12) of the Planning Act states:

A council or the Minister in determining whether a provisional consent is to be given shall have regard to the matters under subsection 51(24) and has the same powers as the approval authority has under subsection 51(25) with respect to the approval of a plan of subdivision and subsections 51(26) and (27) and section 51.1 apply with necessary modifications to the granting of provisional consent. 1994, c. 23, s. 32.

This rationale addresses the following criteria outlined in subsection 51(24) of the Planning Act.

In considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality and to,

(a) The effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;

The proposed consents are intended to rationalize existing land uses over a shared property line, to create a lot for an existing building and to create easements over the shared driveway and existing private services.

The proposed consents have regard for the following matters of provincial interest as listed in Section 2 of the *Planning Act*:

- *the protection of the agricultural resources of the Province;*
- *the orderly development of safe and healthy communities; and*
- *the protection of ecological systems, including natural areas, features and functions;*

The *Provincial Policy Statement 2020 (PPS)* provides policy direction on matters of provincial interest related to land use planning and development.

- Locally appropriate residential development on rural lands is permitted per *Policy 1.1.5.2(c) and (d)*. This letter will address the policies in the *City of Ottawa Official Plan* to determine if the proposed severance is locally appropriate.
- This application seeks to rationalize existing uses over a shared property line and to sever a farm surplus dwelling, while protecting prime agricultural land for long-term use in accordance with *Policy 2.3.1*.
- Lot creation in proximity to livestock facilities shall comply with Minimum Distance Separation formular, per *Policy 2.3.3.3*. This application severs the existing farm surplus dwelling from the Subject Site, which has existed in this location since at least the 1970s. The nearest livestock facility to the Subject Site is located at 1458 Devine Road, approximately 740 m from the residential dwelling. Section 4 of the *OMAFRA Minimum Distance Separation Document*

(Publication 853) outlines scenarios for when an MDS I Setback is required. *Subsection 9(1)* states that an MDS I setback is not required for the consent application *where the existing dwelling to be severed and the nearby livestock facility or anaerobic digester are located on separate lots prior to the consent*. Due to the continuation of existing uses, no minimum distance separation calculation is required.

- Per *Policy 2.3.4.1*, lot creation in prime agricultural areas for a residence surplus to a farming operation may be permitted where the new lot will be the minimum size to accommodate the use and private services, and where future residential development is prohibited on the agricultural lands. The new residential lot is proposed to be approximately 2.2 ha, which accommodates the existing shared driveway, private hydro lines, a vegetated berm for separation from Highway 417 and sufficient area to accommodate a hobby farm or animal sanctuary type use. As a condition of these consent applications, it is anticipated that the agricultural portions of the Subject Site will be rezoned to prohibit future residential development.
- *Policy 2.3.4.2* states that “*lot line adjustments in prime agricultural areas may be permitted for legal or technical reasons*”. The purpose of the lot line adjustment in this application is to ensure frontage on McVagh Road for the farm surplus dwelling at 6105 McVagh Road and to realign the shared lot line with the edge of the northeast agricultural field.

The proposed severance is consistent with the *Provincial Policy Statement*.

(b) Whether the proposed subdivision is premature or in the public interest;

The proposed severed and retained lots provide sufficient land area to meet the minimum area requirements of the City of Ottawa *Official Plan* and *Zoning By-law (2008-250)*. The proposed consent creates a new lot for a farm surplus dwelling in an area characterized by severed residential lots thereby representing a compatible and efficient use of land that avoids development on Prime Agricultural lands in the rural area.

Based on the foregoing, the proposed severance is not premature and is in the public interest.

(c) Whether the plan conforms to the official plan and adjacent plans of subdivision, if any;

The City of Ottawa's *Official Plan* was approved by the Minister of Municipal Affairs and Housing on November 4, 2022. The Subject Site is designated *Agricultural Resource Area* within the *Rural Transect* on *Schedule B9*.

Section 9.1 of the new *Official Plan* details the policies related to the *Agricultural Resource Area* designation. Per *Policy 9.1.3(1a)*, residential uses are permitted in the form of a detached dwelling on a lot fronting an existing public road.

Policy 9.1.3 of the new *Official Plan* details policies for lot creation, specifically:

- 2) *Lot line adjustments are permitted on lands designated as Agricultural Resource Area for legal or technical reasons only.*
- 3) *Lot creation is prohibited unless all of the following are met:*
 - a. *The new lot contains an existing habitable dwelling made surplus through farm consolidation;*
 - b. *As a condition of severance, the retained lands are zoned to prohibit residential uses;*
 - c. *The severed lot is of a size that minimizes the loss of agricultural land;*
 - d. *The new lot can be adequately serviced;*

- e. *Where the new lot may only contain buildings or structures including a dwelling unit that are accessory or secondary to the principal residential use; and*
 - f. *Where only one lot may be created.*
- **The consent for lot line adjustment is permitted on the Subject Site for legal or technical reasons, including the creation of an easement for existing shared access and services, and a minor boundary adjustment. The new lot will contain an existing occupied residential dwelling that is surplus to an existing agricultural operation.**
 - **The rezoning of the agricultural parcel to prohibit future residential development is anticipated as a condition of severance.**
 - **The severed lot has been designed to minimize the loss of agricultural land, while maintaining the existing areas for private hydro services, the shared driveway and residential yards.**
 - **The severed lot has existing private services.**
 - **The new lot will contain two accessory structures used for personal storage. No additional dwelling units are located in either the principal or secondary buildings.**
 - **Only one lot will be created from the Subject Site.**

Policy 9.1.3(4) states that “applications for Consent to Sever a farm surplus dwelling shall only be considered after the purchase of lands to be consolidated by the farm operator or where a legally binding agreement of purchase and sale is demonstrated”. The agricultural lands on the Subject Site are owned by a farm operator who has another farm and alternative accommodation within approximately 3 km of the Subject Site and has historically operated other farms locally.

The proposed severance conforms to the policies of the new Official Plan.

(d) *The suitability of the land for the purposes for which it is to be subdivided;*

The proposed consents seek to rationalize the existing separate uses of the residential dwelling and agricultural lands. The Subject Site is zoned *Agricultural, Subzone 2 – AG2* in the *City of Ottawa Zoning By-law 2008-250*. The *Agricultural* zone permits one detached dwelling per lot and, pursuant to *Section 211(5)*, allows for an agricultural use accessory to a detached dwelling on lots larger than 0.8 ha.

As noted previously, it is anticipated that as a condition of severance, the retained parcel will be rezoned to prohibit residential uses. The reduced lot width for the proposed severed lot will be addressed through the same Zoning By-law Amendment. The severed parcel will contain an existing building, accessory structures, and private water and sanitary services while maintaining an appropriate size to minimize the loss of agricultural lands. The proposed lot is therefore suitable for the proposed severance.

The proposed severance will satisfy the applicable Zoning By-law provisions and is suitable for the purpose for which it is to be subdivided.

(d.1) *if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;*

Not applicable. No affordable housing units are proposed.

(e) *the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;*

McVagh Road is identified as a Local road on Schedule C9 – Rural Road Network in the Official Plan. Schedule C16 identifies that Rural Local Roads shall be designed to have a Right-of-Way of 20 m. As the draft Reference Plan indicates the existing Right-of-Way is 20.12 m, no further road widening is required.

(f) *The dimensions and shapes of the proposed lots.*

The proposed consents will result in a lot that complies with the general intent and purpose of the *Agricultural* zone provisions for new lots created for farm surplus dwellings. As shown in Consent Sketch 2, the dimension and shape of the proposed lot is suitable. The reduced lot width for the proposed severed lot will be addressed when the retained lands are rezoned to prohibit residential uses.

(g) *The restrictions or proposed restrictions, if any, on the land proposed to be subdivided and or the buildings and structure proposed to be erected on it and the restrictions if any, on the adjoining land;*

The rezoning of the retained parcel to prohibit residential uses is anticipated as a condition of severance.

The draft reference plan submitted with this application demonstrates the proposed easements on the proposed severed lot. Easements shown as Parts 3 and 4 will be required for the severed lot to facilitate access along the driveway shared with 6105 McVagh Road. Parts 4 and 5 will accommodate easements for existing private hydro services above and below ground along the shared driveway.

The proposed consents avoid the creation of an additional driveway or the unnecessary expansion of the shared driveway between the Subject Site and 6105 McVagh Road. As a result, the proposed consents facilitate the use of existing infrastructure and thereby represent an efficient use of land.

(h) *Conservation of natural resources and flood control;*

Not applicable. The proposed lot is not within or adjacent to natural resource areas or watercourses.

(i) *The adequacy of utilities and municipal services;*

No new demand for utilities or municipal services results from the proposed severance application. The existing dwelling is serviced by private septic, well and hydro services. The adequacy of the existing private septic systems is addressed in the Sanitary Services Letter prepared by Novatech dated May 23, 2024 accompanying this resubmission.

(j) The adequacy of school sites;

No new demand for school sites results from the proposed consent applications.

(k) The area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;

Not applicable. No land is to be dedicated or conveyed for public purposes. It is anticipated that cash-in-lieu of parkland will be a condition of approval.

(l) The extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and

The severed and retained lots are designed to accommodate the existing solar panel on the retained lands. The solar panel provides a renewable energy source for the local Hydro One service area.

(m) The interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41(2) of this Act or subsection 114(2) of the City of Toronto Act, 2006. 1994, c. 23, s. 30; 2001, c. 32, s. 31(2); 2006, c. 23, s. 22 (3, 4); 2016, c. 25, Sched. 4, s. 8(2).

Not applicable. No new development is proposed.

Conclusion

The proposed lot line adjustment is for legal and technical reasons and supports the efficient use of existing shared infrastructure and the conservation of Prime Agricultural lands. The proposed consents will create a new lot for a farm surplus dwelling in an area characterized by this type of lot creation. The proposed consents thereby represent a compatible and efficient use of land that avoids development on Prime Agricultural lands in the rural area. Based on the foregoing, the proposed consents represent good land use planning.

In support of the combined applications for lot line adjustment, severance, and easement, please find enclosed the following documents:

- One copy of this Cover Letter;
- Complete Consent Application Form 1 (Lot Line Adjustment);
- Revised Page 3 of the Consent Application Form 1 dated May 17, 2024;
- Complete Consent Application Form 2 (6079 Severance and Easement);
- Revised Pages 3 to 5 of the Consent Application Form 2 dated May 17, 2024;
- Consent Sketch 1 – Lot Line Adjustment Rev 2 prepared by Novatech dated May 14, 2024 (one full size and one 8½x11 copy);
- Consent Sketch 2 – Consent and Easement Rev 2 prepared by Novatech dated May 14, 2024 (one full size and one 8½x11 copy);
- Correspondence from Dueck Law dated October 12, 2023, supporting the request for Certificate for the Retained Lands;
- Draft Reference Plan prepared by J.D. Barnes dated May 3, 2024;
- Parcel Abstract; and
- Sanitary Services Letter prepared by Novatech dated May 23, 2024; and

- Cheque for Municipal Application fees;

Should you have any questions regarding this application, please contact the undersigned.

Sincerely,

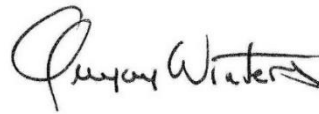
NOVATECH

Prepared by:

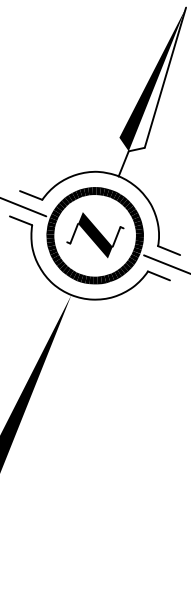


Miranda Virginillo, B.A., M.Pl.
Planner, Planning & Development

Reviewed By:



Greg Winters, MCIP, RPP
Director, Planning & Development



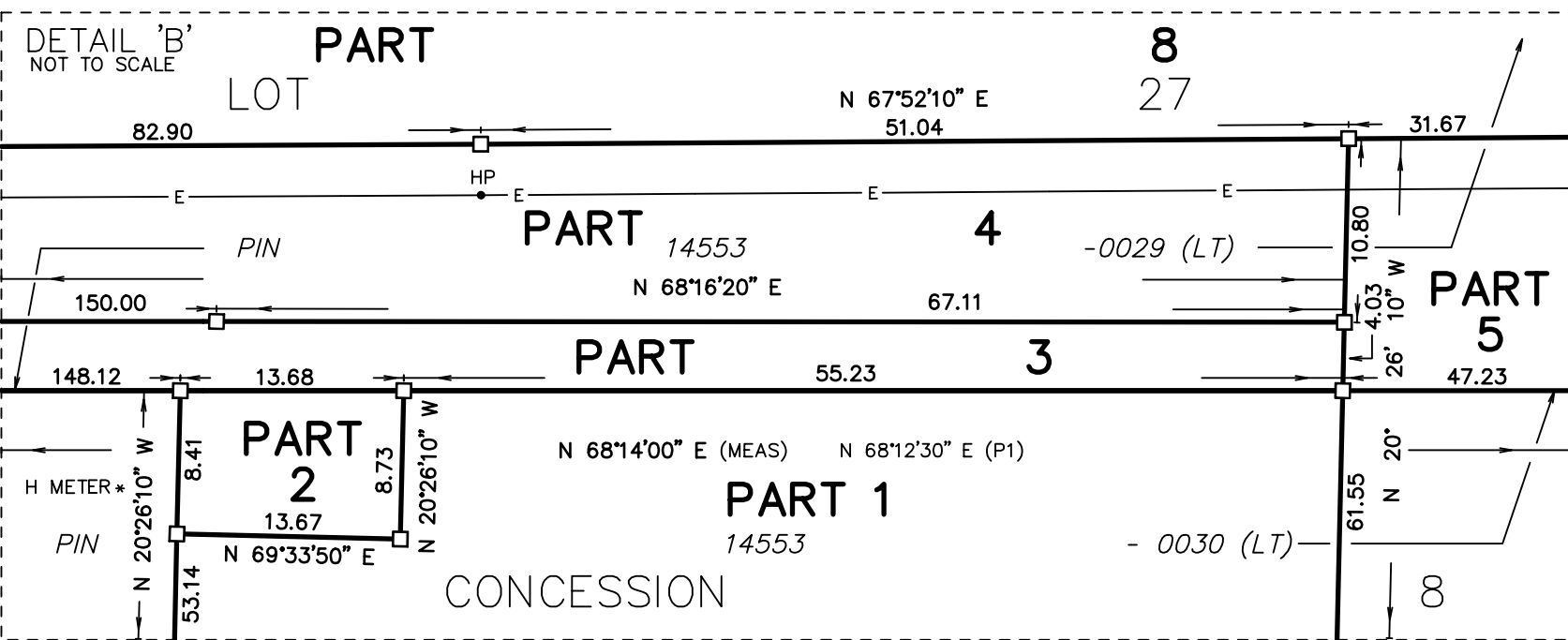
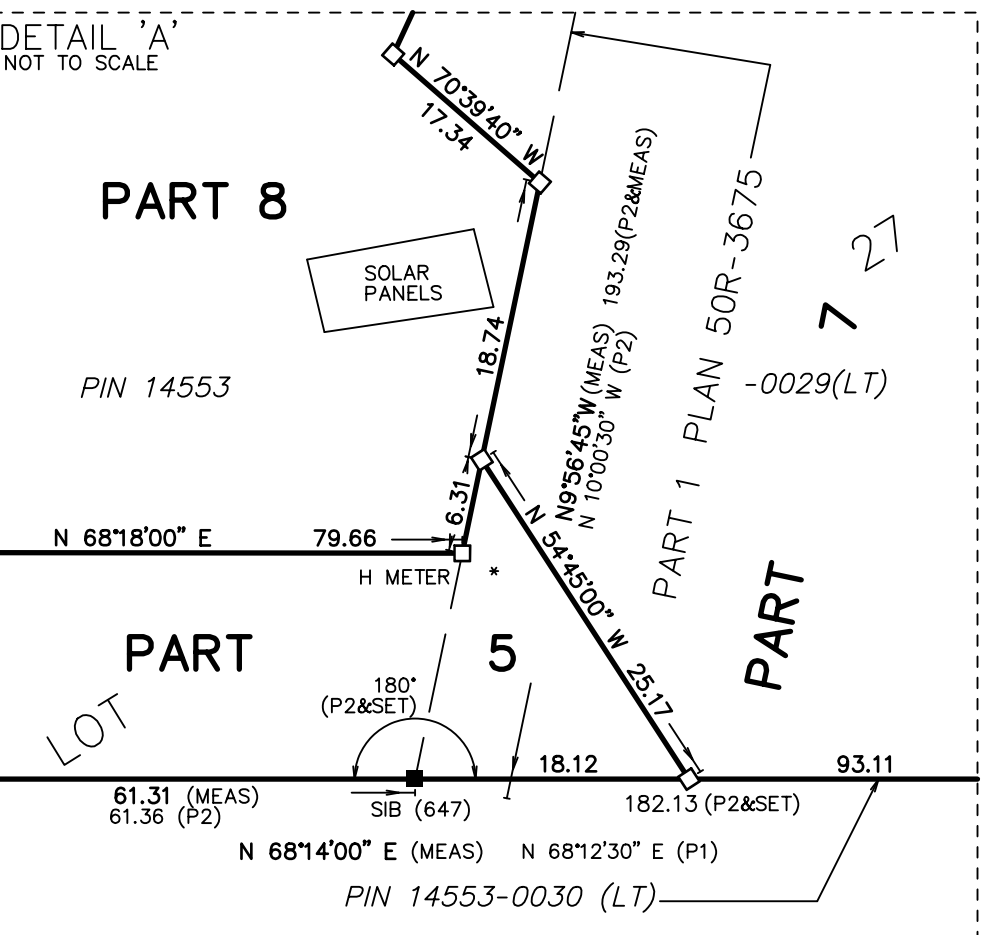
Committee of Adjustment
Received | Reçu le

2024-06-03

City of Ottawa | Ville d'Ottawa
Comité de dérogation

FOR REVIEW ONLY

SCHEDULE				
PART	LOT	CON	PIN	AREA(sq. m.)
1			PART OF 14553-0030(LT)	4122.7
2				117.2
3				1880.9
4	PART OF	CONCESSION 8 (CUMBERLAND)	ALL OF 14553-0029(LT)	5333.8
5	LOT 27			1836.7
6				15608.7
7	PART OF			16618.9
8	LOTS 26 AND 27			219172.7



PLAN OF SURVEY OF
PART OF LOTS 26 AND 27
CONCESSION 8
GEOGRAPHIC TOWNSHIP OF CUMBERLAND
CITY OF OTTAWA

SCALE 1 : 1250
25 0 25 50 75 metres

J.D. BARNES LIMITED
THE INTENDED PLOT SIZE OF THIS PLAN IS 1250mm IN WIDTH BY 609mm IN HEIGHT WHEN PLOTTED AT A SCALE OF 1:1250

METRIC DISTANCES AND/OR COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

NOTES

BEARINGS ARE MTM GRID, AND REFERRED TO THE EASTERLY LIMIT OF PART 2 PLAN 50R-124, HAVING A BEARING OF N 7300'00" W, AS SHOWN HEREON. DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE OF 0.999996.

FOR BEARING COMPARISONS, A ROTATION OF 0°42'30" COUNTER-CLOCKWISE WAS APPLIED TO BEARINGS ON P. P1 AND P2.

INTEGRATION DATA			
OBSERVED REFERENCE POINTS (ORP _s): MTM ZONE 09, NAD83 (ORIGINAL)			
COORDINATES TO URBAN ACCURACY PER SECTION 14 (2) OF O.R.E.G. 216/10.			
POINT ID	EASTING	NORTHING	
ORP (A)	392 852.96	5 022 716.92	
ORP (B)	392 588.01	5 022 791.51	
COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.			
THE RESULTANT TIE BETWEEN ORP (A) AND ORP (B) IS 275.24 N 74°16'40" W (GROUND)			

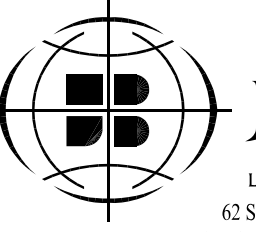
LEGEND		
■	DENOTES	SURVEY MONUMENT FOUND
□	DENOTES	SURVEY MONUMENT SET
—	DENOTES	STANDARD IRON BAR
P	DENOTES	PLAN RD45
P1	DENOTES	PLAN RD29
P2	DENOTES	PLAN 50R-3675
647	DENOTES	H.R. FARLEY, O.L.S.
MTD	DENOTES	MINISTRY OF TRANSPORTATION AND COMMUNICATIONS
BF	DENOTES	BOARD FENCE
PWF	DENOTES	POST & WIRE FENCE
ANC	DENOTES	ANCHOR
HP	DENOTES	HYDRO POLE
•	DENOTES	HYDRO METER
—	DENOTES	FENCE POST
—	DENOTES	UNDERGROUND GAS LINE
—	DENOTES	UNDERGROUND HYDRO LINE
—	DENOTES	UNDERGROUND TELEPHONE LINE
—	DENOTES	PROPERTY LINE

N=North / S=South / E=East / W=West

SURVEYOR'S CERTIFICATE
I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON X X 2023.

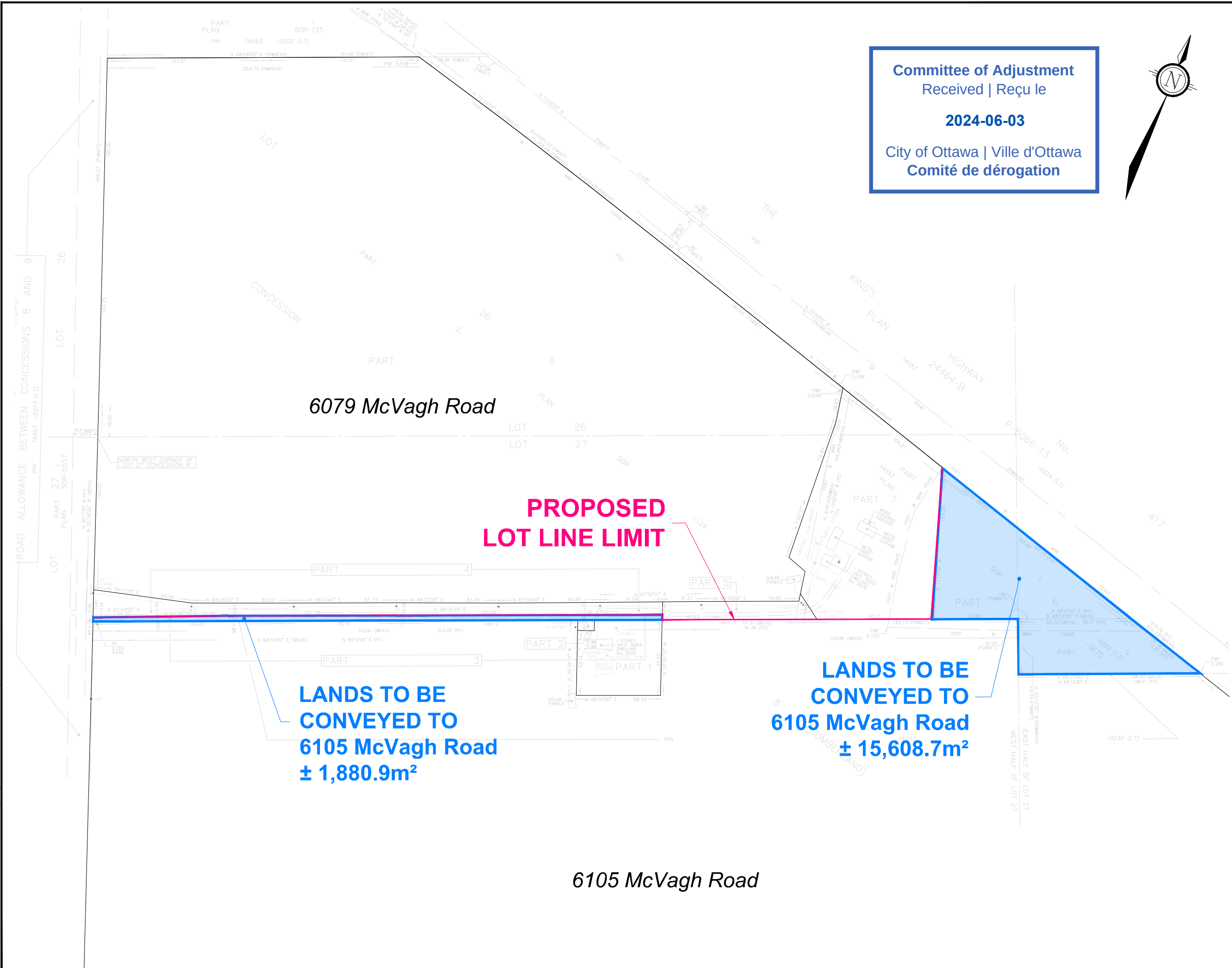
PRELIMINARY DATE _____ PRELIMINARY _____
DATE _____ DATE _____
G. J. LANGLOIS
ONTARIO LAND SURVEYOR

THIS PLAN OF SURVEY RELATES TO AOLS SUBMISSION FORM NUMBER XXXXXX

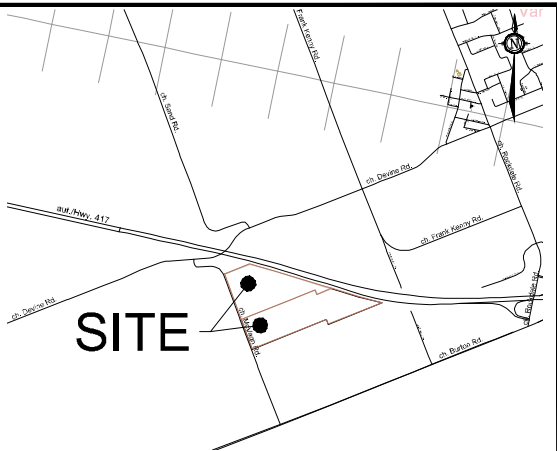
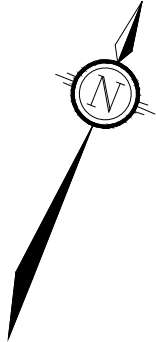
**J.D. BARNES** LIMITED
SURVEYING
MAPPING
GIS
LAND INFORMATION SPECIALISTS
62 STEACIE DRIVE, SUITE 103, KANATA, ON K2K 2A9
T: (613) 731-7244 F: (613) 254-8639 www.jdbarnes.com

DRAWN BY: CE/RP	CHECKED BY: JL	REFERENCE NO.: 22-10-134-00
PLOTTED: 5/08/24	DATE: 05/03/2024	

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Committee of Adjustment
Received | Reçu le
2024-06-03
City of Ottawa | Ville d'Ottawa
Comité de dérogation



KEY PLAN
N.T.S.

CONSENT APPLICATION #1 LOT LINE ADJUSTMENT 6079 & 6105 McVAGH ROAD

PART OF LOTS 26 & 27
CONCESSION 8
CITY OF OTTAWA

1 : 3000

2.	ISSUED FOR SUBMISSION	MAY 14/24
1.	ISSUED FOR DISCUSSION	OCT 05/23
No.	REVISION	DATE

NOVATECH Engineers, Planners & Landscape Architects Suite 200, 240 Michael Cowpland Drive Ottawa, Ontario, Canada K2M 1P5 Telephone (613) 254-9643 Facsimile (613) 254-5867 Website www.novatech-eng.com	ISSUED MAY, 2024	
	PROJECT No. 122155	
	DRAWING No. 122155-SEV	



6079 McVAGH ROAD

1 : 3000 

NOVATECH
Engineers, Planners & Landscape Architects
Suite 200, 240 Michael Cowpland Drive
Ottawa, Ontario, Canada K2M 1P6

Telephone (613) 254-9643
Facsimile (613) 254-5867
Website www.novatech-eng.com

DRAWING No.

122155-SEV2



**CONSENT APPLICATION
COMMENTS TO THE COMMITTEE OF ADJUSTMENT
PANEL 3**

PLANNING, DEVELOPMENT AND BUILDING SERVICES DEPARTMENT

Site Address: 6079 McVagh Road & 6105 McVagh Road
Legal Description: Part of Lot 26 and 27, Concession 8, Geographic Township of Cumberland
File No.: D08-01-23/B-00279 - B-00280 & D08-01-23/B-00276
Report Date: July 9, 2024 - revised July 12, 2024.
Hearing Date: July 16, 2024
Planner: Stephan Kukkonen
Official Plan Designation: Rural Transect, Agricultural Resource Area
Zoning: AG2

DEPARTMENT COMMENTS

The Planning, Development and Building Services Department **has no concerns with** the applications as submitted.

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 consents.

Applications D08-01-23/B-00279 – B-00280 proposes to convey a portion of land to the neighbouring property known as 6105 McVagh Road, then to subdivide the remaining land to create one new lot for a surplus farmhouse dwelling.

This application was previously heard during the December 12, 2023, Committee of Adjustment hearing. Staff requested adjournment due to the proposed size of the surplus farmhouse dwelling lot as a part of application D08-01-23/B-00279 – B-00280, 6079 McVagh Road. The original proposal included a surplus farmhouse dwelling parcel that was approximately 3.37 hectares, whereas the proposed parcel is now, 2.37 ha. The remainder will be conveyed to the adjacent agricultural parcel, 6105 McVagh road. Staff are now satisfied that the viable agricultural land will be retained as a result of the proposed applications for future agricultural use.

These subject lands are designated as Agricultural Resource Area under the Official Plan and are to be protected for long-term use for agricultural production by limiting development that compromises the productivity of these lands. Agricultural lands are afforded this protection through the requirements of Section 2.3 in the *Provincial Policy Statement*. As a result, there are limited development opportunities for lot creation within agricultural lands. Although Section 2.3.4.1 of the *Provincial Policy Statement* does permit lot creation for surplus farmhouse dwellings, the following criteria must be met:

1. The new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and
2. The planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance. The approach used to ensure that no new residential dwellings are permitted on the remnant parcel may be recommended by the Province, or based on municipal approaches which achieve the same objective.

The protections for agricultural lands described in the *Provincial Policy Statement* are further reinforced in the City's *Official Plan* under Section 9.1.3. Specifically, Section 9.1.3 3) provides the necessary criteria to promote acceptable lot creation within these lands. Lot creation must meet all of the following criteria as follows:

- a) The new lot contains an existing habitable dwelling made surplus through farm consolidation;
- b) As a condition of severance, the retained lands are zoned to prohibit residential uses;
- c) The severed lot is of a size that minimizes the loss of agricultural land;
- d) The new lot can be adequately serviced;
- e) Where the new lot may only contain buildings or structures including a dwelling unit that are accessory or secondary to the principal residential use; and
- f) Where only one lot may be created.

Staff believe, subject to the requested conditions below, that the proposed applications (D08-01-23/B-00279 - B-00280 & D08-01-23/B-00276) meet the above criteria outlined in the *Provincial Policy Statement* and the City's *Official Plan*.

It should be noted that the lot line adjustment portion of the applications shall be completed and finalized first to avoid any situation where a landlocked parcel is created as a result of severance.

ADDITIONAL COMMENTS

The Right-of-Way Management Department

No concerns with the proposed consent/minor variance application. However, the Owner shall be made aware that a private approach permit is required to construct any newly created driveway/approach.

CONDITIONS

If approved, the Planning, Development and Building Services Department requests that the Committee of Adjustment impose the following conditions on the applications:

D08-01-23/B-00279 – B-00280 – 6079 McVagh Road

1. That the Owner file with the Secretary-Treasurer of the Committee of Adjustment the following:

- a. A copy of the Reference Plan and/or legal description of the severed land and the deed or Instrument conveying the severed land to the owner of the abutting property to the south, known municipally as 6105 McVagh Road, so that no new lot is being created, in accordance with paragraph (b) below;
- b. A Certificate of Official attached to the deed/transfer required by paragraph (a) above containing the following endorsement:

“The lands to be severed are for the purpose of a lot addition only to the abutting lands owned by (insert name) described as PIN (insert property identification number) being Part(s) (insert numbers) on Plan (insert plan number), not for the creation of a new lot, and any subsequent transfer, charge or other transaction involving the lands to be severed shall be subject to compliance with Section 50(3) or Section 50(5) of the Planning Act, as applicable. Neither the lands to be severed nor the abutting lands are to be transferred, charged or otherwise re-conveyed in the future without the other parcel unless a further consent is obtained. The Owner shall cause the lands to be severed to be consolidated on title with the abutting lands and for this condition to be entered on the parcel register for the consolidated parcel as a restriction”;

- c. An Undertaking from a solicitor authorized to practice law in the Province of Ontario, and in good standing with the Law Society of Upper Canada, as follows:

“In consideration of, and notwithstanding the issuance of the Certificate under Section 50(12) of the Planning Act in respect to the subject Application for Consent, I undertake on behalf of the Owner, within 30 days of the registration on title of the transfer document containing the

endorsement set out in the Certificate of Official issued by the Committee of Adjustment, to file an Application to Consolidate Parcels including the severed land (Part of PIN (insert number) and the abutting land (PIN insert number). This PIN consolidation is intended to reinforce the Planning Act stipulation in the condition outlined above that both parcels have merged on Title and cannot be conveyed separately in the future. I further undertake to forward a copy of the registered Application to Consolidate Parcels and a copy of the Consolidated Parcel abstract page(s) to the Committee office within 21 days of the registration of the Application to Consolidate Parcels”.

- d. Where the parcel consolidation stipulated in paragraph (b) and the solicitor’s Undertaking in paragraph (c) above cannot be reasonably completed because the parcels of land to be merged have different estate qualifiers, an Application to Annex Restrictive Covenant under Section 118 of the Land Titles Act must be registered on the Title of both the severed lands and on the abutting parcel that is to be merged. The Covenant, which is to be to the satisfaction of the Secretary-Treasurer of the Committee, shall advise all future purchasers that the parcels must be dealt with together and not separately, and contain wording set out below or similar wording acceptable to the Secretary-Treasurer of the Committee:

“These lands have been merged and may not be dealt with separately, without applying for a Consent of the Committee of Adjustment”.

In lieu of the Undertaking provided in paragraph (c), a replacement Undertaking by the solicitor must be filed undertaking on behalf of the Owner to register the Restrictive Covenant on both property Titles within 30 days of the registration of the transfer document containing the endorsement of the Certificate of Official issued by the Committee of Adjustment for this application and to file a copy of the registered Restrictive Covenant with the Committee within 21 days of the registration of the document.

2. That the Owner(s) satisfy the **Chief Building Official, or designate**, by providing design drawings or other documentation prepared by a qualified designer, that as a result of the proposed severance the existing buildings on ‘severance and easement plan’ shall comply with the Ontario Building Code, O. Reg. 332/12 as amended, in regards to the limiting distance along the proposed property lines. If necessary, a building permit shall be obtained from Building Code Services for any required alterations.
3. That the Owner(s) provide evidence to the satisfaction of both the Chief Building Official and the Manager of the Development Review All Wards Branch, or their

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 with 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.

D08-01-23/B-00276 (6105 McVagh Road)

4. That the Owner(s) provide evidence to the satisfaction of both the Chief Building Official and the Manager of the Development Reviews All Wards Branch, or their 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 with 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.
5. That the Owner(s) satisfy the **Chief Building Official, or designate**, by providing design drawings or other documentation prepared by a qualified designer, that as a result of the proposed severance the existing buildings on 'severance and easement plan' shall comply with the Ontario Building Code, O. Reg. 332/12 as amended, in regards to the limiting distance along the proposed property lines. If necessary, a building permit shall be obtained from Building Code Services for any required alterations.

D08-01-23/B-00279 – B-00280 (6079 McVagh Road) & D08-01-23/B-00276 (6105 McVagh Road)

6. That the Owner enter into an Agreement with the City, at the expense of the Owner(s) and to the satisfaction of the Manager of the Development Review All Wards Branch, or their designate, which provides the following covenant/notice that runs with the land and binds future Owner(s) on subsequent transfers:

"The City of Ottawa does not guarantee the quality or quantity of the groundwater. If, at some future date, the quality or the quantity of the groundwater becomes deficient, the City of Ottawa bears no responsibility, financial or otherwise, to provide solutions to the deficiency, such solutions being the sole responsibility of the homeowner."

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

7. That the Owner(s) obtain a Zoning By-law Amendment, satisfactory to the General Manager of the Planning, Development and Building Services Department, or their designate, to be confirmed in writing from the Department to the Committee, that re-zones the retained lands to prohibit residential development, with all levels of appeal exhausted.
8. That the Owner(s) provide a copy of a legally binding agreement of purchase and sale or a letter indicating the current owner is a licensed farmer, satisfactory to the Manager of the Development Review All Wards Branch, or their designate, to be confirmed in writing from the Department to the Committee, that demonstrates that the newly created lot is being sold.
9. That the Owner acknowledges and agrees to convey to the City, at no cost to the City, an unencumbered road widening across the complete frontage of the lands, measuring 13 meters from the existing centerline of pavement/the abutting right-of-way along McVagh Road, pursuant to Section 50.1(25)(c) of the Planning Act and Schedule C16 of the City's new Official Plan, if required. The exact widening must be determined by legal survey. The Owner shall provide a reference plan for registration, indicating the widening, 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 widening. The Committee requires written confirmation from City Legal Services that the transfer of the widening to the City has been registered. All costs shall be borne by the Owner.
10. 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.

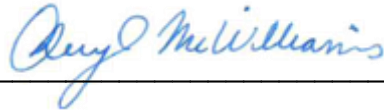
Joint Use, Maintenance and Operating Agreement shall set forth the joint use and maintenance of all common elements including, but not limited to, the common party walls, common structural elements such as roof, footings, soffits, foundations, common areas, common driveways and common landscaping.

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, and 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, and 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.



Stephan Kukkonen
Planner I, Development Review, Rural
Planning, Development and Building
Services



Cheryl McWilliams
Planner III, Development Review, Rural
Planning, Development and Building
Services

NOTICE OF HEARING

Pursuant to the Ontario *Planning Act*

Consent Application

**Panel 3
Tuesday, July 16, 2024
9 a.m.**

**Ben Franklin Place, Main Floor Chamber, 101 Centrepointe Drive
and by videoconference**

Owners of neighbouring properties within 60 metres of the property address below are receiving this notice in case they want to comment on the application(s) and/or participate at the hearing.

The hearing can also be viewed on the Committee of Adjustment [YouTube](#) page.

Simultaneous interpretation in both official languages, accessible formats and communication supports are available for any specific agenda item by contacting the Committee of Adjustment at least 72 hours before the hearing.

File No.:	D08-01-23/B-00276
Application:	Consent under section 53 of the <i>Planning Act</i>
Owner/Applicant:	Romay Automotive Limited
Property Address:	6105 McVagh Road
Ward:	20 – Osgoode
Legal Description:	Part of Lot 27, Concession 8, Geographic Township of Cumberland
Zoning:	AG2
Zoning By-law:	2008-250

APPLICANT'S PROPOSAL / PURPOSE OF THE APPLICATION:

The Owner is receiving a portion of land from the Owner of 6079 McVagh Road through a lot line adjustment application (D08-01-23/B-00279). The Owner then wants to subdivide their enlarged property into two separate parcels of land to create a new lot for a surplus farm dwelling.

At its hearing on December 12, 2023, the Committee adjourned the application to allow the Owner time to revise the size of severed lands and to confirm the location of the septic system and its distance from the proposed lot lines.

CONSENT IS REQUIRED FOR THE FOLLOWING:

The Owner requires the Committee's consent to sever the land and for a grant of Easement/Right-of-Way.

The land to be severed is shown as Parts 1, 2 and 3 on a draft 4R-Plan filed with the application, will have a frontage of 3.15 metres, an irregular depth, and a lot area of 6121 square metres. This parcel contains the existing dwelling and accessory structures, known municipally as 6105 McVagh Road.

The land to be retained, shown on a sketch with the application, will have a frontage of 298 metres, and irregular depth, and a lot area of 32.7 hectares. This parcel will be known municipally as 6113 McVagh Road.

Parts 2 and 3 will be subject to an easement in favour of 6079 McVagh Road for access to the shared driveway and for the existing hydro services.

The subject property is not the subject of any other current application under the *Planning Act*.

FIND OUT MORE ABOUT THE APPLICATION(S)

For more information about this matter, contact the Committee of Adjustment at the address, email address, website or QR code below.

Visit **Ottawa.ca/CommitteeofAdjustment** and follow the link to **Next hearings** to view panel agendas and application documents, including **proposal cover letters, plans, tree information, hearing notices, circulation maps, and City planning reports**. Written decisions are also published once issued and translated.

If you don't participate in the hearing, you won't receive any further notification of the proceedings.

If you want to be notified of the decision following the hearing, and of any subsequent appeal to the Ontario Land Tribunal, send a written request to the Committee.

HOW TO PARTICIPATE

Submit written or oral comments before the hearing: Email your comments to cofa@ottawa.ca at least 24 hours before the hearing to ensure they are received by the panel adjudicators. You may also call the Coordinator at 613-580-2436 to have your comments transcribed.

Register to Speak at the hearing at least 24 hours before by contacting the Committee Coordinator at 613-580-2436 or at cofa@ottawa.ca. You will receive details on how to participate by videoconference. If you want to share a visual presentation, the Coordinator can provide details on how to do so. Presentations are limited to five minutes, and any exceptions are at the discretion of the Chair.

Hearings are governed by the Committee of Adjustment's *Rules of Practice and Procedure* accessible online.

ALL SUBMITTED INFORMATION BECOMES PUBLIC

Be aware that, in accordance with the *Planning Act*, the *Municipal Act* and the *Municipal Freedom of Information and Privacy Act*, all information presented to the Committee of Adjustment is considered public information and can be shared with any interested individual. Information you choose to disclose in your correspondence and during the hearing, including your personal information, will become part of the public record, and shared with Committee Members, the Applicant(s) or their agent and any other interested individual, and potentially posted online and become searchable on the Internet.

COMMITTEE OF ADJUSTMENT

The Committee of Adjustment is the City of Ottawa's quasi-judicial tribunal created under the Ontario *Planning Act*. Each year, it holds hearings on hundreds of applications under the *Planning Act* in accordance with the Ontario *Statutory Powers Procedure Act*, including consent to sever land and minor variances from the zoning requirements.

DATED: June, 28, 2024



Ce document est également offert en français.

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AVIS D'AUDIENCE

Conformément à la *Loi sur l'aménagement du territoire* de l'Ontario

Demande d'autorisation

Groupe 3
Mardi 16 juillet 2024
9 h

Place-Ben-Franklin, salle Chamber, 101, promenade CentrepoinTE
et par vidéoconférence

Les propriétaires des biens-fonds situés dans un rayon de 60 mètres de l'adresse ci-dessous reçoivent le présent avis afin de formuler des observations sur la ou les demandes et de participer à l'audience s'ils le souhaitent.

L'audience peut aussi être visionnée sur la page [YouTube](#) du Comité de dérogation.

Les participants peuvent bénéficier de l'interprétation simultanée dans les deux langues officielles, de formats accessibles et d'aides à la communication pour toute question de l'ordre du jour en s'adressant au Comité de dérogation au moins 72 heures à l'avance.

Dossier :	D08-01-23/B-00276
Demande :	Autorisation en vertu de l'article 53 de la <i>Loi sur l'aménagement du territoire</i>
Propriétaire/requérante :	Romay Automotive Limited
Adresse municipale :	6105, chemin McVagh
Quartier :	20 – Osgoode
Description officielle :	Partie du lot 27, concession 8, canton géographique de Cumberland
Zonage :	AG2
Règlement de zonage :	n° 2008-250

PROPOSITION DE LA REQUÉRANTE ET OBJET DE LA DEMANDE :

La propriétaire recevra une partie de terrain de la propriétaire du 6079, chemin McVagh dans le cadre d'une demande de redressement de ligne de lot (D08-01-23/B-00279). La propriétaire souhaite ensuite lotir son terrain agrandi en deux parcelles distinctes en vue de créer un nouveau lot pour une habitation agricole excédentaire.

Lors de l'audience du 12 décembre 2023, le Comité a ajourné l'étude de la demande pour permettre à la propriétaire de revoir la taille des terrains visés et de confirmer l'emplacement de la fosse septique et sa distance par rapport aux lignes de lot proposées.

AUTORISATION REQUISE :

La propriétaire nécessite l'autorisation du Comité pour morceler le bien-fonds et accorder une servitude/emprise.

Le terrain qui sera morcelé est représenté par les parties 1, 2 et 3 du plan 4R préliminaire qui accompagne la demande. Il aura une façade de 3,15 mètres, une profondeur irrégulière et une superficie de 6 121 mètres carrés. Cette parcelle est occupée par l'habitation et les structures accessoires existantes qui se trouvent au 6105, chemin McVagh.

Le terrain qui sera conservé est illustré sur ledit croquis joint à la demande. Il aura une façade de 298 mètres, une profondeur irrégulière et superficie de 32,7 hectares. Cette parcelle sera située au 6113, chemin McVagh.

Les parties 2 et 3 feront l'objet d'une servitude au bénéfice du 6079, chemin McVagh pour l'accès à l'entrée de cour commune et pour les services hydroélectriques existants.

La propriété en question ne fait l'objet d'aucune autre demande en cours en vertu de la *Loi sur l'aménagement du territoire*.

POUR EN SAVOIR PLUS SUR LA DEMANDE

Pour obtenir plus de renseignements à ce sujet, communiquez avec le Comité de dérogation via l'adresse, le courriel, le site Web ou le code QR ci-dessous.

Visitez le site **Ottawa.ca/Comité de dérogation** et suivez le lien **Prochaines audiences** pour consulter l'ordre du jour du Comité et les documents relatifs aux demandes, y compris **les lettres d'accompagnement des propositions, les plans, l'information sur les arbres, les avis d'audience, les cartes de diffusion et les rapports d'urbanisme de la Ville**. Les décisions écrites sont également publiées une fois rendues et traduites.

Si vous ne participez pas à l'audience, vous ne recevrez pas d'autre avis à ce sujet.

Si vous souhaitez recevoir un avis de la décision prise à l'issue de l'audience et de tout appel ultérieur interjeté devant le Tribunal ontarien de l'aménagement du territoire, faites-en la demande par écrit au Comité.

COMMENT PARTICIPER

Présentez vos observations écrites ou orales avant l'audience : Veuillez faire parvenir vos observations par courriel à cded@ottawa.ca au moins 24 heures avant l'audience afin de vous assurer que les membres des groupes chargés du rendu des décisions les ont bien reçues. Vous pouvez également téléphoner au coordonnateur ou à la coordonnatrice au numéro 613-580-2436 pour demander que vos observations soient transcrites.

Inscrivez-vous au moins 24 heures à l'avance en communiquant avec le coordonnateur ou la coordonnatrice du Comité au numéro 613-580-2436 ou à l'adresse à cded@ottawa.ca. Vous recevrez des détails sur la façon de participer par vidéoconférence. Si vous souhaitez faire une présentation visuelle, le coordonnateur ou la coordonnatrice sera en mesure de vous fournir des détails sur la façon de procéder. Les présentations sont limitées à cinq minutes et toute exception est laissée à la discrétion du président ou de la présidente.

Les audiences sont régies par les *Règles de pratique et de procédure* du Comité de dérogation et sont accessibles en ligne.

TOUS LES RENSEIGNEMENTS PRÉSENTÉS DEVIENNENT PUBLICS

Sachez que, conformément à la *Loi sur l'aménagement du territoire*, à la *Loi sur les municipalités* et à la *Loi sur l'accès à l'information municipale et la protection de la vie privée*, les observations écrites adressées au Comité de dérogation sont considérées comme des renseignements publics et peuvent être communiquées à toute personne intéressée. Les renseignements que vous choisissez de divulguer dans votre correspondance, notamment vos renseignements personnels, seront versés au dossier public et communiqués aux membres du Comité, au(x) requérant(s) ou à l'agent, l'agente, ainsi qu'à toute autre personne intéressée et pourront éventuellement être affichés en ligne et faire l'objet d'une recherche sur Internet.

COMITÉ DE DÉROGATION

Le Comité de dérogation est le tribunal quasi judiciaire de la Ville d'Ottawa créé en vertu de la *Loi sur l'aménagement du territoire* de l'Ontario. Chaque année, il tient des audiences sur des centaines de demandes en vertu de la *Loi sur l'aménagement du territoire*, conformément à la *Loi sur l'exercice des compétences légales* de l'Ontario, y compris des demandes d'autorisation de morcellement de terrain et de dérogation mineure aux exigences en matière de zonage.

FAIT : 28 juin 2024

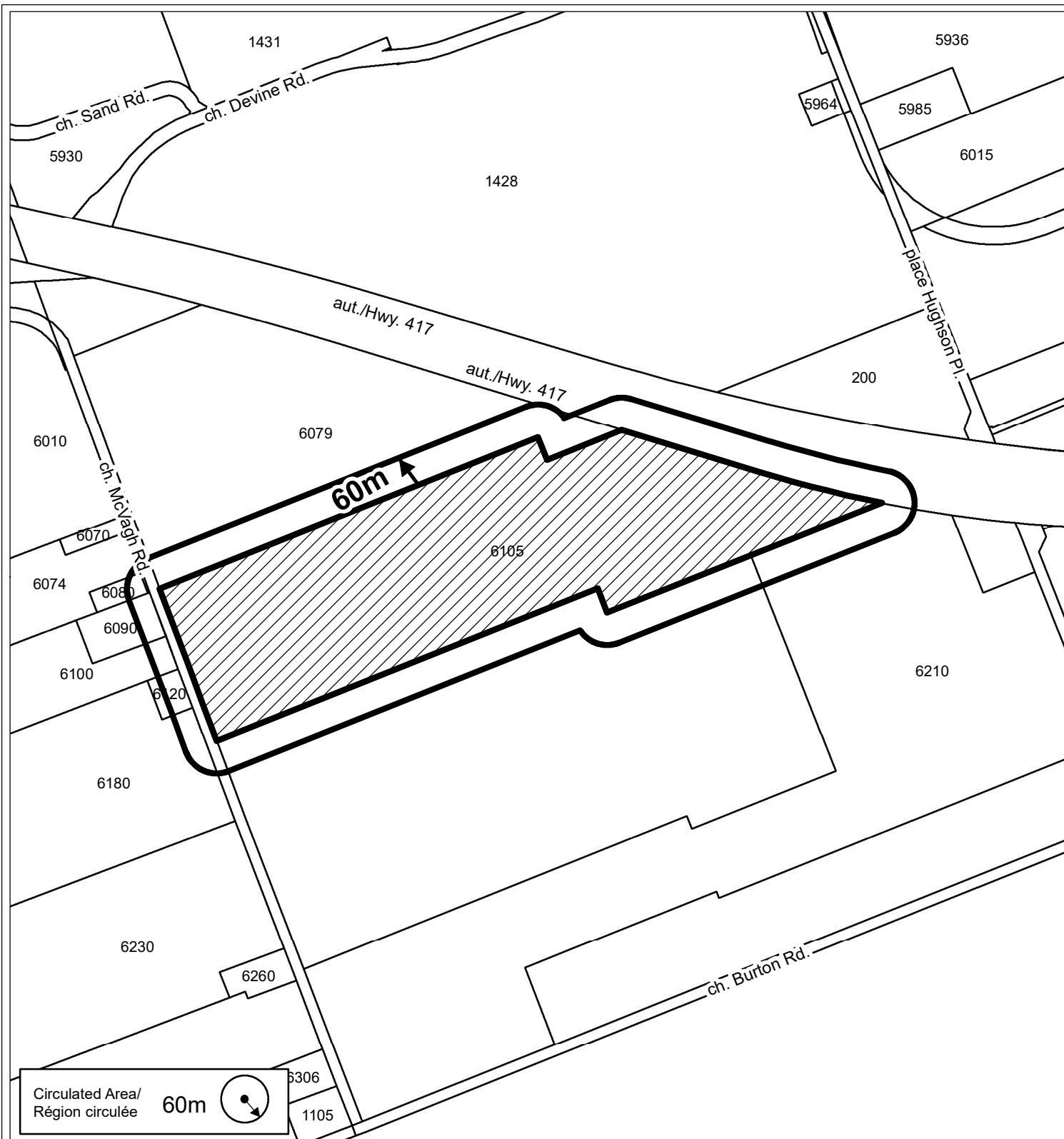


This document is also available in English.

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Committee of Adjustment
Comité de dérogation

CIRCULATION MAP / PLAN DE CIRCULATION

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SUBJECT LAND / TERRAIN EN QUESTION

6105 ch. McVagh Road



NOT TO SCALE
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Ce document est présenté dans la langue dans laquelle il a été fourni.

October 13, 2023
Revised May 27 2024

City of Ottawa
Committee of Adjustment
101 CentrepoinTE Drive
Ottawa, ON K2G 5K7

Committee of Adjustment
Received | Reçu le

2024-06-03

City of Ottawa | Ville d'Ottawa
Comité de dérogation

Attention: Michel Bellemare, Secretary-Treasurer

Reference: 6105 McVagh Road, Vars, Ontario
Applications for Consent for Lot Line Adjustment, Severance and Easement
Our File No.: 122155
CofA File No.: D08-01-23/B-00279 – 00280 & D08-01-23/B-00276

Novatech has been retained by the owner of 6105 McVagh Road (the 'Subject Site' hereafter) to prepare and file Consent applications for Severance and Easement applications. The Subject Site contains agricultural lands and a farm dwelling which are used by separate parties.

The owner of the Subject Site owns the neighbouring property at 6079 McVagh Road which also contains agricultural lands and a farm surplus dwelling. These applications for Consent are submitted concurrently with the applications for Consent for Lot Line Adjustment, Severance and Easement for the neighbouring property, 6079 McVagh Road.

The owner wishes to sever the farm surplus dwellings and to rationalize the existing farm operations on both properties and therefore requires the following:

- Consent for lot line adjustment between the Subject Site and 6079 McVagh Road;
- Consent to sever the farm surplus dwelling on the Subject Site;
- Consent to create an easement over the shared driveway between the Subject Site and 6079 McVagh Road; and
- Consent to create easements for private hydro services.

The following letter describes the existing conditions of the Subject Site, the proposed applications, and the rationale in support of the applications.

Application History

Applications were filed in October 2023 for the same purposes outlined above and were adjourned from the December 12, 2023 hearing to allow for further discussion with the City regarding the size and shape of the proposed severed lot for 6079 McVagh Road and for further discussion with the Ottawa Septic System Office related to minimum clearance requirements for the existing septic systems for both proposed severed lots.

Discussions were held with City Planning Staff in December 2023 and February 2024 to discuss the size and shape of the proposed lot. The meetings resulted in the changes outlined in this letter and submitted to the Committee of Adjustment.

A septic systems letter prepared by Novatech dated May 23 2024 has been submitted to the OSSO to provide additional information related to the clearances to the existing septic systems.

Existing Conditions

The Subject Site is located within Ward 19 – Cumberland of the City of Ottawa approximately 2 km southwest of the village of Vars and immediately south of Highway 417, as shown in Figure 1. The Subject Site has approximately 301 m of frontage along McVagh Road and an area of 32.7 ha.

6079 McVagh Road is legally described as:

PT LT PT LT 27 CON 8 CUMBERLAND PT 1, 50R122; CUMBERLAND



Figure 1: Subject Site with markup by Novatech (GeoOttawa, 2017)

A review of aerial photography through GeoOttawa shows that the dwelling, structures and farm have been in operation since 1976, if not earlier. The Subject Site is currently used by separate parties for crop-related agricultural operations and a single-detached residential dwelling.

Surrounding uses include:

- to the north: additional lands owned by the applicant at 6079 McVagh Road, Devine Road, Highway 417 and existing agricultural lands and severed residential lots;
- to the east: Highway 417 and existing agricultural lands and severed residential lots;

- to the south: existing agricultural lands and severed residential lots; and
- to the west: McVagh Road and existing agricultural lands and severed residential lots.

Proposed Consents

The proposed lot line adjustment is shown on *Consent Sketch 1* submitted with this application and shown as Figure 2 below. Parts 3 and 6 on the draft Reference Plan will convey an area of approximately 17,489.6 m² (1.7 ha) from 6079 McVagh Road to the Subject Site. Part 3 will ensure that the future severed surplus farm dwelling on the Subject Site has sufficient frontage on a public road and access over the shared driveway, while Part 6 includes the portion of the farmland on the 6079 McVagh that is currently farmed by the Subject Site.



Figure 2: Excerpt of *Consent Sketch 1 - Lot Line Adjustment*, markup prepared by Novatech showing Parts 3 and 6 on the draft Reference Plan.

As shown on *Consent Sketch 2* in Figure 3 below, the proposed severed and retained lots are indicated as *Lands to be Severed* and *Lands to be Retained*, with the *Proposed Easements*. On the draft Reference Plan, Parts 1, 2, and 3 will be severed.

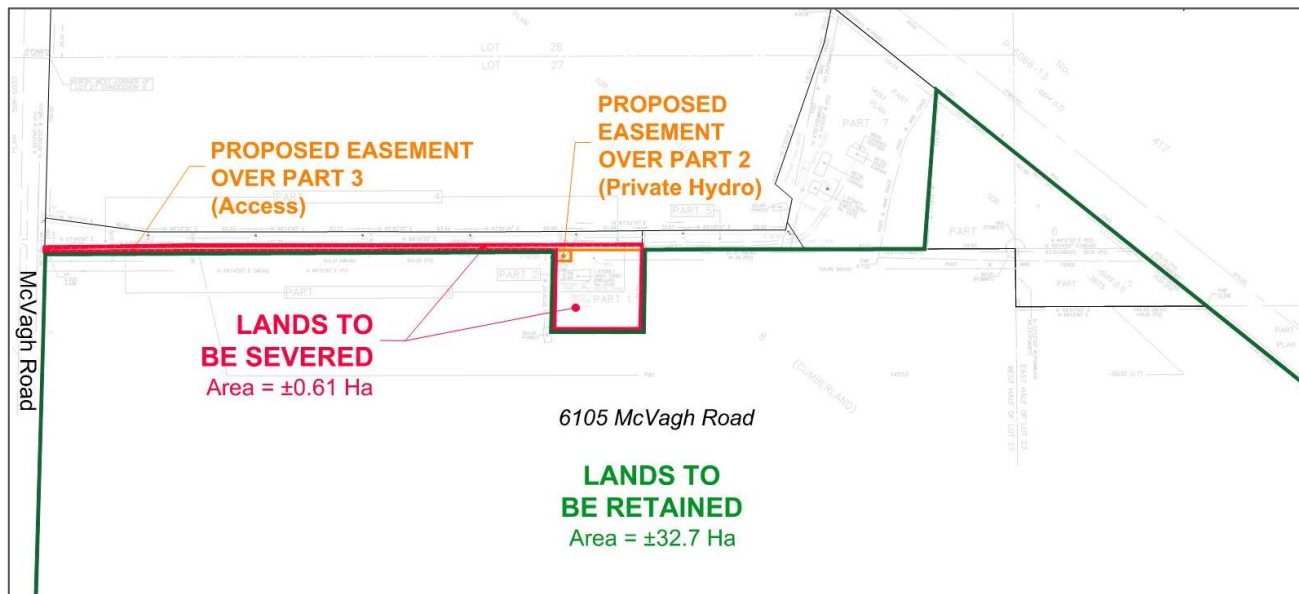


Figure 3: Excerpt of Consent Sketch 3 - Severance and Easement, markup prepared by Novatech showing Parts 1, 2, and 3 on the draft Reference Plan.

The retained agricultural parcel will have a total area of approximately 32.7 ha and a frontage of approximately 298 m on McVagh Road.

The severed residential parcel is proposed to be approximately 6,121 m² (0.6 ha) with a frontage of 3.15 metres on McVagh Road. The proposed severed lot is a flag-pole lot with a regular shape and recognizes various existing conditions described below.

The proposed severed lot accommodates the existing detached dwelling and includes an area of approximately 1,998.1 m² (0.2 ha) for the shared driveway, private hydro lines and sufficient area for maintenance of these elements within Parts 2 and 3 on the draft reference plan. The proposed easement for access over the shared driveway is identified as Part 3 on the draft reference plan, while Part 2 will accommodate an easement for existing underground private hydro services.

Parts 1 and 2 of the draft reference plan correspond to the portion of the severed lot around the house, measuring approximately 4,239.9 m² (0.4 ha). The proposed lot is designed to provide sufficient area for the existing individual private services and the residential dwelling while preserving prime agricultural lands.

In summary, the consent applications will:

- 1) adjust the lot line between the Subject Site and 6105 McVagh Road to:
 - a. provide street frontage to the “land-locked” farm surplus dwelling on the Subject Site, and
 - b. rationalize the existing agricultural operation on the Subject Site that crosses the shared property line to the northeast;
- 2) sever the farm surplus dwelling from the Subject Site; and
- 3) create reciprocal easements over the shared driveway between the Subject Site and 6079 McVagh Road, and
- 4) create easements for private hydro services for both the severed and retained portions of the Subject Site and 6079 McVagh Road.

Rationale

The following rationale demonstrates the appropriateness of the consent applications to facilitate the lot line adjustment, the proposed severance and the reciprocal easements.

Proposed Consents

The evaluation of consents in Ontario is regulated by the *Planning Act*. Subsection 53(1) of the *Planning Act* states:

An owner of charge of land, or such owner's or chargee's agent duly authorized in writing, may apply for a consent as defined in subsection 50(1) and the council or the Minister, as the case may be, may, subject to this section, give a consent if satisfied that a plan of subdivision of the land is not necessary for the proper and orderly development of the municipality. 1994, c. 23, s. 32.; 2020, c. 34, Sched. 20, s. 2(2).

The proposed consents do not necessitate the construction of new public infrastructure, including roads and services. A plan of subdivision is not required for the proper and orderly development of the municipality.

Subsection 53(12) of the *Planning Act* states:

A council or the Minister in determining whether a provisional consent is to be given shall have regard to the matters under subsection 51(24) and has the same powers as the approval authority has under subsection 51(25) with respect to the approval of a plan of subdivision and subsections 51(26) and (27) and section 51.1 apply with necessary modifications to the granting of provisional consent. 1994, c. 23, s. 32.

This rationale addresses the following criteria outlined in subsection 51(24) of the *Planning Act*.

In considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality and to,

(a) The effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;

The proposed consents are intended to rationalize existing land uses over a shared property line, to create a lot for an existing building and to create easements over the shared driveway and for existing private services.

The proposed consents have regard for the following matters of provincial interest as listed in Section 2 of the *Planning Act*:

- *the protection of the agricultural resources of the Province;*
- *the orderly development of safe and healthy communities; and*
- *the protection of ecological systems, including natural areas, features and functions;*

The *Provincial Policy Statement 2020 (PPS)* provides policy direction on matters of provincial interest related to land use planning and development.

- Locally appropriate residential development on rural lands is permitted per *Policy 1.1.5.2(c) and (d)*. This letter will address the policies in the *City of Ottawa Official Plan* to determine if the proposed severance is locally appropriate.
- This application seeks to rationalize existing uses over a shared property line and to sever a farm surplus dwelling, while protecting prime agricultural land for long-term use in accordance with *Policy 2.3.1*.
- Lot creation in proximity to livestock facilities shall comply with Minimum Distance Separation formular, per *Policy 2.3.3.3*. This application severs the existing farm surplus dwelling from the Subject Site, which has existed in this location since at least the 1970s. The nearest potential livestock facility to the Subject Site is an unoccupied barn located at 6079 McVagh Road, approximately 220 metres from the residential dwelling. Section 4 of the *OMAFRA Minimum Distance Separation Document (Publication 853)* outlines scenarios for when an MDS I Setback is required. *Subsection 9(1)* states that an MDS I setback is not required for the consent application *where the existing dwelling to be severed and the nearby livestock facility or anaerobic digester are located on separate lots prior to the consent*. No minimum distance separation calculation is required due to the continuation of existing uses on separate lots.
- Per *Policy 2.3.4.1*, lot creation in prime agricultural areas for a residence surplus to a farming operation may be permitted where the new lot will be the minimum size to accommodate the use and private services, and where future residential development is prohibited on the agricultural lands. The new residential lot is proposed to be 0.6 hectares, which accommodates the existing shared driveway, private hydro lines, septic system and well. As a condition of these consent applications, it is anticipated that the agricultural portions of the Subject Site will be rezoned to prohibit future residential development.
- *Policy 2.3.4.2* states that “*lot line adjustments in prime agricultural areas may be permitted for legal or technical reasons*”. The purpose of the lot line adjustment in this application is to ensure frontage on McVagh Road for the farm surplus dwelling at 6105 McVagh Road and to realign the shared lot line with the edge of the northeast agricultural field.

The proposed severance is consistent with the *Provincial Policy Statement*.

(b) Whether the proposed subdivision is premature or in the public interest;

The proposed severed and retained lots provide sufficient land area to meet the minimum area requirements of the *City of Ottawa Official Plan* and *Zoning By-law (2008-250)*. The proposed consent creates a new lot for a farm surplus dwelling in an area characterized by severed residential lots thereby representing a compatible and efficient use of land that avoids development on Prime Agricultural lands in the rural area.

Based on the foregoing, the proposed severance is not premature and is in the public interest.

(c) Whether the plan conforms to the official plan and adjacent plans of subdivision, if any;

The City of Ottawa's new *Official Plan* was approved by the Minister of Municipal Affairs and Housing on November 4, 2022.

The Subject Site is designated *Agricultural Resource Area* within the *Rural Transect* on *Schedule B9*.

Section 9.1 of the new *Official Plan* details the policies related to the *Agricultural Resource Area* designation. Per *Policy 9.1.3(1a)*, residential uses are permitted in the form of a detached dwelling on a lot fronting an existing public road.

Policy 9.1.3 of the new *Official Plan* details policies for lot creation, specifically:

- 2) *Lot line adjustments are permitted on lands designated as Agricultural Resource Area for legal or technical reasons only.*
 - 3) *Lot creation is prohibited unless all of the following are met:*
 - a. *The new lot contains an existing habitable dwelling made surplus through farm consolidation;*
 - b. *As a condition of severance, the retained lands are zoned to prohibit residential uses;*
 - c. *The severed lot is of a size that minimizes the loss of agricultural land;*
 - d. *The new lot can be adequately serviced;*
 - e. *Where the new lot may only contain buildings or structures including a dwelling unit that are accessory or secondary to the principal residential use; and*
 - f. *Where only one lot may be created.*
- **The consent for lot line adjustment is permitted on the Subject Site for legal or technical reasons, including the creation of an easement and a minor boundary adjustment. The new lot will contain an existing occupied residential dwelling that is surplus to an existing agricultural operation.**
 - **The rezoning of the agricultural parcel to prohibit future residential development is anticipated as a condition of severance.**
 - **The severed lot has been designed to minimize the loss of agricultural land, while maintaining the existing areas for private hydro services, the shared driveway and residential yards.**
 - **The severed lot has existing private services.**
 - **Only one lot will be created from the Subject Site.**

Policy 9.1.3(4) states that “*applications for Consent to Sever a farm surplus dwelling shall only be considered after the purchase of lands to be consolidated by the farm operator or where a legally binding agreement of purchase and sale is demonstrated*”. The agricultural lands on the Subject Site are owned by a farm operator who has another farm and alternative accommodation within approximately 3 km of the Subject Site and has historically operated other farms locally.

The proposed severance conforms to the policies of the new Official Plan.

(d) *The suitability of the land for the purposes for which it is to be subdivided;*

The proposed consents seek to rationalize the existing separate uses of the residential dwelling and agricultural lands. The Subject Site is zoned *Agricultural, Subzone 2 – AG2* in the *City of Ottawa Zoning By-law 2008-250*. The *Agricultural* zone permits one detached dwelling per lot.

As noted previously, it is anticipated that as a condition of severance, the retained parcel will be rezoned to prohibit residential uses. The reduced lot width for the proposed severed lot will be addressed through the same Zoning By-law Amendment. The severed parcel will contain an existing building and private water and sanitary services while maintaining an appropriate size to minimize the loss of agricultural lands. The proposed lot is therefore suitable for the proposed severance.

The proposed severance will satisfy the applicable Zoning By-law provisions and is suitable for the purpose for which it is to be subdivided.

(d.1) *if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;*

Not applicable. No affordable housing units are proposed.

(e) *the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;*

McVagh Road is identified as a Local road on Schedule C9 – Rural Road Network in the Official Plan. Schedule C16 identifies that Rural Local Roads shall be designed to have a Right-of-Way of 20 metres. As the draft Reference Plan indicates the existing Right-of-Way is 20.12 metres, no further road widening is required.

(f) *The dimensions and shapes of the proposed lots.*

The proposed consents will result in a lot that complies with the general intent and purpose of the *Agricultural* zone provisions for new lots created for farm surplus dwellings. As shown in Consent Sketch 3, the dimension and shape of the proposed lot is suitable. The reduced lot width for the proposed severed lot will be addressed when the retained lands are rezoned to prohibit residential uses.

(g) *The restrictions or proposed restrictions, if any, on the land proposed to be subdivided and or the buildings and structure proposed to be erected on it and the restrictions if any, on the adjoining land;*

The rezoning of the retained parcel to prohibit residential uses is anticipated as a condition of severance.

The draft reference plan submitted with this application demonstrates the proposed easements on the proposed severed lot. Easements shown as Parts 3 and 4 will be required for the severed lot to facilitate access along the driveway shared with 6079 McVagh Road. Part 2 will accommodate an easement for existing private hydro services below ground.

The proposed consents avoid the creation of an additional driveway or the unnecessary expansion of the shared driveway between the Subject Site and 6079 McVagh Road. As a result, the proposed consents facilitate the use of existing infrastructure and thereby represents an efficient use of land.

(h) *Conservation of natural resources and flood control;*

Not applicable. The proposed lot is not within or adjacent to natural resource areas or watercourses.

(i) *The adequacy of utilities and municipal services;*

No new demand for utilities or municipal services results from the proposed severance application. The existing dwelling is serviced by private septic, well and hydro services. The adequacy of the existing private septic systems is addressed in the Sanitary Services Letter prepared by Novatech dated May 23, 2024 accompanying this resubmission.

(j) The adequacy of school sites;

No new demand for school sites results from the proposed consent applications.

(k) The area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;

Not applicable. No land is to be dedicated or conveyed for public purposes. It is anticipated that cash-in-lieu of parkland will be a condition of approval.

(l) The extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and

The severed and retained lots are designed to accommodate the existing solar panel on the retained lands. The solar panel provides a renewable energy source for the local Hydro One service area.

(m) The interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41(2) of this Act or subsection 114(2) of the City of Toronto Act, 2006. 1994, c. 23, s. 30; 2001, c. 32, s. 31(2); 2006, c. 23, s. 22 (3, 4); 2016, c. 25, Sched. 4, s. 8(2).

Not applicable. No new development is proposed.

Conclusion

The proposed lot line adjustment is for legal and technical reasons and supports the efficient use of existing shared infrastructure and the conservation of Prime Agricultural lands. The proposed consents will create a new lot for a farm surplus dwelling in an area characterized by this type of lot creation. The proposed consents thereby represent a compatible and efficient use of land that avoids development on Prime Agricultural lands in the rural area. Based on the foregoing, the proposed consents represent good land use planning.

In support of the combined applications for lot line adjustment, severance, and easement, please find enclosed the following documents:

- One copy of this Cover Letter;
- Complete Consent Application Form 1 (Lot Line Adjustment);
- Revised Page 3 of the Consent Application Form 1 dated May 17, 2024;
- Complete Consent Application Form 3 (6105 Severance and Easement);
- Revised Page 3 of the Consent Application Form 3 dated May 17, 2024;
- Consent Sketch 1 – Lot Line Adjustment Rev 2 prepared by Novatech dated May 14, 2024 (one full size and one 8½x11 copy);
- Consent Sketch 3 – Consent and Easement Rev 2 prepared by Novatech dated May 14, 2024 (one full size and one 8½x11 copy);
- Correspondence from Dueck Law dated October 12, 2023, supporting the request for Certificate for the Retained Lands;
- Draft Reference Plan prepared by J.D. Barnes dated May 3, 2024;
- Parcel Abstract;

- Sanitary Services Letter prepared by Novatech dated May 23, 2024; and
- Cheque for Municipal Application fees.

Should you have any questions regarding this application, please contact the undersigned.

Sincerely,

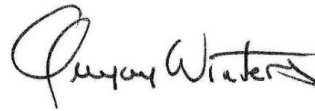
NOVATECH

Prepared by:

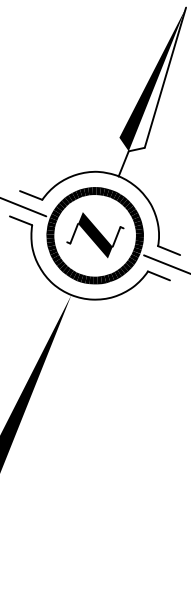


Miranda Virginillo, B.A., M.Pl.
Planner, Planning & Development

Reviewed by:



Greg Winters, MCIP, RPP
Director, Planning & Development



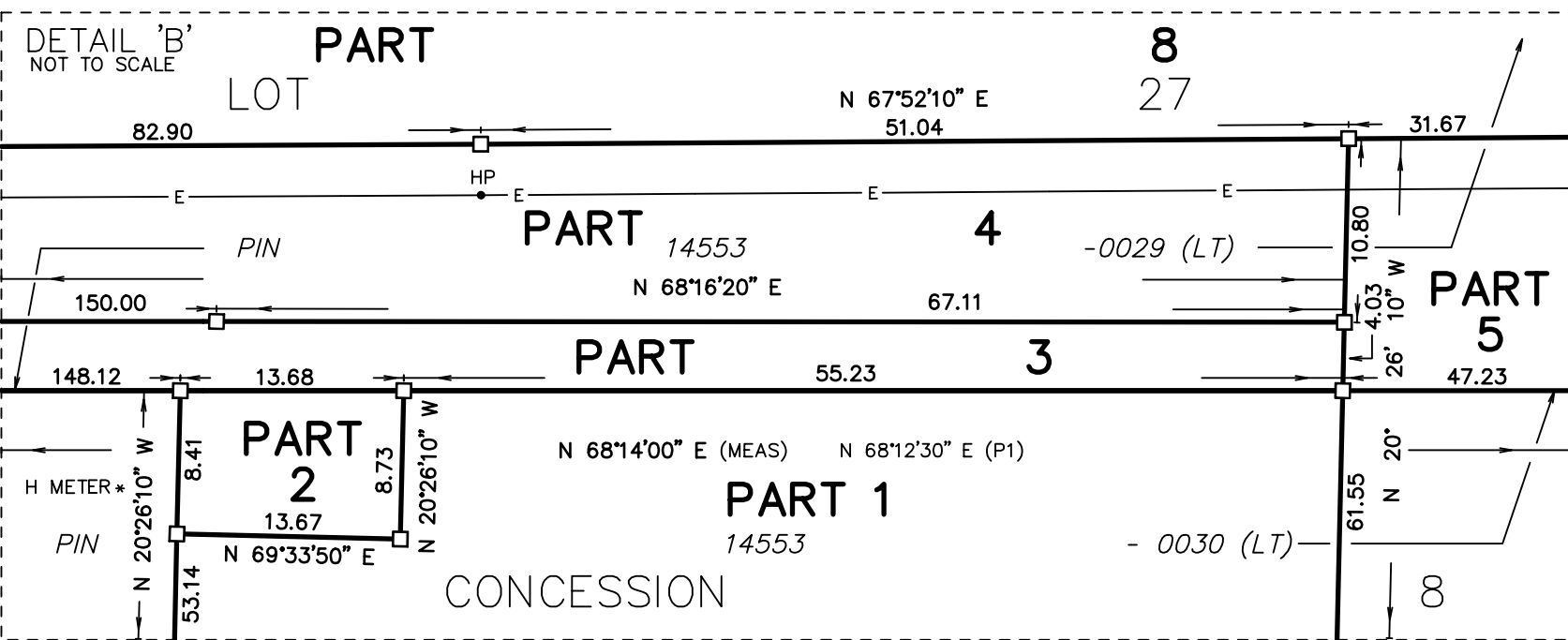
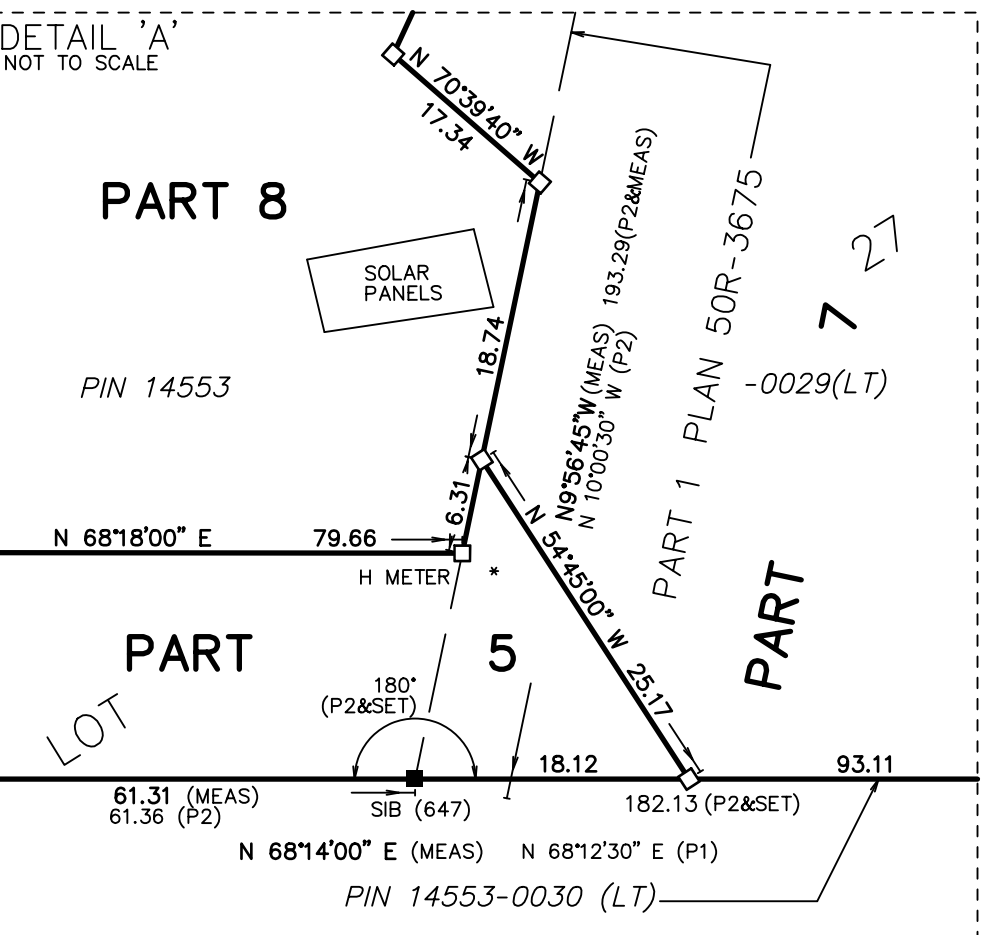
Committee of Adjustment
Received | Reçu le

2024-06-03

City of Ottawa | Ville d'Ottawa
Comité de dérogation

FOR REVIEW ONLY

SCHEDULE				
PART	LOT	CON	PIN	AREA(sq. m.)
1			PART OF 14553-0030(LT)	4122.7
2				117.2
3				1880.9
4	PART OF	CONCESSION 8 (CUMBERLAND)	ALL OF 14553-0029(LT)	5333.8
5	LOT 27			1836.7
6				15608.7
7	PART OF			16618.9
8	LOTS 26 AND 27			219172.7



PLAN OF SURVEY OF
PART OF LOTS 26 AND 27
CONCESSION 8
GEOGRAPHIC TOWNSHIP OF CUMBERLAND
CITY OF OTTAWA

SCALE 1 : 1250
25 0 25 50 75 metres

J.D. BARNES LIMITED
THE INTENDED PLOT SIZE OF THIS PLAN IS 1250mm IN WIDTH BY 609mm IN HEIGHT WHEN PLOTTED AT A SCALE OF 1:1250

METRIC DISTANCES AND/OR COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

NOTES

BEARINGS ARE MTM GRID, AND REFERRED TO THE EASTERLY LIMIT OF PART 2 PLAN 50R-124, HAVING A BEARING OF N 7300'00" W, AS SHOWN HEREON. DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE OF 0.999996.

FOR BEARING COMPARISONS, A ROTATION OF 0°42'30" COUNTER-CLOCKWISE WAS APPLIED TO BEARINGS ON P, P1 AND P2.

INTEGRATION DATA			
OBSERVED REFERENCE POINTS (ORP _s): MTM ZONE 09, NAD83 (ORIGINAL)			
COORDINATES TO URBAN ACCURACY PER SECTION 14 (2) OF O.R.E.G. 216/10.			
POINT ID	EASTING	NORTHING	
ORP (A)	392 852.96	5 022 716.92	
ORP (B)	392 588.01	5 022 791.51	
COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.			
THE RESULTANT TIE BETWEEN ORP (A) AND ORP (B) IS 275.24 N 74°16'40" W (GROUND)			

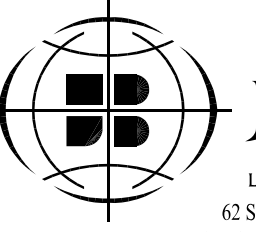
LEGEND		
■	DENOTES	SURVEY MONUMENT FOUND
□	DENOTES	SURVEY MONUMENT SET
—	DENOTES	STANDARD IRON BAR
P	DENOTES	PLAN RD45
P1	DENOTES	PLAN RD29
P2	DENOTES	PLAN 50R-3675
647	DENOTES	H.R. FARLEY, O.L.S.
MTD	DENOTES	MINISTRY OF TRANSPORTATION AND COMMUNICATIONS
BF	DENOTES	BOARD FENCE
PWF	DENOTES	POST & WIRE FENCE
ANC	DENOTES	ANCHOR
HP	DENOTES	HYDRO POLE
•	DENOTES	HYDRO METER
—	DENOTES	FENCE POST
—	DENOTES	UNDERGROUND GAS LINE
—	DENOTES	UNDERGROUND HYDRO LINE
—	DENOTES	UNDERGROUND TELEPHONE LINE
—	DENOTES	PROPERTY LINE

N=North / S=South / E=East / W=West

SURVEYOR'S CERTIFICATE
I CERTIFY THAT:
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON X X 2023.

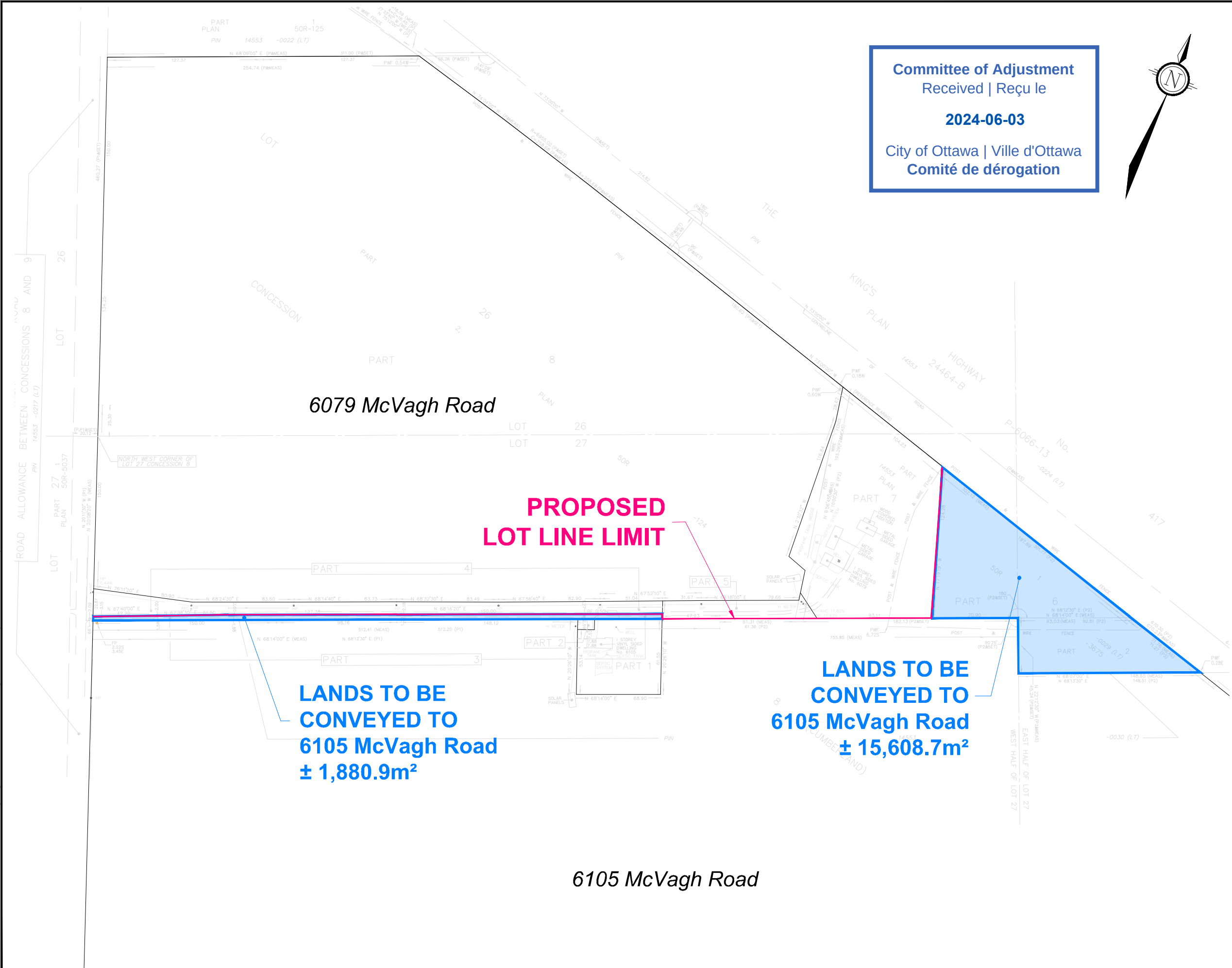
PRELIMINARY DATE _____ PRELIMINARY _____
DATE _____ DATE _____
G. J. LANGLOIS
ONTARIO LAND SURVEYOR

THIS PLAN OF SURVEY RELATES TO AOLS SUBMISSION FORM NUMBER XXXXXX

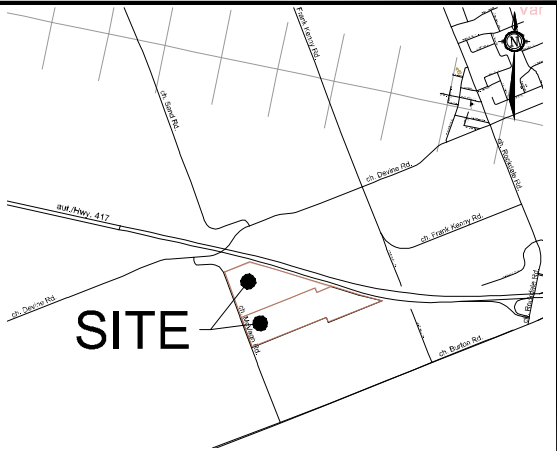
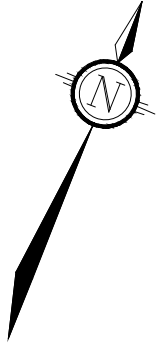
**J.D. BARNES** LIMITED
SURVEYING
MAPPING
GIS
LAND INFORMATION SPECIALISTS
62 STEACIE DRIVE, SUITE 103, KANATA, ON K2K 2A9
T: (613) 731-7244 F: (613) 254-8639 www.jdbarnes.com

DRAWN BY:	CE/RP	CHECKED BY:	JL	REFERENCE NO.:	22-10-134-00
PLOTTED:	5/08/24	DATED:	05/03/2024		

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Committee of Adjustment
Received | Reçu le
2024-06-03
City of Ottawa | Ville d'Ottawa
Comité de dérogation



KEY PLAN
N.T.S.

CONSENT APPLICATION #1 LOT LINE ADJUSTMENT 6079 & 6105 McVAGH ROAD

PART OF LOTS 26 & 27
CONCESSION 8
CITY OF OTTAWA

1 : 3000

2.	ISSUED FOR SUBMISSION	MAY 14/24
1.	ISSUED FOR DISCUSSION	OCT 05/23
No.	REVISION	DATE

NOVATECH
Engineers, Planners & Landscape Architects
Suite 200, 240 Michael Cowpland Drive
Ottawa, Ontario, Canada K2M 1P5
Telephone (613) 254-9643
Facsimile (613) 254-5867
Website www.novatech-eng.com

ISSUED
MAY, 2024

PROJECT No.
122155

DRAWING No.
122155-SEV



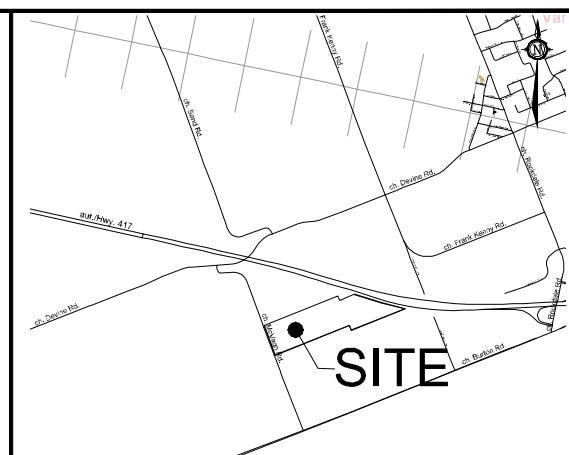
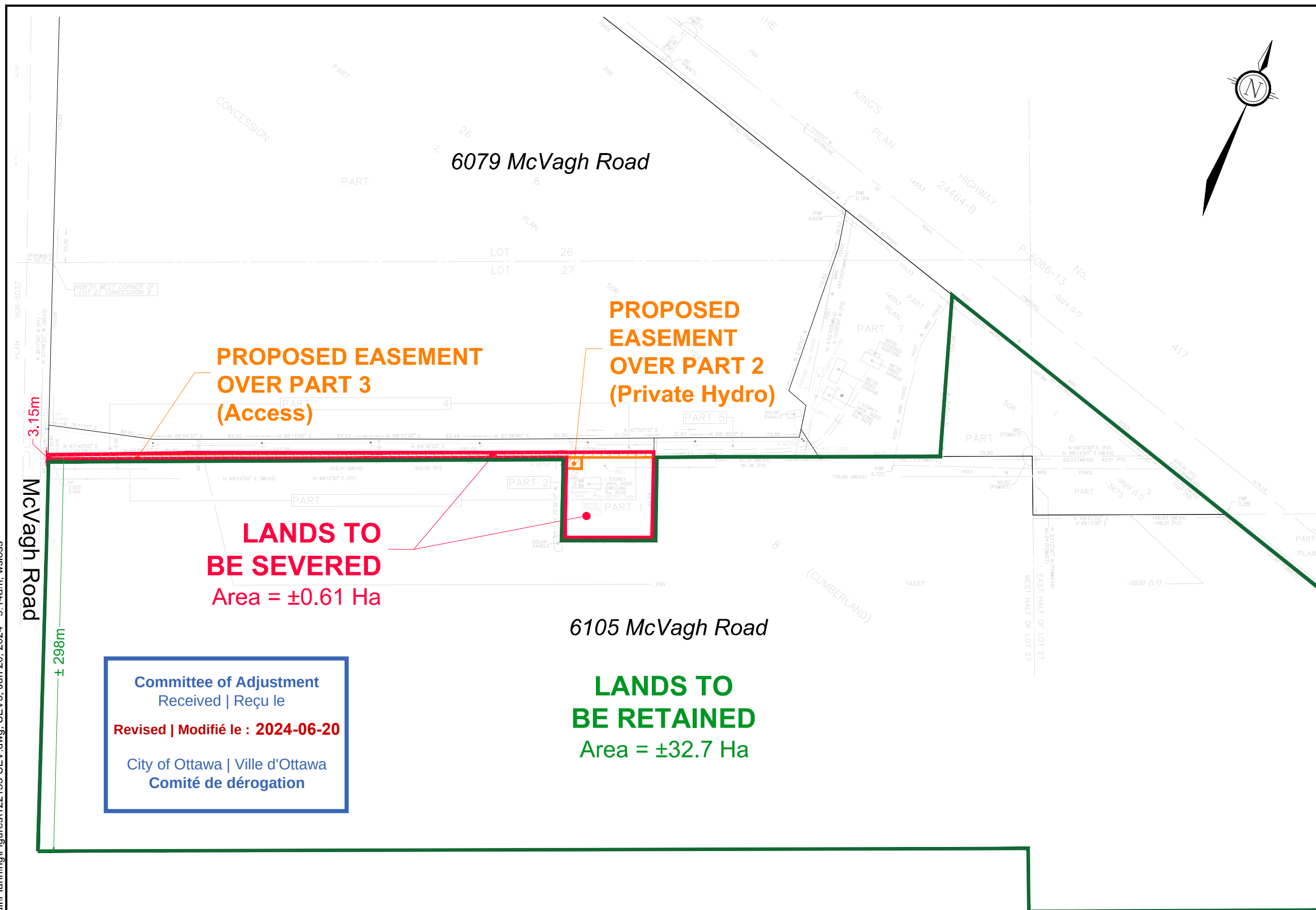
6079 McVAGH ROAD

1 : 3000 

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Ottawa, Ontario, Canada K2M 1P6

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Facsimile (613) 254-5867
Website www.novatech-eng.com

DRAWING No.
122155-SEV2



KEY PLAN
N.T.S.

CONSENT APPLICATION #3 SEVERANCE & EASEMENT PLAN

6105 McVAGH ROAD

PART OF LOTS 26 & 27
CONCESSION 8
CITY OF OTTAWA

1 : 3000

3.	REVISED PER CITY COMMENTS	JUNE 2024	MM
2.	ISSUED FOR SUBMISSION	MAY 14/24	MM
1.	ISSUED FOR DISCUSSION	OCT 05/23	MM
No.	REVISION	DATE	BY

NOVATECH
Engineers, Planners & Landscape Architects
Suite 200, 240 Michael Cowpland Drive
Ottawa, Ontario, Canada K2M 1P6

Telephone (613) 254-9643
Facsimile (613) 254-5867
Website www.novatech-eng.com

ISSUED	JUNE, 2024
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PROJECT No. 122155

DRAWING No. 122155-SEV3



CONSENT APPLICATION
COMMENTS TO THE COMMITTEE OF ADJUSTMENT
PANEL 3

PLANNING, DEVELOPMENT AND BUILDING SERVICES DEPARTMENT

Site Address: 6079 McVagh Road & 6105 McVagh Road
Legal Description: Part of Lot 26 and 27, Concession 8, Geographic Township of Cumberland
File No.: D08-01-23/B-00279 - B-00280 & D08-01-23/B-00276
Report Date: July 9, 2024 - revised July 12, 2024.
Hearing Date: July 16, 2024
Planner: Stephan Kukkonen
Official Plan Designation: Rural Transect, Agricultural Resource Area
Zoning: AG2

DEPARTMENT COMMENTS

The Planning, Development and Building Services Department **has no concerns with** the applications as submitted.

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 consents.

Applications D08-01-23/B-00279 – B-00280 proposes to convey a portion of land to the neighbouring property known as 6105 McVagh Road, then to subdivide the remaining land to create one new lot for a surplus farmhouse dwelling.

This application was previously heard during the December 12, 2023, Committee of Adjustment hearing. Staff requested adjournment due to the proposed size of the surplus farmhouse dwelling lot as a part of application D08-01-23/B-00279 – B-00280, 6079 McVagh Road. The original proposal included a surplus farmhouse dwelling parcel that was approximately 3.37 hectares, whereas the proposed parcel is now, 2.37 ha. The remainder will be conveyed to the adjacent agricultural parcel, 6105 McVagh road. Staff are now satisfied that the viable agricultural land will be retained as a result of the proposed applications for future agricultural use.

These subject lands are designated as Agricultural Resource Area under the Official Plan and are to be protected for long-term use for agricultural production by limiting development that compromises the productivity of these lands. Agricultural lands are afforded this protection through the requirements of Section 2.3 in the *Provincial Policy Statement*. As a result, there are limited development opportunities for lot creation within agricultural lands. Although Section 2.3.4.1 of the *Provincial Policy Statement* does permit lot creation for surplus farmhouse dwellings, the following criteria must be met:

1. The new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services; and
2. The planning authority ensures that new residential dwellings are prohibited on any remnant parcel of farmland created by the severance. The approach used to ensure that no new residential dwellings are permitted on the remnant parcel may be recommended by the Province, or based on municipal approaches which achieve the same objective.

The protections for agricultural lands described in the *Provincial Policy Statement* are further reinforced in the City's *Official Plan* under Section 9.1.3. Specifically, Section 9.1.3 3) provides the necessary criteria to promote acceptable lot creation within these lands. Lot creation must meet all of the following criteria as follows:

- a) The new lot contains an existing habitable dwelling made surplus through farm consolidation;
- b) As a condition of severance, the retained lands are zoned to prohibit residential uses;
- c) The severed lot is of a size that minimizes the loss of agricultural land;
- d) The new lot can be adequately serviced;
- e) Where the new lot may only contain buildings or structures including a dwelling unit that are accessory or secondary to the principal residential use; and
- f) Where only one lot may be created.

Staff believe, subject to the requested conditions below, that the proposed applications (D08-01-23/B-00279 - B-00280 & D08-01-23/B-00276) meet the above criteria outlined in the *Provincial Policy Statement* and the City's *Official Plan*.

It should be noted that the lot line adjustment portion of the applications shall be completed and finalized first to avoid any situation where a landlocked parcel is created as a result of severance.

ADDITIONAL COMMENTS

The Right-of-Way Management Department

No concerns with the proposed consent/minor variance application. However, the Owner shall be made aware that a private approach permit is required to construct any newly created driveway/approach.

CONDITIONS

If approved, the Planning, Development and Building Services Department requests that the Committee of Adjustment impose the following conditions on the applications:

D08-01-23/B-00279 – B-00280 – 6079 McVagh Road

1. That the Owner file with the Secretary-Treasurer of the Committee of Adjustment the following:

- a. A copy of the Reference Plan and/or legal description of the severed land and the deed or Instrument conveying the severed land to the owner of the abutting property to the south, known municipally as 6105 McVagh Road, so that no new lot is being created, in accordance with paragraph (b) below;
- b. A Certificate of Official attached to the deed/transfer required by paragraph (a) above containing the following endorsement:

“The lands to be severed are for the purpose of a lot addition only to the abutting lands owned by (insert name) described as PIN (insert property identification number) being Part(s) (insert numbers) on Plan (insert plan number), not for the creation of a new lot, and any subsequent transfer, charge or other transaction involving the lands to be severed shall be subject to compliance with Section 50(3) or Section 50(5) of the Planning Act, as applicable. Neither the lands to be severed nor the abutting lands are to be transferred, charged or otherwise re-conveyed in the future without the other parcel unless a further consent is obtained. The Owner shall cause the lands to be severed to be consolidated on title with the abutting lands and for this condition to be entered on the parcel register for the consolidated parcel as a restriction”;

- c. An Undertaking from a solicitor authorized to practice law in the Province of Ontario, and in good standing with the Law Society of Upper Canada, as follows:

“In consideration of, and notwithstanding the issuance of the Certificate under Section 50(12) of the Planning Act in respect to the subject Application for Consent, I undertake on behalf of the Owner, within 30 days of the registration on title of the transfer document containing the

endorsement set out in the Certificate of Official issued by the Committee of Adjustment, to file an Application to Consolidate Parcels including the severed land (Part of PIN (insert number) and the abutting land (PIN insert number). This PIN consolidation is intended to reinforce the Planning Act stipulation in the condition outlined above that both parcels have merged on Title and cannot be conveyed separately in the future. I further undertake to forward a copy of the registered Application to Consolidate Parcels and a copy of the Consolidated Parcel abstract page(s) to the Committee office within 21 days of the registration of the Application to Consolidate Parcels”.

- d. Where the parcel consolidation stipulated in paragraph (b) and the solicitor's Undertaking in paragraph (c) above cannot be reasonably completed because the parcels of land to be merged have different estate qualifiers, an Application to Annex Restrictive Covenant under Section 118 of the Land Titles Act must be registered on the Title of both the severed lands and on the abutting parcel that is to be merged. The Covenant, which is to be to the satisfaction of the Secretary-Treasurer of the Committee, shall advise all future purchasers that the parcels must be dealt with together and not separately, and contain wording set out below or similar wording acceptable to the Secretary-Treasurer of the Committee:

“These lands have been merged and may not be dealt with separately, without applying for a Consent of the Committee of Adjustment”.

In lieu of the Undertaking provided in paragraph (c), a replacement Undertaking by the solicitor must be filed undertaking on behalf of the Owner to register the Restrictive Covenant on both property Titles within 30 days of the registration of the transfer document containing the endorsement of the Certificate of Official issued by the Committee of Adjustment for this application and to file a copy of the registered Restrictive Covenant with the Committee within 21 days of the registration of the document.

2. That the Owner(s) satisfy the **Chief Building Official, or designate**, by providing design drawings or other documentation prepared by a qualified designer, that as a result of the proposed severance the existing buildings on ‘severance and easement plan’ shall comply with the Ontario Building Code, O. Reg. 332/12 as amended, in regards to the limiting distance along the proposed property lines. If necessary, a building permit shall be obtained from Building Code Services for any required alterations.
3. That the Owner(s) provide evidence to the satisfaction of both the Chief Building Official and the Manager of the Development Review All Wards Branch, or their

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 with 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.

D08-01-23/B-00276 (6105 McVagh Road)

4. That the Owner(s) provide evidence to the satisfaction of both the Chief Building Official and the Manager of the Development Reviews All Wards Branch, or their 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 with 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.
5. That the Owner(s) satisfy the **Chief Building Official, or designate**, by providing design drawings or other documentation prepared by a qualified designer, that as a result of the proposed severance the existing buildings on 'severance and easement plan' shall comply with the Ontario Building Code, O. Reg. 332/12 as amended, in regards to the limiting distance along the proposed property lines. If necessary, a building permit shall be obtained from Building Code Services for any required alterations.

D08-01-23/B-00279 – B-00280 (6079 McVagh Road) & D08-01-23/B-00276 (6105 McVagh Road)

6. That the Owner enter into an Agreement with the City, at the expense of the Owner(s) and to the satisfaction of the Manager of the Development Review All Wards Branch, or their designate, which provides the following covenant/notice that runs with the land and binds future Owner(s) on subsequent transfers:

"The City of Ottawa does not guarantee the quality or quantity of the groundwater. If, at some future date, the quality or the quantity of the groundwater becomes deficient, the City of Ottawa bears no responsibility, financial or otherwise, to provide solutions to the deficiency, such solutions being the sole responsibility of the homeowner."

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

7. That the Owner(s) obtain a Zoning By-law Amendment, satisfactory to the General Manager of the Planning, Development and Building Services Department, or their designate, to be confirmed in writing from the Department to the Committee, that re-zones the retained lands to prohibit residential development, with all levels of appeal exhausted.
8. That the Owner(s) provide a copy of a legally binding agreement of purchase and sale or a letter indicating the current owner is a licensed farmer, satisfactory to the Manager of the Development Review All Wards Branch, or their designate, to be confirmed in writing from the Department to the Committee, that demonstrates that the newly created lot is being sold.
9. That the Owner acknowledges and agrees to convey to the City, at no cost to the City, an unencumbered road widening across the complete frontage of the lands, measuring 13 meters from the existing centerline of pavement/the abutting right-of-way along McVagh Road, pursuant to Section 50.1(25)(c) of the Planning Act and Schedule C16 of the City's new Official Plan, if required. The exact widening must be determined by legal survey. The Owner shall provide a reference plan for registration, indicating the widening, 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 widening. The Committee requires written confirmation from City Legal Services that the transfer of the widening to the City has been registered. All costs shall be borne by the Owner.
10. 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.

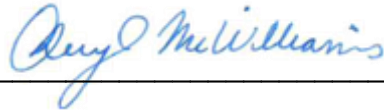
Joint Use, Maintenance and Operating Agreement shall set forth the joint use and maintenance of all common elements including, but not limited to, the common party walls, common structural elements such as roof, footings, soffits, foundations, common areas, common driveways and common landscaping.

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, and 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, and 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.



Stephan Kukkonen
Planner I, Development Review, Rural
Planning, Development and Building
Services



Cheryl McWilliams
Planner III, Development Review, Rural
Planning, Development and Building
Services

NOTICE OF HEARING

Pursuant to the Ontario *Planning Act*

Minor Variance Application

Panel 3

**Tuesday, July 16, 2024
9 a.m.**

**Ben Franklin Place, Main Floor Chamber, 101 CentrepoinTE Drive
and by videoconference**

Owners of neighbouring properties within 60 metres of the property address below are receiving this notice in case they want to comment on the application(s) and/or participate at the hearing.

The hearing can also be viewed on the Committee of Adjustment [YouTube](#) page.

Simultaneous interpretation in both official languages, accessible formats and communication supports are available for any specific agenda item by contacting the Committee of Adjustment at least 72 hours before the hearing.

File No.:	D08-02-24/A-00158
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Applicant:	Brian Hart
Property Address:	113 Northshire Drive
Ward:	5 – West Carleton-March
Legal Description:	Lot 5, Registered Plan 4M-382
Zoning:	RR3 [9r]
Zoning By-law:	2008-250

APPLICANTS PROPOSAL / PURPOSE OF THE APPLICATION:

The Applicant wants to construct a two-storey coach house. The dwelling unit would be located on the second storey, above a two-car garage, as shown on plans filed with the Committee.

REQUESTED VARIANCES:

The Applicant requires the Committee's authorization for minor variances from the Zoning By-law as follows:

- a) To permit an increased building height for a coach house of 6.8 metres, whereas the Zoning By-law permits a maximum building height of 6.1 metres for a coach house.
- b) To permit an increased building area for a coach house of 45% of the principal dwelling, whereas the Zoning By-law permits a maximum building area of a coach house to be 40% of the principal dwelling.

The subject property is not the subject of any other current application under the *Planning Act*.

FIND OUT MORE ABOUT THE APPLICATION(S)

For more information about this matter, contact the Committee of Adjustment at the address, email address, website or QR code below.

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HOW TO PARTICIPATE

Submit written or oral comments before the hearing: Email your comments to cofa@ottawa.ca at least 24 hours before the hearing to ensure they are received by the panel adjudicators. You may also call the Coordinator at 613-580-2436 to have your comments transcribed.

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ALL SUBMITTED INFORMATION BECOMES PUBLIC

Be aware that, in accordance with the *Planning Act*, the *Municipal Act* and the *Municipal Freedom of Information and Privacy Act*, all information presented to the Committee of Adjustment is considered public information and can be shared with any interested individual. Information you choose to disclose in your correspondence and during the hearing, including your personal information, will become part of the public record, and shared with Committee Members, the Applicant(s) or their agent and any other interested individual, and potentially posted online and become searchable on the Internet.

COMMITTEE OF ADJUSTMENT

The Committee of Adjustment is the City of Ottawa's quasi-judicial tribunal created under the Ontario *Planning Act*. Each year, it holds hearings on hundreds of applications under the *Planning Act* in accordance with the Ontario *Statutory Powers Procedure Act*, including consent to sever land and minor variances from the zoning requirements.

DATED: June 28, 2024



Ce document est également offert en français.

Committee of Adjustment
City of Ottawa
101 Centrepoin Drive
Ottawa ON K2G 5K7
Ottawa.ca/CommitteeofAdjustment
cofa@ottawa.ca
613-580-2436



Comité de dérogation
Ville d'Ottawa
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cded@ottawa.ca
613-580-2436

AVIS D'AUDIENCE

Conformément à la *Loi sur l'aménagement du territoire* de l'Ontario

Demande de dérogations mineures

Groupe 3
Mardi 16 juillet 2024
9 h

Place-Ben-Franklin, salle Chamber, 101, promenade CentrepoinTE
et par vidéoconférence

Les propriétaires des biens-fonds situés dans un rayon de 60 mètres de l'adresse ci-dessous reçoivent le présent avis afin de formuler des observations sur la ou les demandes et de participer à l'audience s'ils le souhaitent.

L'audience peut aussi être visionnée sur la page [YouTube](#) du Comité de dérogation.

Les participants peuvent bénéficier de l'interprétation simultanée dans les deux langues officielles, de formats accessibles et d'aides à la communication pour toute question de l'ordre du jour en s'adressant au Comité de dérogation au moins 72 heures à l'avance.

Dossier :	D08-02-24/A-00158
Demande :	Dérogations mineures en vertu de l'article 45 de la <i>Loi sur l'aménagement du territoire</i>
Requérant :	Brian Hart
Adresse municipale :	113, promenade Northshire
Quartier :	5 – West Carleton-March
Description officielle :	Lot 5, plan enregistré 4M-382
Zonage :	RR3 [9r]
Règlement de zonage :	n° 2008-250

PROPOSITION DU REQUÉRANT ET OBJET DE LA DEMANDE :

Le requérant souhaite construire une annexe résidentielle de deux étages. Le logement occupera l'étage au-dessus du garage pour deux voitures, conformément aux plans déposés auprès du Comité.

DÉROGATIONS DEMANDÉES :

Le requérant demande au Comité d'accorder les dérogations mineures au Règlement de zonage décrites ci-après :

- a) Permettre l'augmentation de la hauteur de construction à 6,8 mètres pour une annexe résidentielle, alors que le Règlement permet une hauteur de construction maximale de 6,1 mètres pour une annexe résidentielle.
- b) Permettre l'augmentation de la surface de construction d'une annexe résidentielle à 45 % de l'habitation principale, alors que le Règlement permet une surface de construction maximale de 40 % de l'habitation principale.

La propriété en question ne fait l'objet d'aucune autre demande en cours en vertu de la *Loi sur l'aménagement du territoire*.

POUR EN SAVOIR PLUS SUR LA DEMANDE

Pour obtenir plus de renseignements à ce sujet, communiquez avec le Comité de dérogation via l'adresse, le courriel, le site Web ou le code QR ci-dessous.

Visitez le site **Ottawa.ca/Comité de dérogation** et suivez le lien **Prochaines audiences** pour consulter l'ordre du jour du Comité et les documents relatifs aux demandes, y compris **les lettres d'accompagnement des propositions, les plans, l'information sur les arbres, les avis d'audience, les cartes de diffusion et les rapports d'urbanisme de la Ville**. Les décisions écrites sont également publiées une fois rendues et traduites.

Si vous ne participez pas à l'audience, vous ne recevrez pas d'autre avis à ce sujet.

Si vous souhaitez recevoir un avis de la décision prise à l'issue de l'audience et de tout appel ultérieur interjeté devant le Tribunal ontarien de l'aménagement du territoire, faites-en la demande par écrit au Comité.

COMMENT PARTICIPER

Présentez vos observations écrites ou orales avant l'audience : Veuillez faire parvenir vos observations par courriel à cded@ottawa.ca au moins 24 heures avant l'audience afin de vous assurer que les membres des groupes chargés du rendu des décisions les ont bien reçues. Vous pouvez également téléphoner au coordonnateur ou à la coordonnatrice au numéro 613-580-2436 pour demander que vos observations soient transcrites.

Inscrivez-vous au moins 24 heures à l'avance en communiquant avec le coordonnateur ou la coordonnatrice du Comité au numéro 613-580-2436 ou à l'adresse à cded@ottawa.ca. Vous recevrez des détails sur la façon de participer par vidéoconférence. Si vous souhaitez faire une présentation visuelle, le coordonnateur ou la coordonnatrice sera en mesure de vous fournir des détails sur la façon de procéder. Les présentations sont limitées à cinq minutes et toute exception est laissée à la discrétion du président ou de la présidente.

Les audiences sont régies par les *Règles de pratique et de procédure* du Comité de dérogation et sont accessibles en ligne.

TOUS LES RENSEIGNEMENTS PRÉSENTÉS DEVIENNENT PUBLICS

Sachez que, conformément à la *Loi sur l'aménagement du territoire*, à la *Loi sur les municipalités* et à la *Loi sur l'accès à l'information municipale et la protection de la vie privée*, les observations écrites adressées au Comité de dérogation sont considérées comme des renseignements publics et peuvent être communiquées à toute personne intéressée. Les renseignements que vous choisissez de divulguer dans votre correspondance, notamment vos renseignements personnels, seront versés au dossier public et communiqués aux membres du Comité, au(x) requérant(s) ou à l'agent, l'agente, ainsi qu'à toute autre personne intéressée et pourront éventuellement être affichés en ligne et faire l'objet d'une recherche sur Internet.

COMITÉ DE DÉROGATION

Le Comité de dérogation est le tribunal quasi judiciaire de la Ville d'Ottawa créé en vertu de la *Loi sur l'aménagement du territoire* de l'Ontario. Chaque année, il tient des audiences sur des centaines de demandes en vertu de la *Loi sur l'aménagement du territoire*, conformément à la *Loi sur l'exercice des compétences légales* de l'Ontario, y compris des demandes d'autorisation de morcellement de terrain et de dérogation mineure aux exigences en matière de zonage.

FAIT : 28 juin 2024

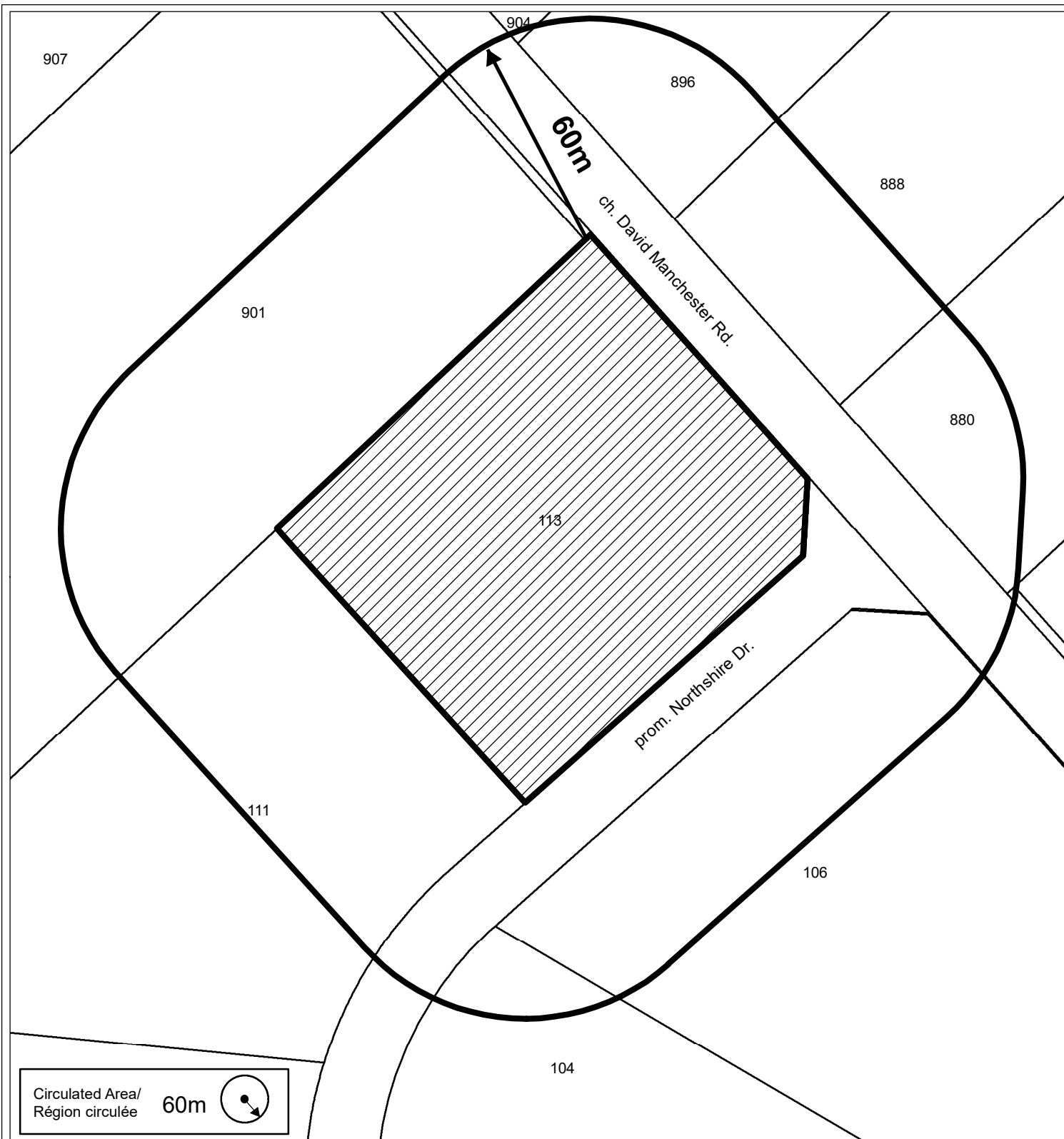


This document is also available in English.

Committee of Adjustment
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Committee of Adjustment
Comité de dérogation

CIRCULATION MAP / PLAN DE CIRCULATION

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THIS IS NOT A PLAN OF SURVEY

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SUBJECT LAND / TERRAIN EN QUESTION

113 prom. Northshire Dr.



NOT TO SCALE
NON À L'ÉCHELLE



Vandenberg & Wildeboer
A . R . C . H . I . T . E . C . T . S

Committee of Adjustment
Received | Reçu le

Revised | Modifié le : 2024-06-17

City of Ottawa | Ville d'Ottawa
Comité de dérogation

June 11th, 2024

Committee of Adjustment
City of Ottawa. Panel 3

Re: Minor Variance request for a new Coach House at 113 Northshire Dr. Ottawa

Dear Panelists,

We are writing to you on behalf of our clients, Brian and Alanna Hart, the homeowners and residents of 113 Northshire Dr. Ottawa. Brian and Alanna are looking forward to constructing a coach house over a two-car garage. This will become the home of Alanna's parents who will be returning to the region from an overseas diplomatic posting.

We are looking for a minor variance for the following two items:

1. Increase of building height by 0.7m
2. Increase in building area by 10.0 m²

With respect to Item 1 (*Height*) the Zoning By-Law : Section 133 By-law 2023-435(8)(a)(iii)

Allows us to build to a maximum height of 6.1m from average grade. We are requesting a variance to allow us to build to 6.8m. The living suite will be located above a two-car garage. Brian and Alanna are also looking to park their RV under the deck structure, this requires minimum ceiling height of 2.85m inside the garage. To achieve a minimum height at the low end of the dwelling unit of 2.42m while maintaining a sloped roof we arrive at an overall building height of 6.8m.

It is important to note that even with this request for an additional 0.7m the coach house will remain lower than the principal dwelling.

With respect to Item 2 (*Building area*), the Zoning By-Law : Section 133 By-law 2023-435 133(10)(a)

Allows us to build to a max. footprint of 40% of the principal dwelling: 40% of 198.25m² = 79.3m²

We are requesting a minor variance to increase the footprint to 45% of the principal dwelling = 89.3m²

We are requesting this 10m² increase in footprint area to achieve a slightly more comfortable living space. This increase will also give allowance for "future" proofing opportunities with accessibility in mind, including a stair lift. Relative to the size of this large rural property at 1.23ha. this area increase is minor.

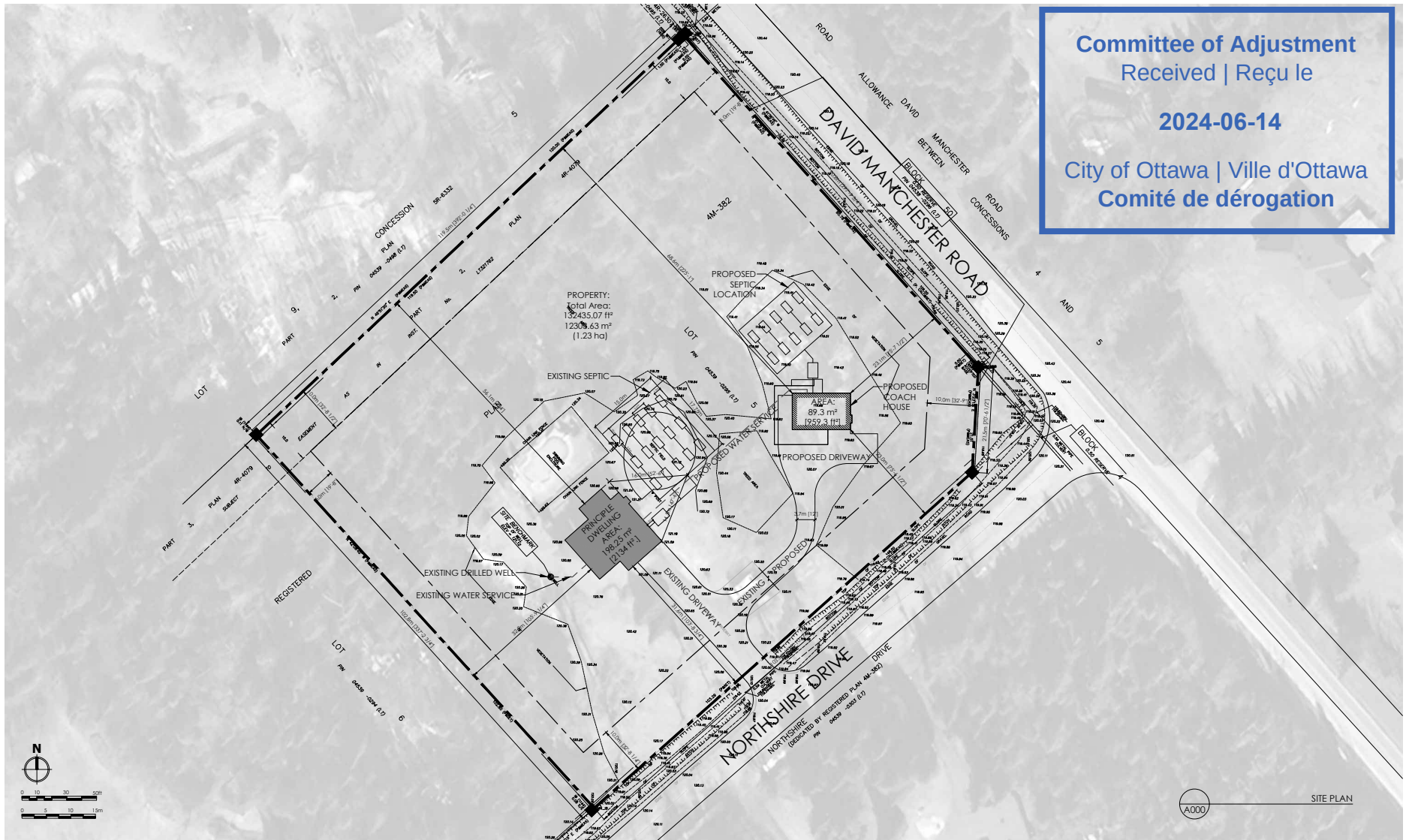
We are confident the small increase requested in both height and area are indeed minor in nature and meet the general intent and purpose of the Zoning bylaw and the official plan. We also believe the variances requested are desirable for the appropriate use of the Lot.

Thank you for your consideration.

Sincerely,

Malcolm Wildeboer

President and Principal Architect, B.Arch, OAA, MRAIC



Committee of Adjustment
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2024-06-14

City of Ottawa | Ville d'Ottawa
Comité de dérogation

JAGER-HART COACH HOUSE

SITE PLAN
Jun 14, 2024

SCALE: 1:750

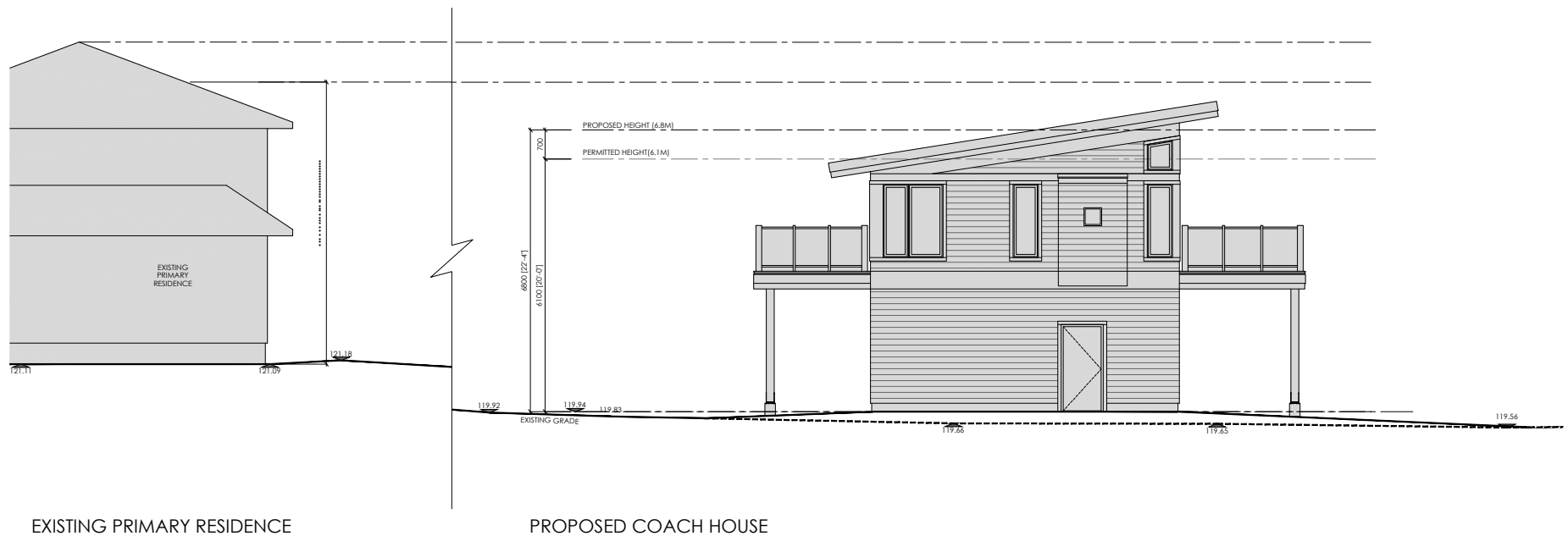


Vandenberg & Wildeboer
A.R.C.H.I.T.E.C.T.S

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2024-06-14

City of Ottawa | Ville d'Ottawa
Comité de dérogation



JAGER-HART COACH HOUSE
BUILDING HEIGHT COMPARISON
Jun 14, 2024

SCALE: 1:100



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Comité de dérogation



JAGER-HART COACH HOUSE

FRONT BUILDING ELEVATION
Jun 14, 2024

SCALE: 1:75



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Comité de dérogation



JAGER-HART COACH HOUSE
REAR BUILDING ELEVATION
Jun 14, 2024

SCALE: 1:75

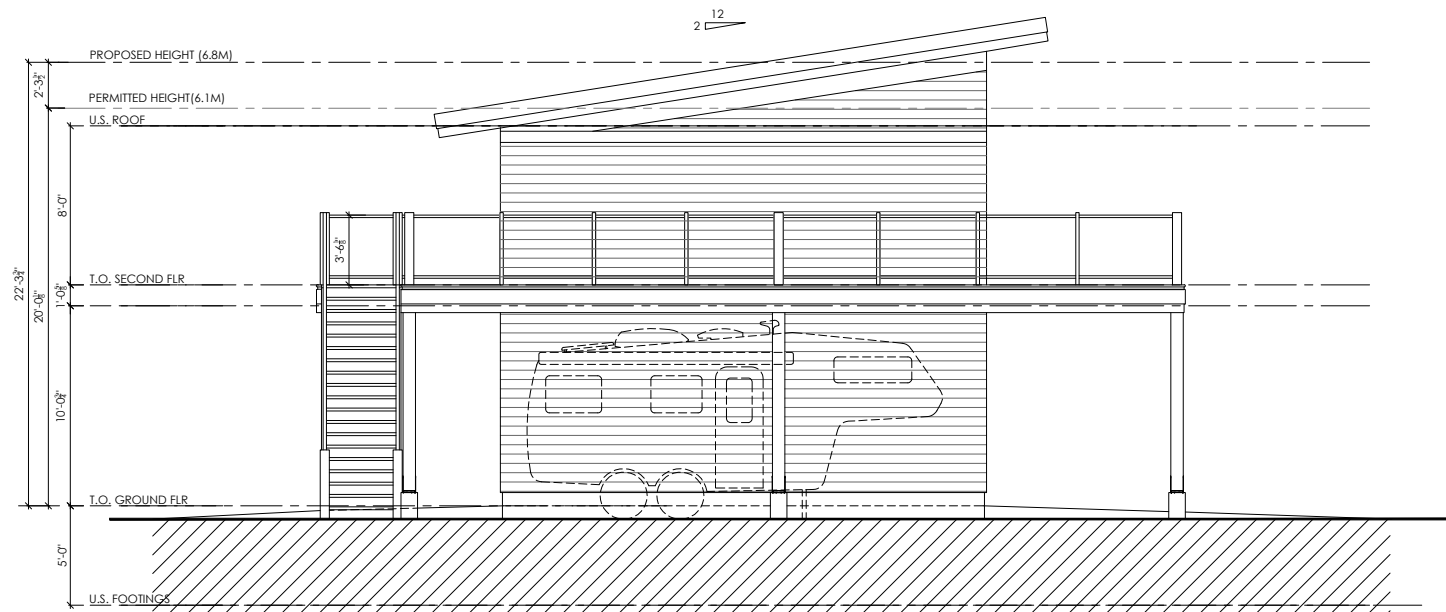


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2024-06-14

City of Ottawa | Ville d'Ottawa
Comité de dérogation



JAGER-HART COACH HOUSE
LEFT SIDE BUILDING ELEVATION
Jun 14, 2024

SCALE: 1:75

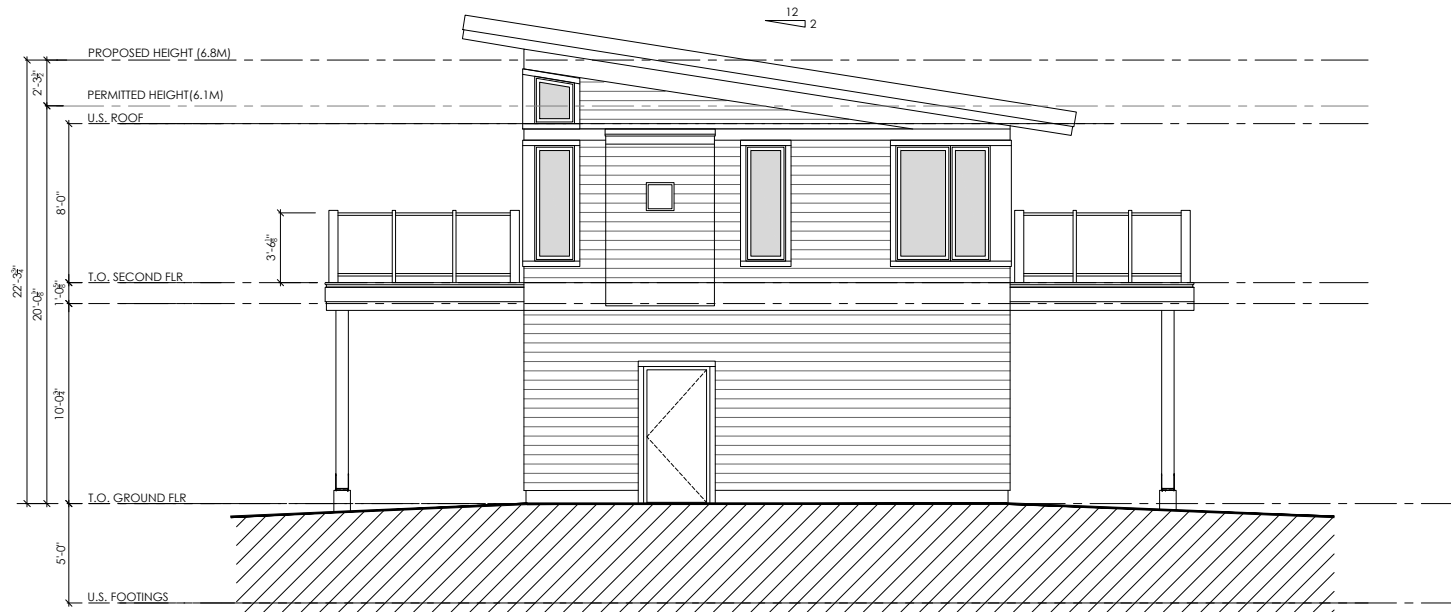


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Committee of Adjustment
Received | Reçu le

2024-06-14

City of Ottawa | Ville d'Ottawa
Comité de dérogation



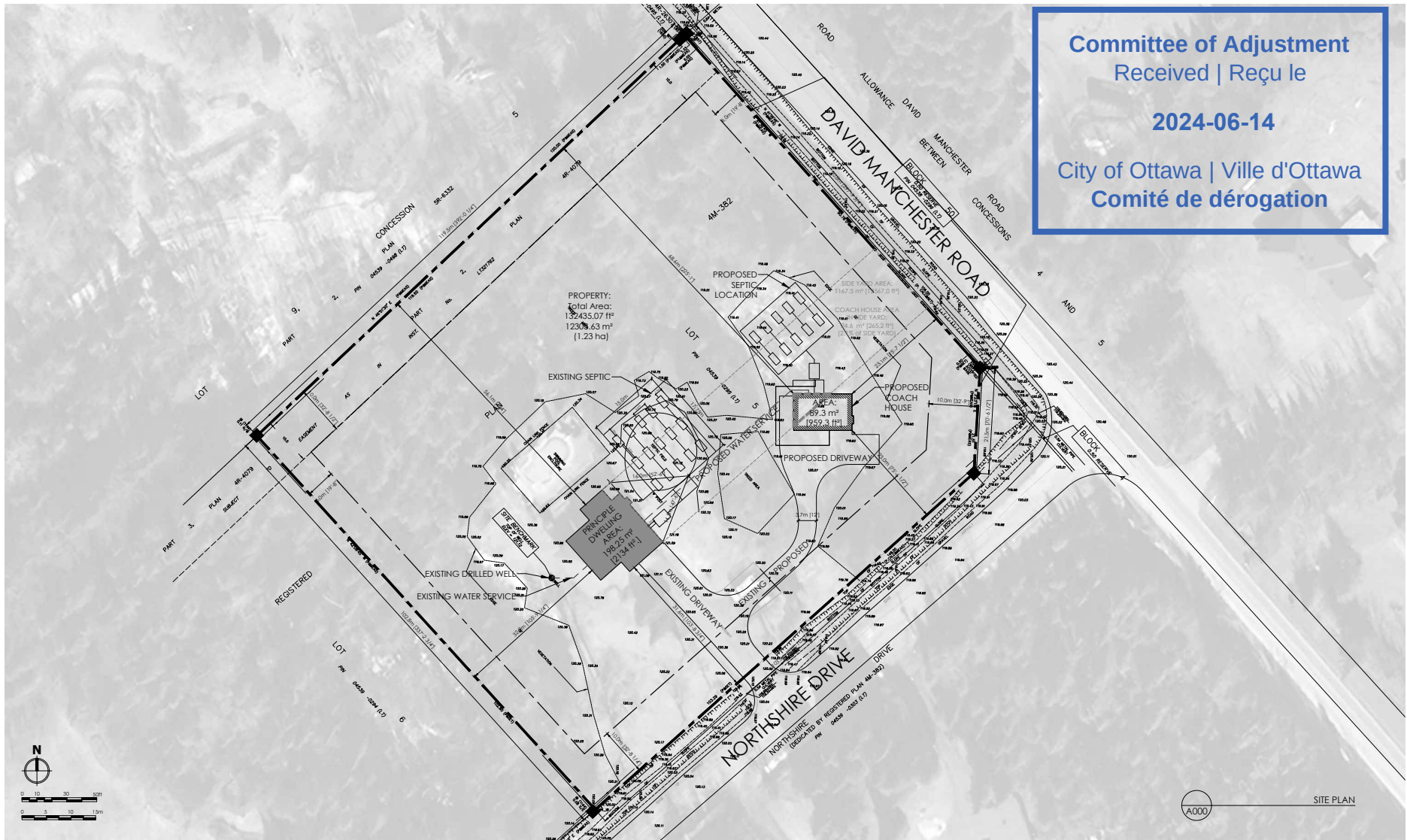
JAGER-HART COACH HOUSE
RIGHT SIDE BUILDING ELEVATION
Jun 14, 2024

SCALE: 1:75



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A R C H I T E C T S

City of Ottawa | Ville d'Ottawa
Comité de dérogation

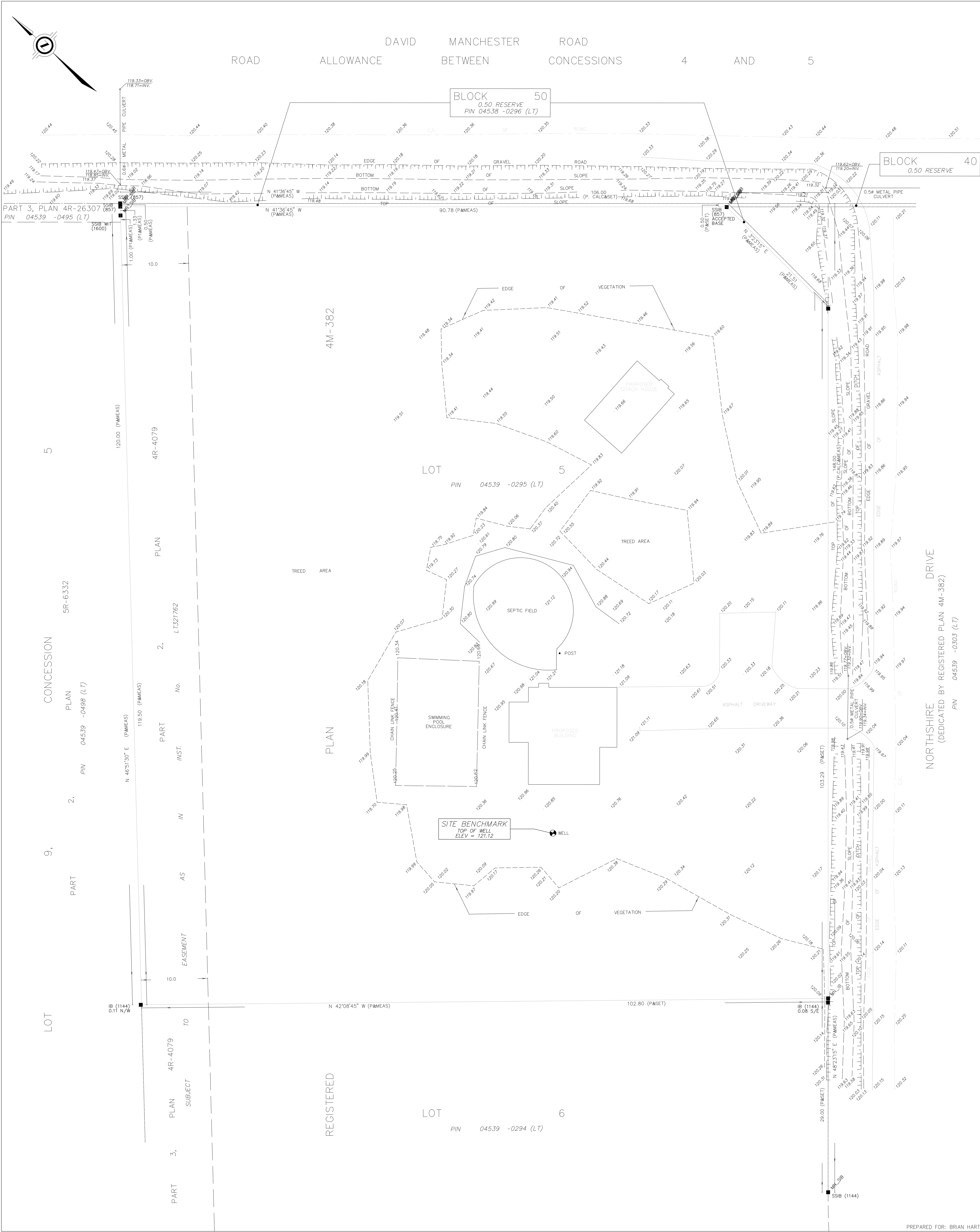


SITE PLAN
Jun 14, 2024

SCALE: 1:750



Vandenberg & Wildeboer
A · R · C · H · I · T · E · C · T · S



PLAN OF SURVEY
WITH TOPOGRAPHIC DETAILS OF
LOT 5
REGISTERED PLAN 4M-382
CITY OF OTTAWA
J.D. BARNES LIMITED
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SCALE 1 : 250

METRIC DISTANCES AND/OR COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

NOTES

BEARINGS ARE MTM GRID, AND DERIVED FROM GLOBAL NAVIGATION SATELLITE SYSTEMS (GNSS) BY REAL TIME NETWORK (RTN) OBSERVATIONS, MTM ZONE 9, NAD 83, (CSRS) (2010.0).
FOR BEARING COMPARISONS, A COUNTER-CLOCKWISE ROTATION OF 0°25'10" WAS APPLIED TO BEARINGS ON REGISTERED PLAN 4M-382.
DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE OF 0.9999904.

- LEGEND
- IB DENOTES SURVEY MONUMENT PLANTED
 - IB DENOTES SURVEY MONUMENT FOUND
 - IB DENOTES IRON BAR
 - SSIB DENOTES SHORT STANDARD IRON BAR
 - WIT DENOTES WITNESS
 - MEAS DENOTES MEASURED
 - P DENOTES REGISTERED PLAN 4M-382
 - P1 DENOTES PLAN 4R-26307
 - P2 DENOTES PLAN 4R-4079
 - 857 DENOTES FAIRHALL & MOFFATT LIMITED
 - 990 DENOTES J.G. PAYETTE, O.L.S.
 - 1144 DENOTES J.G. PAYETTE, O.L.S.
 - 1600 DENOTES C.A. SMITH, O.L.S.
 - CAL DENOTES CALCULATION
 - OU DENOTES ORIGIN UNKNOWN
 - C/L DENOTES CENTRELINE
 - INV. DENOTES INVERT
 - OBV. DENOTES OBVERT
 - DENOTES PROPERTY LINE
- N=NORTH / S=SOUTH / E=EAST / W=WEST

Committee of Adjustment
Received | Reçu le

2024-06-17
City of Ottawa | Ville d'Ottawa
Comité de dérogation

ELEVATION NOTE:

1. IT IS THE RESPONSIBILITY OF THE USER OF THIS INFORMATION TO VERIFY THAT THE SITE BENCHMARKS HAVE NOT BEEN ALTERED OR DISTURBED AND THAT ITS RELATIVE ELEVATION AND DESCRIPTION AGREES WITH THE INFORMATION SHOWN ON THIS DRAWING.

2. ELEVATIONS ARE GEODETIC AND ARE REFERRED TO CITY OF OTTAWA BENCHMARK No. 0011970/242 HAVING A PUBLISHED ELEVATION OF 114.69 METRES (CGVD28: 78).

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

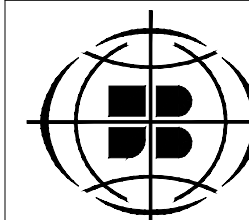
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.

2. THE SURVEY WAS COMPLETED ON MAY 27, 2024.

MAY 23, 2024
DATE

GEORGE ZERVOS
ONTARIO LAND SURVEYOR

THIS PLAN OF SURVEY RELATES TO AOLS PLAN SUBMISSION FORM NUMBER V-58189

 **J.D. BARNES LIMITED**
LAND INFORMATION SPECIALISTS
62 STEACHE DRIVE, SUITE 103, KANATA, ON K2K 2A0
T: (613) 731-7244 F: (613) 254-8659 www.jdbarnes.com

SURVEYING
MAPPING
GIS

DRAWN BY: RP	CHECKED BY: GZ	REFERENCE NO.: 24-10-047-00
PLOTTED: \$DATE\$		DATED: 05/23/24

PREPARED FOR: BRIAN HART

FILE: \$FILE\$

**MINOR VARIANCE APPLICATION
COMMENTS TO THE COMMITTEE OF ADJUSTMENT
PANEL 3
PLANNING, DEVELOPMENT AND BUILDING SERVICES DEPARTMENT**

Site Address:	113 Northshire Drive
Legal Description:	Lot 5, Registered Plan 4M-382
File No.:	D08-02-24/A-00158
Report Date:	July 10, 2024
Hearing Date:	July 16, 2024
Planner:	Luke Teeft
Official Plan Designation:	Rural Transect; Rural Countryside; Natural Heritage Features Overlay
Zoning:	RR3[9r]

DEPARTMENT COMMENTS

The Planning, Development and Building Services Department **requests an adjournment of** the application.

DISCUSSION AND RATIONALE

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 meets the “four tests”.

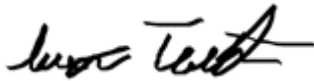
The subject property contains vegetation which has been included in the Natural heritage Features Overlay, and is adjacent to a property within a Natural heritage System Corridor. The applicant has proposed the construction of a coach house in a clearing amongst the woodlands on the property. Staff are not satisfied that the proposal does not negatively impact these features and have asked for a scoped EIS to be completed by the owner and submitted for review.

ADDITIONAL COMMENTS

Planning Forestry

- The owners should review the [Planning around trees](#) page for some guidance on working around their trees. In particular, the [Tree Protection Specification](#) should be implemented when working around trees that are to be protected & retained.

- Please note that a TIR and tree removal permit application would be required for any work that would require removal of any trees within the right-of-way.



Luke Teeft
Planner I, Development Review, All Wards

Planning, Development and Building
Services Department



Erin O'Connell
Planner III, Development Review, All
Wards
Planning, Development and Building
Services Department

NOTICE OF HEARING

Pursuant to the Ontario *Planning Act*

Consent Application

Panel 3
Tuesday, July 16, 2024
9 a.m.

Ben Franklin Place, Main Floor Chamber, 101 CentrepoinTE Drive
and by videoconference

Owners of neighbouring properties within 60 metres of the property address below are receiving this notice in case they want to comment on the application(s) and/or participate at the hearing.

The hearing can also be viewed on the Committee of Adjustment [YouTube](#) page.

Simultaneous interpretation in both official languages, accessible formats and communication supports are available for any specific agenda item by contacting the Committee of Adjustment at least 72 hours before the hearing.

File No.:	D08-01-24/B-00105
Application:	Consent under section 53 of the <i>Planning Act</i>
Owner/Applicant:	Tomlinson Development Corporation
Property Address:	541 Somme Street
Ward:	20 – Osgoode
Legal Description:	Part of Blocks 2 and 17, Registered Plan 4M-1388
Zoning:	RH
Zoning By-law:	2008-250

APPLICANT'S PROPOSAL / PURPOSE OF THE APPLICATION:

The Owner wants to subdivide their property into two separate parcels of land to create a new lot for future development.

CONSENT IS REQUIRED FOR THE FOLLOWING:

The Owner requires the Committee's consent to sever the land.

The land to be severed, shown as Parts 1 and 2 on Draft 4R-Plan, filed with the application, will have a frontage of 49.92 metres, a depth of 125.92 metres, and a lot area of 8,014.7 square metres. This vacant parcel of land will be known municipally as 541 Somme Street.

The retained land, shown on a sketch, filed with the application, will have a frontage of 135 metres, a depth of 151 metres and a lot area of 30,122.54 square metres. This vacant parcel of land will be known municipally as 549 Somme Street.

The subject property is not the subject of any other current application under the *Planning Act*.

FIND OUT MORE ABOUT THE APPLICATION

For more information about this matter, contact the Committee of Adjustment at the address, email address, website or QR code below.

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COMMITTEE OF ADJUSTMENT

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DATED: June 28, 2024



Ce document est également offert en français.

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AVIS D'AUDIENCE

Conformément à la *Loi sur l'aménagement du territoire* de l'Ontario

Demande d'autorisation

Groupe 3
Mardi 16 juillet 2024
9 h

Place-Ben-Franklin, salle Chamber, 101, promenade CentrepoinTE
et par vidéoconférence

Les propriétaires des biens-fonds situés dans un rayon de 60 mètres de l'adresse ci-dessous reçoivent le présent avis afin de formuler des observations sur la ou les demandes et de participer à l'audience s'ils le souhaitent.

L'audience peut aussi être visionnée sur la page [YouTube](#) du Comité de dérogation.

Les participants peuvent bénéficier de l'interprétation simultanée dans les deux langues officielles, de formats accessibles et d'aides à la communication pour toute question de l'ordre du jour en s'adressant au Comité de dérogation au moins 72 heures à l'avance.

Dossier : D08-01-24/B-00105
Demande : Autorisation en vertu de l'article 53 de la *Loi sur l'aménagement du territoire*
Propriétaire/Requérant : Tomlinson Development Corporation
Adresse municipale : 541, rue Somme
Quartier : 20 – Osgoode
Description officielle : Partie des îlots 2 et 17, plan enregistré 4M-1388
Zonage : RH
Règlement de zonage : 2008-250

PROPOSITION DU REQUÉRANT ET OBJET DE LA DEMANDE :

Le propriétaire souhaite lotir son bien-fonds en deux parcelles distinctes afin de créer un nouveau lot en vue d'un aménagement futur.

AUTORISATION REQUISE :

Le propriétaire sollicite l'autorisation du Comité en vue de morceler le bien-fonds.

Le terrain qui sera disjoint est représenté par les parties 1 et 2 du plan 4R préliminaire joint à la demande. Il aura une façade de 49,92 mètres, une profondeur de 125,92 mètres et une superficie de 8 014,7 mètres carrés. Cette parcelle inoccupée portera pour adresse municipale le 541, rue Somme.

Le terrain conservé, illustré sur un croquis déposé avec la demande, aura une façade de 135 mètres, une profondeur de 151 mètres et une superficie de 30 122,54 mètres carrés. Cette parcelle inoccupée portera pour adresse municipale le 549, rue Somme.

La propriété en question ne fait l'objet d'aucune autre demande en vertu de la *Loi sur l'aménagement du territoire*.

POUR EN SAVOIR PLUS SUR LA DEMANDE

Pour obtenir plus de renseignements à ce sujet, communiquez avec le Comité de dérogation via l'adresse, le courriel, le site Web ou le code QR ci-dessous.

Consultez le site **Ottawa.ca/comite-de-derogation** et suivez le lien **Prochaines audiences** pour consulter l'ordre du jour du Comité et les documents relatifs aux demandes, y compris les **lettres d'accompagnement des propositions, les plans, l'information sur les arbres, les avis d'audience, les cartes de diffusion et les rapports d'urbanisme de la Ville**. Les décisions écrites sont également publiées une fois rendues et traduites.

Si vous ne participez pas à l'audience, vous ne recevrez pas d'autre avis à ce sujet.

Si vous souhaitez recevoir un avis de la décision prise à l'issue de l'audience et de tout appel ultérieur interjeté devant le Tribunal ontarien de l'aménagement du territoire, faites-en la demande par écrit au Comité.

COMMENT PARTICIPER

Présentez vos observations écrites ou orales avant l'audience : Veuillez faire parvenir vos observations par courriel à cded@ottawa.ca au moins 24 heures avant l'audience afin de vous assurer que les membres des groupes chargés du rendu des décisions les ont bien reçues. Vous pouvez également téléphoner au coordonnateur ou à la coordonnatrice au numéro 613-580-2436 pour demander que vos observations soient transcrites.

Inscrivez-vous au moins 24 heures à l'avance en communiquant avec le coordonnateur ou la coordonnatrice du Comité au numéro 613-580-2436 ou à l'adresse à cded@ottawa.ca. Vous recevrez des détails sur la façon de participer par vidéoconférence. Si vous souhaitez faire une présentation visuelle, le coordonnateur ou la coordonnatrice sera en mesure de vous fournir des détails sur la façon de procéder. Les présentations sont limitées à cinq minutes et toute exception est laissée à la discrétion du président ou de la présidente.

Les audiences sont régies par les *Règles de pratique et de procédure* du Comité de dérogation et sont accessibles en ligne.

TOUS LES RENSEIGNEMENTS PRÉSENTÉS DEVIENNENT PUBLICS

Sachez que, conformément à la Loi sur l'aménagement du territoire, à la *Loi sur les municipalités* et à la *Loi sur l'accès à l'information municipale et la protection de la vie privée*, les observations écrites adressées au Comité de dérogation sont considérées comme des renseignements publics et peuvent être communiquées à toute personne intéressée. Les renseignements que vous choisissez de divulguer dans votre correspondance, notamment vos renseignements personnels, seront versés au dossier public et communiqués aux membres du Comité, au(x) requérant(s) ou à l'agent, l'agente, ainsi qu'à toute autre personne intéressée et pourront éventuellement être affichés en ligne et faire l'objet d'une recherche sur Internet.

COMITÉ DE DÉROGATION

Le Comité de dérogation est le tribunal quasi judiciaire de la Ville d'Ottawa créé en vertu de la *Loi sur l'aménagement du territoire* de l'Ontario. Chaque année, il tient des audiences sur des centaines de demandes en vertu de la *Loi sur l'aménagement du territoire*, conformément à la *Loi sur l'exercice des compétences légales* de l'Ontario, y compris des demandes d'autorisation de morcellement de terrain et de dérogation mineure aux exigences en matière de zonage.

FAIT le 28 juin 2024

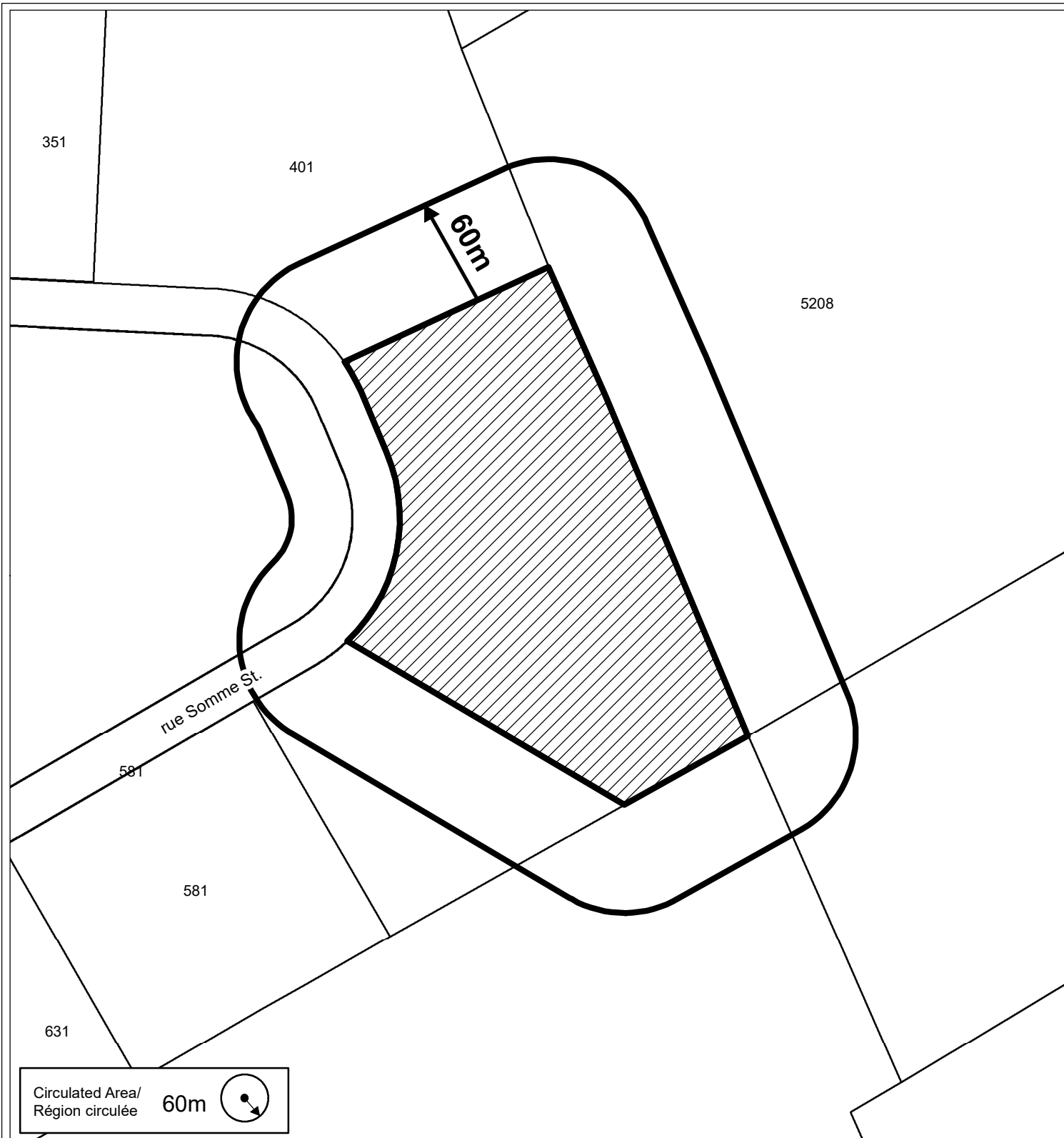


This document is also available in English.

Committee of Adjustment
City of Ottawa
101 Centrepoin Drive
Ottawa ON K2G 5K7
[Ottawa.ca/CommitteeofAdjustment](https://ottawa.ca/CommitteeofAdjustment)
cofa@ottawa.ca
613-580-2436



Comité de dérogation
Ville d'Ottawa
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cded@ottawa.ca
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Committee of Adjustment
Comité de dérogation

CIRCULATION MAP /
PLAN DE CIRCULATION

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sans autorisation. CECI N'EST PAS UN PLAN D'ARPENTAGE



SUBJECT LAND / TERRAIN EN QUESTION

541 rue Somme Street



NOT TO SCALE
NON À L'ÉCHELLE

June 6, 2024

Mr. Michel Bellemare
Secretary-Treasurer
Committee of Adjustment
101 Centrepointhe Drive, Fourth Floor
Ottawa, ON K2G 5K7

RE: Application for Consent
541 Somme Street, Ottawa

Committee of Adjustment
Received | Reçu le

2024-06-10

City of Ottawa | Ville d'Ottawa
Comité de dérogation

Dear Mr. Bellemare,

The landowner of 541 Somme Street, Tomlinson Development Corporation (the "Owner"), has retained Fotenn Planning + Design ("Fotenn") as Agent to submit a Consent application to the Committee of Adjustment. The intent of the applications is to sever the existing parcel into two (2) separately conveyable parcels.

Pursuant to Section 42(1) of the Planning Act, the Owner requests two certificates, one for the retained parcel and one for the severed parcel.

In addition to this cover letter, the following materials have been enclosed in support of this application:

- / Completed application form;
- / Draft Reference Plan;
- / Parcel Abstracts;
- / Deposited Plan 4M-1388

Sincerely,



Saide Sayah, RPP MCIP
Principal



Thomas Freeman, B.URPL
Planner

Ottawa
396 Cooper Street, Suite 300
Ottawa, ON K2P 2H7
613.730.5709

Kingston
The Woolen Mill
4 Cataraqui Street, Suite 315
Kingston, ON K7K 1Z7
613.542.5454

Toronto
174 Spadina Avenue, Suite 304
Toronto, ON M5T 2C2
416.789.4530

fotenn.com

1.0 Introduction

Fotenn Consultants Inc (“Fotenn”) has been retained to prepare this Planning Rationale in support of Consent application for the property known municipally as 541 Somme Street (the “subject lands”) in the City of Ottawa.

The intent of this Planning Rationale is to assess the proposed Consent against the applicable policy and regulatory framework and to demonstrate how the proposed application is appropriate for the subject lands.

1.1 Purpose of Applications

The Consent application seeks to subdivide the subject lands into two (2) parcels, both in compliance with the Zoning By-law to accommodate the sale of the parcel to be severed.

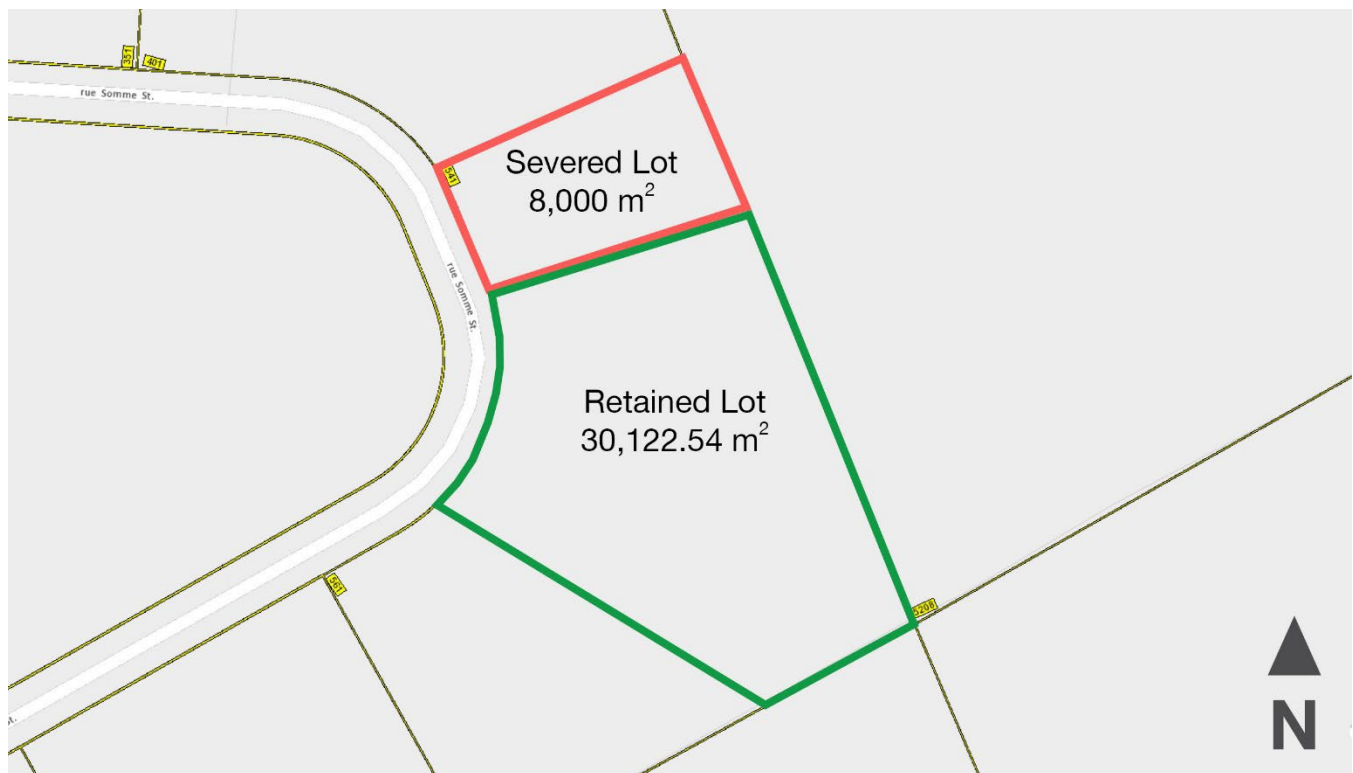


Figure 1: Proposed Severed and Retained Parcels

1.2 Servicing

The subject lands do not feature connections to public water, sanitary, or stormwater infrastructure. In the absence of public services, any development on the subject lands will be on the basis of private services. Any future development on the subject lands will be serviced through a private well and septic system, as confirmed through a Site Plan Control application.

The subject lands were previous subject to Plan of Subdivision approval. As part of the Plan of Subdivision, there are existing roadside ditches and stormwater pond providing stormwater management for the subject lands.

2.0 Site Context and Surrounding Area

2.1 Site Context

The subject lands are located southeast of Hawthorne and Rideau Road in the Osgoode neighbourhood. The subject lands are part of a rural-industrial subdivision consisting of more than 80 hectares. The proposal is to create a new parcel in the subdivision that is in compliance with the Zoning By-law in order to accommodate an agreement of purchase and sale. The subdivision has accommodated similar and smaller lots over the last two decades and the proposed severance is in keeping with the orderly development of the rural-industrial park.

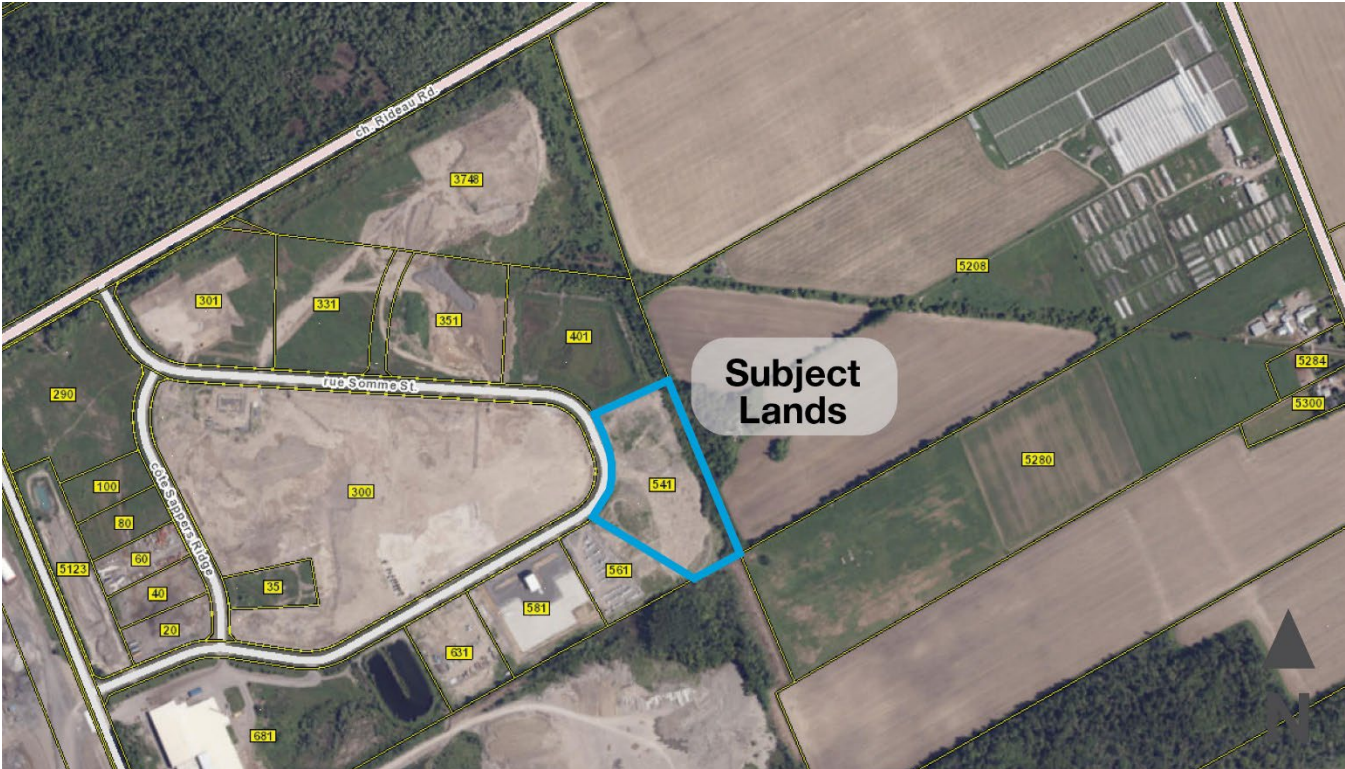


Figure 2: Subject Lands and Surrounding Area

2.2 Surrounding Area

- North:** Immediately north of the subject lands is a stormwater management pond that services the industrial park as part of the original plan of subdivision.
- East:** The lands east of the subject lands is a seed / seedling production facility with frontage onto Ramsayville Road.
- South:** The lands south of the subject lands are undeveloped.
- West:** West of the subject lands there are several industrial properties that front onto Somme Street and are part of the subdivision.

Proposed Severance

The Owner is proposing to sever the subject lands to create one (1) new parcel in addition to the retained parcel. The intent of the severance is to create two (2) separately conveyable parcels to accommodate future industrial development.

The proposed severed parcel (shown in red in Figure 3 below) will have a lot area of 8,000 square metres, with a frontage of approximately 49.92 metres and a lot width of 53.33 metres. The retained parcel (shown in green in Figure 3 below) will have a lot area of approximately 30,122 square metres and a lot width of approximately 140 metres.



Figure 3: Proposed severed (red) and retained (green) lots

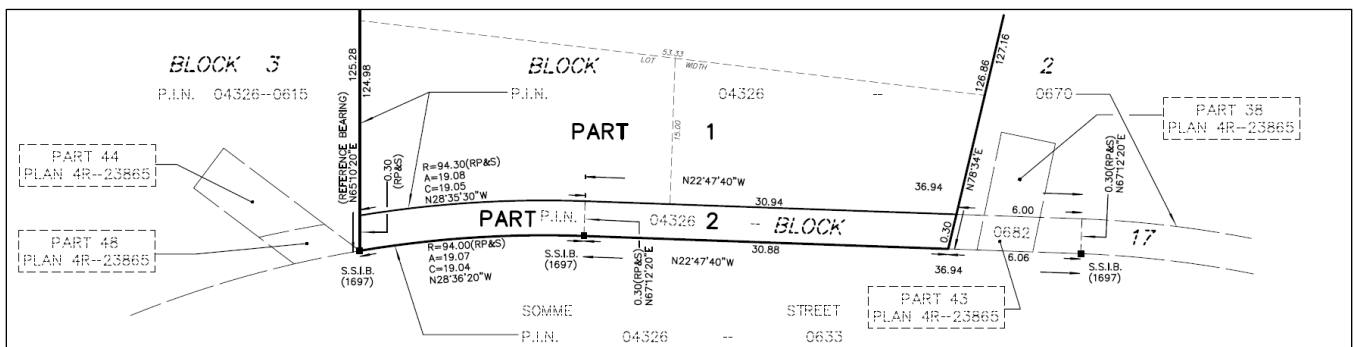


Figure 4: Excerpt from draft reference plan

Table 1: Description of Parts on Reference Plan

Part Number	Description
Part 1	Proposed Severed Lot
Part 2	City of Ottawa – 30 cm reserve This reserve is in place for the City to approve a hydrogeological report that confirms acceptable water quality and quantity as a part of the site plan approval process.

3.1 Servicing

The subject lands do not feature connections to public water, sanitary, or stormwater infrastructure. In the absence of public services, any development on the subject lands will be on the basis of private services.

Any future development on the subject lands will be serviced through a private well and septic system, as confirmed through a Site Plan Control application.

4.0

Policy and Regulatory Review

4.1 Planning Act

The Planning Act is provincial legislation that empowers municipalities to engage in land use planning activities in Ontario. Sections 53(1), 53(12), and 51(24) of the Planning Act establish the criteria for the severance of land. As the proposal includes a single severed lot and no public infrastructure, a plan of subdivision is not required for the orderly development of the lands. The proposed severance meets the criteria established in Section 51(24) of the Planning Act as follows:

a) The effect of development of the proposed subdivision on matters of provincial interest

The proposed Consent application has regard for matters of provincial interest found in Section 2 and is consistent with the policies of the Provincial Policy Statement (2020) by providing for an additional lot that will efficiently use the land, existing infrastructure, and public service facilities.

b) Whether the proposed subdivision is premature or in the public interest;

The proposed Consent allows for one additional lot within an exiting rural employment area for the purposes of future industrial development. The application is therefore not premature and is in the public interest.

c) Whether the plan conforms to the Official Plan and adjacent plans of subdivision, if any;

The proposed Consent conforms with the policies of the City of Ottawa Official Plan (2022) as it permits future industrial development on lands designated Rural Industrial and Logistics within the Rural Transect. Additionally, the proposed severed and retained lots are consistent with the lot fabric of the surrounding subdivision.

d) The suitability of the land for the purpose for which it is to be subdivided;

The proposed severed and retained parcels meet all of the provisions of the Zoning By-law and are generally devoid of any natural or human-made constraints.

e) The number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;

The abutting roads are all publicly maintained and connected to the larger urban road network of the City of Ottawa. The proposed lot fabric preserves direct access to Somme Street for each lot through the strategic design of the proposed land parcels.

f) The dimensions and shapes of the proposed lots;

The proposed lot sizes and shapes are consistent with the lot fabric for other properties in the surrounding area. The lots are designed to accommodate future industrial land uses.

g) The restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;

The proposal complies with the zoning performance standards including lot area.

h) Conservation of natural resources and flood control;

The subject lands are not located in a sensitive ecological area or in a floodplain. No adverse impacts are anticipated on natural resources and flood control.

i) The adequacy of utilities and municipal services;

Consistent with other lots in the industrial subdivision, the subject lands will be developed on the basis of private services. Roadside ditches and a stormwater pond were installed as part of the previous Plan of Subdivision for the subject lands.

j) The adequacy of school sites;

No school sites are required for industrial uses.

k) The area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;

No land is proposed to be dedicated to the City. As required by the Planning Act and City of Ottawa Parkland Dedication By-law, cash in-lieu of parkland was provided as part of the previous Plan of Subdivision for the subject lands.

The proposed Consent satisfies the criteria in Section 51(24) of the Planning Act.

4.2 Provincial Policy Statement (2020)

The Provincial Policy Statement (PPS), issued under the authority of Section 3 of the Planning Act, provides direction on matters of provincial interest related to land use planning and development. The Planning Act requires that decisions affecting planning matters be consistent with policy statements issued under the Act.

The PPS promotes the development of strong communities, which relies on the establishment of efficient land use and development patterns and the accommodation of an appropriate range and mix of uses.

The relevant policy interests to the subject application are as follows:

1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns

1.1.1 Healthy, liveable, and safe communities are sustained by:

- / promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
- / accommodating employment uses, including industrial uses, to meet long-term needs; and
- / ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs.

1.1.4 Rural Areas in Municipalities

1.1.4.1 Healthy, integrated and viable rural areas should be supported by:

- a) building upon rural character, and leveraging rural amenities and assets;
- e) using rural infrastructure and public service facilities efficiently;

- f) promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management or use of resources;

1.1.5 Rural Lands in Municipalities

- 1.1.5.5 Development shall be appropriate to the infrastructure which is planned or available, and avoid the need for the unjustified and/or uneconomical expansion of this infrastructure.
- 1.1.5.6 Opportunities should be retained to locate new or expanding land uses that require separation from other uses.
- 1.1.5.7 Opportunities to support a diversified rural economy should be promoted by protecting agricultural and other resource-related uses and directing non-related development to areas where it will minimize constraints on these uses.

1.3 Employment

- 1.3.1 Planning authorities shall promote economic development and competitiveness by, among others:
 - a) providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs;
 - b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses; and
 - c) facilitating the conditions for economic investment by identifying strategic sites for investment, monitoring the availability and suitability of employment sites, including market-ready sites, and seeking to address potential barriers to investment.

The severance of the lands to create one (1) new parcel promotes the efficient use of land in accordance with the policy direction. The creation of lots result in parcels that provide a diverse economic base for takes into account the needs of existing and future business activity in accordance with the Official Plan. The subject lands are well-suited for various rural industrial uses, particularly given their location within an existing industrial park and bedrock resource area. Overall, the proposed severance is consistent with the policy direction of the 2020 PPS.

4.3 City of Ottawa Official Plan (2022)

The Official Plan for the City of Ottawa was approved November 4, 2022. The Plan provides a framework for growth and development in the City to 2046, when the City's population is expected to surpass 1.4 million people. The Official Plan directs how the City will accommodate this growth over time and establishes policies to guide the development and growth of the City.

The subject lands are located within the Rural Transect and designated Rural Industrial and Logistics Area, as illustrated on Schedule B9 – Rural. An extract from the Schedule is shown in Figure 6 below.

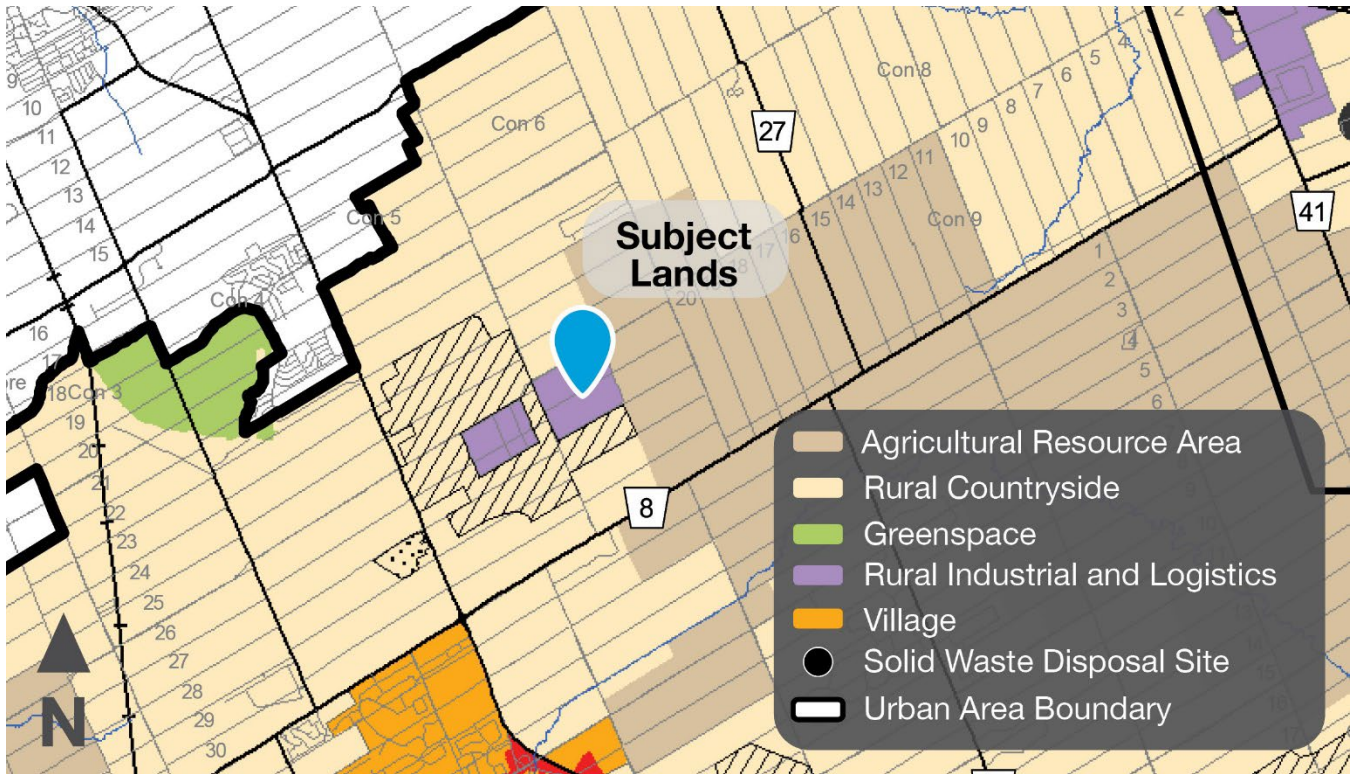


Figure 5: B9 - Rural Transect

4.3.1 Rural Transect

The Rural Transect comprises approximately 80 per cent of the City's total land area. The use of land in this area varies in intensity from untouched natural areas and cultivated farmland, to more intense development within villages and commercial industrial areas.

Policy 5.5.1.1 states that development within the Rural Transect shall be low-rise and located in areas outside Villages. Where development is permitted, built form and site design shall be premised on maintaining the rural character. Sites outside of Villages shall be designed to locate parking, storage and paved areas far from the road frontage, and access to such areas shall be designed to maintain rural character. The frontage along the road shall be landscaped and treed in a way that respects the rural landscape and enhances the green edge of rural roads.

Policy 5.5.1.2 states that development in the Rural Transect shall direct high-intensity rural industrial uses to locations near highway interchanges.

4.3.2 Rural Industrial and Logistics

Lands designated as Rural Industrial and Logistics are intended to support uses that are not suitable in the Urban area or Rural Countryside due to the requirements for large areas of land or separation from their noxious activity. These uses provide for a full range of activities across multiple industry sectors, which include warehouse, distribution, light and heavy industrial uses and small offices. Rural Industrial and Logistics areas are served by arterial roads, most of which are located in close proximity to 400-series highway interchanges to facilitate the efficient movement of goods, while limiting disruption to local rural traffic.

Policy 9.3.1.5 states that severances in Rural Industrial and Logistics areas are permitted. However, large lots of sufficient size to accommodate uses associated with goods movement and storage shall be the dominant size within each designation area and any smaller lots should be located in a manner that shall not limit the development of an industrial subdivision.

The proposed lot sizes are appropriate for large-scale industrial development. The resulting lots are consistent with the existing lot fabric in the existing industrial subdivision.

Policy 9.3.2.1 outlines the following permitted uses in Rural Industrial and Logistics areas:

- a) Heavy and light industrial uses, such as value-added processing, fabrication, manufacturing, equipment and supply centres, machine and vehicles sales and servicing, landscape and construction yards, nurseries;
- b) Transportation, distribution, warehouse and large-scale storage operations;
- c) Uses that are noxious by virtue of their noise, odour, dust or other emissions or that have potential for impact on air quality or surface water or groundwater, such as salvage or recycling yards, composting or waste transfer facilities; concrete plants; the treatment of aggregate products; and abattoirs; where they shall not be located adjacent to a highway unless suitable screening and landscaping are provided; and
- d) Commercial uses that primarily provide services to employees of the Rural Industrial and Logistics area or the travelling public such as a restaurant, gas station, a retail store up to 300 square metres of gross leasable space or similar uses. A commercial use involving the display and sale of products manufactured or warehoused on the site are permitted, provided that the retail floor space does not exceed the greater of 300 square metres or 25 per cent of the gross floor area of the building.

4.4 City of Ottawa Zoning By-law (2008-250)

The subject lands are zoned RH – Rural Heavy Industrial Zone in the City of Ottawa Comprehensive Zoning By-law (2008-250).

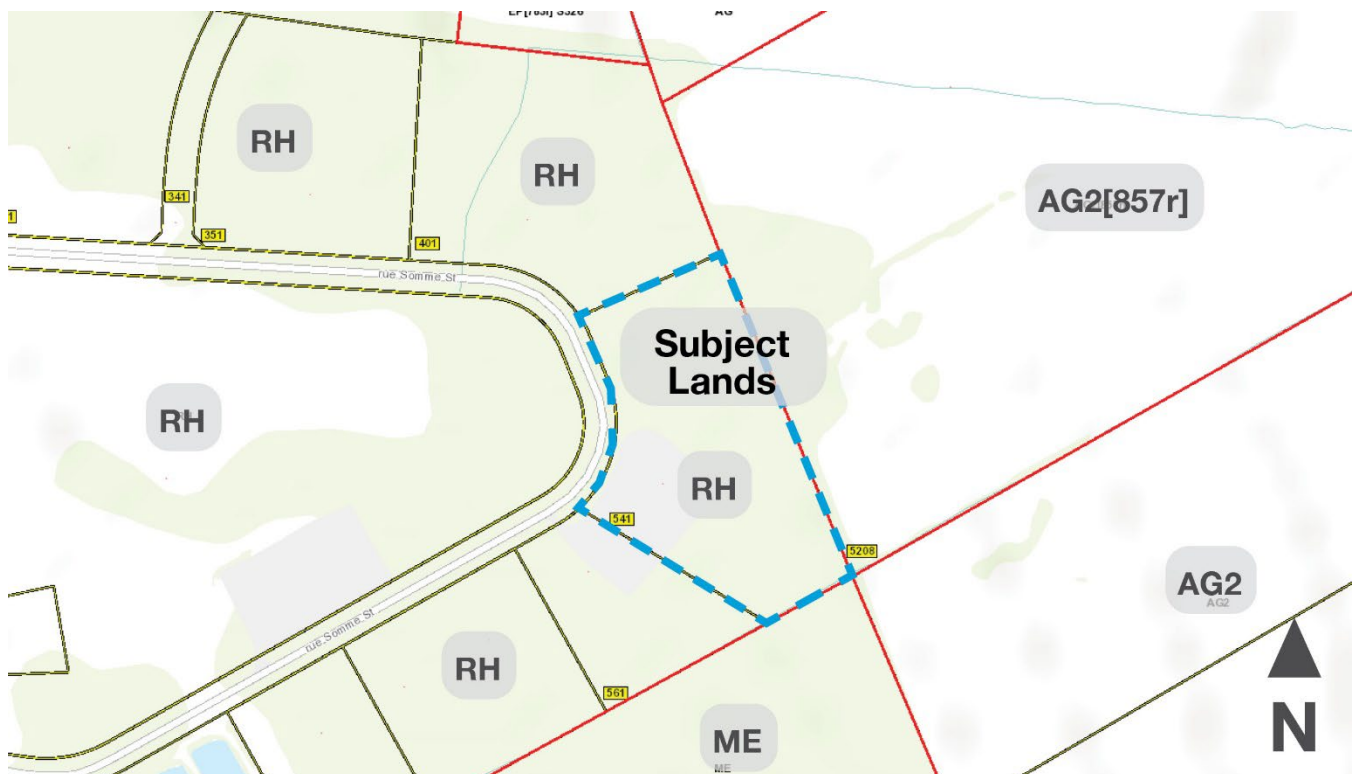


Figure 6: Zoning Map of the subject lands and surrounding area (GeoOttawa)

The purpose of the Rural Heavy Industrial Zone is to:

- / Permit the development of heavy industrial uses in areas designated for these uses in the Official Plan;
- / Accommodate a range of heavy industrial uses and limited-service commercial uses at locations which are neither environmentally sensitive nor in close proximity to incompatible land uses; and,
- / Regulate development in a manner that respects adjacent land uses and will have a minimal impact on the rural area.

The following uses are permitted in the RH Zone:

- / Automobile body shop
- / Automobile service station
- / Cannabis Production Facility
- / Crematorium
- / Drive-through facility
- / Gas bar
- / Heavy equipment and vehicle sales, rental and servicing
- / Heavy industrial use
- / Kennel
- / Leaf and yard waste composting facility
- / Light industrial use
- / Parling lot
- / Printing plant

- / Service and repair shop
- / Storage yard
- / Truck transport terminal
- / Warehouse
- / Waste processing and transfer facility

Additional uses are permitted, provided they are related to a permitted use listed above:

- / Bank machine
- / Bar (subject to additional provisions)
- / Car wash
- / Convenience store
- / Restaurant
- / Retail store

RH Zone Provisions	Requirement	Severed Parcel	Retained Parcel	Compliance
Minimum Lot Width	50 metres	53.33 metres	140 metres	Yes
Minimum Lot Area	8,000 square metres	8,000 square metres	30,122.54 square metres	Yes

The proposed severed and retained lots comply with the performance standards for the RH zone provisions for lot area and lot width.

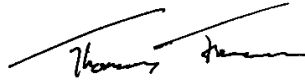
Conclusion

It is our professional opinion that a full Plan of Subdivision is not required for the orderly development of the lands, and a Consent is appropriate. The proposal to create two (2) lots from an existing parcel satisfies the Planning Act criteria for a Consent, conforms to the City of Ottawa Official Plan, complies with the provisions of the City of Ottawa Official Plan for lot area and width and represents good planning.

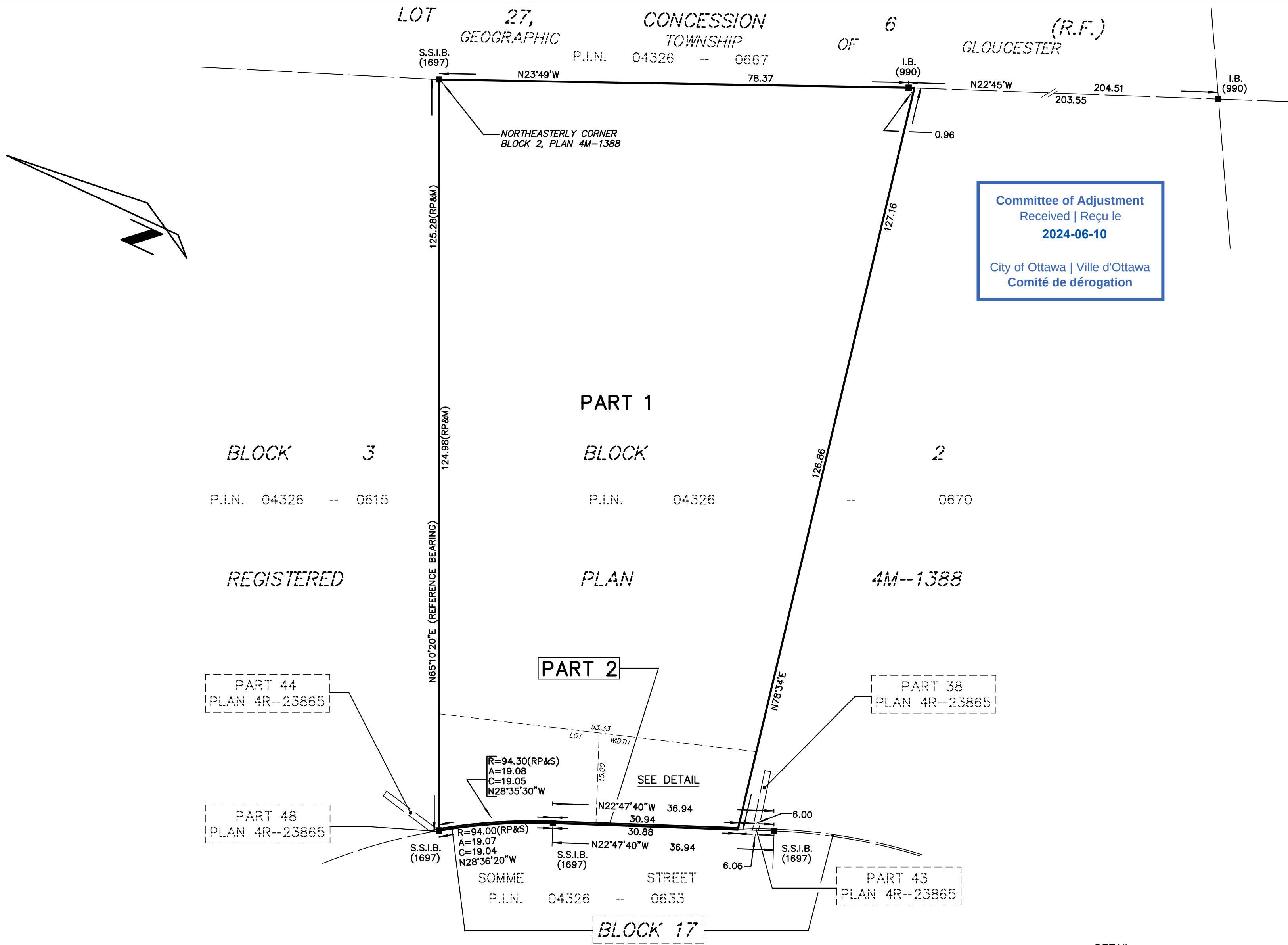
Sincerely,



Saide Sayah, RPP MCIP
Principal



Thomas Freeman, B.URPL
Planner



I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.

DATE

J.P. SHIPMAN

PLAN 4R-

RECEIVED AND DEPOSITED

DATE

REPRESENTATIVE FOR LAND REGISTRAR FOR THE LAND TITLES DIVISION OF OTTAWA-CARLETON (No.4)

PLAN OF SURVEY OF
PART OF BLOCKS 2 AND 17
REGISTERED PLAN 4M-1388
CITY OF OTTAWA
SCALE 1:500

051520304050

METRES

SCHEDULE				
PART	BLOCK	PLAN	P.I.N.	AREA
1	PART OF 2	4M-1388	PART OF 04326-0670	0.80 ha.
2	PART OF 17		PART OF 04326-0682	14.7 sq. m.

METRIC
DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

NOTES
BEARINGS SHOWN ON THIS PLAN ARE GRID BEARINGS, AND ARE DERIVED THE NORTHERLY LIMIT OF BLOCK 2 ON REGISTERED PLAN 4M-1388, HAVING A BEARING OF N65°10'20"E.

DISTANCES SHOWN ON THIS PLAN ARE HORIZONTAL GROUND DISTANCES AND CAN BE CONVERTED TO GRID DISTANCES BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999954.

- S.I.B.

S.S.I.B.

I.B.

R.I.B.

■

□

WT.

S.U.

990

1697

RP

M

S
- DENOTES 0.025 SQ., 1.2 LONG, STANDARD IRON BAR

DENOTES 0.025 SQ., 0.6 LONG, SHORT STANDARD IRON BAR

DENOTES 0.016 SQ., 0.6 LONG, IRON BAR

DENOTES ROUND IRON BAR

DENOTES SURVEY MONUMENT FOUND

DENOTES SURVEY MONUMENT PLANTED

DENOTES WITNESS

DENOTES SOURCE UNKNOWN

DENOTES J.G. PAYETTE, O.L.S.

DENOTES J.P. SHIPMAN, O.L.S.

DENOTES REGISTERED PLAN 4M-1388

DENOTES MEASURED

DENOTES SET

OBSERVED REFERENCE POINTS (ORP): MTM ZONE 9, NAD 83 (ORIGINAL)		
POINT IDENTIFICATION	NORTHING	EASTING
ORP A		
ORP B		

COORDINATES SHOWN TO RURAL ACCURACY IN ACCORDANCE WITH O.REG 216/10, SECTIONS 14, AND 31 TO 35 (BOTH INCLUSIVE).
COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

(1) THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM;

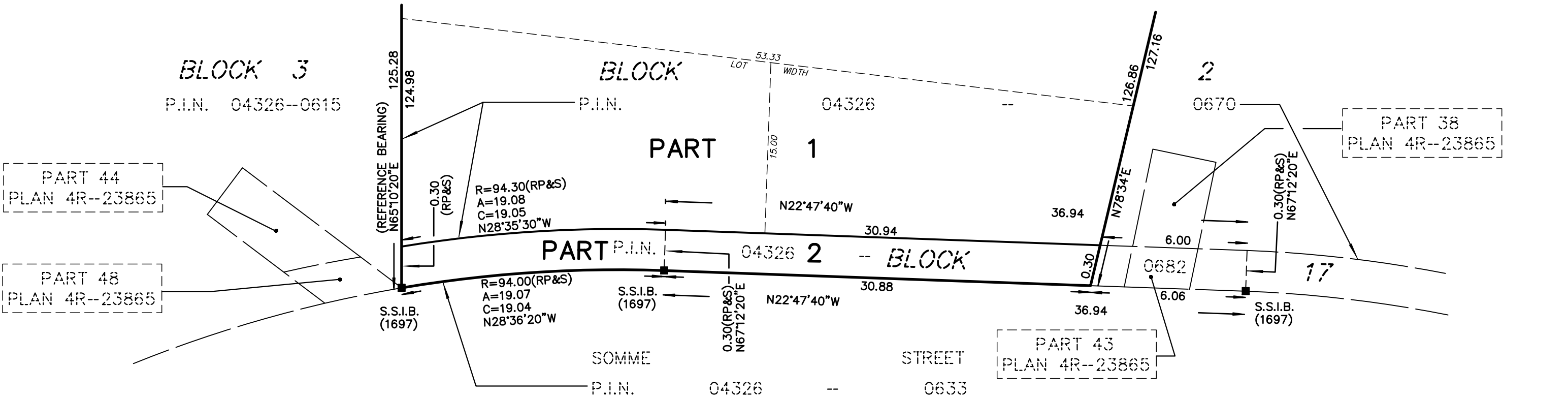
(2) THE SURVEY WAS COMPLETED ON THE DAY OF , 2024.

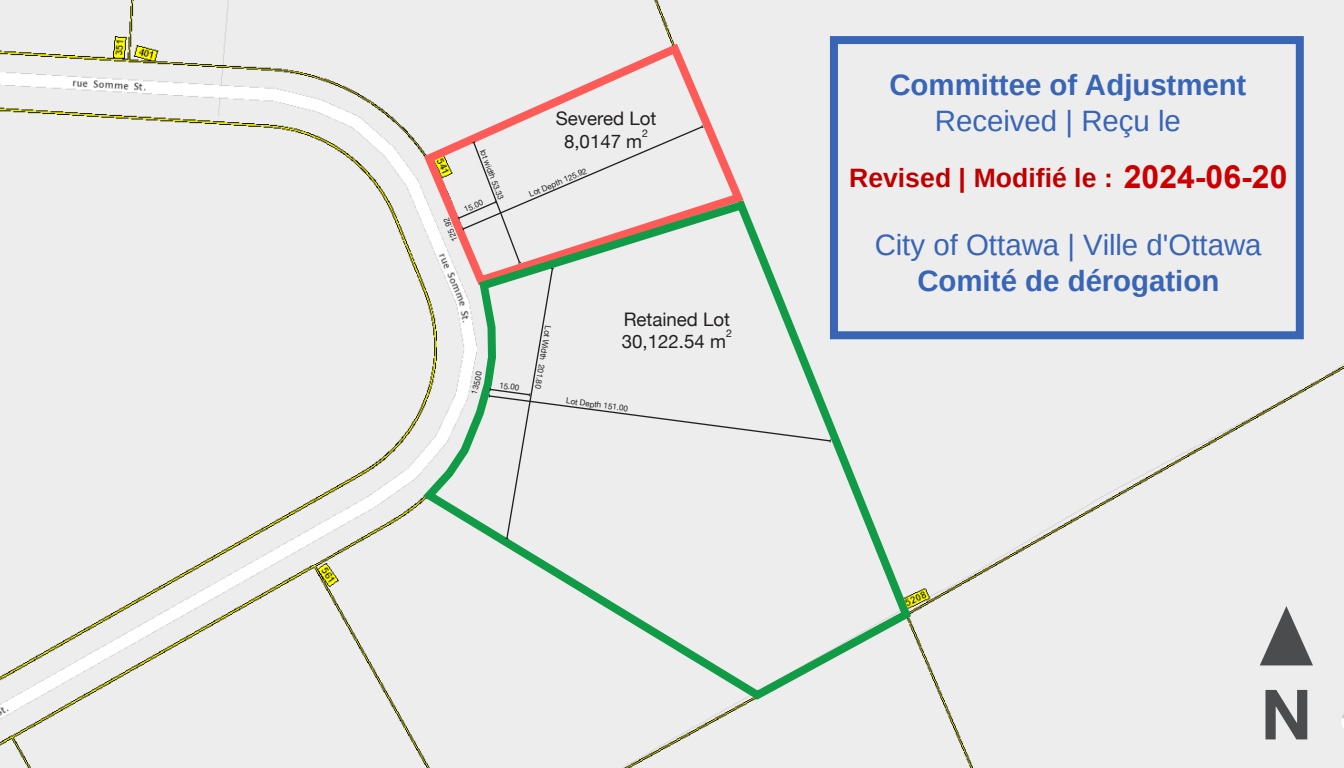
DATE

J.P. SHIPMAN

ONTARIO LAND SURVEYOR

THIS PLAN OF SURVEY RELATES TO AOLS PLAN SUBMISSION FORM NUMBER XXXXXX





Committee of Adjustment
Received | Reçu le

Revised | Modifié le : 2024-06-20

City of Ottawa | Ville d'Ottawa
Comité de dérogation



2024-07-11

City of Ottawa | Ville d'Ottawa
Comité de dérogation



CONSENT APPLICATION
COMMENTS TO THE COMMITTEE OF ADJUSTMENT
PANEL 3

PLANNING, DEVELOPMENT AND BUILDING SERVICES DEPARTMENT

Site Address: 541 Somme Street
Legal Description: Part of Blocks 2 and 17, Registered Plan 4M-1388
File No.: D08-01-24/B-00105
Report Date: July 10, 2024
Hearing Date: July 16, 2024
Planner: Luke Teeft
Official Plan Designation: Rural Transect; Rural Industrial and Logistics
Zoning: RH

DEPARTMENT COMMENTS

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

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, subject to the following conditions.

CONDITIONS

1. That the Owner enter into an Agreement with the City, at the expense of the Owner(s) and to the satisfaction of the **manager of the Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate**, which provides the following covenant/notice that runs with the land and binds future Owner(s) on subsequent transfers:

“The City of Ottawa does not guarantee the quality or quantity of the groundwater. If, at some future date, the quality or the quantity of the groundwater becomes deficient, the City of Ottawa bears no responsibility, financial or otherwise, to provide solutions to the deficiency, such solutions being the sole responsibility of the owner.”

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

2. That the Owner enter into an Agreement with the City, at the expense of the Owner(s) and to the satisfaction of the **manager of the Development Review All Wards Branch, or their designate**, which provides the following covenant/notice that runs with the land and binds future Owner(s) on subsequent transfers:

“The City of Ottawa has identified that there are potential sensitive marine clay soils, organic soils, thin soils, and karst topography within the area that may require site specific detailed geotechnical engineering solutions to allow for development, the City of Ottawa bears no responsibility, financial or otherwise, to provide solutions to the deficiency, such solutions being the sole responsibility of the homeowner.”

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

3. That the Owners provide a report, to the satisfaction of the City of Ottawa, demonstrating the adequacy of the aquifer with respect to quality and quantity to support the proposed development, failing which the Owners construct a new well on the severed lot and provide a report, to the satisfaction of the City of Ottawa, to demonstrate the adequacy of the aquifer with respect to quality and quantity to support the proposed development. The report must include a septic impact assessment to evaluate the water quality impact of the on-site septic system on the receiving aquifer.

The Owners' report must demonstrate the following to the City of Ottawa:

- That the construction of any new well on the severed parcel is in accordance with the Ministry of the Environment, Conservation and Parks
- That the quality of the water meets the Ministry of the Environment, Conservation and Parks Regulations, Standards, Guidelines and Objectives;
- That the quantity of water meets all the Ministry of the Environment, Conservation and Parks requirements.
- That the septic impact assessment meets the Ministry of the Environment, Conservation and Parks requirements.

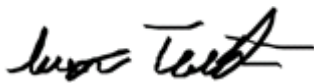
A qualified Professional Engineer or Professional Geoscientist must prepare the report. It is the Owner's responsibility to coordinate the person drilling a new well, if required, and the professional noted herein in order to properly satisfy this condition.

If the accepted report recommends specific mitigation measures or design requirements, the Owners shall enter into a Development Agreement with the City, at the expense of the Owners, which is to be registered on the title of the property, which includes those recommendations. In instances where the subject site has

sensitive soils, the drilling of a well and/or the conveyance of a 30-centimetre reserve may be required. Both the report and any required Development Agreement shall be prepared to the satisfaction of Development Review All Wards Manager Branch within Planning, Development and Building Services Department, or their designate.

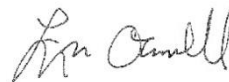
The Report shall be prepared as per Procedure D-5-4 "Technical Guideline for Individual On-Site Sewage Systems: Water Quality Impact Risk Assessment" and Procedure D-5-5 "Technical Guideline for Private Wells: Water Supply Assessment".

4. That the Owner(s) provide a Septic Impact Assessment, prepared by a Professional Engineer or Professional Geoscientist, licensed in the Province of Ontario, to the satisfaction of the **manager of the Development Review All Wards Branch, or their designate**, to be confirmed in writing from the Department to the Committee. A septic assessment is required as per City Hydrogeological and Terrain Analysis Guidelines to ensure that the septic effluent does not impact the local aquifer.



Luke Teeft
Planner I, Development Review, All Wards

Planning, Development and Building
Services Department



Erin O'Connell
Planner III, Development Review, All
Wards
Planning, Development and Building
Services Department

NOTICE OF HEARING

Pursuant to the Ontario *Planning Act*

Minor Variance Application

Panel 3
Tuesday, July 16, 2024
9 a.m.

Ben Franklin Place, Main Floor Chamber, 101 Centrepointhe Drive
and by videoconference

Owners of neighbouring properties within 60 metres of the property address below are receiving this notice in case they want to comment on the application(s) and/or participate at the hearing.

The hearing can also be viewed on the Committee of Adjustment [YouTube](#) page.

Simultaneous interpretation in both official languages, accessible formats and communication supports are available for any specific agenda item by contacting the Committee of Adjustment at least 72 hours before the hearing.

File Nos.:	D08-02-24/A-00163
Application(s):	Minor Variance under section 45 of the <i>Planning Act</i>
Applicant(s):	Shane & Amy LaBrash
Property Address:	4093 Caracourt Drive
Ward:	20 - Osgoode
Legal Description:	Lot 56, Registered Plan 4M-1127
Zoning:	V11
Zoning By-law:	2008-250

APPLICANT(S)'S PROPOSAL / PURPOSE OF THE APPLICATION(S):

The Owners want to construct a two-storey garage with a loft, as shown on the plans filed with the application.

REQUESTED VARIANCES:

The Owners require the Committee's authorization for minor variances from the Zoning By-law as follows:

- a) To permit an increased cumulative floor area for the accessory structures of 116.3 square metres, whereas the By-law permits a maximum cumulative floor area of 55 square metres.
- b) To permit an increased height of 5.2 metres for an accessory structure whereas the By-law permits a maximum height for an accessory structure of 4.5 square metres.

The subject property is not the subject of any other current application under the *Planning Act*.

FIND OUT MORE ABOUT THE APPLICATION(S)

For more information about this matter, contact the Committee of Adjustment at the address, email address, website or QR code below.

Visit **Ottawa.ca/CommitteeofAdjustment** and follow the link to **Next hearings** to view panel agendas and application documents, including **proposal cover letters, plans, tree information, hearing notices, circulation maps, and City planning reports**. Written decisions are also published once issued and translated.

If you don't participate in the hearing, you won't receive any further notification of the proceedings.

If you want to be notified of the decision following the hearing, and of any subsequent appeal to the Ontario Land Tribunal, send a written request to the Committee.

HOW TO PARTICIPATE

Submit written or oral comments before the hearing: Email your comments to cofa@ottawa.ca at least 24 hours before the hearing to ensure they are received by the panel adjudicators. You may also call the Coordinator at 613-580-2436 to have your comments transcribed.

Register to Speak at the hearing at least 24 hours before by contacting the Committee Coordinator at 613-580-2436 or at cofa@ottawa.ca. You will receive details on how to participate by videoconference. If you want to share a visual presentation, the Coordinator can provide details on how to do so. Presentations are limited to five minutes, and any exceptions are at the discretion of the Chair.

Hearings are governed by the Committee of Adjustment's *Rules of Practice and Procedure* accessible online.

ALL SUBMITTED INFORMATION BECOMES PUBLIC

Be aware that, in accordance with the *Planning Act*, the *Municipal Act* and the *Municipal Freedom of Information and Privacy Act*, all information presented to the Committee of Adjustment is considered public information and can be shared with any interested individual. Information you choose to disclose in your correspondence and during the hearing, including your personal information, will become part of the public record, and shared with Committee Members, the Applicant(s) or their agent and any other interested individual, and potentially posted online and become searchable on the Internet.

COMMITTEE OF ADJUSTMENT

The Committee of Adjustment is the City of Ottawa's quasi-judicial tribunal created under the Ontario *Planning Act*. Each year, it holds hearings on hundreds of applications under the *Planning Act* in accordance with the Ontario *Statutory Powers Procedure Act*, including consent to sever land and minor variances from the zoning requirements.

DATED: June 28, 2024



Ce document est également offert en français.

Committee of Adjustment
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[Ottawa.ca/CommitteeofAdjustment](https://ottawa.ca/CommitteeofAdjustment)
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AVIS D'AUDIENCE

Conformément à la *Loi sur l'aménagement du territoire* de l'Ontario

Demande de dérogations mineures

Groupe 3
Mardi 16 juillet 2024
9 h

Place-Ben-Franklin, salle Chamber, 101, promenade CentrepoinTE
et par vidéoconférence

Les propriétaires des biens-fonds situés dans un rayon de 60 mètres de l'adresse ci-dessous reçoivent le présent avis afin de formuler des observations sur la ou les demandes et de participer à l'audience s'ils le souhaitent.

L'audience peut aussi être visionnée sur la page [YouTube](#) du Comité de dérogation.

Les participants peuvent bénéficier de l'interprétation simultanée dans les deux langues officielles, de formats accessibles et d'aides à la communication pour toute question de l'ordre du jour en s'adressant au Comité de dérogation au moins 72 heures à l'avance.

Dossier :	D08-02-24/A-00163
Demande :	Dérogations mineures en vertu de l'article 45 de la <i>Loi sur l'aménagement du territoire</i>
Requérants :	Shane et Amy LaBrash
Adresse municipale :	4093, promenade Caracourt
Quartier :	20 - Osgoode
Description officielle :	Lot 56, plan enregistré 4M-1127
Zonage :	V1I
Règlement de zonage :	n° 2008-250

PROPOSITION DES REQUÉRANTS ET OBJET DE LA DEMANDE :

Les propriétaires souhaitent construire un garage de deux étages avec un grenier, conformément aux plans déposés auprès du Comité.

DÉROGATIONS DEMANDÉES :

Les propriétaires demandent au Comité d'accorder les dérogations mineures au Règlement de zonage décrites ci-après :

- a) Permettre l'augmentation de la surface de plancher cumulative pour les constructions accessoires à 116,3 mètres carrés, alors que le Règlement permet une surface de plancher cumulative maximale de 55 mètres carrés.
- b) Permettre l'augmentation de la hauteur à 5,2 mètres pour une construction accessoire, alors que le Règlement permet une hauteur maximale de 4,5 mètres pour une construction accessoire.

La propriété en question ne fait l'objet d'aucune autre demande en cours en vertu de la *Loi sur l'aménagement du territoire*.

POUR EN SAVOIR PLUS SUR LA DEMANDE

Pour obtenir plus de renseignements à ce sujet, communiquez avec le Comité de dérogation via l'adresse, le courriel, le site Web ou le code QR ci-dessous.

Visitez le site **Ottawa.ca/Comité de dérogation** et suivez le lien **Prochaines audiences** pour consulter l'ordre du jour du Comité et les documents relatifs aux demandes, y compris **les lettres d'accompagnement des propositions, les plans, l'information sur les arbres, les avis d'audience, les cartes de diffusion et les rapports d'urbanisme de la Ville**. Les décisions écrites sont également publiées une fois rendues et traduites.

Si vous ne participez pas à l'audience, vous ne recevrez pas d'autre avis à ce sujet.

Si vous souhaitez recevoir un avis de la décision prise à l'issue de l'audience et de tout appel ultérieur interjeté devant le Tribunal ontarien de l'aménagement du territoire, faites-en la demande par écrit au Comité.

COMMENT PARTICIPER

Présentez vos observations écrites ou orales avant l'audience : Veuillez faire parvenir vos observations par courriel à cded@ottawa.ca au moins 24 heures avant l'audience afin de vous assurer que les membres des groupes chargés du rendu des décisions les ont bien reçues. Vous pouvez également téléphoner au coordonnateur ou à la coordonnatrice au numéro 613-580-2436 pour demander que vos observations soient transcrites.

Inscrivez-vous au moins 24 heures à l'avance en communiquant avec le coordonnateur ou la coordonnatrice du Comité au numéro 613-580-2436 ou à l'adresse à cded@ottawa.ca. Vous recevrez des détails sur la façon de participer par vidéoconférence. Si vous souhaitez faire une présentation visuelle, le coordonnateur ou la coordonnatrice sera en mesure de vous fournir des détails sur la façon de procéder. Les présentations sont limitées à cinq minutes et toute exception est laissée à la discrétion du président ou de la présidente.

Les audiences sont régies par les *Règles de pratique et de procédure* du Comité de dérogation et sont accessibles en ligne.

TOUS LES RENSEIGNEMENTS PRÉSENTÉS DEVIENNENT PUBLICS

Sachez que, conformément à la *Loi sur l'aménagement du territoire*, à la *Loi sur les municipalités* et à la *Loi sur l'accès à l'information municipale et la protection de la vie privée*, les observations écrites adressées au Comité de dérogation sont considérées comme des renseignements publics et peuvent être communiquées à toute personne intéressée. Les renseignements que vous choisissez de divulguer dans votre correspondance, notamment vos renseignements personnels, seront versés au dossier public et communiqués aux membres du Comité, au(x) requérant(s) ou à l'agent, l'agente, ainsi qu'à toute autre personne intéressée et pourront éventuellement être affichés en ligne et faire l'objet d'une recherche sur Internet.

COMITÉ DE DÉROGATION

Le Comité de dérogation est le tribunal quasi judiciaire de la Ville d'Ottawa créé en vertu de la *Loi sur l'aménagement du territoire* de l'Ontario. Chaque année, il tient des audiences sur des centaines de demandes en vertu de la *Loi sur l'aménagement du territoire*, conformément à la *Loi sur l'exercice des compétences légales* de l'Ontario, y compris des demandes d'autorisation de morcellement de terrain et de dérogation mineure aux exigences en matière de zonage.

FAIT : 28 juin 2024

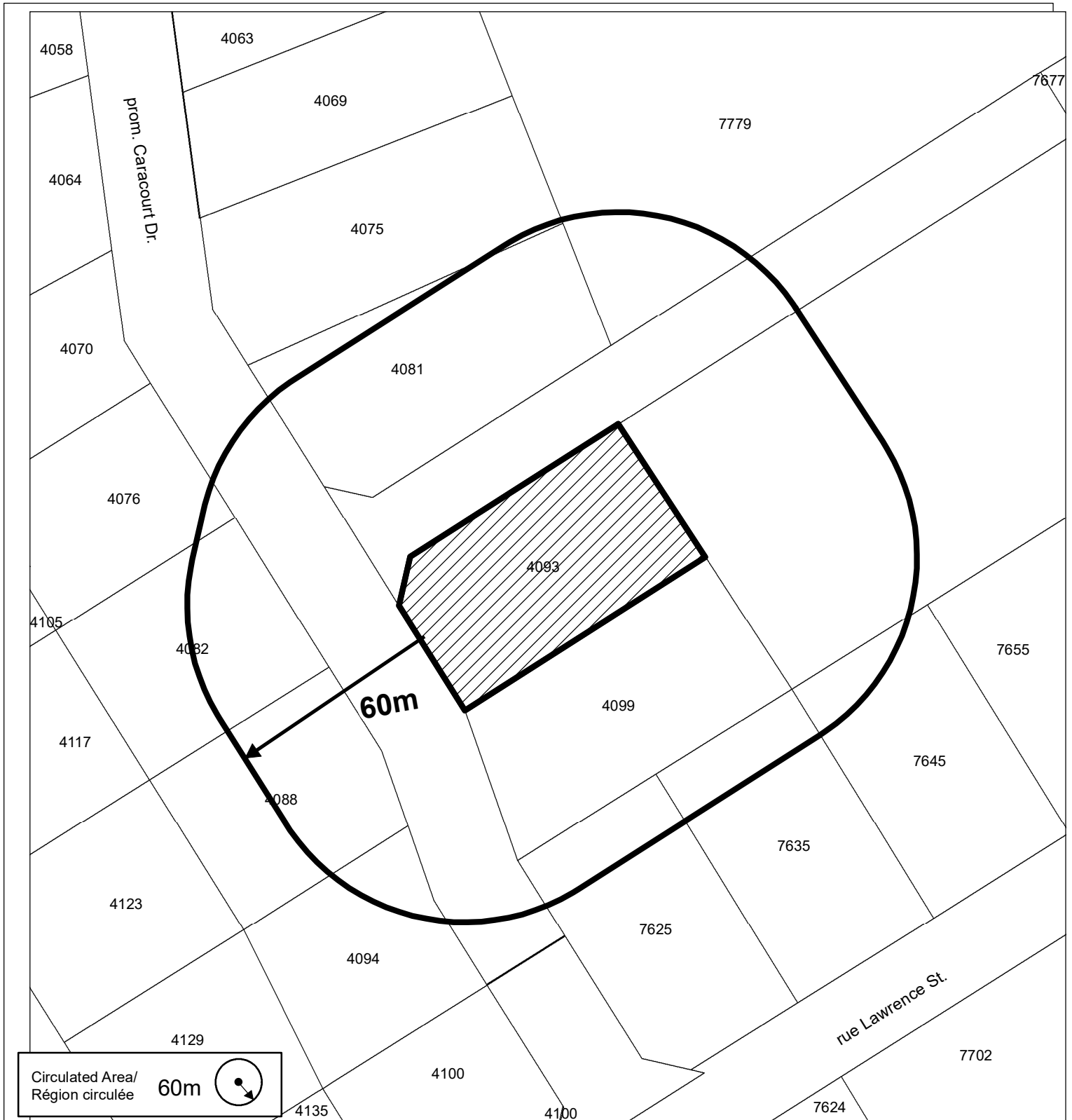


This document is also available in English.

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613-580-2436



Circulated Area/
Région circulée 60m



Committee of Adjustment
Comité de dérogation

CIRCULATION MAP /
PLAN DE CIRCULATION

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SUBJECT LAND / TERRE EN QUESTION

4093 prom. Caracourt Drive



NOT TO SCALE
NON À L'ÉCHELLE

2024-06-18

City of Ottawa | Ville d'Ottawa
Comité de dérogation

Application for minor variance at 4093 Caracourt Drive, Osgoode, Ontario

Introduction

We are the LaBrash family of 4, with two busy, soon-to be teenagers. We are the only owners of our 2009 single story home, which we built as our starter home, but has evolved into a space that we can't imagine leaving. We are an active, outdoor family, choosing to spend as much of our personal time riding bikes, ATVs, swimming, sledding, skating, hiking ect. The small town and rural lifestyle in Vernon greatly facilitates these aspects of enjoyment for us. We love our home, our neighbourhood and the community connections we've developed in our 15 years residing here. We have every intention on making this our forever home, but are noticing as our children get older, we're outgrowing its footprint (1300 square feet above ground),and would greatly benefit from additional space in the form of a garage.

A garage would not only be used to store and maintain our two vehicles, but also as a workshop for the many projects we undertake, and necessary storage space for yard equipment, pool and seasonal toys, sports equipment, ATVs, ect. To this point, we've been managing this with only a small 10x10 garden shed, which is now overflowing with all of the "stuff" our lifestyle has acquired. An added loft space above the garage will also provide us with a flex space to be used for storage of our many tools, while also providing our children additional indoor space to utilize for their own hobbies and hang-out space, outside of our main home. Our home is the only home on the street that is without a garage, and we've finally reached the point where we are financially able to consider one (a long awaited and exciting milestone for us!)

Proposed Building

We've spent nearly a year researching and designing an ideal accessory structure (garage) for our future, and if permissible by the Committee of Adjustments, we'll construct a 2 car garage, with a 24' x 24' footprint and a loft space to allow for additional storage and workshop activities. For clarity, this loft space will not be considered a habitable space – it wont be finished or include any running water.

Variances Requested

There are two variances that the committee will be considering:

1. We are requesting approval to construct the structure slightly taller (5.2m or 17 feet) than the permitted height (4.5m or 14.8 feet, measured to the mid-point of the gable roof) allowing the loft space to have standard 8 foot ceilings;

2. Because of the inclusion of a loft space and the 10'x10' garden shed already located in the rear of our property, we are requesting approval to exceed the maximum cumulative floor area per the by-laws, with a cumulative floor area of 116.3 square meters (1252 square feet) that exceeds the maximum of 55 square meters (592 square feet).

Steps Taken To Date

Our building permit has received approval from the city with respect to grading – a grading plan is not required (see attached email confirmation). We have spoken with a City Planner regarding our proposal, and confirmed that our variance's requested do not cause concern, thus our application would be supported by the City. We have confirmed that our property is not located within the area impacted by the Tree Protection By-law, meaning a Tree Information Report is not required. We have spoken with adjacent neighbours that could potentially be impacted to ensure there are no concerns we could address in advance, without objection. We have notified our ward councilor, George Darouze, advising of our variance application, who has no concerns with our proposal. We have consulted with Rideau Valley Conservation and have subsequently reached out to South Nation Conservation on two occasions, but have not received a response to our inquiries.

Section 45 of the Planning Act, and related requirements

We understand the purpose of this section is to review the proposal using 4 tests:

1. Is the variance minor?
2. Is the variance desirable for the appropriate development or use of land, building or structure?
3. Is the general intent and purpose of the Zoning By-law maintained?
4. Is the general intent and purpose of the Official Plan maintained?

We will address each of these in detail:

Is the variance minor?

Yes, we are confident that the two variances we are requesting are minor:

On the height of the structure:

- In order to create a loft space where a standard amount of standing headroom can be included, the structure's height needs to be increased by 6% beyond the usually permitted maximum height. We believe this to be minor.

On the maximum cumulative floor area:

- When including the garage floor, the loft space and our current 10'x10' garden shed, the cumulative floor space total does amount to more than double the maximum, however, this total (116 square meters) still represents only 3.2% of our yard space the two structures are located in (3,550 square meters), and the footprint of the building does not increase. We believe this to be minor.

Is the variance desirable for the appropriate development or use of land, building or structure?

Simply put, yes, this is desirable for us now, and will be desirable for any future owner. At the time we constructed the home, it was always our intention to build a detached garage, eventually, to allow for an easier and even more appealing lifestyle that rural living provides. We weren't in a position financially to do that 15 years ago, but after many years of hard work and financial diligence, we're now there. We are very much looking forward to storing all of our tools/equipment/seasonal items in an appropriately sized, weatherproof area, while still having the ability to undertake minor projects, sheltered from the elements.

Is the general intent and purpose of the Zoning By-law maintained?

Our home is the only home on the street that does not have any kind of garage, attached or detached. There's a mixture of both kinds - the majority are 2 car - and some properties in the neighbourhood have *both* a garage and additional accessory structure/workshop. Our property is surrounded by forest on 3 sides, with several large trees in the front yard adjacent to the road. Although the garage will be visible from the road, it will most definitely look appropriate, with the exterior matched to the house itself, once complete. The driveway won't require alteration, and because of the forested area surrounding our property, side neighbours will not have line of sight to the structure and are not impacted in any way. We have no rear neighbours as the property is undeveloped, but if it were to be developed, there would still be no visibility through the forest that remains on our property.

Our requested height increase is unlikely to be noticeable by neighbours, as the increase is so minimal, and the structure's footprint falls within the allowed and permitted floor area for an accessory structure. Only as a result of our desire to include a workshop loft area (indistinguishable by someone looking at the garage from the road) does the variance permitting the increased floor area become a necessity, and for all of the practical reasons previously outlined, we truly feel it necessary to pursue the support of the committee on this to maximize the opportunity of the potential space for our current and future lifestyle.

Is the general intent and purpose of the Official Plan maintained?

The vision statement within the Official Plan for the village of Vernon:

The vision for the Vernon Village is for it to be a peaceful historic rural residential village, well connected to the City of Ottawa. The village will be an active community, with recreational opportunities and small businesses and services located along a vibrant mainstreet. The village will be a quiet place for residents who value a balanced lifestyle. Residential areas will be surrounded by a clean and well-protected natural environment.

Within that same document, Vernon has the following applicable goals and objectives:

- Protect and enhance the natural integrity of the surrounding environment, by limiting the development to areas that avoids areas that are environmentally sensitive, ecologically, historically or culturally significant, and to ensure that new development protects the integrity of the natural areas surrounding the village, mitigating impacts to quality and quantity of the village's groundwater.
- Foster a complete and growing small community by promoting low density residential development within the village boundary, reflecting the character and identity of the village.

Our project does not negatively impact the goals/objectives listed above, it doesn't affect sensitive areas, and has no impact on quantity or quality of groundwater. Lastly, we have reviewed the entirety of the consolidated villages secondary plan, including **Section 4.2 Villages Residential** and attest that our project maintains the general intent and purpose of the Plan as outlined within the document.

Many thanks to the committee for its consideration of our minor variance application, we are happy to address any additional questions that you may have.

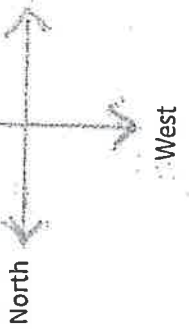
Shane and Amy LaBrash
4093 Caracourt Drive

2024-06-18

City of Ottawa | Ville d'Ottawa

Comité de dérogation

South



East

North

West

35m

SITE PLAN - 2 (zoomed)

4093 Caracourt Drive, Ottawa

hydro pole

electrical wires underground

Well

electrical
box

Existing Driveway

Existing Structure
16x23 / 42x24

Proposed
Garage
24x24

3.35m

8.59m

18.08m

80m

Septic

16m

9.81m

4.57m

7m

10.92m

7.98m

14m

10.46m

6.68m

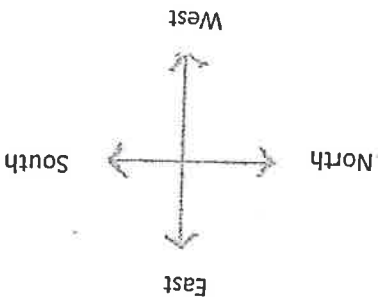
4.55m

8.83m

59.09m

70m

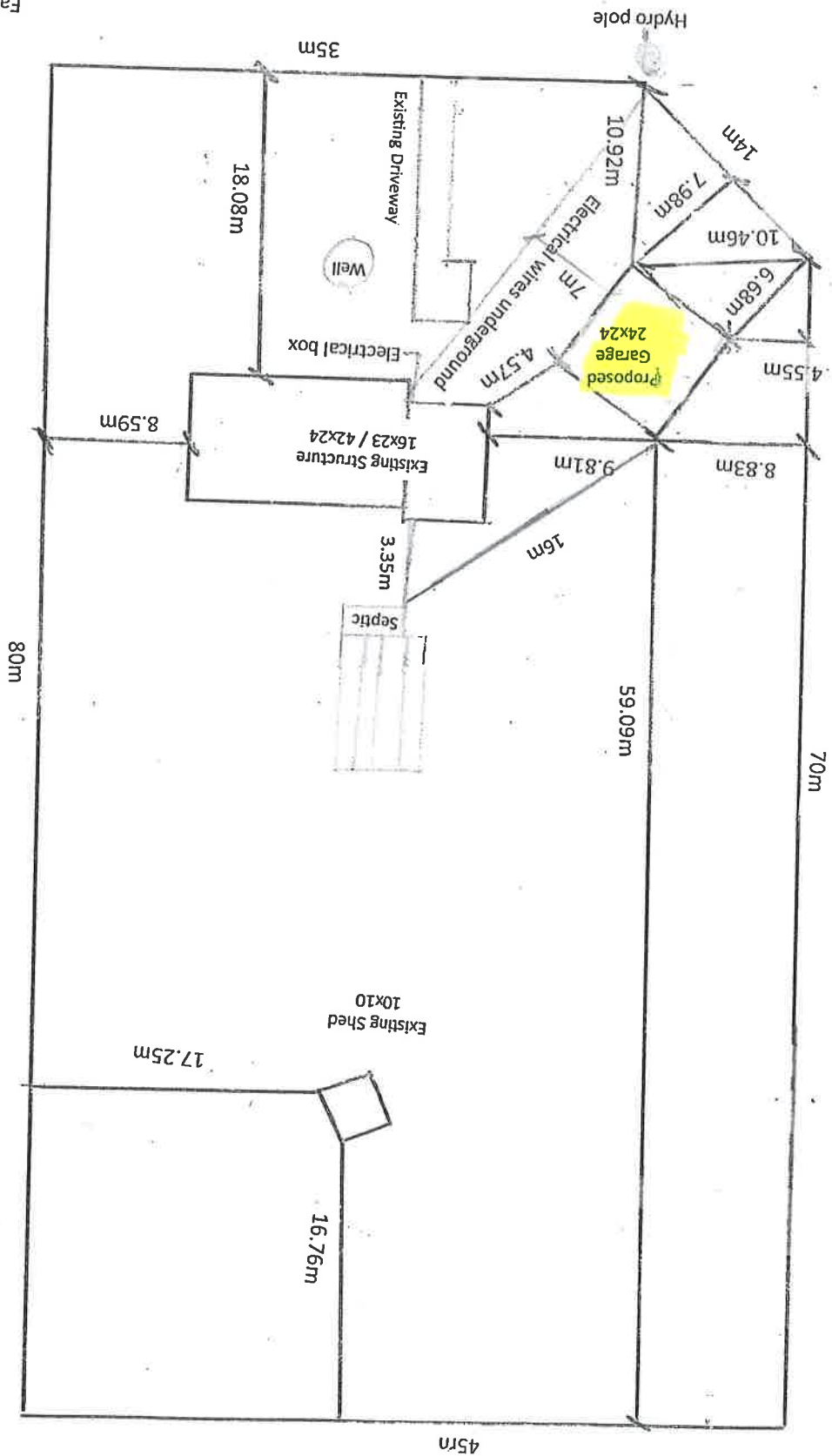
SCALE
10m

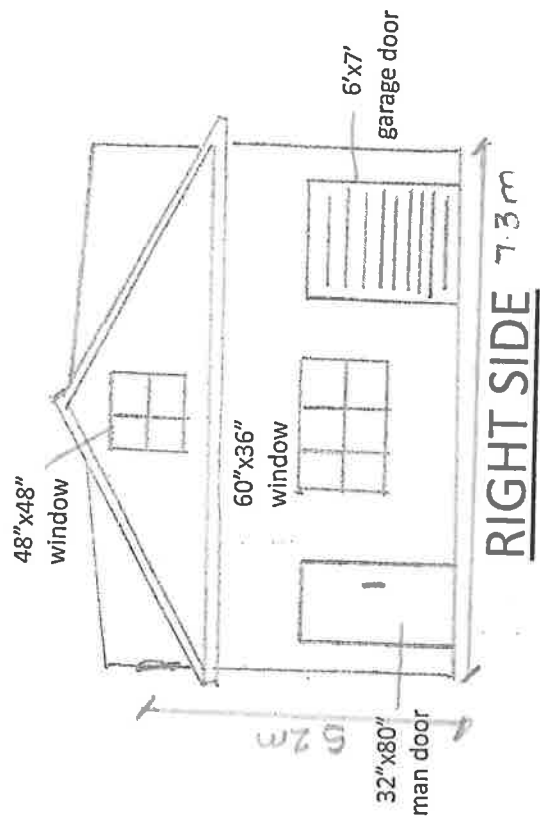
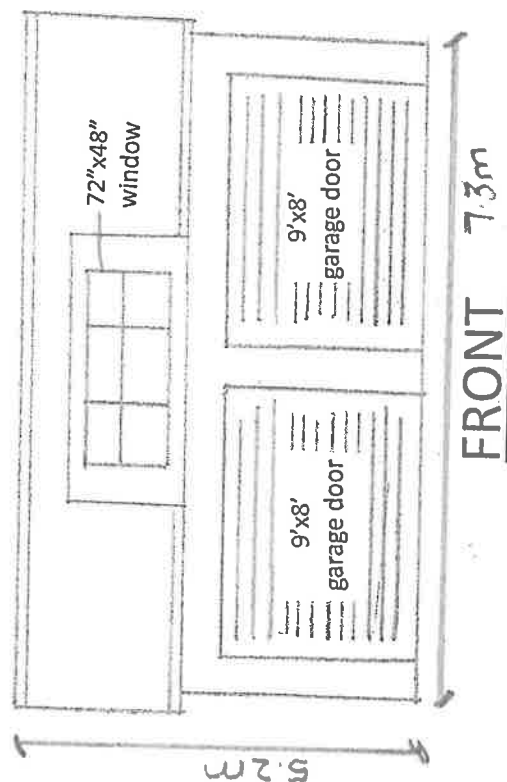
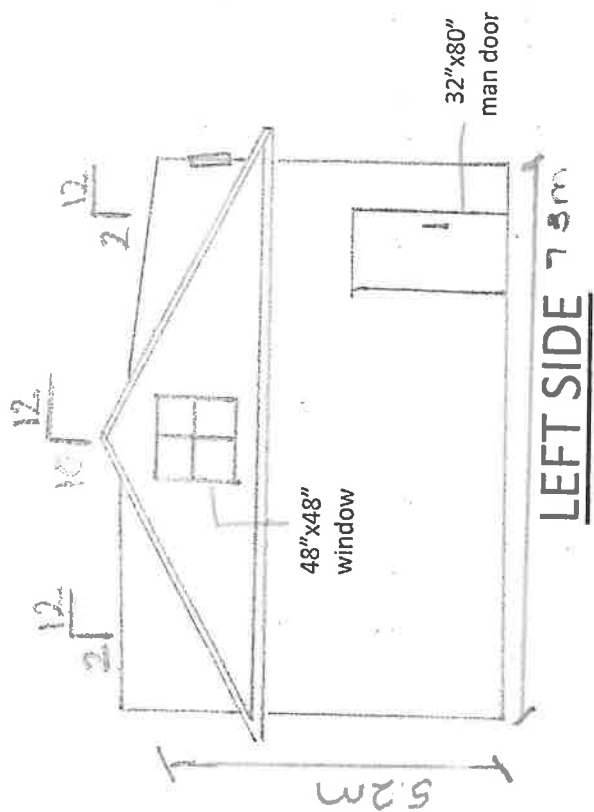
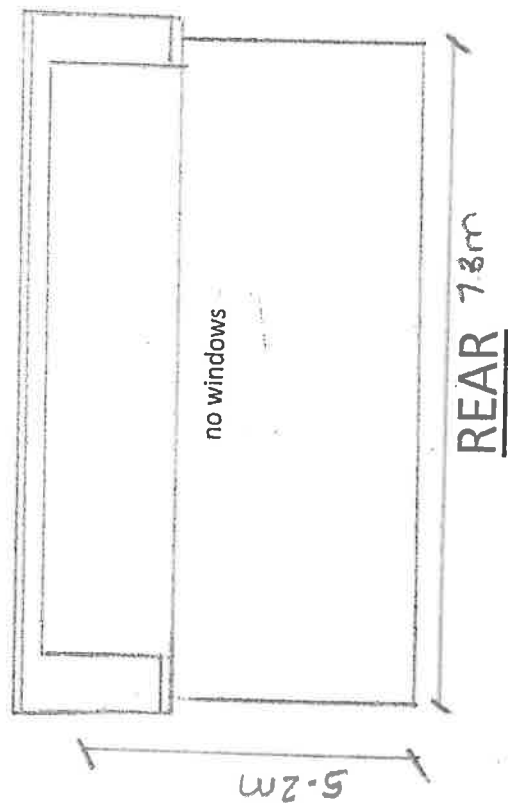


4093 Caracourt Drive, Ottawa

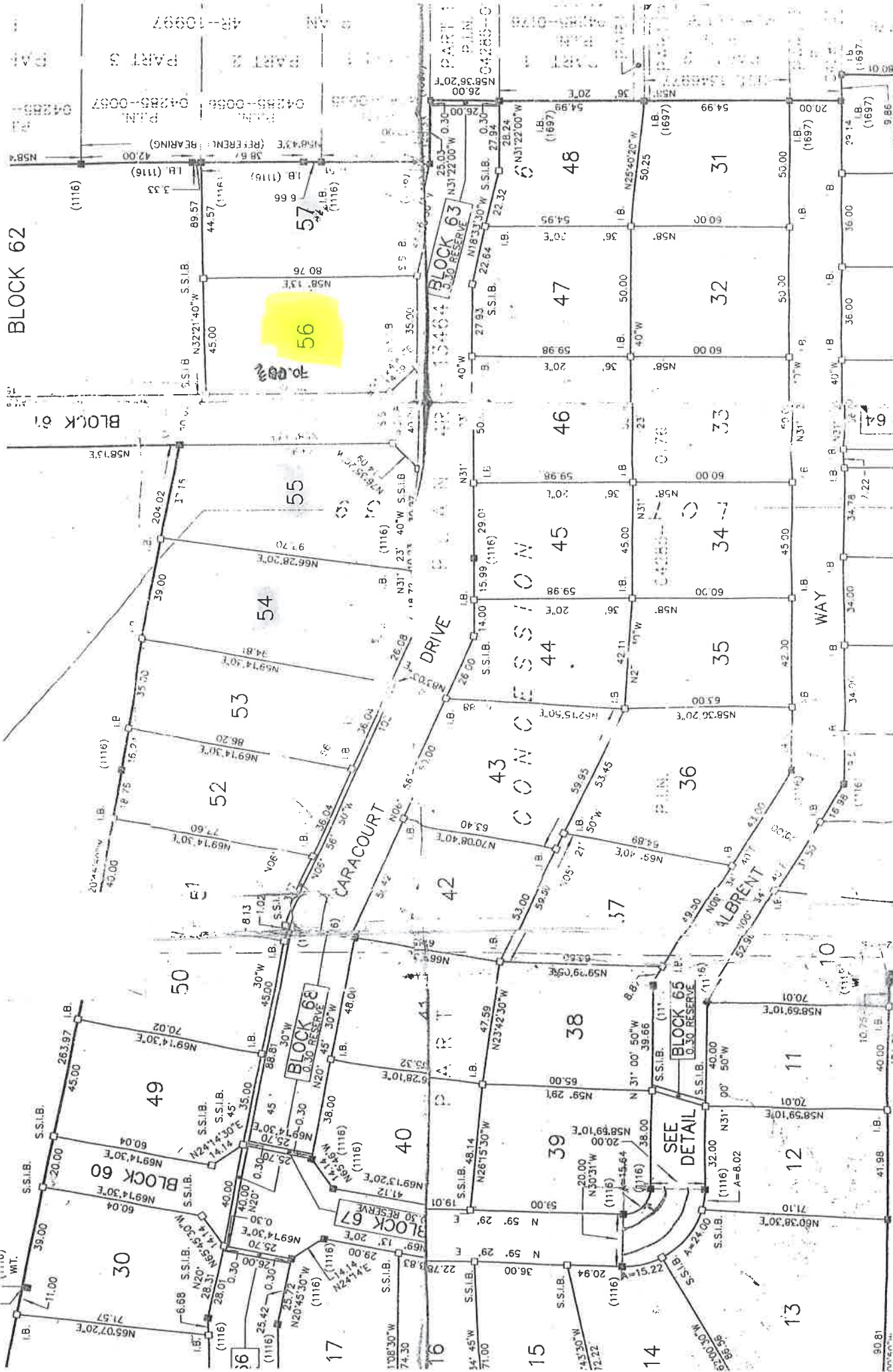
SITE PLAN - 1

SCALE
10m





BLOCK 91



2024-07-11



MINOR VARIANCE APPLICATION

COMMENTS TO THE COMMITTEE OF ADJUSTMENT

PANEL 3

PLANNING, DEVELOPMENT AND BUILDING SERVICES DEPARTMENT

Site Address: 4093 Caracourt Drive
Legal Description: Lot 56, Registered Plan 4M-1127
File No.: D08-02-24/A-00163
Report Date: July 11, 2024
Hearing Date: July 16, 2024
Planner: Elizabeth King
Official Plan Designation: Rural Transect, Village, Village Residential,
Village of Vernon Secondary Plan
Zoning: V1I

DEPARTMENT COMMENTS

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

DISCUSSION AND RATIONALE

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”.

Accessory structures are permitted under Section 55 of the Zoning By-law, and common structures are permitted on residential properties. The proposed and existing accessory structures account for less than 2% of the lot coverage, excluding the dwelling. Staff consider the increased cumulative area to be minor, given the context and its appropriate use.

The proposed structure effectively utilizes its footprint by including a loft space for additional storage. However, it results in an increase of 0.7 metres in height to 5.2 metres from the maximum of 4.5 metres. Staff consider this to be a minor increase in size and since it effectively utilizes the footprint by including a loft space.

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.
- Encroachment on or alteration to any easement is not permitted without authorization from easement owner(s).

Planning Forestry

There are no tree-related impacts associated with the variances requested.

The owners should review the [Planning around trees](#) page for some guidance on working around their trees. In particular, the [Tree Protection Specification](#) should be implemented when working around trees that are to be protected & retained.

Please note that a TIR and tree removal permit application would be required for any work that would cause the removal of any trees within the right-of-way.

Right of Way Management

The Right-of-Way Management Department has **no concerns** with the proposed minor variance application. However, the Owner shall be made aware that a private approach permit is required to construct any newly created driveway/approach. If access to the new garage is from the current existing driveway and there is not change to the driveway then no private approach permit is required.



Elizabeth King
Planner I, Development Review All Wards
Planning, Development and Building
Services Department



Erin O'Connell
Planner III, Development Review All Wards
Planning, Development and Building
Services Department

NOTICE OF HEARING

Pursuant to the Ontario *Planning Act*

Minor Variance Application

Panel 3
Tuesday, July 2, 2024
9 a.m.

Ben Franklin Place, Main Floor Chamber, 101 Centrepointhe Drive
and by videoconference

Owners of neighbouring properties within 60 metres of the property address below are receiving this notice in case they want to comment on the application(s) and/or participate at the hearing.

The hearing can also be viewed on the Committee of Adjustment [YouTube](#) page.

Simultaneous interpretation in both official languages, accessible formats and communication supports are available for any specific agenda item by contacting the Committee of Adjustment at least 72 hours before the hearing.

File No.: D08-02-24/A-00137
Application: Minor Variance under section 45 of the *Planning Act*
Owners/Applicants: Aman Dhaliwal and Rajvarinder Kaur Dhaliwal
Property Address: 7084 Mason Street
Ward: 20 - Osgoode
Legal Description: Part of Lot 1, Concession 5, Former Township of Osgoode
Zoning: V1I
Zoning By-law: 2008-250

APPLICANT'S PROPOSAL / PURPOSE OF THE APPLICATION:

The Owners want to construct a detached dwelling, as shown on plans filed with the Committee.

REQUESTED VARIANCE:

The Owners/Applicants require the Committee's authorization for a minor variance from the Zoning By-law law to permit an increased lot coverage of 26%, whereas the By-law permits a maximum lot coverage of 15%.

The subject property is not the subject of any other current application under the *Planning Act*.

If you do not participate in the hearing, it may proceed in your absence, and you will not receive any further notice of the proceedings.

If you want to be notified of the decision following the hearing, and of any subsequent appeal to the Ontario Land Tribunal, submit a written request to the Committee.

For more information about this matter, contact the Committee of Adjustment at the address, email address, website or QR code below.

ALL SUBMITTED INFORMATION BECOMES PUBLIC

In accordance with the *Planning Act*, the *Municipal Act* and the *Municipal Freedom of Information and Privacy Act*, a written submission to the Committee of Adjustment is considered public information and can be shared with any interested individual. Information you choose to disclose in your correspondence, including your personal information, will become part of the public record, and shared with Committee Members, the Applicant(s) or their agent, and any other interested individual.

HOW TO PARTICIPATE

Submit written or oral comments before the hearing: Email your comments to cofa@ottawa.ca at least 24 hours before the hearing to ensure they are received by the panel adjudicators. You may also call the Coordinator at 613-580-2436 to have your comments transcribed.

Register to Speak at the hearing at least 24 hours before by contacting the Committee Coordinator at 613-580-2436 or at cofa@ottawa.ca. You will receive details on how to participate by videoconference. If you want to share a visual presentation, the Coordinator can provide details on how to do so. Presentations are limited to five minutes, and any exceptions are at the discretion of the Chair.

Hearings are governed by the Committee of Adjustment's *Rules of Practice and Procedure* accessible online.

COMMITTEE OF ADJUSTMENT

The Committee of Adjustment is the City of Ottawa's quasi-judicial tribunal created under the Ontario *Planning Act*. Each year, it holds hearings on hundreds of applications under the *Planning Act* in accordance with the Ontario *Statutory Powers Procedure Act*, including consents to sever land and minor variances from the zoning requirements.

DATED: June 14, 2024



Ce document est également offert en français.

Committee of Adjustment
City of Ottawa
101 CentrepoinTE Drive
Ottawa ON K2G 5K7
Ottawa.ca/CommitteeofAdjustment
cofa@ottawa.ca
613-580-2436



Comité de dérogation
Ville d'Ottawa
101, promenade CentrepoinTE
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613-580-2436

AVIS D'AUDIENCE

Conformément à la *Loi sur l'aménagement du territoire* de l'Ontario

Demande de dérogation mineure

Groupe 3
Mardi 2 juillet 2024
9 h

**Place-Ben-Franklin, salle Chamber, 101, promenade CentrepoinTE
et par vidéoconférence**

Les propriétaires des biens-fonds situés dans un rayon de 60 mètres de l'adresse ci-dessous reçoivent le présent avis afin de formuler des observations sur la ou les demandes et de participer à l'audience s'ils le souhaitent.

L'audience peut aussi être visionnée sur la page [YouTube](#) du Comité de dérogation.

Les participants peuvent bénéficier de l'interprétation simultanée dans les deux langues officielles, de formats accessibles et d'aides à la communication pour toute question de l'ordre du jour en s'adressant au Comité de dérogation au moins 72 heures à l'avance.

Dossier :	D08-02-24/A-00137
Demande :	Dérogation mineure en vertu de l'article 45 de la <i>Loi sur l'aménagement du territoire</i>
Propriétaires/requérants :	Aman Dhaliwal et Rajvarinder Kaur Dhaliwal
Adresse municipale :	7084, rue Mason
Quartier :	20 - Osgoode
Description officielle :	Partie du lot 1, concession 5, ancien canton d'Osgoode
Zonage :	V1I
Règlement de zonage :	n° 2008-250

PROPOSITION DES REQUÉRANTS ET OBJET DE LA DEMANDE :

Les propriétaires souhaitent construire une maison isolée, conformément aux plans déposés auprès du Comité.

DÉROGATION DEMANDÉE :

Les propriétaires/requérants demandent au Comité d'accorder une dérogation mineure au Règlement de zonage afin de permettre l'augmentation de la surface bâtie à 26 % de la superficie du lot, alors que le Règlement exige une surface bâtie maximale de 15 %.

La demande indique que la propriété ne fait l'objet d'aucune autre demande en cours en vertu de la *Loi sur l'aménagement du territoire*.

Si vous ne participez pas à l'audience, celle-ci pourra se dérouler en votre absence et vous ne recevrez pas d'autre avis à ce sujet.

Si vous souhaitez recevoir un avis de la décision prise à l'issue de l'audience et de tout appel ultérieur interjeté devant le Tribunal ontarien de l'aménagement du territoire, veuillez en faire la demande par écrit au Comité.

Pour obtenir plus de renseignements à ce sujet, communiquez avec le Comité (voir les coordonnées ci-dessous, notamment l'adresse municipale, l'adresse électronique, le site Web et le code QR).

TOUS LES RENSEIGNEMENTS PRÉSENTÉS DEVIENNENT PUBLICS

Conformément à la *Loi sur l'aménagement du territoire*, à la *Loi sur les municipalités* et à la *Loi sur l'accès à l'information municipale et la protection de la vie privée*, les observations écrites adressées au Comité de dérogation sont considérées comme des renseignements publics et peuvent être communiquées à toute personne intéressée. Les renseignements que vous choisirez de divulguer dans votre correspondance, notamment vos renseignements personnels, seront versés au dossier public et communiqués aux membres du Comité, au(x) requérant(s) ou à l'agent, l'agente, ainsi qu'à toute autre personne intéressée.

COMMENT PARTICIPER

Présentez vos observations écrites ou orales avant l'audience : Veuillez faire parvenir vos observations par courriel à cded@ottawa.ca au moins 24 heures avant l'audience afin de vous assurer que les membres des groupes chargés du rendu des décisions les ont bien reçues. Vous pouvez également téléphoner au coordonnateur ou à la coordonnatrice au numéro 613-580-2436 pour demander que vos observations soient transcrites.

Inscrivez-vous au moins 24 heures à l'avance en communiquant avec le coordonnateur ou la coordonnatrice du Comité au numéro 613-580-2436 ou à l'adresse à cded@ottawa.ca. Vous recevrez des détails sur la façon de participer par vidéoconférence. Si vous souhaitez faire une présentation visuelle, le coordonnateur ou la coordonnatrice sera en mesure de vous fournir des détails sur la façon de procéder. Les présentations sont limitées à cinq minutes et toute exception est laissée à la discrétion du président ou de la présidente.

Les audiences sont régies par les *Règles de pratique et de procédure* du Comité de dérogation et sont accessibles en ligne.

COMITÉ DE DÉROGATION

Le Comité de dérogation est le tribunal quasi judiciaire de la Ville d'Ottawa créé en vertu de la *Loi sur l'aménagement du territoire* de l'Ontario. Chaque année, il tient des audiences sur des centaines de demandes en vertu de la *Loi sur l'aménagement du territoire*, conformément à la *Loi sur l'exercice des compétences légales* de l'Ontario, y compris des demandes d'autorisation de morcellement de terrain et de dérogation mineure aux exigences en matière de zonage.

FAIT : 14 juin 2024

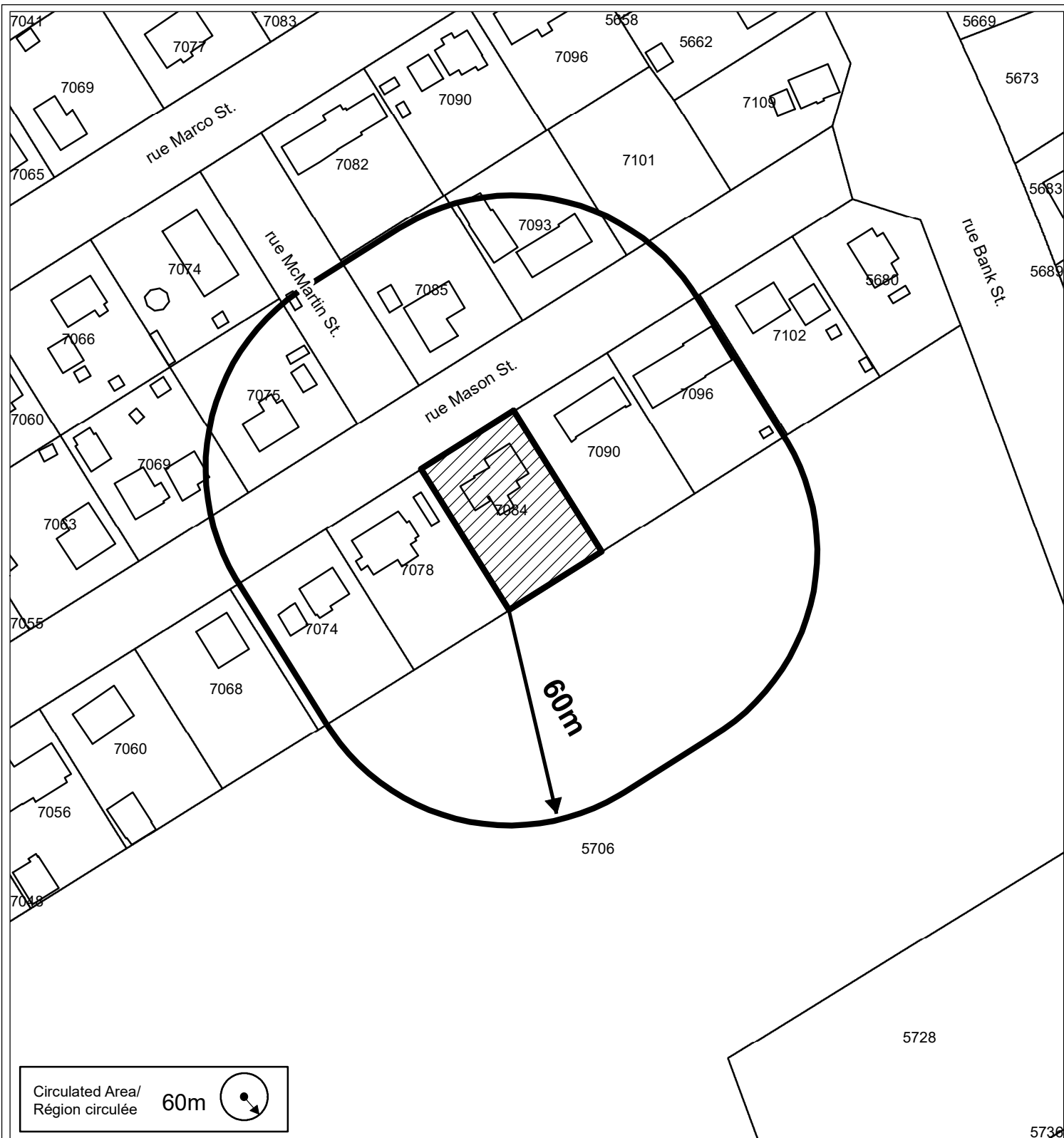


This document is also available in English.

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Committee of Adjustment
Comité de dérogation

CIRCULATION MAP / PLAN DE CIRCULATION

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SUBJECT LAND / TERRAIN EN QUESTION

7084 rue Mason Street



NOT TO SCALE
NON À L'ÉCHELLE

Date: May 15, 2024

File: 020224 - 7084 Mason Street

To: Michel Bellemare, Secretary Treasurer
Committee of Adjustment
City of Ottawa, 101 Centrepoin

Committee of Adjustment
Received | Reçu le

2024-05-28

City of Ottawa | Ville d'Ottawa
Comité de dérogation

RE: PROPOSED MINOR VARIANCE APPLICATION FOR 7084 MASON STREET

Dear Mr. Bellemare,

Q9 Planning + Design have been retained by Aman Dhaliwal to prepare a Planning Rationale regarding the minor variance application in order to construct a new detached dwelling on the subject site at 7084 Mason Street.

The following represents the Planning Rationale cover letter required as part of the submission requirements for an application to the Committee of Adjustment.

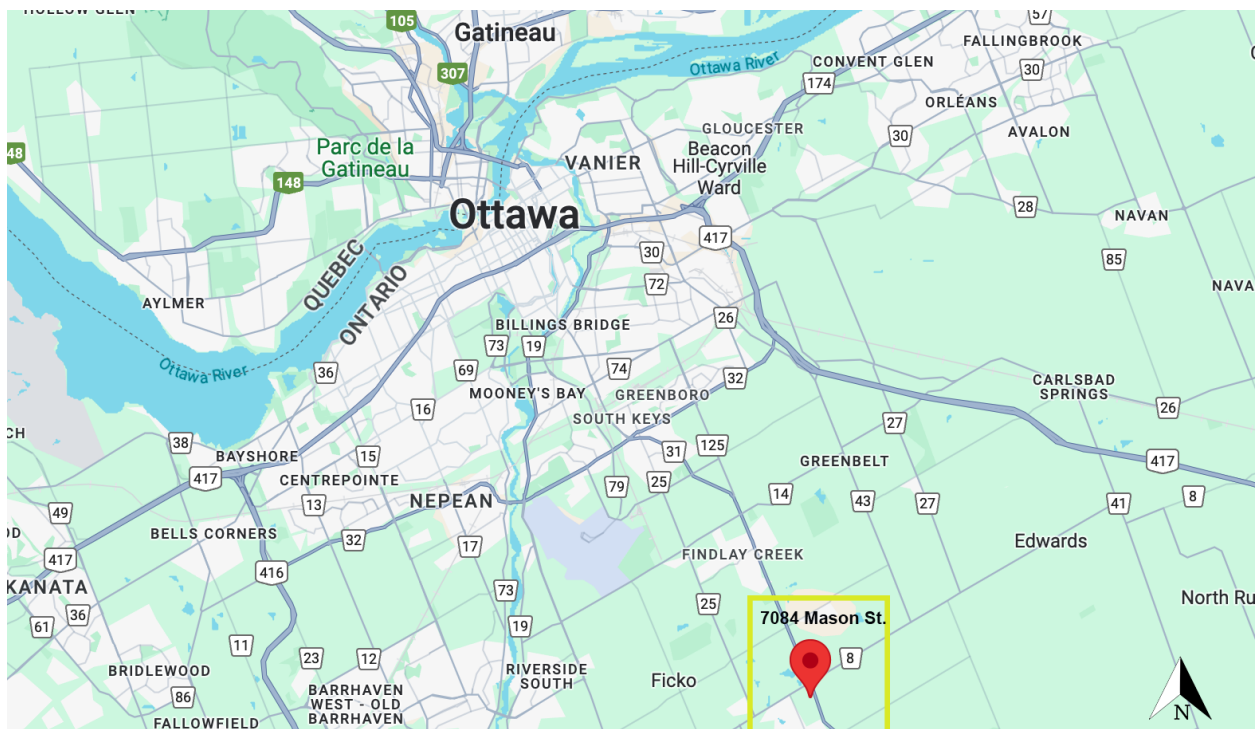


Figure 1: Location Plan (Source: Google Maps)

OVERVIEW

The subject site is a rectangular, interior lot located on the south side of Mason Street in the Village of Greely, within Ward 20 - Osgoode in the City of Ottawa. The neighbourhood is characterized by low-rise, ground-oriented detached dwelling on large lots. The site is located south west of the intersection of Bank Street and Mitch Owens Road. The site is located within the northern portion of the Village of Greely

The proposed development is to construct a new detached dwelling with a lot coverage of 26%. In order to facilitate this development, a minor variance is required.

Minor Variance Requested

The requested variance for the application is identified below:

Single-Detached Dwelling (7084 Mason Street)

- (a) To permit a lot coverage of 26%, whereas there maximum permitted lot coverage is 15%. (Section 239, Table 239)

Documents Required and Submitted

The following lists all required and submitted documents in support of the identified Committee of Adjustment application.

- [Site Plan
- [Elevations
- [Survey
- [Planning Rationale (this document)
- [Fee
- [Application Form

SITE & CONTEXT

Site

The subject site is a rectangular interior lot located along the south side of Mason Street in the Village of Greely. The property is currently vacant and has fill on the site. The surrounding lots on both sides of Mason Street and on McMartin and Marco Streets to the north, are of similar size and shape to the subject site, with wide frontages and reasonably sized lot areas. The site has 30.48 metres of frontage along Mason Street and is approximately 1,411 square metres in area. The abutting properties to the north, east and west are single detached dwellings between 1 to 2 storeys in height. The following list provides the lot dimensions for 7084 Mason Street:

- [Lot frontage: 30.48 m
- [Lot depth: 46.23 m
- [Lot area: 1409 m²





Figure 3: Photo of subject property, vacant site

Context

The subject property is located in an established residential neighbourhood consisting of a variety of ground-oriented residential dwelling types. The immediate context is characterized by single-detached, with a variety of architectural styles and features, indicating gradual and continuous redevelopment of the area over time. The property forms part of the north side of a block that is bounded by Mason Street to the north, a rural property to the south, Esther Street to the west, and Bank Street to the east. There are eleven lots located along the northern end of the block including the subject property.

Most of the lots in the immediate area along Mason Street consist of detached 1 to 2 storey homes situated inline on large, similar-sized, square/rectangular lots.

Mason Street itself is a east-west street that runs from Old Prescott Road in the west to Bank Street in the east. It features one lane of travel in each direction. There are no sidewalks along Marco Street or other streets in the close vicinity.



Figure 4: Context Map (Source: Open Street Map, edited by Q9 Planning)



Figure 5: Mason Street, looking west at intersection of Mason & McMartin Street



Figure 6: Across the street from the subject site on Mason Street



Figure 7: Across the street from the subject site on Mason Street



Figure 8: Mason Street, looking east toward Bank Street

PROPOSED DEVELOPMENT

The proposed development is to construct a new detached dwelling on the subject property. It will be constructed with a mix of masonry veneer and precast band. The garage will be recessed slightly behind the front porch, providing a design that is not dominated by a garage. The dwelling will be two-storeys in height. The development will provide increased living space on a large existing lot in a village context.

The dwelling is designed to be compatible with neighbouring dwellings, with an appropriate two-storey scale that compliments the low-rise character of the neighbourhood. The selected materials will further ensure that the home will be compatible with the neighbourhood character.

The development will feature a front yard setback of 8 metres, interior yard setbacks of 2.61 metres and 2.80 metres, and a rear yard setback of 21.16 metres. The property will have a landscaped area of approximately 36%.

The proposed variance is to permit a increased lot coverage. The lot is large and the new dwelling will maintain an adequate amount of soft landscaping in all yards, in a similar manner to what is observed in the surrounding neighbourhood.

The proposed building will have a footprint of 366 m². The lot area is 1,409 m². The proposed development is to construct a new detached dwelling with a lot coverage of 26%. In order to facilitate this development, a minor variance is required.

The following pages contain the Site Plan and Elevations.

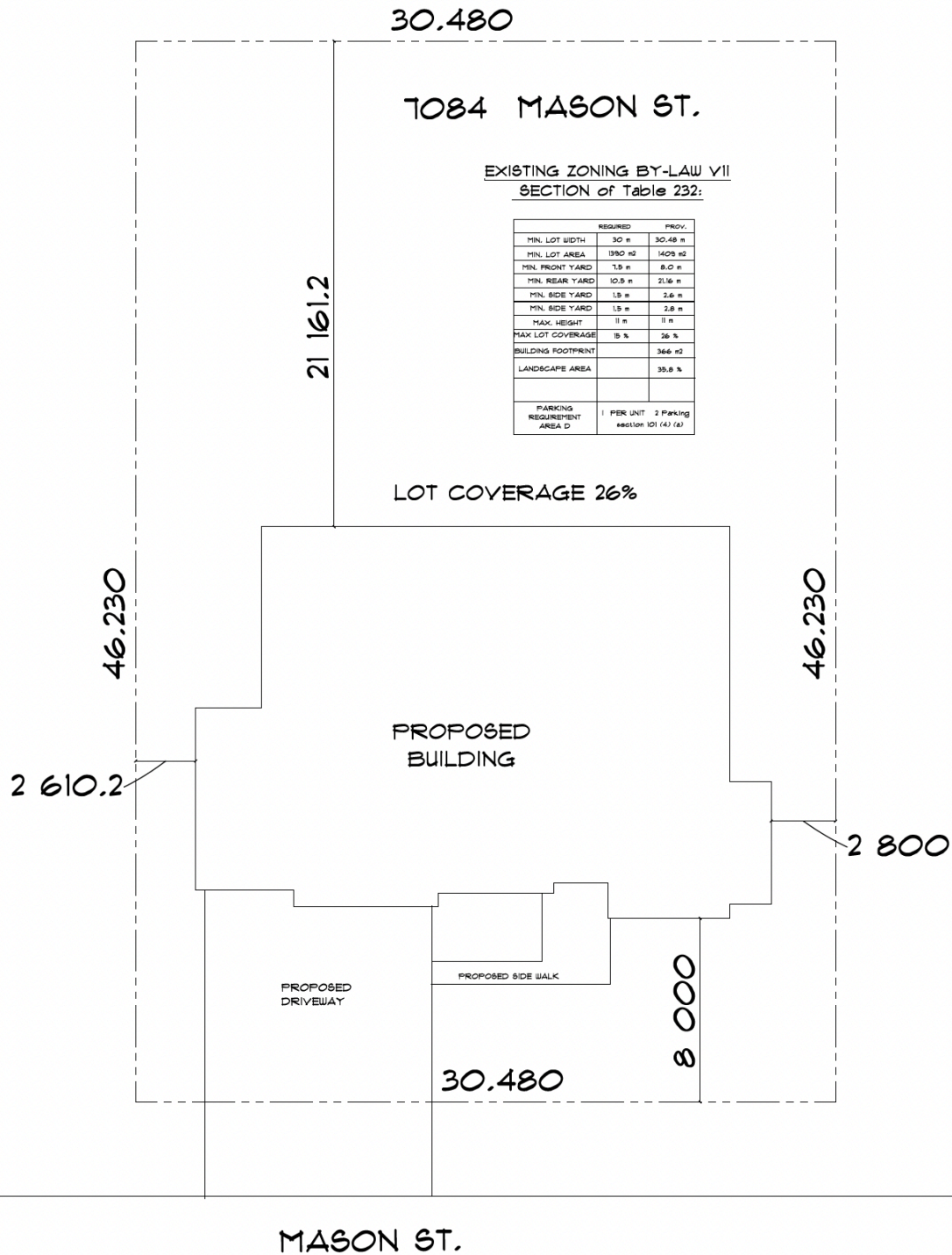


Figure 9: Site Plan prepared by Andre Theriault



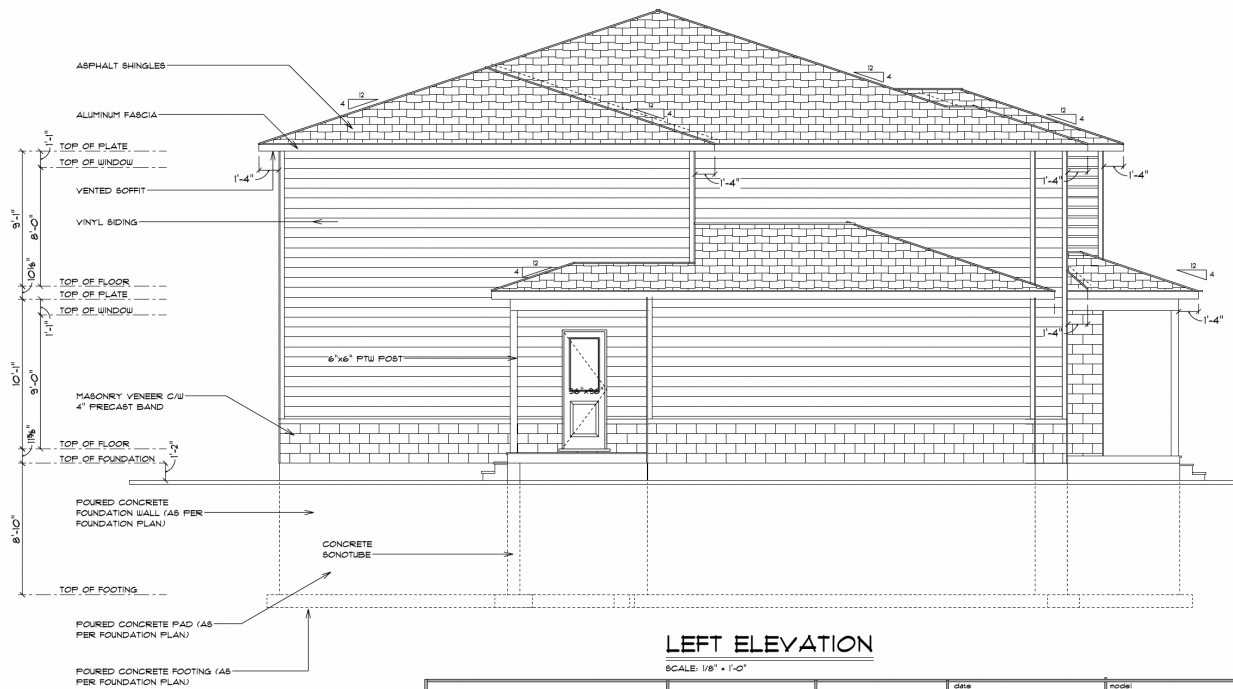


Figure 12: Left Elevation, prepared by prepared by Andre Theriault, April 30, 2024

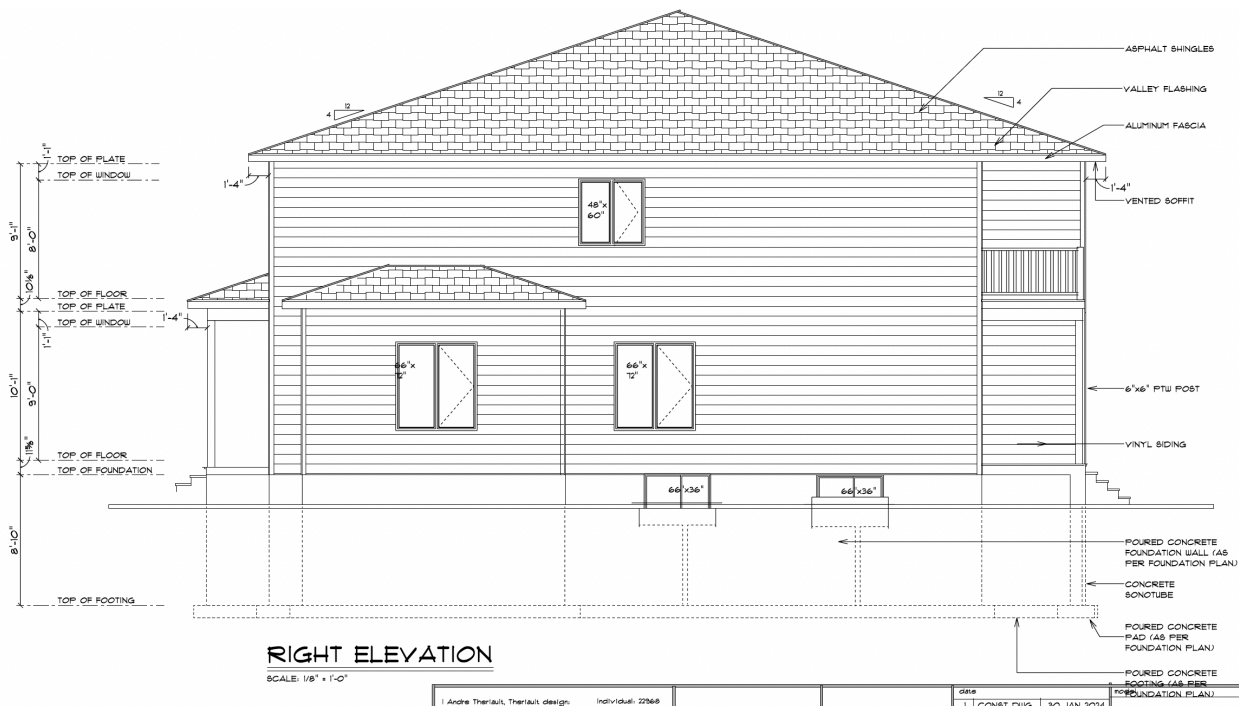


Figure 13: Right Elevation, prepared by prepared by Andre Theriault, April 30, 2024

POLICY REVIEW

In order to obtain approval of the proposed minor variance required to construct a new single-detached dwelling on the property, a review of the relevant and applicable policies and provisions is required. These are reviewed and discussed below. Relevant policies will be indicated in *italics*.

Provincial Policy Statement, 2020

The Provincial Policy Statement, 2020 (PPS) came into effect on May 1, 2020 and provides broad policy direction on matters of provincial interest related to land use planning and development. The Plan is intended to provide for appropriate development while protecting Provincial resources of interest, public health and safety, and the quality of the natural and built environment. The PPS is complemented by other Provincial plans as well as municipal plans such as Official Plans and Secondary Plans. All plans and decisions affecting planning matters “shall be consistent with” the PPS.

Section 1.0 intends to wisely manage change and plan for efficient land use and development patterns, which in turn help support sustainability through strong, liveable, healthy, and resilient communities.

1.1.1 *Healthy, liveable and safe communities are sustained by:*

- a) *promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;*
- b) *accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;*
- c) *avoiding development and land use patterns which may cause environmental or public health and safety concerns;*
- d) *avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;*
- e) *promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;*
- f) *improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society;*
- g) *ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs;*
- h) *promoting development and land use patterns that conserve biodiversity; and*
- i) *preparing for the regional and local impacts of a changing climate.*

Comment: The proposed development results in the construction of a new detached dwelling on an existing lot within a village in the rural settlement area. It contributes to the overall housing supply in the area and better reflects the needs of the current homeowners.

1.1.3.1 Settlement areas shall be the focus of growth and development.

1.1.3.2 Land use patterns within settlement areas shall be based on densities and a mix of land uses which:

- a) efficiently use land and resources;*
- b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;*
- c) minimize negative impacts to air quality and climate change, and promote energy efficiency;*
- d) prepare for the impacts of a changing climate;*
- e) support active transportation;*
- f) are transit-supportive, where transit is planned, exists or may be developed; and*
- g) are freight-supportive.*

Comment: The subject site is located inside the village of Greely which is a settlement area within the rural area. The proposed developments results in the creation of a new home on an existing lot within an established residential area, avoiding the creation of an additional lot in a greenfield area. The proposal makes use of existing private services, infrastructure, public services and transportation networks and does not require their uneconomical expansion.

1.4.3 Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:

- b) permitting and facilitating:*
 - 1. all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities; and*
 - 2. all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3;*
- c) directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;*
- d) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed;*
- e) requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations; and*
- f) establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of*

housing and facilitate compact form, while maintaining appropriate levels of public health and safety.

Comment: The proposed development results in the creation of one new detached dwelling on the subject property through a contextually-appropriate redevelopment of the existing site. The new house will be created on an existing privately serviced lot and does not necessitate the expansion of municipal infrastructure or services. Furthermore, the home will retain the low-rise, ground-oriented context of the area and achieves an appropriate design response that is compatible in scale, height, and massing with the surrounding neighbourhood. The proposal more optimally utilizes the available space on the lot while preserving the existing tree canopy and providing sufficient landscaping (36% landscaped area).

Section 2.0 of the PPS aims to ensure Ontario's long-term prosperity, environmental health, and social well-being through the wise management and conservation of natural resources. This includes policy direction on conserving biodiversity, protecting the Great Lakes, and protecting natural heritage, water, agricultural, mineral, and cultural heritage and archaeological resources.

Section 3.0 of the PPS intends to provide for Ontario's long-term prosperity, environmental health, and social wellbeing by reducing potential natural and human-made hazards and threats to public safety. Development is to be directed away from natural or human-made hazards.

Based on our review, it is our professional planning opinion that the proposed development conforms with the Provincial Policy Statement (PPS), 2020.

City of Ottawa Official Plan

Designation: *Village, within the Rural Transect*

The new City of Ottawa Official Plan was passed by City Council on November 24th, 2021 and was approved by the Ministry of Municipal Affairs and Housing (MMAH) on November 4th, 2022. The Official Plan builds on the Five Big Policy Moves identified in the City's Strategic Plan and provides renewed goals, objectives, and policies intended to guide future growth and land use decision-making into the year 2046.

Section 2 contains the overarching strategic directions of the new Official Plan, centred around the Five Big Moves. These five broad strategic directions call for increased growth through intensification, sustainable transportation, context-based urban and community design, environmental, climate, and health resiliency embedded into planning policy, and planning policies based on economic development. Six cross-cutting issues have also been identified as essential to the achievement of liveable cities, which are related to intensification, economic development, energy and climate change, healthy and inclusive communities, gender equity, and culture.

Comment: The proposed development results in the construction of a new home on an existing property within a Village (Rural) area. It achieves a context-based and compatible design that is appropriately scaled to the neighbourhood and fits within the existing

streetscape. The development also accommodates the expanded needs of the current homeowners through redevelopment of an existing property, helping to manage growth through infill development and intensification. The proposal is appropriate based on the surrounding neighbourhood context and its location within a Village in the Rural Transect, contributing to the achievement of the Five Big Policy Moves.

Section 3 of the Official Plan provides a renewed growth management framework that directs various types and intensities of growth to appropriate areas, ensuring that adequate land is provided to accommodate new growth. Most of the future growth in population and jobs is expected to occur within the urban settlement area, with the balance being accommodated in rural areas. Six transect policy areas underpin this growth management framework, with each transect policy area planning for new growth accommodation in accordance with the existing development context. Tailored direction is provided to gradually transition lands within these transects towards 15-minute communities.

Comment: The subject site is located in the rural settlement area within an established residential neighbourhood in the Rural Transect Area. The subject site is currently vacant. The proposed development provides the same residential use within the same single-detached typology. It helps retain a contextual form and dwelling type on the site while supporting growth accommodation and accommodating the owner's needs on an existing lot. This aligns with the planned direction for growth management in urban areas. A larger dwelling supports diversity and life cycle adjustments for growing families and multi-generational families.

Section 4 of the Official Plan provide policies applicable to development throughout the City, including those for more sustainable modes of transportation and the design and creation of healthy, 15-minute neighbourhoods. It also promotes housing choice to accommodate a variety of needs.

Comment: The proposed development provides a new single-detached dwelling within the rural settlement area, contributing to the housing choice and meeting the needs of the current homeowners.

Section 4.6 provides policies aimed at regulating the design of built form and the public realm in a manner that supports 15-minute neighbourhoods. It emphasizes design excellence throughout the City, especially in Design Priority Areas. The subject site is not located within a Design Priority Area.

Comment: The proposed development contributes a well-designed single-detached home to the area which provides more living space for the current homeowners to better accommodate their needs. It results in a more functional site design that efficiently uses the available space on the lot while providing adequate zoning compliant setbacks and sufficient landscaping. The contextually-appropriate height and the overall scale and massing of the home is compatible with the abutting homes and fits into the streetscape context of surrounding detached dwellings with varied architectural styles. No shadowing, overlook, or other adverse impacts onto neighbours will result from the home. The attached garage, as proposed, is slightly recessed and integrates seamlessly into the front facade of the building, de-emphasizing the garage's visual appearance. As designed, the home provides a generous 8.0 m setback from the street ensuring that the provision of landscaping is sufficient and that the urban tree canopy can be supported. Overall, the

proposed development contributes an attractive, aesthetically pleasing, and more functional dwelling to the area that maintains the consistency of front yards, while preserving landscaping and the urban tree canopy, which aligns with the urban design policies of the Official Plan.

Section 5 provides detailed policies for each of the six transect policy areas within the City. Each of the transect policy areas recognize the existing development patterns and provide tailored approaches to transition towards healthier, more sustainable 15-minute communities. The subject site is located within the **Rural Transect** and is designated **Village**.

Section 9.4 provides policies for the the Village Designation of the Rural Transect. Villages play an important role to the vitality and identity of the rural area. These Villages range in land size and population. Some Villages enjoy municipal services, water and/or wastewater, while others are serviced privately. The majority of development within the Rural area occurs within Villages in order to reduce conflicts with other uses such as agriculture, mineral extraction, Rural Industrial and Logistics and areas of natural significance. The City will support the health and liveability of village communities with sustainable growth practices, by supporting small-medium enterprises that support the local community and boost tourism, large industries in strategic locations and diversify housing where adequate services are available.

Comment: The proposed detached dwelling represents a contextually-appropriate building height that aligns with the height direction for Villages in the Rural Transect. The development contributes to enhancing the existing built form in the neighbourhood, improving the residential use of the property through a newer home that better meets the owner's needs while being compatible in scale with abutting properties.

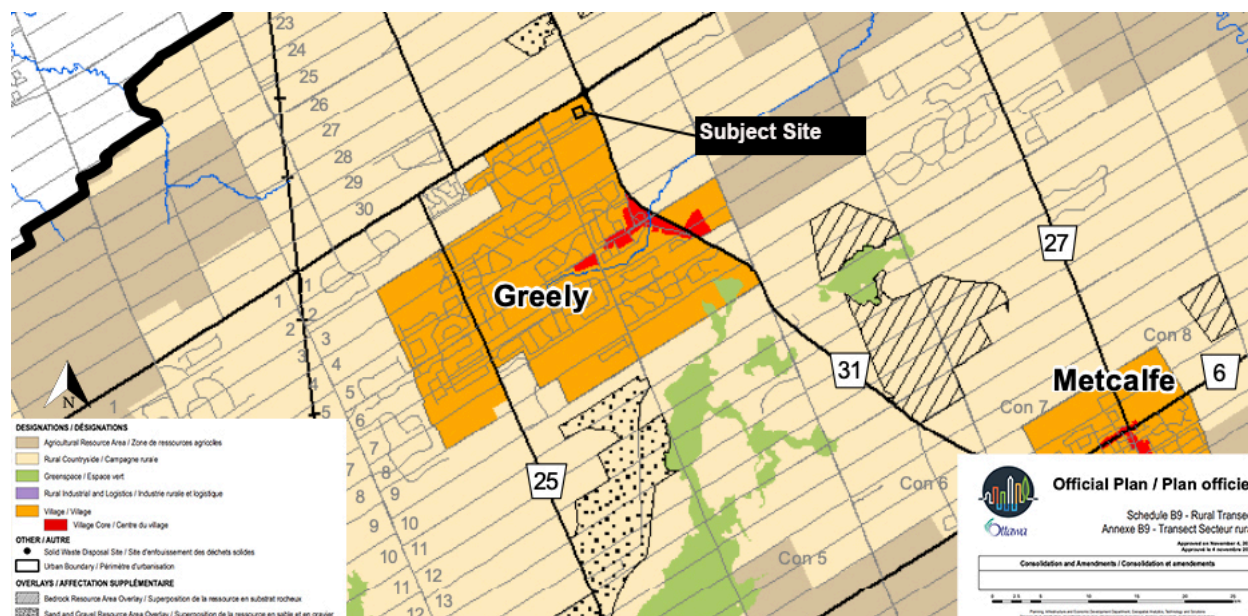


Figure 14: City of Ottawa Official Plan, Schedule B9. (Source: City of Ottawa).

Section 9.0 contains policies specific to the Village designation.

Section 9.4.2 states that the following are generally permitted uses within Villages unless prescribed by a secondary plan: a) Residential uses, the form and scale of which shall be limited by the available servicing methods and subject to the policies related to water and wastewater servicing; b) Small-scale office, retail and commercial uses; c) Institutional uses such as schools, care facilities, recreation and community facilities and places of worship; d) Community gardens, indoor and outdoor crop production market gardens and farmers markets; e) Small scale craft manufacturing of food, beverages and goods for sale; and f) Parks, recreation and community facilities which may include fairgrounds but does not include large scale facilities.

Comment: The proposed development provides results in one new detached dwelling within a stable neighbourhood that is characterized by low-rise, ground-oriented dwelling types such as single-detached dwellings. The proposed use aligns with the permitted uses in the Village designation and the dwelling provides a compatible scale and height that falls within the planned height context for the designation. The development results in an appropriate built form type, density, and scale in a well-designed dwelling that aligns with the neighbourhood context and contributes to an enhanced streetscape.

Based on our review, it is our professional planning opinion that the proposed development conforms with the City of Ottawa Official Plan.

Village of Greely Secondary Plan

Designation: *Village Residential*

The subject property is designated village in the Village of Greely Secondary Plan. The vision for the village of Greely is to enhance the rural village setting by concentrating opportunities for small-scale retail uses and services in a village core area that is connected to other areas of the village by multi-modal infrastructure. The village of Greely will become a complete village that has amenities for all ages and life stages such as parks and recreational facilities, employment, and services.

Section 3.2 of the Secondary Plan provides a policy direction for lands designated Village Residential. Detached dwellings are the prominent residential use in the village, however, multi-unit dwellings and institutional uses may also be possible at ideal locations. On lands designated Village Residential, only detached dwellings are permitted.

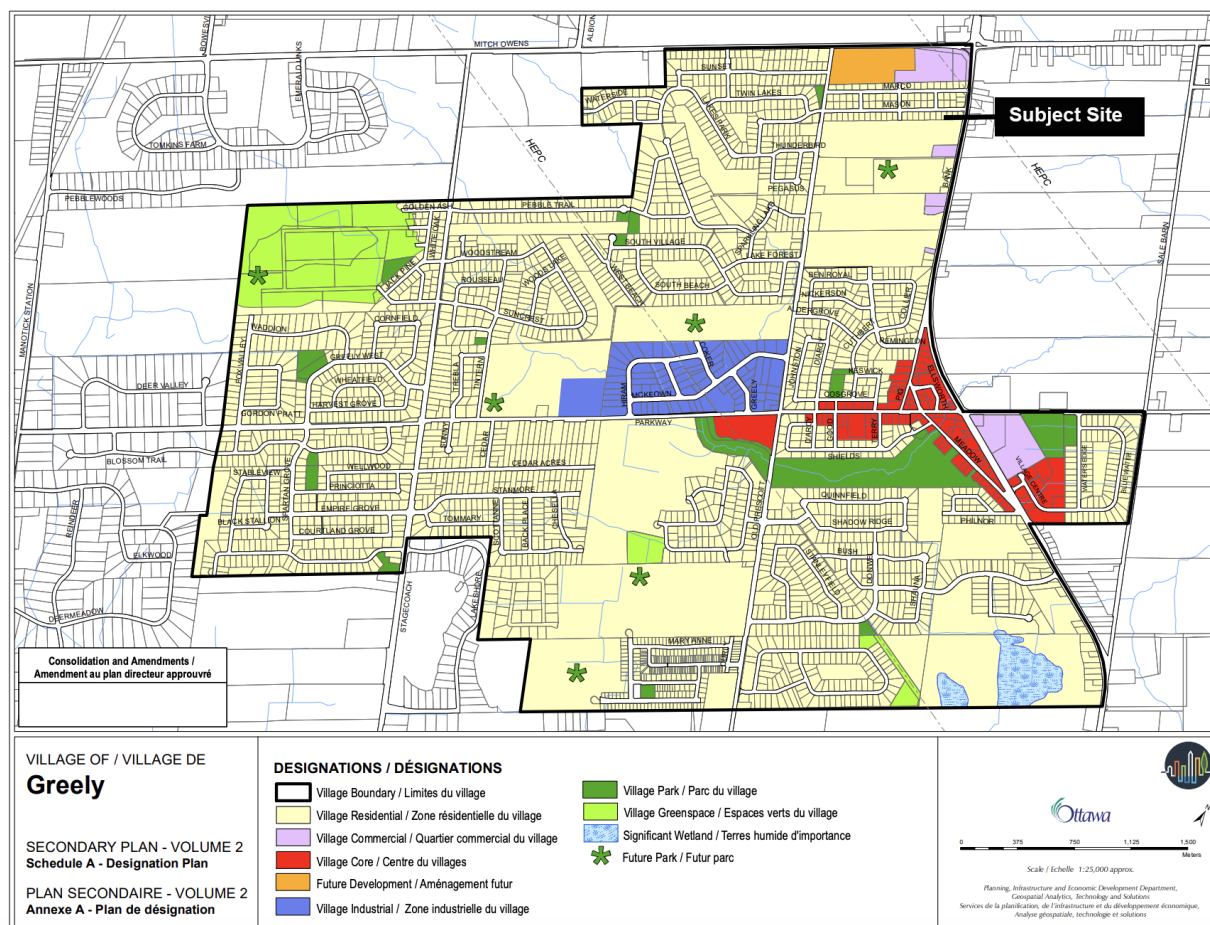


Figure 15: City of Ottawa Official Plan, Secondary Plan Volume 2. (Source: City of Ottawa).

Comment: The proposed development provides results in one new detached dwelling within a stable neighbourhood that is characterized by low-rise, ground-oriented dwelling types. The proposed use aligns with the permitted uses in the Village designation and the dwelling provides a compatible scale and height that falls within the planned height context for the designation. The development results in an appropriate built form type, density, and scale in a well-designed dwelling that aligns with the neighbourhood context and contributes to an enhanced streetscape. The building will be sited and sized appropriately relative to the size of the property and will not detract from the provision of outdoor amenity area on the property. The site will maintain a landscaped area of approximately 36%.

City of Ottawa Zoning By-law

The City of Ottawa zones this site as V1I - Village First Residential Density, Subzone I. The intent of the V1 Zone is to regulate development in a manner that adopts existing land use patterns so that the low density, low profile form of a neighbourhood is maintained and enhanced. The table below provides an overview of the required provisions for this zone and the proposed development's compliance.

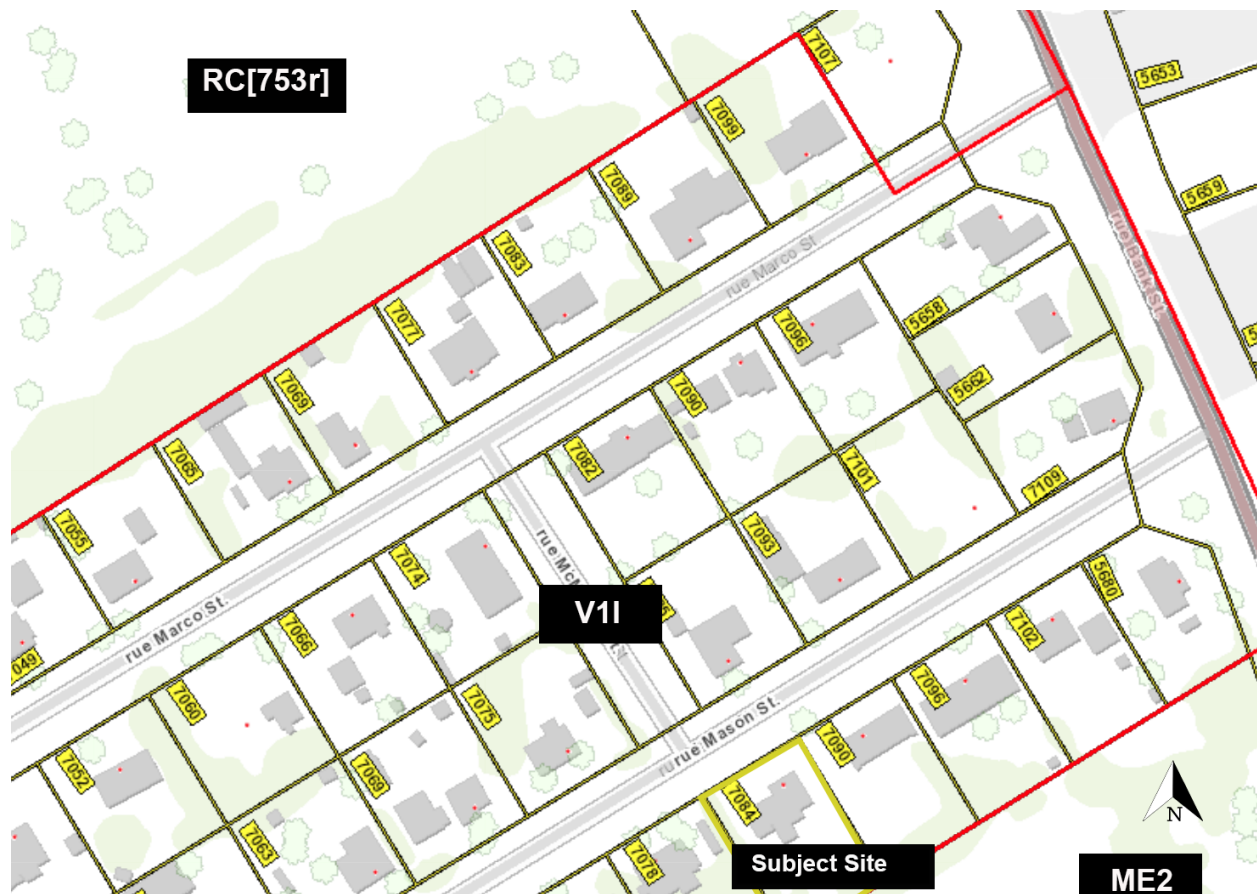


Figure 16: Zoning Map (Source: GeoOttawa)

EXISTING ZONING BY-LAW V1I	Requirement	Provided	Section
Minimum Lot Width	30 m ²	30.48 m	Section 232, Table 232
Minimum Lot Area	1390 m ²	1409 m ²	Section 232, Table 232
Max Building Height	11 m	11 m	Section 232, Table 232
Minimum Front Yard Setback	7.5 m	8.0 m	Section 232, Table 232
Interior Side Yard Setback	1.5 m	2.8 m & 2.61 m	Section 232, Table 232
Minimum Rear Yard Setback	10.5 m	21.16 m	Section 232, Table 232
Corner Side Yard	7.5 m	N/A	Section 232, Table 232

EXISTING ZONING BY-LAW V11	Requirement	Provided	Section
Lot Coverage	15%	26%	Section 232, Table 232
Parking Requirement: Area D	1 per unit	2 parking spaces	Section 101(4)(a)

PLANNING ACT REVIEW

Review of Section 45(1) Minor Variances

The *Planning Act* requires that minor variances are only to be permitted so long as they meet the four tests as set in Section 45(1). These tests are: whether the variance is minor; whether the variance meets the intent and purpose of the Official Plan; whether the variance meets the intent and purpose of the Zoning By-law; and lastly whether variance is suitable and desirable for the use of the land.

Are the variances minor?

Variance: Lot Coverage

The variance is to permit a lot coverage of 26%, whereas there required lot coverage is 15%.

The test for a variance to be considered minor is based on whether the variance constitutes a minor change or whether it is too large or too important to be considered minor. The proposed variance to permit an increased lot coverage is considered a minor change. The intent of the lot coverage regulation is to ensure there is adequate space on a site for soft landscaping for stormwater infiltration and trees to contribute to the local tree canopy. Lot coverage is intended to ensure that the size of the dwelling is appropriate relative to the size of the property and does not detract from the provision of outdoor amenity area on the property. The proposed property is large and regular in shape. The new dwelling will comprise approximately 26% of the lot coverage for the building, leaving approximately 36% of the site for soft landscaping and trees. This will therefore leave a generous amount of lot area for landscaping thus permitting stormwater infiltration.

The impact of the increased lot coverage is also minor as the larger dwelling will not negatively impact the streetscape along Mason Street. As demonstrated by the map, there are numerous properties within the area that have lot coverage that exceed the required 15%, including a couple properties that have a similar lot coverage to the proposed.

Given that the intent of the lot coverage required is to ensure that new development does not adversely impact the streetscape and contributes to appropriate setbacks and good urban design, the proposed dwelling with an increased lot coverage will not negatively impact the streetscape or abutting properties.

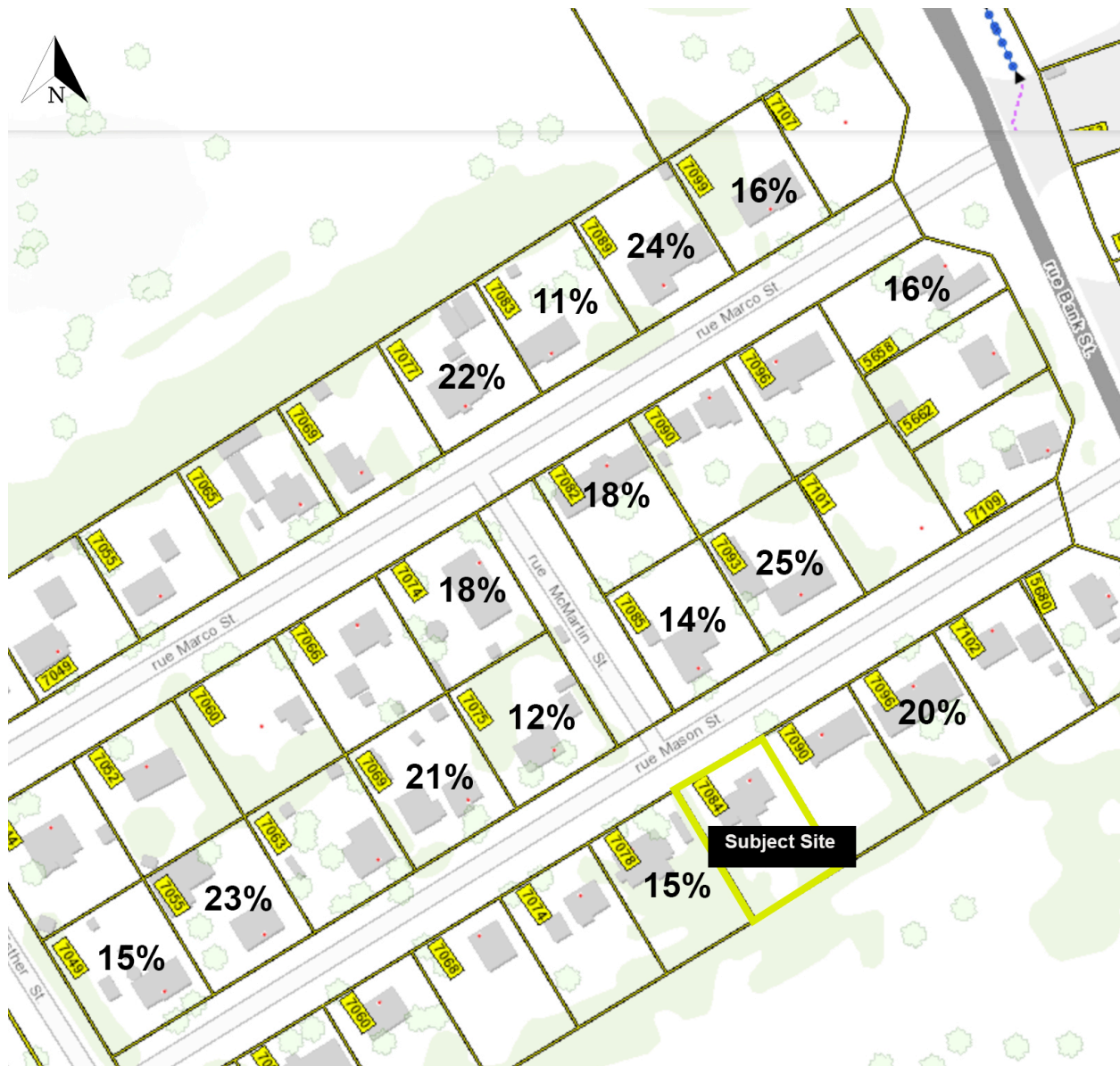


Figure 17: Approximate lot coverages of surrounding properties

Do the variances meet the intent and purpose of the Official Plan?

The intent and purpose of the Official Plan as it applies to this property is to accommodate a wide range of ground-oriented, low-rise residential dwelling types within Villages in order to promote the creation of 15-minute communities. The proposal achieves this intent by providing a contextual, detached dwelling with a compatible height that is similar in overall massing and scale to other homes in the area. It also results in an attractively designed home that contributes positively to the streetscape, meets the building setbacks and landscape requirements and an overall more functional design for the current homeowners.

The proposed developments meets the intent and purposes of the new Official Plan by supporting the following policies:

Section 2: Strategic Directions

Section 2.2.1: Policy intent (2): Provide housing options for larger households.

Section 3: Growth Management Framework

Section 3 of the Official Plan provides a renewed growth management framework that directs various types and intensities of growth to appropriate areas, ensuring that adequate land is provided to accommodate new growth. The proposed development aligns with the planned direction for growth management in urban areas as a larger dwelling supports large family households, life cycle adjustments for growing families, and multi-generational families.

Section 4.6 provides policies aimed at regulating the design of built form and the public realm in a manner that supports 15-minute neighbourhoods. It emphasizes design excellence throughout the City. The proposed development contributes a well-designed single-detached home to the area which provides more living space for the current homeowners to better accommodate their needs, supports aging-in-place, and growing families. It results in a more functional site design that efficiently uses the available space on the lot while exceeding the required zoning setbacks. The attached garage as proposed integrates seamlessly into the front facade of the building, de-emphasizing the garage's visual appearance and resulting in a functionally and aesthetically superior design to the permitted cantilever design. The placement of the home on the property provides a setback that is in line with neighbouring dwellings and greatly exceeds the requirements in the Zoning Bylaw. The remaining landscaped area (36% of the lot area) is sufficient to support water infiltration, trees and landscaping.

Section 5 of the Official Plan provides direction for transect areas and identifies that the Villages occur within the Rural Area in order to reduce conflicts with other uses such as agriculture, mineral extraction, Rural Industrial and Logistics and areas of natural significance. The City will support the health and liveability of village communities with sustainable growth practices, by supporting small-medium enterprises that support the local community and boost tourism, large industries in strategic locations and diversify

housing where adequate services are available. At two-storeys, the proposed design and use meets the intent of the OP for the transect area.

Section 9 of the Official Plan sets out the policies for the rural designations, including Villages. The intent of this designation is to support residential uses, the form and scale of which shall be limited by the available servicing methods and subject to the policies related to water and wastewater servicing. The proposed development conforms to the policies of the applicable Village designation.

Section 3.2 of the Village of Greely Secondary Plan provides a policy direction for lands designated Village Residential. Detached dwellings are the prominent residential use in the village, however, multi-unit dwellings and institutional uses may also be possible at ideal locations. On lands designated Village Residential, only detached dwellings are permitted. The proposed development conforms to the policies of the Village of Greely Secondary Plan.

Overall, the proposed development contributes an attractive, aesthetically pleasing, and more functional dwelling to the area that maintains the consistency of all built form setbacks, while preserving landscaping, which aligns with the urban design policies of the Official Plan.

Given the directions in the new Official Plan to support accessibility, gender equity and families, an permitting a larger dwelling on the subject property, as designed, allows a number of functional benefits without creating any undue or adverse impacts and as such the intent and purpose of the Official Plan is met.

Do the variances meet the intent and purpose of the Zoning By-law ***Variance: Lot Coverage***

The intent of the lot coverage regulation is to ensure there is adequate space on a site for soft landscaping for stormwater infiltration and trees to contribute to the local tree canopy. Lot coverage is intended to ensure that the size of the dwelling is appropriate relative to the size of the property and does not detract from the provision of outdoor amenity area on the property. This intent is met by a new development that meets all of the setbacks requirements and provide adequate soft landscaping on the property. The proposed lot coverage is similar to what is existing in the neighbourhood and the proposed new dwelling is similar in size or smaller in scale to the newer buildings in the area. Approximately 36% of the lot area will consist of soft landscaping which will provide amenity area, greenery and absorb stormwater run-off. There is plenty of space for tree plantings to contribute to the canopy coverage in the area. The new building will meet all other setbacks and performance standards as outlined in the zoning.

Furthermore, with respect to the design, the proposed building utilizes a prominent front porch and additional setback of the garage door to further reduce emphasis on the garage and increase the visual presence of the rest of the house. By utilizing large, well-placed windows and a variety of materials, the home design adds visual articulation and interest to the facade that aligns with the streetscape character.

Are the variances suitable for the use of the land?

The development with the requested variances constitute a suitable and desirable use of land to support the needs of the future residents. The proposal results in a new detached dwelling being constructed on an existing lot in a manner that suits their needs now and in the future.

The requested variances do not negatively impact the streetscape or neighbourhood context, exceed landscaping and zoning requirements, and provide adequate space on the site for soft landscaping that will support stormwater infiltration and tree plantings. The variances result in a desirable and suitable use for the subject lot.

CONCLUSION

As noted, the proposed development with the requested variance result in the construction of a new detached dwelling that provides an improved living space for the homeowners while still being compatible in height, scale, and massing with the surrounding properties. The home will align with the low-rise, ground-oriented context along Mason Street and contributes an aesthetically-pleasing and well-designed dwelling to the area.

The proposed development requires a variance to permit a lot coverage that is larger than what is permitted in the Zoning By-law.

As demonstrated in this cover letter, the proposed variance is minor in nature and ensures there is adequate space on a site for soft landscaping for stormwater infiltration and trees to contribute to the local tree canopy. The proposal also meets the intent of the Official Plan by contributing a large family dwelling through contextual urban development and meets the intent of the Zoning By-law. Lastly, the proposed development is demonstrated to be a suitable and desirable use of land.

Collectively considered, the development with the requested variances meets the four tests required under Section 45(1) of the *Planning Act*.

It is the opinion of Q9 Planning + Design that the proposed minor variance constitutes good land use planning and meets the required tests and criteria set out in the *Planning Act*.

Yours truly,



Dayna Edwards, RPP MCIP M.PI
Partner Senior Planner + Project Manager

CC: Aman Dhaliwal



Approved under Section 26 of
THE PLANNING ACT
This 16 day of June 1952
W. J. G. G. G.
MINISTER OF PLANNING & DEVELOPMENT

Committee of Adjustment
Received | Reçu le

2024-05-28

City of Ottawa | Ville d'Ottawa
Comité de dérogation

30.480

1084 MASON ST.

EXISTING ZONING BY-LAW VII
SECTION of Table 232:

	REQUIRED	PROV.
MIN. LOT WIDTH	30 m	30.48 m
MIN. LOT AREA	1390 m ²	1409 m ²
MIN. FRONT YARD	7.5 m	8.0 m
MIN. REAR YARD	10.5 m	21.16 m
MIN. SIDE YARD	1.5 m	2.6 m
MIN. SIDE YARD	1.5 m	2.8 m
MAX. HEIGHT	11 m	11 m
MAX LOT COVERAGE	15 %	26 %
BUILDING FOOTPRINT		366 m ²
LANDSCAPE AREA		35.8 %
PARKING REQUIREMENT AREA D	1 PER UNIT	2 Parking section 101 (4) (a)

21 161.2

LOT COVERAGE 26%

46.230

2 610.2

PROPOSED
BUILDING

46.230

2 800

PROPOSED
DRIVEWAY

PROPOSED SIDE WALK

8 000

30.480

MASON ST.

SITE PLAN

SCALE 1:200

I Andre Theriault, Theriault design:
Takes responsibility for design work
on behalf of a firm registered under
subsection 3.2.4 of division C. of
the building code.
I and the firm is registered in the
appropriate class/categories.
Date: _____
Signature of Designer: _____

Individual: 22368
Firm: 105420

**Theriault
Design**
Architecture - Planification

ANDRE THERIAULT
3550 CANOTEK ROAD , UNIT 21
GLOUCESTER, K1J 9C3
tel: (613) 913-2269
email: andre@theriaultdesign.ca

date			model
1	SITE PLAN	10 MAR 2024	PROPOSED BUILDING for MASON STREET
			drawing by
			A.THERIAULT
			project no.
			2024-442

PROPOSED BUILDING
for
MASON STREET

drawing no
31
1

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2024-05-28

City of Ottawa | Ville d'Ottawa
Comité de dérogation



FRONT ELEVATION

SCALE: 1/8" = 1'-0"

Structural engineer stamp if required:



I, Andre Theriault, Theriault design, Take responsibility for design work on behalf of a firm registered under Subsection 3.2.4 of division C, of the building code. I and the firm is registered in the appropriate class/categories.

Individual: 22968
Firm: 108420

Date: _____

Signature of Designer: _____

ANDRE THERIAULT
3550 CANOTEK ROAD, UNIT 21
GLOUCESTER, K1J 9C3
tel: (613) 913-2269

email: andre@theriaultdesign.ca

2	PERMIT	13 APR 2024
1	CONST DWG	30 JAN 2024

Project name

PROPOSED HOME
FOR
1030 MARCO STREET

drawn by	drawing no
A.THERIAULT	1
project no.	2023-416

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2024-05-28

City of Ottawa | Ville d'Ottawa
Comité de dérogation



REAR ELEVATION
SCALE: 1/8" = 1'-0"



I, Andre Theriault, Theriault design,
Take responsibility for design work
on behalf of a firm registered under
Subsection 3.2.4 of division C, of
the building code.
I and the firm is registered in the
appropriate class/categories.

Individual: 22968
Firm: 105420

Date: _____

Signature of Designer: _____

ANDRE THERIAULT
3550 CANOTEK ROAD, UNIT 21
GLOUCESTER, K1J 9C3
tel: (613) 913-2269

email: andre@theriaultdesign.ca

2	PERMIT	13 APR 2024
1	CONST DWG	30 JAN 2024

Project name

PROPOSED HOME
FOR
1090 MARCO STREET

drawn by

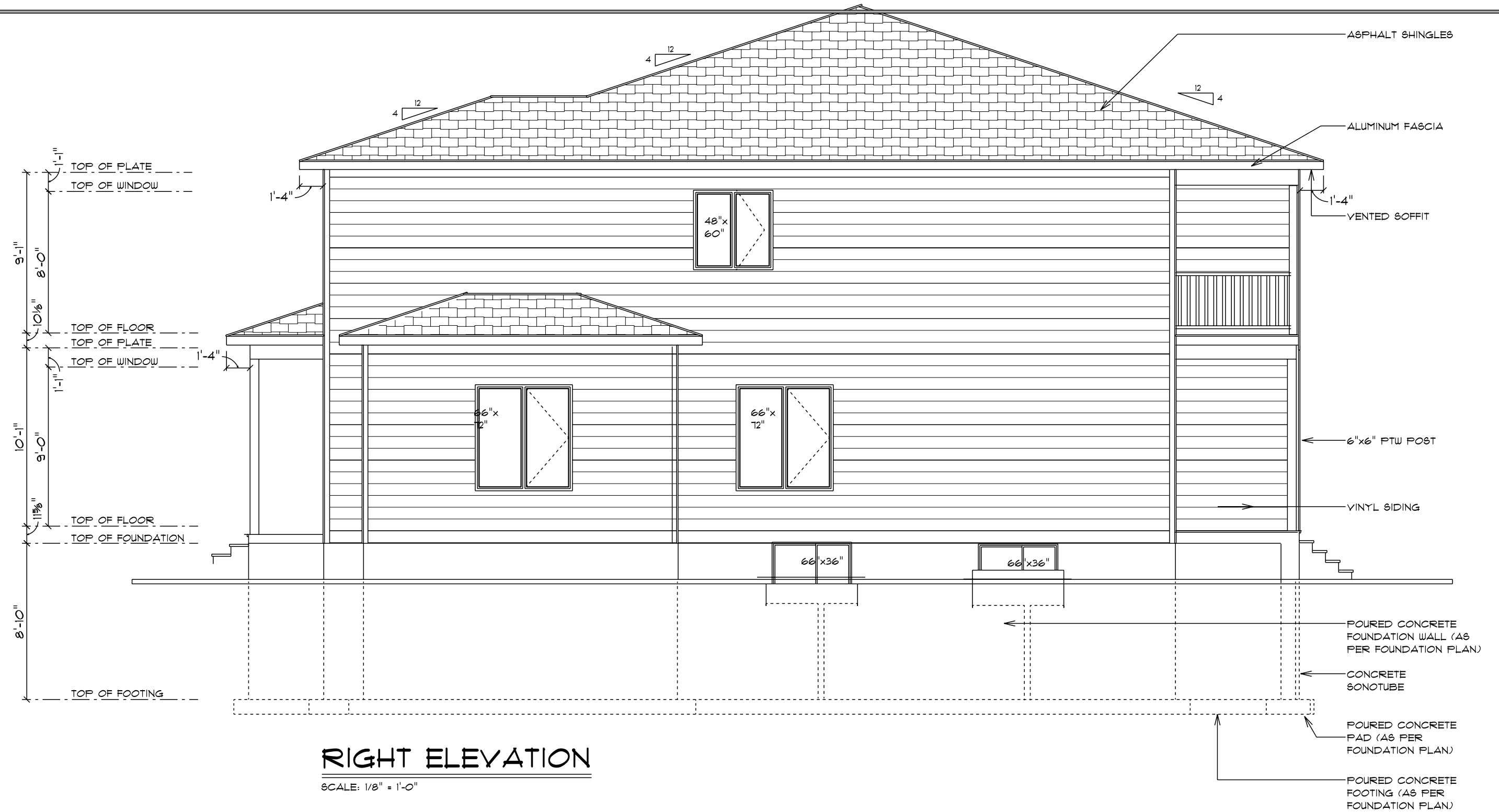
A.THERIAULT

Project no.

2023-416

2

11



RIGHT ELEVATION

SCALE: 1/8" = 1'-0"

Committee of Adjustment
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2024-05-28

City of Ottawa | Ville d'Ottawa
Comité de dérogation

I, Andre Theriault, Theriault design:
Take responsibility for design work
on behalf of a firm registered under
Subsection 3.2.4 of division C. of
the building code.
I and the firm is registered in the
appropriate class/categories.

Date: _____

Signature of Designer: _____

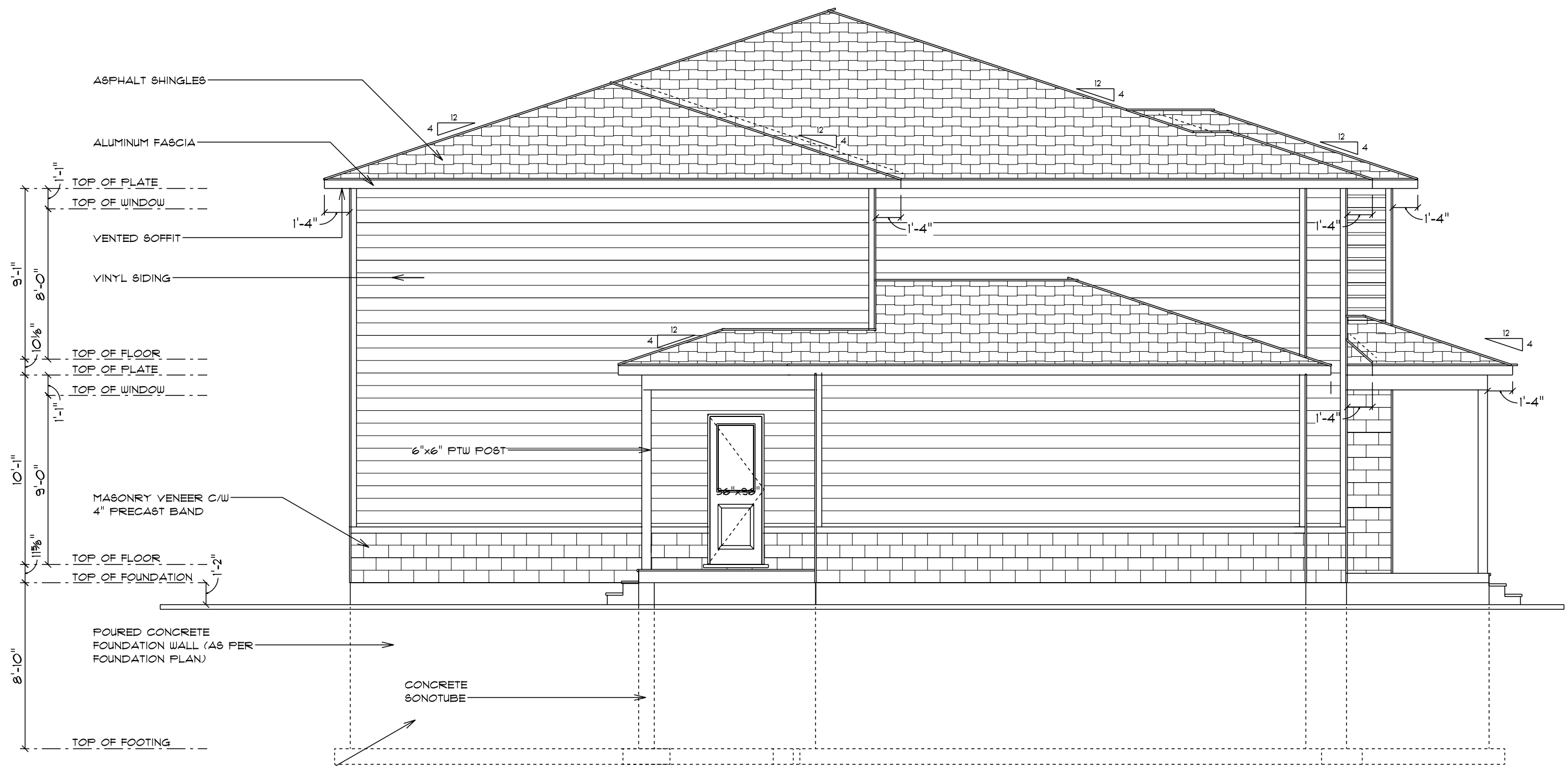
Individual: 22968
Firm: 105420

**Theriault
Design**
Architecture - Planification

ANDRE THERIAULT
2251 ESPRIT DRIVE, ORLEANS
K4A 0A4
tel: (613) 834-5284
fax: (613) 834-0895
email: theriault85@gmail.com

date			model
1	CONST DWG	30 JAN 2024	PROPOSED HOME FOR 1090 MARCO STREET
2	PERMIT	13 APR 2024	

drawing by	drawing no
A.THERIAULT	3
project no.	11
2023-416	



LEFT ELEVATION

SCALE: 1/8" = 1'-0"

Committee of Adjustment
Received | Reçu le

2024-05-28

City of Ottawa | Ville d'Ottawa
Comité de dérogation

I, Andre Theriault, Theriault design:
Take responsibility for design work
on behalf of a firm registered under
Subsection 3.2.4 of division C. of
the building code.
I and the firm is registered in the
appropriate class/categories.

Date: _____

Signature of Designer:

Individual: 22968
Firm: 105420

**Theriault
Design**
Architecture - Planification

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2251 ESPRIT DRIVE, ORLEANS
K4A 0A4
tel: (613) 834-5284
fax: (613) 834-0895
email: theriault85@gmail.com

date			model
1	CONST DWG	30 JAN 2024	PROPOSED HOME FOR 7090 MARCO STREET
2	PERMIT	13 APR 2024	
			drawing by
			A.THERIAULT
			project no.
			2023-416
			drawing no
			4
			11

2024-07-11

City of Ottawa | Ville d'Ottawa

Comité de dérogation



MINOR VARIANCE APPLICATION
COMMENTS TO THE COMMITTEE OF ADJUSTMENT
PANEL 3

PLANNING, DEVELOPMENT AND BUILDING SERVICES DEPARTMENT

Site Address: 7084 Mason Street
Legal Description: Part of Lot 1, Concession 5, Former Township of Osgoode
File No.: D08-02-24/A-00138
Report Date: July 10, 2024
Hearing Date: July 16, 2024
Planner: Luke Teeft
Official Plan Designation: Rural Transect; Village, Village Residential
Zoning: V1I

DEPARTMENT COMMENTS

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

DISCUSSION AND RATIONALE

The application was previously heard on July 2, 2024 and was adjourned to allow the applicant an opportunity to address comments from the Ottawa Septic System office.

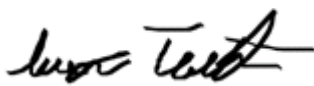
Staff have reviewed the subject minor variance application against the “four tests” as outlined in Section 45 (1) of the *Planning Act*, R.S.O. 1990 c. P.13, as amended. Staff are satisfied that the requested minor variance meets the “four tests”.

The proposal improves upon the front yard setback of the previous home and complies with all other provisions of the Zoning By-law. The Official Plan and Zoning By-law both permit dwellings up to 2 stories in height. The variance is considered minor within this context.

ADDITIONAL COMMENTS

Planning Forestry

- The applicant was advised to engage the neighbouring property owner about any impacts to adjacent trees.



Luke Teeft
Planner I, Development Review, All Wards

Planning, Development and Building
Services Department



Erin O'Connell
Planner III, Development Review, All
Wards
Planning, Development and Building
Services Department

NOTICE OF HEARING

Pursuant to the Ontario *Planning Act*

Minor Variance Application

Panel 3
Tuesday, July 2, 2024
9 a.m.

Ben Franklin Place, Main Floor Chamber, 101 CentrepoinTE Drive
and by videoconference

Owners of neighbouring properties within 60 metres of the property address below are receiving this notice in case they want to comment on the application(s) and/or participate at the hearing.

The hearing can also be viewed on the Committee of Adjustment [YouTube](#) page.

Simultaneous interpretation in both official languages, accessible formats and communication supports are available for any specific agenda item by contacting the Committee of Adjustment at least 72 hours before the hearing.

File No.: D08-02-24/A-00138
Application: Minor Variance under section 45 of the *Planning Act*
Owners/Applicants: Deepak and Ranju Kumar
Property Address: 7090 Marco Street
Ward: 20 - Osgoode
Legal Description: Part of Lot 1, Concession 5, Former Township of Osgoode
Zoning: V11
Zoning By-law: 2008-250

APPLICANTS PROPOSAL / PURPOSE OF THE APPLICATION:

The Owners want to construct a detached dwelling, as shown on plans filed with the Committee. The existing dwelling and detached garage will be demolished.

REQUESTED VARIANCES:

The Owners/Applicants require the Committee's authorization for a minor variance from the Zoning By-law to permit an increased lot coverage of 26%, whereas the By-law requires permits a maximum lot coverage of 15%.

The subject property is not the subject of any other current application under the *Planning Act*.

If you do not participate in the hearing, it may proceed in your absence, and you will not receive any further notice of the proceedings.

If you want to be notified of the decision following the hearing, and of any subsequent appeal to the Ontario Land Tribunal, submit a written request to the Committee.

For more information about this matter, contact the Committee of Adjustment at the address, email address, website or QR code below.

ALL SUBMITTED INFORMATION BECOMES PUBLIC

In accordance with the *Planning Act*, the *Municipal Act* and the *Municipal Freedom of Information and Privacy Act*, a written submission to the Committee of Adjustment is considered public information and can be shared with any interested individual. Information you choose to disclose in your correspondence, including your personal information, will become part of the public record, and shared with Committee Members, the Applicant(s) or their agent, and any other interested individual.

HOW TO PARTICIPATE

Submit written or oral comments before the hearing: Email your comments to cofa@ottawa.ca at least 24 hours before the hearing to ensure they are received by the panel adjudicators. You may also call the Coordinator at 613-580-2436 to have your comments transcribed.

Register to Speak at the hearing at least 24 hours before by contacting the Committee Coordinator at 613-580-2436 or at cofa@ottawa.ca. You will receive details on how to participate by videoconference. If you want to share a visual presentation, the Coordinator can provide details on how to do so. Presentations are limited to five minutes, and any exceptions are at the discretion of the Chair.

Hearings are governed by the Committee of Adjustment's *Rules of Practice and Procedure* accessible online.

COMMITTEE OF ADJUSTMENT

The Committee of Adjustment is the City of Ottawa's quasi-judicial tribunal created under the Ontario *Planning Act*. Each year, it holds hearings on hundreds of applications under the *Planning Act* in accordance with the Ontario *Statutory Powers Procedure Act*, including consents to sever land and minor variances from the zoning requirements.

DATED: June 14, 2024



Ce document est également offert en français.

Committee of Adjustment
City of Ottawa
101 CentrepoinTE Drive
Ottawa ON K2G 5K7
Ottawa.ca/CommitteeofAdjustment
cofa@ottawa.ca
613-580-2436



Comité de dérogation
Ville d'Ottawa
101, promenade CentrepoinTE
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Ottawa.ca/Comitedederogation
cded@ottawa.ca
613-580-2436

AVIS D'AUDIENCE

Conformément à la *Loi sur l'aménagement du territoire* de l'Ontario

Demande de dérogation mineure

Groupe 3
Mardi 2 juillet 2024
9 h

**Place-Ben-Franklin, salle Chamber, 101, promenade CentrepoinTE
et par vidéoconférence**

Les propriétaires des biens-fonds situés dans un rayon de 60 mètres de l'adresse ci-dessous reçoivent le présent avis afin de formuler des observations sur la ou les demandes et de participer à l'audience s'ils le souhaitent.

L'audience peut aussi être visionnée sur la page [YouTube](#) du Comité de dérogation.

Les participants peuvent bénéficier de l'interprétation simultanée dans les deux langues officielles, de formats accessibles et d'aides à la communication pour toute question de l'ordre du jour en s'adressant au Comité de dérogation au moins 72 heures à l'avance.

Dossier :	D08-02-24/A-00138
Demande :	Dérogation mineure en vertu de l'article 45 de la <i>Loi sur l'aménagement du territoire</i>
Propriétaires/requérants :	Deepak et Ranju Kumar
Adresse municipale :	7090, rue Marco
Quartier :	20 - Osgoode
Description officielle :	Partie du lot 1, concession 5, ancien canton d'Osgoode
Zonage :	V1I
Règlement de zonage :	n° 2008-250

PROPOSITION DES REQUÉRANTS ET OBJET DE LA DEMANDE :

Les propriétaires souhaitent construire une maison isolée, conformément aux plans déposés auprès du Comité. La maison et le garage isolé existants seront démolis.

DÉROGATION DEMANDÉE :

Les propriétaires/requérants demandent au Comité d'accorder une dérogation mineure au Règlement de zonage afin de permettre l'augmentation de la surface bâtie à 26 % de la superficie du lot, alors que le Règlement exige une surface bâtie maximale de 15 %.

La demande indique que la propriété ne fait l'objet d'aucune autre demande en cours en vertu de la *Loi sur l'aménagement du territoire*.

Si vous ne participez pas à l'audience, celle-ci pourra se dérouler en votre absence et vous ne recevrez pas d'autre avis à ce sujet.

Si vous souhaitez recevoir un avis de la décision prise à l'issue de l'audience et de tout appel ultérieur interjeté devant le Tribunal ontarien de l'aménagement du territoire, veuillez en faire la demande par écrit au Comité.

Pour obtenir plus de renseignements à ce sujet, communiquez avec le Comité (voir les coordonnées ci-dessous, notamment l'adresse municipale, l'adresse électronique, le site Web et le code QR).

TOUS LES RENSEIGNEMENTS PRÉSENTÉS DEVIENNENT PUBLICS

Conformément à la *Loi sur l'aménagement du territoire*, à la *Loi sur les municipalités* et à la *Loi sur l'accès à l'information municipale et la protection de la vie privée*, les observations écrites adressées au Comité de dérogation sont considérées comme des renseignements publics et peuvent être communiquées à toute personne intéressée. Les renseignements que vous choisissez de divulguer dans votre correspondance, notamment vos renseignements personnels, seront versés au dossier public et communiqués aux membres du Comité, au(x) requérant(s) ou à l'agent, l'agente, ainsi qu'à toute autre personne intéressée.

COMMENT PARTICIPER

Présentez vos observations écrites ou orales avant l'audience : Veuillez faire parvenir vos observations par courriel à cded@ottawa.ca au moins 24 heures avant l'audience afin de vous assurer que les membres des groupes chargés du rendu des décisions les ont bien reçues. Vous pouvez également téléphoner au coordonnateur ou à la coordonnatrice au numéro 613-580-2436 pour demander que vos observations soient transcrites.

Inscrivez-vous au moins 24 heures à l'avance en communiquant avec le coordonnateur ou la coordonnatrice du Comité au numéro 613-580-2436 ou à l'adresse à cded@ottawa.ca. Vous recevrez des détails sur la façon de participer par vidéoconférence. Si vous souhaitez faire une présentation visuelle, le coordonnateur ou la coordonnatrice sera en mesure de vous fournir des détails sur la façon de procéder. Les présentations sont limitées à cinq minutes et toute exception est laissée à la discrétion du président ou de la présidente.

Les audiences sont régies par les *Règles de pratique et de procédure* du Comité de dérogation et sont accessibles en ligne.

COMITÉ DE DÉROGATION

Le Comité de dérogation est le tribunal quasi judiciaire de la Ville d'Ottawa créé en vertu de la *Loi sur l'aménagement du territoire* de l'Ontario. Chaque année, il tient des audiences sur des centaines de demandes en vertu de la *Loi sur l'aménagement du territoire*, conformément à la *Loi sur l'exercice des compétences légales* de l'Ontario, y compris des demandes d'autorisation de morcellement de terrain et de dérogation mineure aux exigences en matière de zonage.

FAIT : 14 juin 2024



This document is also available in English.

Committee of Adjustment

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Circulated Area/
Région circulée

60m



Committee of Adjustment
Comité de dérogation

CIRCULATION MAP /
PLAN DE CIRCULATION

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SUBJECT LAND / TERRAIN EN QUESTION

7090 rue Marco Street



NOT TO SCALE
NON À L'ÉCHELLE

Date: May 15, 2024

File: 020224 - 7090 Marco Road

To: Michel Bellemare, Secretary Treasurer
Committee of Adjustment
City of Ottawa, 101 Centrepoin

Committee of Adjustment
Received | Reçu le

2024-05-28

City of Ottawa | Ville d'Ottawa
Comité de dérogation

RE: PROPOSED MINOR VARIANCE APPLICATION FOR 7090 MARCO ROAD

Dear Mr. Bellemare,

Q9 Planning + Design have been retained by Deepak Kumar to prepare a Planning Rationale regarding the minor variance application in order to construct a new detached dwelling on the subject site at 7090 Marco Road.

The following represents the Planning Rationale cover letter required as part of the submission requirements for an application to the Committee of Adjustment.

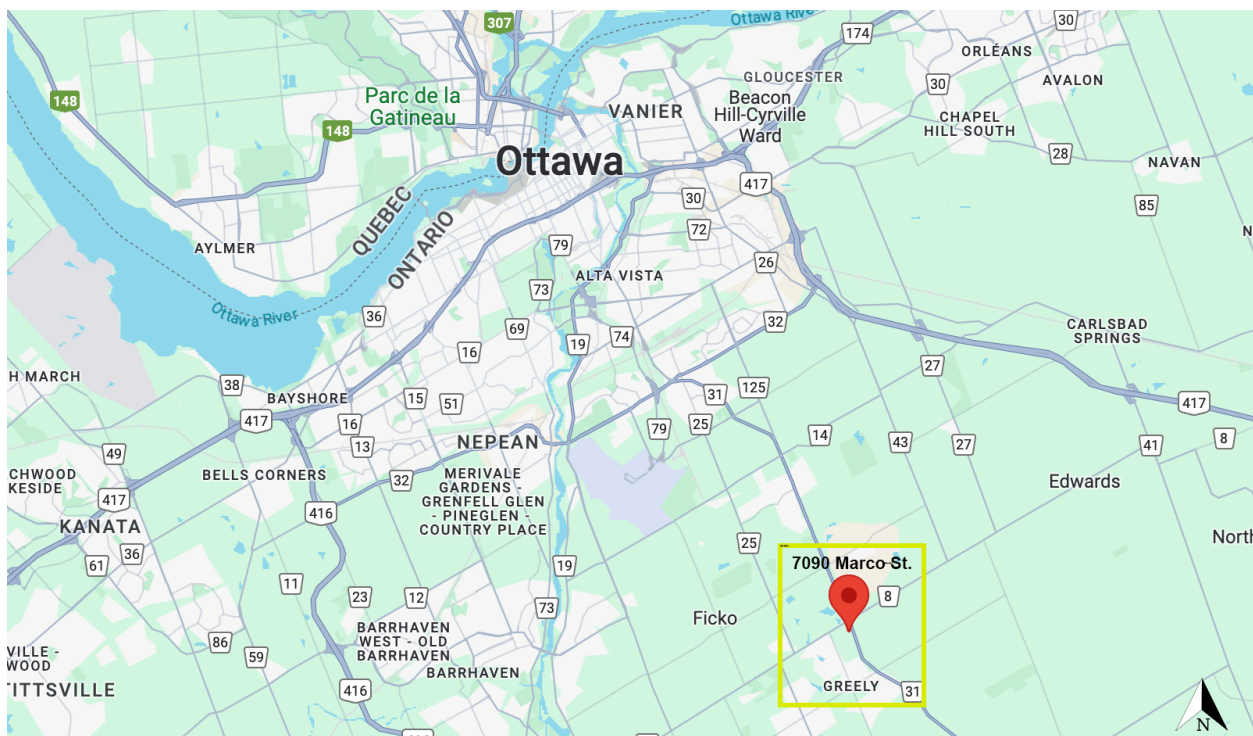


Figure 1: Location Plan (Source: Google Maps)

OVERVIEW

The subject site is a rectangular, interior lot located on the south side of Marco Street in the Village of Greely, within Ward 20 - Osgoode in the City of Ottawa. The neighbourhood is characterized by low-rise, ground-oriented detached dwelling on large lots. The site is located south west of the intersection of Bank Street and Mitch Owens Road. The site is located within the northern portion of the Village of Greely.

The proposed development is to construct a new detached dwelling with a lot coverage of 26%. In order to facilitate this development, a minor variance is required.

Minor Variance Requested

The requested variance for the application is identified below:

Single-Detached Dwelling (7090 Marco Street)

- (a) To permit a lot coverage of 26%, whereas there maximum permitted lot coverage is 15%. (Section 239, Table 239)

Documents Required and Submitted

The following lists all required and submitted documents in support of the identified Committee of Adjustment applications.

- [Site Plan
- [Elevations
- [Survey
- [Planning Rationale (this document)
- [Fee
- [Application Form

SITE & CONTEXT

Site

The subject site is a rectangular interior lot located along the south side of Marco Street in the Village of Greely. The property is currently developed with a single-storey detached dwelling and detached garage constructed from vinyl siding. The surrounding lots on both sides of Marco Street and and Mason Street to the south are of similar size and shape to the subject site, with wide frontages and reasonably sized lot areas. The site has 33.83 metres of frontage along Marco Street and is approximately 1,413 square metres in area. The abutting properties to the north, east and west are single detached dwellings between 1 to 2 storeys in height. The following list provides the lot dimensions for 7090 Marco Street:

- [Lot frontage: 33.83 m
- [Lot depth: 41.77 m
- [Lot area: 1413 m²



Figure 2: Site Map (Source: GeoOttawa)



Figure 3: Photo of subject property, dwelling and detached garage



Figure 4: Photo of subject property, dwelling and detached garage

Context

The subject property is located in an established residential neighbourhood consisting of a variety of ground-oriented residential dwelling types. The immediate context is characterized by single-detached, with a variety of architectural styles and features, indicating gradual and continuous redevelopment of the area over time. The property forms part of the north side of a block that is bounded by Marco Street to the north, Mason Street to the south, McMartin Street to the west, and Bank Street to the east. There are four lots located along the northern end of the block including the subject property.

Most of the lots in the immediate area along Marco Street consist of detached 1 to 2 storey homes situated inline on large square/rectangular lots.

Marco Street itself is a east-west street that runs from Old Prescott Road in the west to Bank Street in the east. It features one lane of travel in each direction. There are no sidewalks along Marco Street or other streets in the close vicinity.



Figure 5: Context Map (Source: Open Street Map, edited by Q9 Planning)



Figure 6: Marco Street, looking east towards Bank Street



Figure 7: Marco Street, looking west

PROPOSED DEVELOPMENT

The proposed development is to construct a new detached dwelling on the subject property. It will be constructed with a mix of masonry veneer and precast band. The garage will be recessed slightly behind the front porch, providing a design that is not dominated by a garage. The dwelling will be two-storeys in height. The development will provide increased living space on a large existing lot in a village context.

The dwelling is designed to be compatible with neighbouring dwellings, with an appropriate two-storey scale that compliments the low-rise character of the neighbourhood. The selected materials will further ensure that the home will be compatible with the neighbourhood character.

The existing building on the site currently has a legal non-complying front yard setback of 4.5 m. The required front yard setback in the Zoning By-law is 7.5 m. The new building will improve on the existing front yard setback, providing a front yard setback that complies with the Zoning By-law and better reflects the building setbacks of other dwellings along the street.

The development will feature a front yard setback of 7.5 metres, interior yard setbacks of 4.5 metres and 4.26 metres, and a rear yard setback of 17.20 metres. The property will have a landscaped area of approximately 38%.

The proposed variance is to permit an increased lot coverage. The lot is large and the new dwelling will maintain an adequate amount of soft landscaping in all yards, in a similar manner to what is observed in the surrounding neighbourhood.

The proposed building will have a footprint of 366 m². The lot area is 1,413 m². The proposed development is to construct a new detached dwelling with a lot coverage of 26%. In order to facilitate this development, a minor variance is required.

The following pages contain the Site Plan and Elevations.

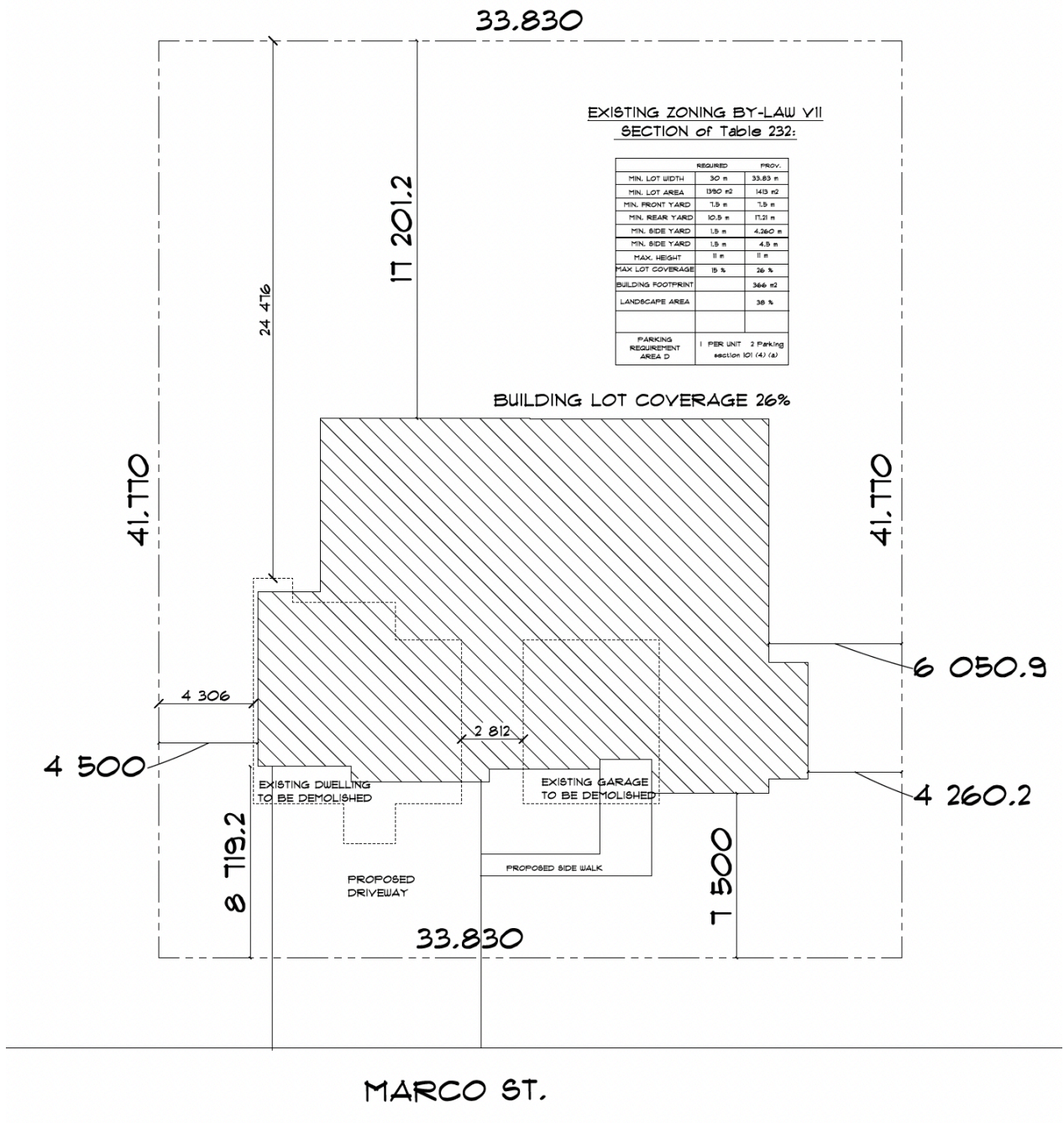


Figure 8: Site Plan prepared by Andre Theriault



Figure 9: Front Elevation, prepared by Andre Theriault, April 30, 2024



Figure 10: Rear Elevation, prepared by prepared by Andre Theriault, April 30, 2024

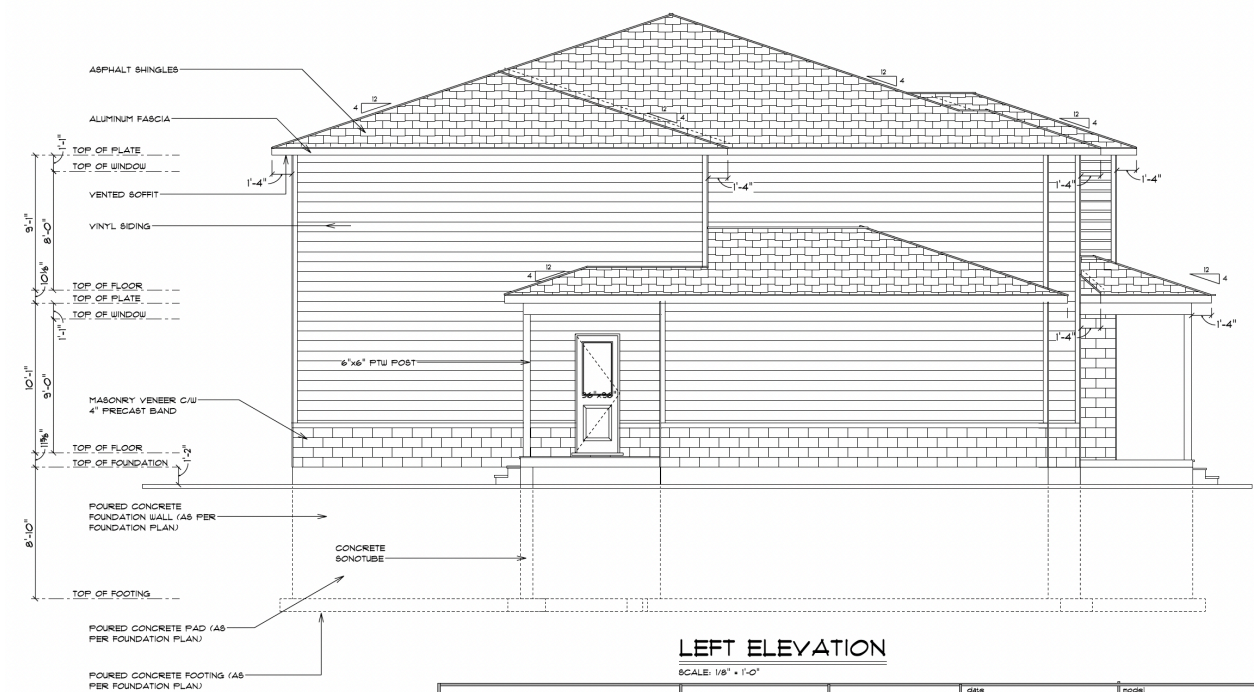


Figure 11: Left Elevation, prepared by prepared by Andre Theriault, April 30, 2024

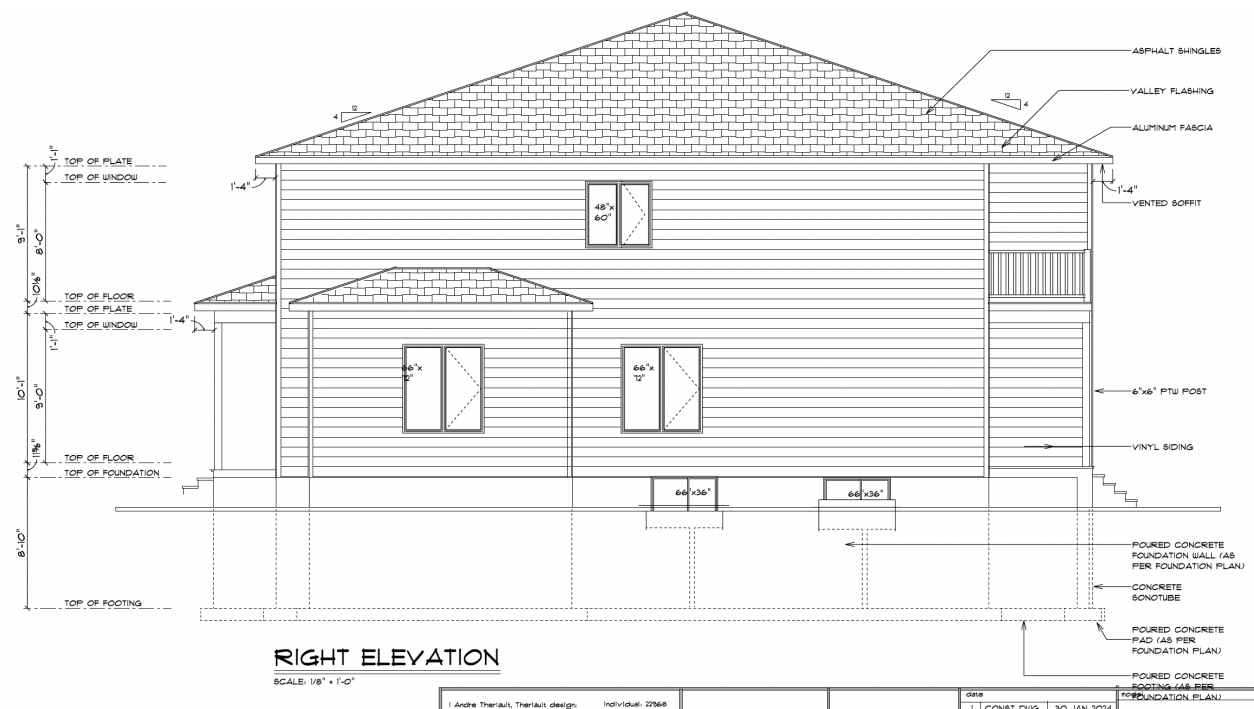


Figure 12: Right Elevation, prepared by prepared by Andre Theriault, April 30, 2024

POLICY REVIEW

In order to obtain approval of the proposed minor variance required to construct a new single-detached dwelling on the property, a review of the relevant and applicable policies and provisions is required. These are reviewed and discussed below. Relevant policies will be indicated in *italics*.

Provincial Policy Statement, 2020

The Provincial Policy Statement, 2020 (PPS) came into effect on May 1, 2020 and provides broad policy direction on matters of provincial interest related to land use planning and development. The Plan is intended to provide for appropriate development while protecting Provincial resources of interest, public health and safety, and the quality of the natural and built environment. The PPS is complemented by other Provincial plans as well as municipal plans such as Official Plans and Secondary Plans. All plans and decisions affecting planning matters “shall be consistent with” the PPS.

Section 1.0 intends to wisely manage change and plan for efficient land use and development patterns, which in turn help support sustainability through strong, liveable, healthy, and resilient communities.

1.1.1 *Healthy, liveable and safe communities are sustained by:*

- a) *promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;*
- b) *accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;*
- c) *avoiding development and land use patterns which may cause environmental or public health and safety concerns;*
- d) *avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;*
- e) *promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;*
- f) *improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society;*
- g) *ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs;*
- h) *promoting development and land use patterns that conserve biodiversity; and*
- i) *preparing for the regional and local impacts of a changing climate.*

Comment: The proposed development results in the construction of a new detached dwelling on an existing lot within a village in the rural settlement area. It contributes to the overall housing supply in the area and better reflects the needs of the current homeowners.

1.1.3.1 Settlement areas shall be the focus of growth and development.

1.1.3.2 Land use patterns within settlement areas shall be based on densities and a mix of land uses which:

- a) efficiently use land and resources;*
- b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;*
- c) minimize negative impacts to air quality and climate change, and promote energy efficiency;*
- d) prepare for the impacts of a changing climate;*
- e) support active transportation;*
- f) are transit-supportive, where transit is planned, exists or may be developed; and*
- g) are freight-supportive.*

Comment: The subject site is located inside the Village of Greely which is a settlement area within the rural area. The proposed developments results in the creation of a new home on an existing lot within an established residential area, avoiding the creation of an additional lot in a greenfield area. The proposal makes use of existing private services, infrastructure, public services and transportation networks and does not require their uneconomical expansion.

1.4.3 Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:

- b) permitting and facilitating:*
 - 1. all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities; and*
 - 2. all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3;*
- c) directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;*
- d) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed;*
- e) requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations; and*
- f) establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of*

housing and facilitate compact form, while maintaining appropriate levels of public health and safety.

Comment: The proposed development results in the creation of one new detached dwelling on the subject property through a contextually-appropriate redevelopment of the existing site. The new house will be created on an existing privately serviced lot and does not necessitate the expansion of municipal infrastructure or services. Furthermore, the home will retain the low-rise, ground-oriented context of the area and achieves an appropriate design response that is compatible in scale, height, and massing with the surrounding neighbourhood. The proposal more optimally utilizes the available space on the lot while preserving the existing tree canopy and providing sufficient landscaping (38% landscaped area).

Section 2.0 of the PPS aims to ensure Ontario's long-term prosperity, environmental health, and social well-being through the wise management and conservation of natural resources. This includes policy direction on conserving biodiversity, protecting the Great Lakes, and protecting natural heritage, water, agricultural, mineral, and cultural heritage and archaeological resources.

Section 3.0 of the PPS intends to provide for Ontario's long-term prosperity, environmental health, and social wellbeing by reducing potential natural and human-made hazards and threats to public safety. Development is to be directed away from natural or human-made hazards.

Based on our review, it is our professional planning opinion that the proposed development conforms with the Provincial Policy Statement (PPS), 2020.

City of Ottawa Official Plan

Designation: *Village, within the Rural Transect*

The new City of Ottawa Official Plan was passed by City Council on November 24th, 2021 and was approved by the Ministry of Municipal Affairs and Housing (MMAH) on November 4th, 2022. The Official Plan builds on the Five Big Policy Moves identified in the City's Strategic Plan and provides renewed goals, objectives, and policies intended to guide future growth and land use decision-making into the year 2046.

Section 2 contains the overarching strategic directions of the new Official Plan, centred around the Five Big Moves. These five broad strategic directions call for increased growth through intensification, sustainable transportation, context-based urban and community design, environmental, climate, and health resiliency embedded into planning policy, and planning policies based on economic development. Six cross-cutting issues have also been identified as essential to the achievement of liveable cities, which are related to intensification, economic development, energy and climate change, healthy and inclusive communities, gender equity, and culture.

Comment: The proposed development results in the construction of a new home on an existing property within a Village (Rural) area. It achieves a context-based and compatible design that is appropriately scaled to the neighbourhood and fits within the existing

streetscape. The development also accommodates the expanded needs of the current homeowners through redevelopment of an existing property, helping to manage growth through infill development and intensification. The proposal is appropriate based on the surrounding neighbourhood context and its location within a Village in the Rural Transect, contributing to the achievement of the Five Big Policy Moves.

Section 3 of the Official Plan provides a renewed growth management framework that directs various types and intensities of growth to appropriate areas, ensuring that adequate land is provided to accommodate new growth. Most of the future growth in population and jobs is expected to occur within the urban settlement area, with the balance being accommodated in rural areas. Six transect policy areas underpin this growth management framework, with each transect policy area planning for new growth accommodation in accordance with the existing development context. Tailored direction is provided to gradually transition lands within these transects towards 15-minute communities.

Comment: The subject site is located in the rural settlement area within an established residential neighbourhood in the Rural Transect Area. The subject site currently contains a single-storey detached dwelling. The proposed development provides the same residential use within the same single-detached typology. It helps retain a contextual form and dwelling type on the site while supporting growth accommodation and accommodating the owner's needs on an existing lot. This aligns with the planned direction for growth management in urban areas. A larger dwelling supports diversity and life cycle adjustments for growing families and multi-generational families.

Section 4 of the Official Plan provide policies applicable to development throughout the City, including those for more sustainable modes of transportation and the design and creation of healthy, 15-minute neighbourhoods. It also promotes housing choice to accommodate a variety of needs.

Comment: The proposed development provides a new single-detached dwelling within the rural settlement area, contributing to renewal of housing stock and meeting the needs of the current homeowners.

Section 4.6 provides policies aimed at regulating the design of built form and the public realm in a manner that supports 15-minute neighbourhoods. It emphasizes design excellence throughout the City, especially in Design Priority Areas. The subject site is not located within a Design Priority Area.

Comment: The proposed development contributes a well-designed single-detached home to the area which provides more living space for the current homeowners to better accommodate their needs. It results in a more functional site design that efficiently uses the available space on the lot while providing adequate zoning compliant setbacks and sufficient landscaping. The contextually-appropriate height and the overall scale and massing of the home is compatible with the abutting homes and fits into the streetscape context of surrounding detached dwellings with varied architectural styles. No shadowing, overlook, or other adverse impacts onto neighbours will result from the home. The attached garage, as proposed, is slightly recessed and integrates seamlessly into the front facade of the building, de-emphasizing the garage's visual appearance. As designed, the home provides a generous 8.0 m setback from the street ensuring that the provision of landscaping is sufficient and that the urban tree canopy can be supported. Overall, the

proposed development contributes an attractive, aesthetically pleasing, and more functional dwelling to the area that maintains the consistency of front yards, while preserving landscaping and the urban tree canopy, which aligns with the urban design policies of the Official Plan.

Section 5 provides detailed policies for each of the six transect policy areas within the City. Each of the transect policy areas recognize the existing development patterns and provide tailored approaches to transition towards healthier, more sustainable 15-minute communities. The subject site is located within the **Rural Transect** and is designated **Village**.

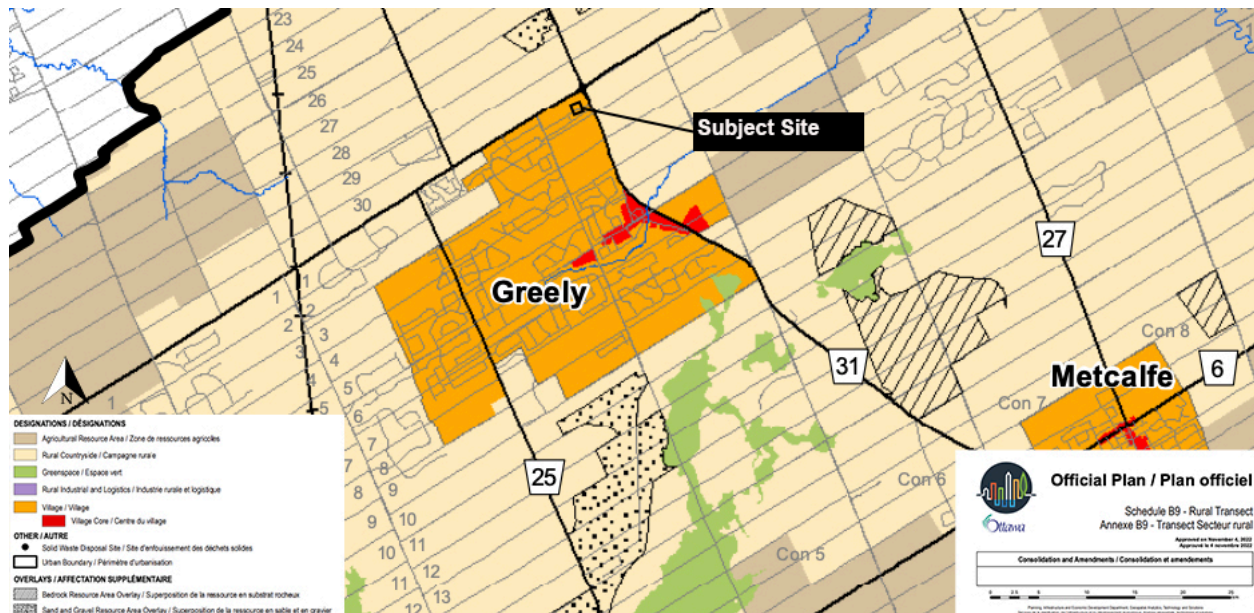


Figure 13: City of Ottawa Official Plan, Schedule B9. (Source: City of Ottawa).

Section 9.0 contains policies specific to the Village designation.

Section 9.4.2 states that the following are generally permitted uses within Villages unless prescribed by a secondary plan: a) Residential uses, the form and scale of which shall be limited by the available servicing methods and subject to the policies related to water and wastewater servicing; b) Small-scale office, retail and commercial uses; c) Institutional uses such as schools, care facilities, recreation and community facilities and places of worship; d) Community gardens, indoor and outdoor crop production market gardens and farmers markets; e) Small scale craft manufacturing of food, beverages and goods for sale; and f) Parks, recreation and community facilities which may include fairgrounds but does not include large scale facilities.

Comment: The proposed detached dwelling represents a contextually-appropriate building height that aligns with the height direction for Villages in the Rural Transect. The development contributes to enhancing the existing built form in the neighbourhood, improving the residential use of the property through a newer home that better meets the owner's needs while being compatible in scale with abutting properties.

Based on our review, it is our professional planning opinion that the proposed development conforms with the City of Ottawa Official Plan.

Village of Greely Secondary Plan

Designation: *Village Residential*

The subject property is designated village in the Village of Greely Secondary Plan. The vision for the village of Greely is to enhance the rural village setting by concentrating opportunities for small-scale retail uses and services in a village core area that is connected to other areas of the village by multi-modal infrastructure. The village of Greely will become a complete village that has amenities for all ages and life stages such as parks and recreational facilities, employment, and services.

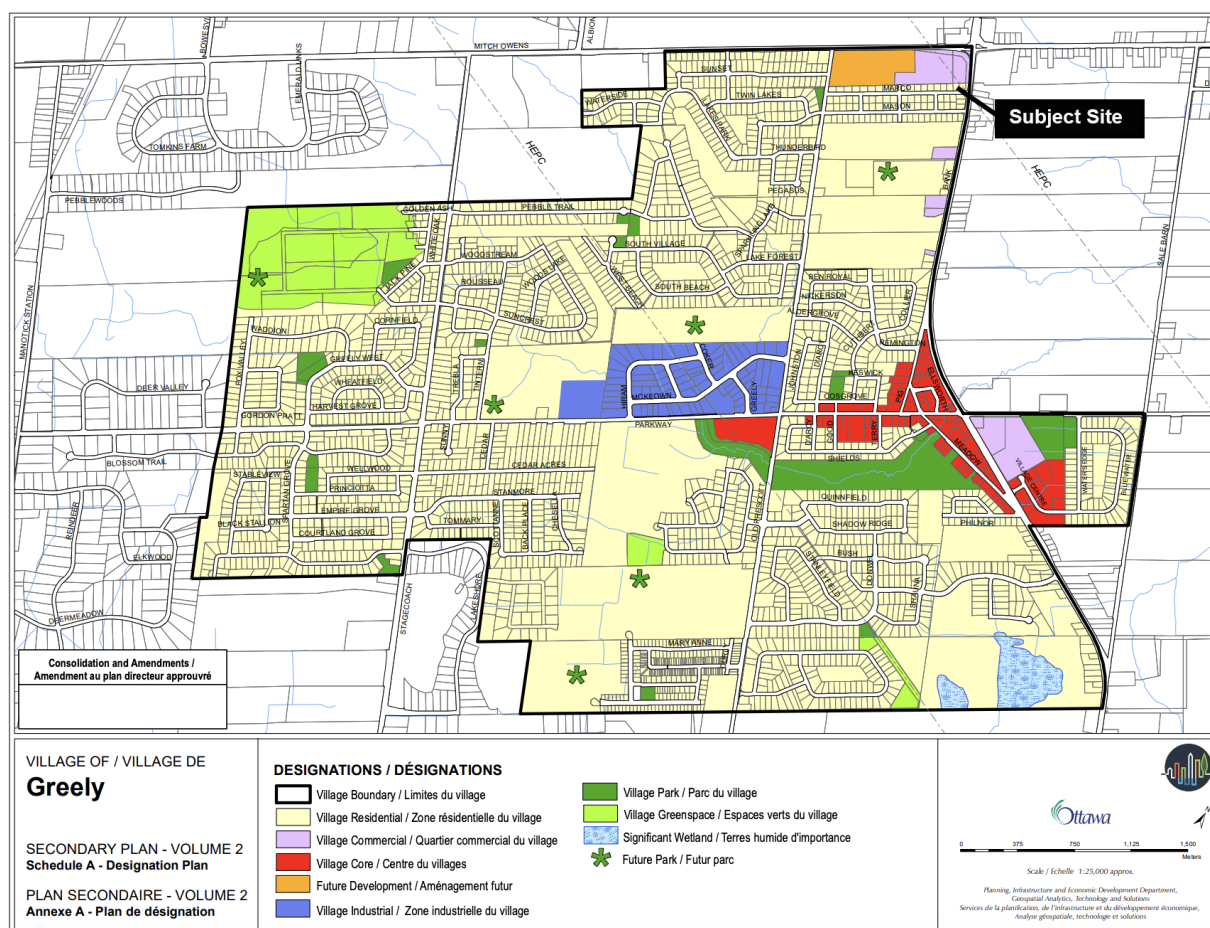


Figure 14: City of Ottawa Official Plan, Secondary Plan Volume 2. (Source: City of Ottawa).

Section 3.2 of the Secondary Plan provides a policy direction for lands designated Village Residential. Detached dwellings are the prominent residential use in the village, however, multi-unit dwellings and institutional uses may also be possible at ideal locations. On lands designated Village Residential, only detached dwellings are permitted.

Comment: The proposed development provides results in one new detached dwelling within a stable neighbourhood that is characterized by low-rise, ground-oriented dwelling types. The proposed use aligns with the permitted uses in the Village designation and the dwelling provides a compatible scale and height that falls within the planned height context for the designation. The development results in an appropriate built form type, density, and scale in a well-designed dwelling that aligns with the neighbourhood context and contributes to an enhanced streetscape. The building will be sited and sized appropriately relative to the size of the property and will not detract from the provision of outdoor amenity area on the property. The site will maintain a landscaped area of approximately 38%.

City of Ottawa Zoning By-law

The City of Ottawa zones this site as V1I - Village First Residential Density, Subzone I. The intent of the V1 Zone is to regulate development in a manner that adopts existing land use patterns so that the low density, low profile form of a neighbourhood is maintained and enhanced. The table below provides an overview of the required provisions for this zone and the proposed development's compliance.

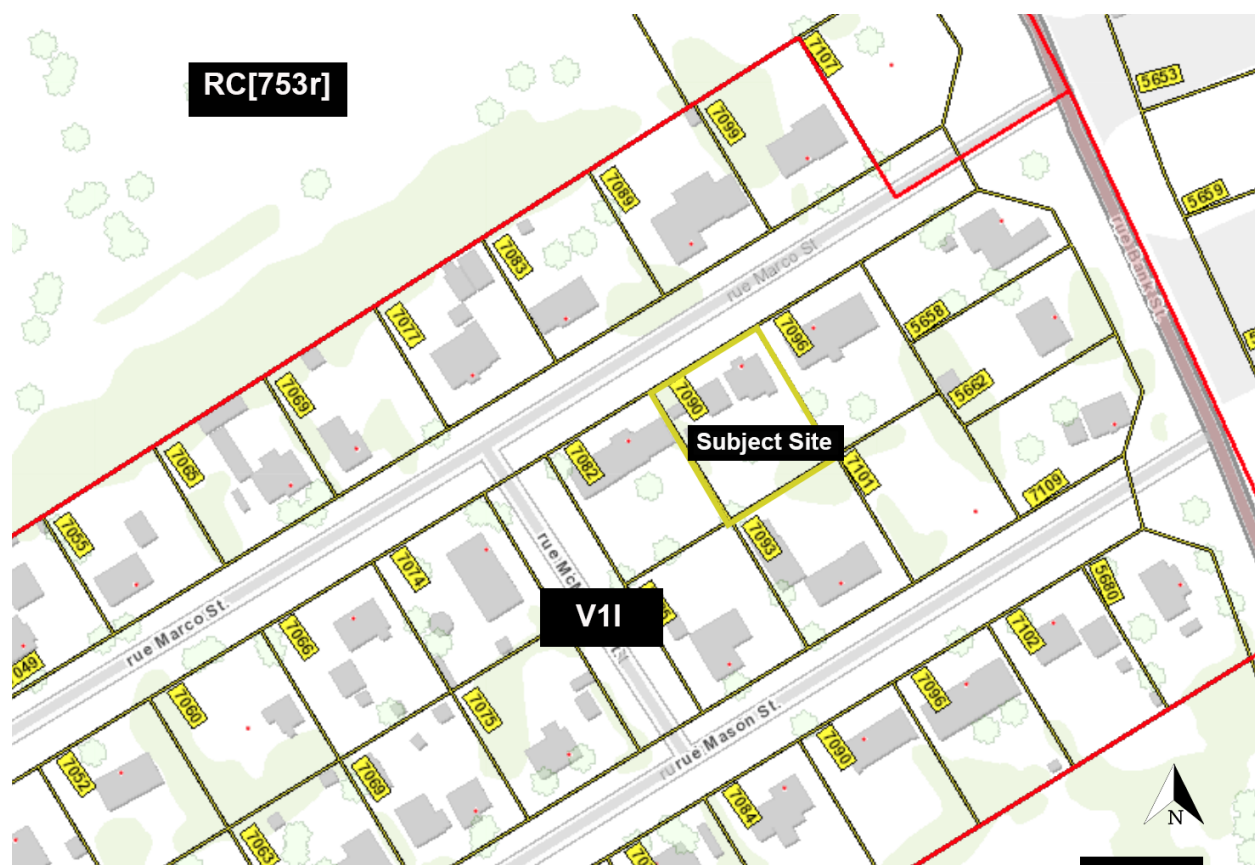


Figure 15: Zoning Map (Source: GeoOttawa)

EXISTING ZONING BY-LAW V11	Requirement	Provided	Section
Minimum Lot Width	30 m2	33.83 m	Section 232, Table 232
Minimum Lot Area	1390 m	1413 m2	Section 232, Table 232
Max Building Height	11 m	11 m	Section 232, Table 232
Minimum Front Yard Setback	7.5 m	7.5 m	Section 232, Table 232
Interior Side Yard Setback	1.5 m	4.5 m & 4.260 m	Section 232, Table 232
Minimum Rear Yard Setback	10.5 m	17.20 m	Section 232, Table 232
Corner Side Yard	7.5 m	N/A	Section 232, Table 232
Lot Coverage	15%	26%	Section 232, Table 232
Parking Requirement: Area D	1 per unit	2 parking spaces	Section 101(4)(a)

PLANNING ACT REVIEW

Review of Section 45(1) Minor Variances

The *Planning Act* requires that minor variances are only to be permitted so long as they meet the four tests as set in Section 45(1). These tests are: whether the variance is minor; whether the variance meets the intent and purpose of the Official Plan; whether the variance meets the intent and purpose of the Zoning By-law; and lastly whether variance is suitable and desirable for the use of the land.

Are the variances minor?

Variance: Lot Coverage

The variance is to permit a lot coverage of 26%, whereas there required lot coverage is 15%.

The test for a variance to be considered minor is based on whether the variance constitutes a minor change or whether it is too large or too important to be considered minor. The proposed variance to permit an increased lot coverage is considered a minor change. The intent of the lot coverage regulation is to ensure there is adequate space on a site for soft landscaping for stormwater infiltration and trees to contribute to the local tree canopy. Lot coverage is intended to ensure that the size of the dwelling is appropriate relative to the size of the property and does not detract from the provision of outdoor amenity area on the property. The proposed property is large and regular in shape. The new dwelling will comprise approximately 26% of the lot coverage for the building, leaving approximately 38% of the site for soft landscaping and trees. This will therefore leave a generous amount of lot area for landscaping thus permitting stormwater infiltration.

The impact of the increased lot coverage is also minor as the larger dwelling will not negatively impact the streetscape along Marco Street. As demonstrated by the map, there are numerous properties within the area that have lot coverage that exceed the required 15%, including a couple properties that have a similar lot coverage to the proposed.

Given that the intent of the lot coverage required is to ensure that new development does not adversely impact the streetscape and contributes to appropriate setbacks and good urban design, the proposed dwelling with an increased lot coverage will not negatively impact the streetscape or abutting properties..

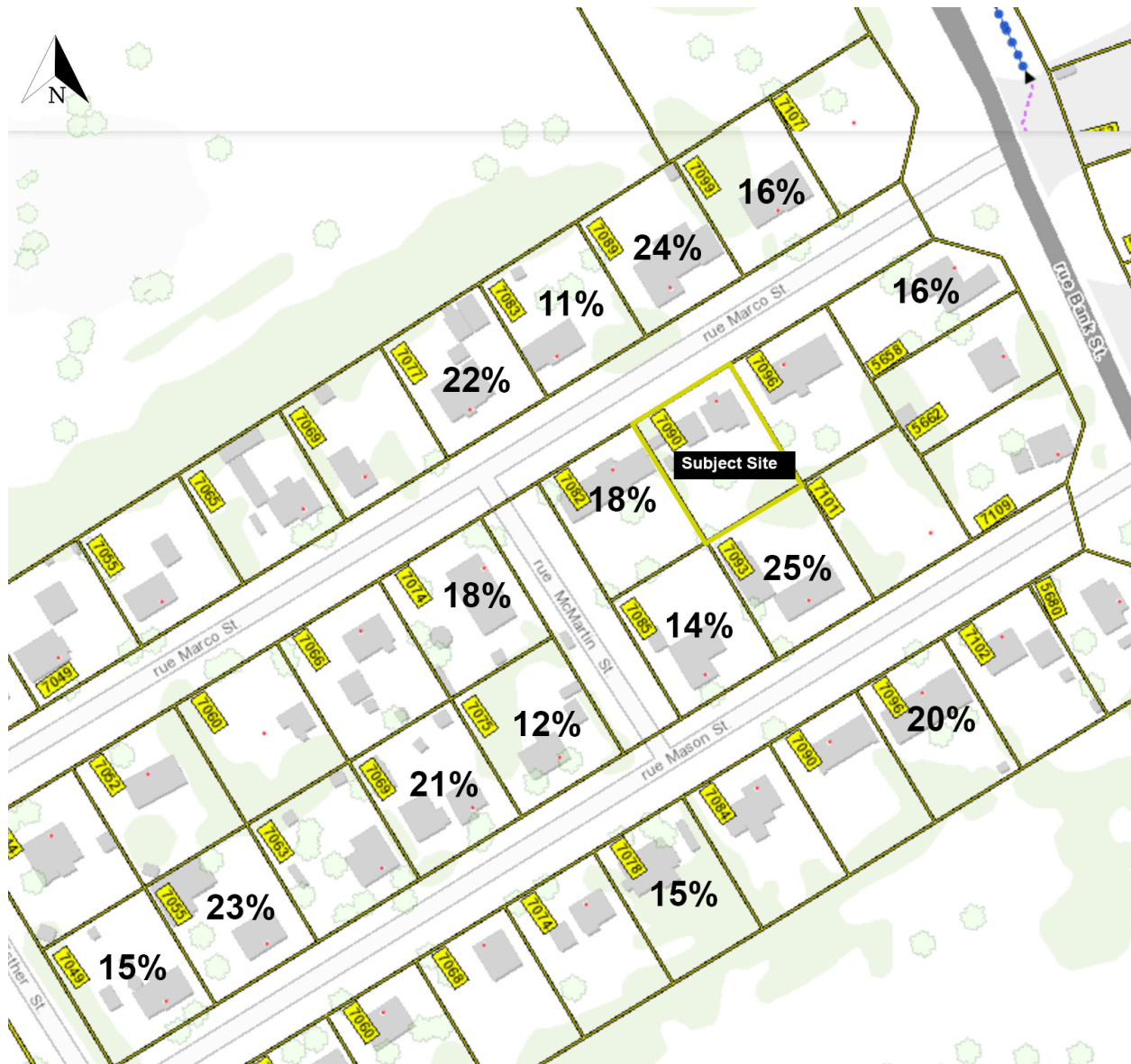


Figure 16: Approximate lot coverages of surrounding properties

Do the variances meet the intent and purpose of the Official Plan?

The intent and purpose of the Official Plan as it applies to this property is to accommodate a wide range of ground-oriented, low-rise residential dwelling types within Villages in order to promote the creation of 15-minute communities. The proposal achieves this intent by providing a contextual, detached dwelling with a compatible height that is similar in overall massing and scale to other homes in the area. It also results in an attractively designed home that contributes positively to the streetscape, meets the building setbacks and landscape requirements and an overall more functional design for the current homeowners.

The proposed developments meets the intent and purposes of the new Official Plan by supporting the following policies:

Section 2: Strategic Directions

Section 2.2.1: Policy intent (2): Provide housing options for larger households.

Section 3: Growth Management Framework

Section 3 of the Official Plan provides a renewed growth management framework that directs various types and intensities of growth to appropriate areas, ensuring that adequate land is provided to accommodate new growth. The proposed development aligns with the planned direction for growth management in urban areas as a larger dwelling supports large family households, life cycle adjustments for growing families, and multi-generational families.

Section 4.6 provides policies aimed at regulating the design of built form and the public realm in a manner that supports 15-minute neighbourhoods. It emphasizes design excellence throughout the City. The proposed development contributes a well-designed single-detached home to the area which provides more living space for the current homeowners to better accommodate their needs, supports aging-in-place, and growing families. It results in a more functional site design that efficiently uses the available space on the lot while exceeding the required zoning setbacks. The attached garage as proposed integrates seamlessly into the front facade of the building, de-emphasizing the garage's visual appearance and resulting in a functionally and aesthetically superior design to the permitted cantilever design. The placement of the home on the property provides a setback that is in line with neighbouring dwellings and greatly exceeds the requirements in the Zoning Bylaw. The remaining landscaped area (36% of the lot area) is sufficient to support water infiltration, trees and landscaping.

Section 5 of the Official Plan provides direction for transect areas and identifies that the Villages occur within the Rural Area in order to reduce conflicts with other uses such as agriculture, mineral extraction, Rural Industrial and Logistics and areas of natural significance. The City will support the health and liveability of village communities with sustainable growth practices, by supporting small-medium enterprises that support the local community and boost tourism, large industries in strategic locations and diversify housing where adequate services are available. At two-storeys, the proposed design and use meets the intent of the OP for the transect area.

Section 9 of the Official Plan sets out the policies for the rural designations, including Villages. The intent of this designation is to support residential uses, the form and scale of which shall be limited by the available servicing methods and subject to the policies related to water and wastewater servicing. The proposed development conforms to the policies of the applicable Village designation.

Section 3.2 of the Village of Greely Secondary Plan provides a policy direction for lands designated Village Residential. Detached dwellings are the prominent residential use in the village, however, multi-unit dwellings and institutional uses may also be possible at ideal locations. On lands designated Village Residential, only detached dwellings are permitted. The proposed development conforms to the policies of the Village of Greely Secondary Plan.

Overall, the proposed development contributes an attractive, aesthetically pleasing, and more functional dwelling to the area that maintains the consistency of all built form setbacks, while preserving landscaping, which aligns with the urban design policies of the Official Plan.

Given the directions in the new Official Plan to support accessibility, gender equity and families, an permitting a larger dwelling on the subject property, as designed, allows a number of functional benefits without creating any undue or adverse impacts and as such the intent and purpose of the Official Plan is met.

Do the variances meet the intent and purpose of the Zoning By-law

Variance: Lot Coverage

The intent of the lot coverage regulation is to ensure there is adequate space on a site for soft landscaping for stormwater infiltration and trees to contribute to the local tree canopy. Lot coverage is intended to ensure that the size of the dwelling is appropriate relative to the size of the property and does not detract from the provision of outdoor amenity area on the property. This intent is met by a new development that meets all of the setbacks requirements and provide adequate soft landscaping on the property. The proposed lot coverage is similar to what is existing in the neighbourhood and the proposed new dwelling is similar in size or smaller in scale to the newer buildings in the area. Approximately 38% of the lot area will consist of soft landscaping which will provide amenity area, greenery and absorb stormwater run-off. There is plenty of space for tree plantings to contribute to the canopy coverage in the area. The new building will meet all other setbacks and performance standards as outlined in the zoning.

The existing building on the site currently has a legal non-complying front yard setback of 4.5 m. The required front yard setback in the Zoning By-law is 7.5 m. The new building will improve on the existing front yard setback, providing a front yard setback that complies with the Zoning By-law and better reflects the building setbacks of other dwellings along the street.

Furthermore, with respect to the design, the proposed building utilizes a prominent front porch and additional setback of the garage door to further reduce emphasis on the garage and increase the visual presence of the rest of the house. By utilizing large, well-placed

windows and a variety of materials, the home design adds visual articulation and interest to the facade that aligns with the streetscape character.

Are the variances suitable for the use of the land?

The development with the requested variances constitute a suitable and desirable use of land to support the needs of the future residents. The proposal results in a new detached dwelling being constructed on an existing lot in a manner that suits their needs now and in the future.

The requested variances do not negatively impact the streetscape or neighbourhood context, exceed landscaping and zoning requirements, and provide adequate space on the site for soft landscaping that will support stormwater infiltration and tree plantings. The variances result in a desirable and suitable use for the subject lot.

CONCLUSION

As noted, the proposed development with the requested variance result in the construction of a new detached dwelling that provides an improved living space for the homeowners while still being compatible in height, scale, and massing with the surrounding properties. The home will align with the low-rise, ground-oriented context along Marco Street and contributes an aesthetically-pleasing and well-designed dwelling to the area.

The proposed development requires a variance to permit a lot coverage that is larger than what is permitted in the Zoning By-law.

As demonstrated in this cover letter, the proposed variance is minor in nature and ensures there is adequate space on a site for soft landscaping for stormwater infiltration and trees to contribute to the local tree canopy. The proposal also meets the intent of the Official Plan by contributing a large family dwelling through contextual urban development and meets the intent of the Zoning By-law. Lastly, the proposed development is demonstrated to be a suitable and desirable use of land.

Collectively considered, the development with the requested variances meets the four tests required under Section 45(1) of the *Planning Act*.

It is the opinion of Q9 Planning + Design that the proposed minor variance constitutes good land use planning and meets the required tests and criteria set out in the *Planning Act*.

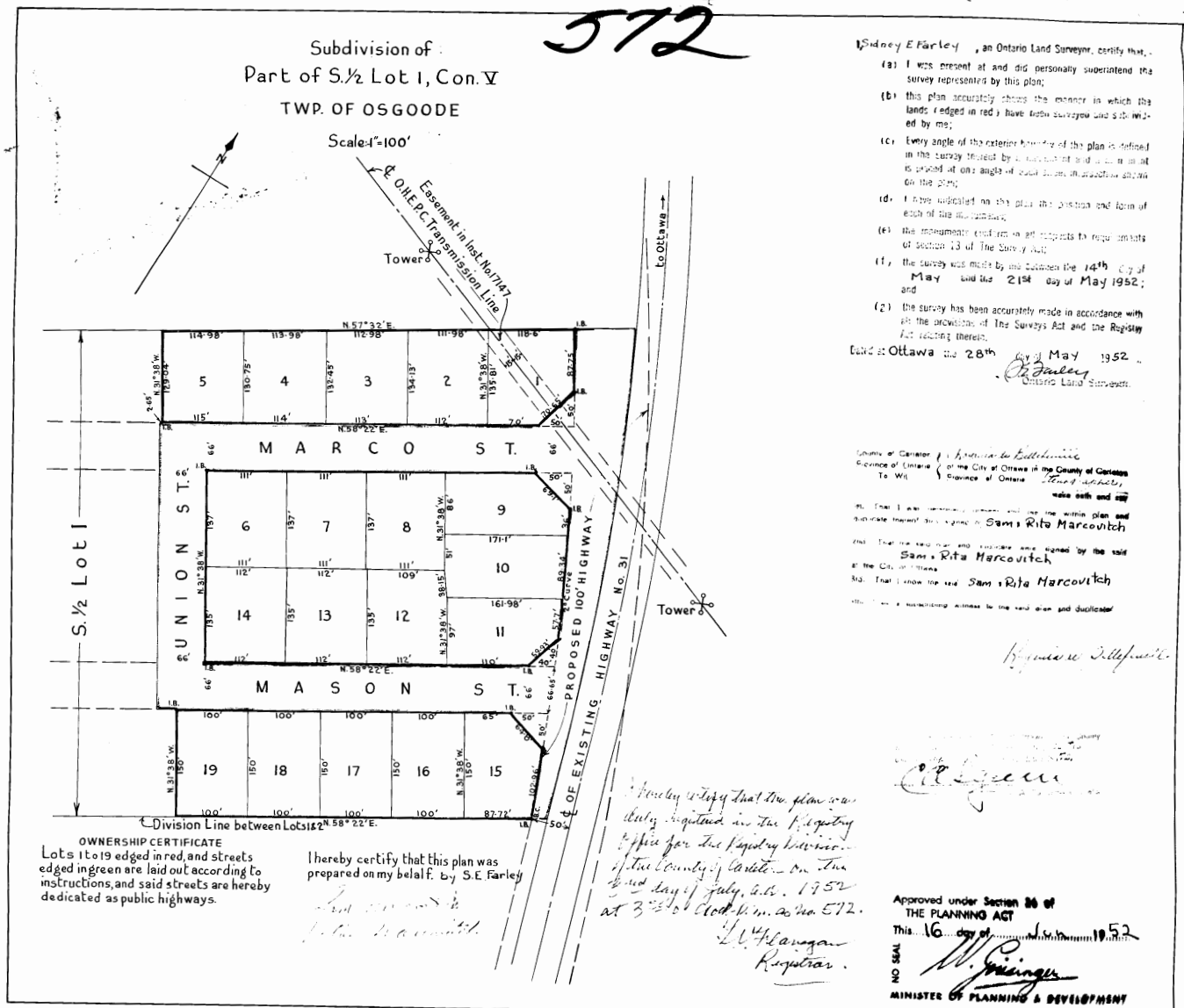
Yours truly,



Dayna Edwards, RPP MCIP M.PI
Partner Senior Planner + Urban Designer

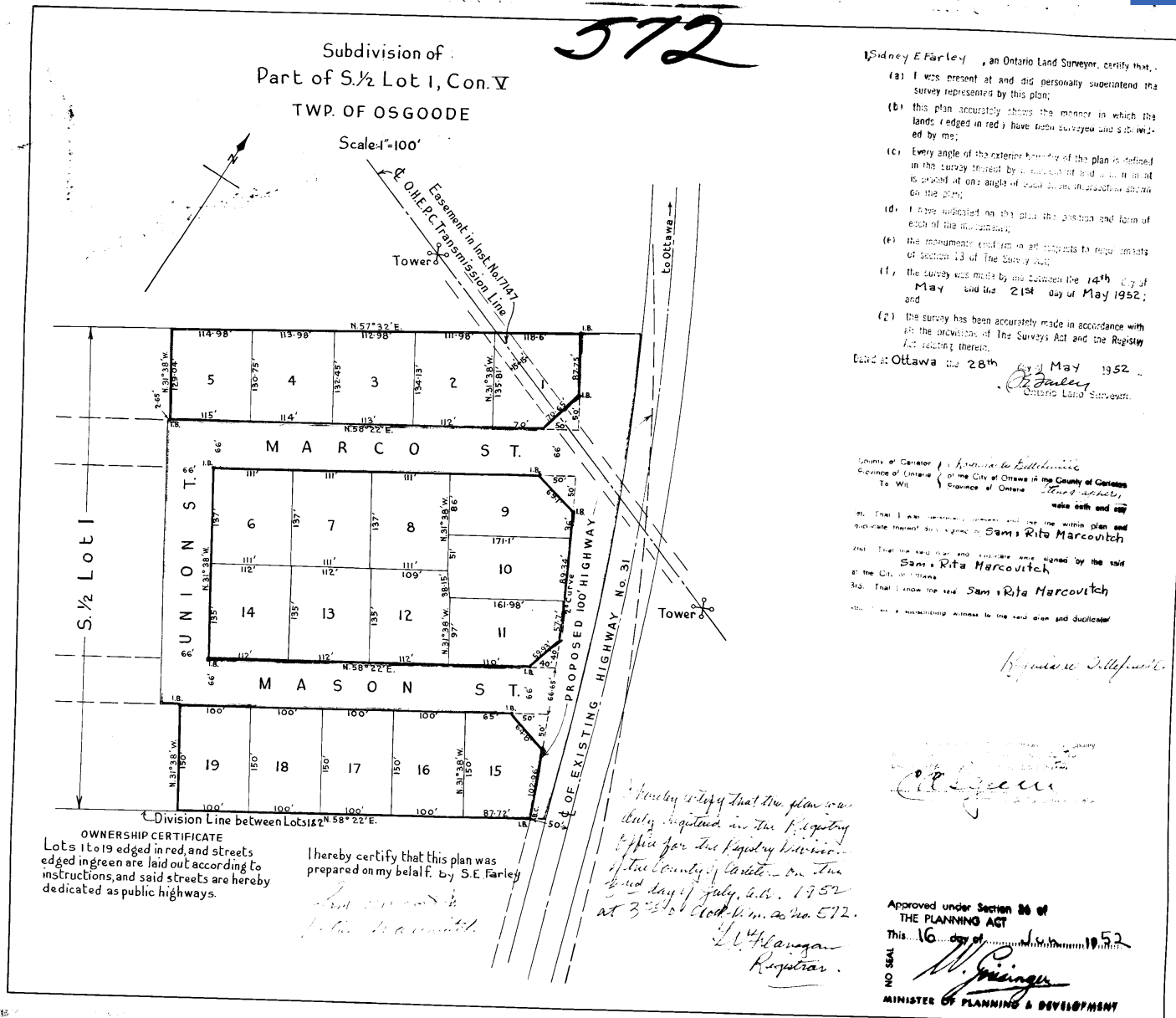
CC: Deepak Kumar

APPENDIX SURVEY



2024-05-28

City of Ottawa | Ville d'Ottawa
Comité de dérogation

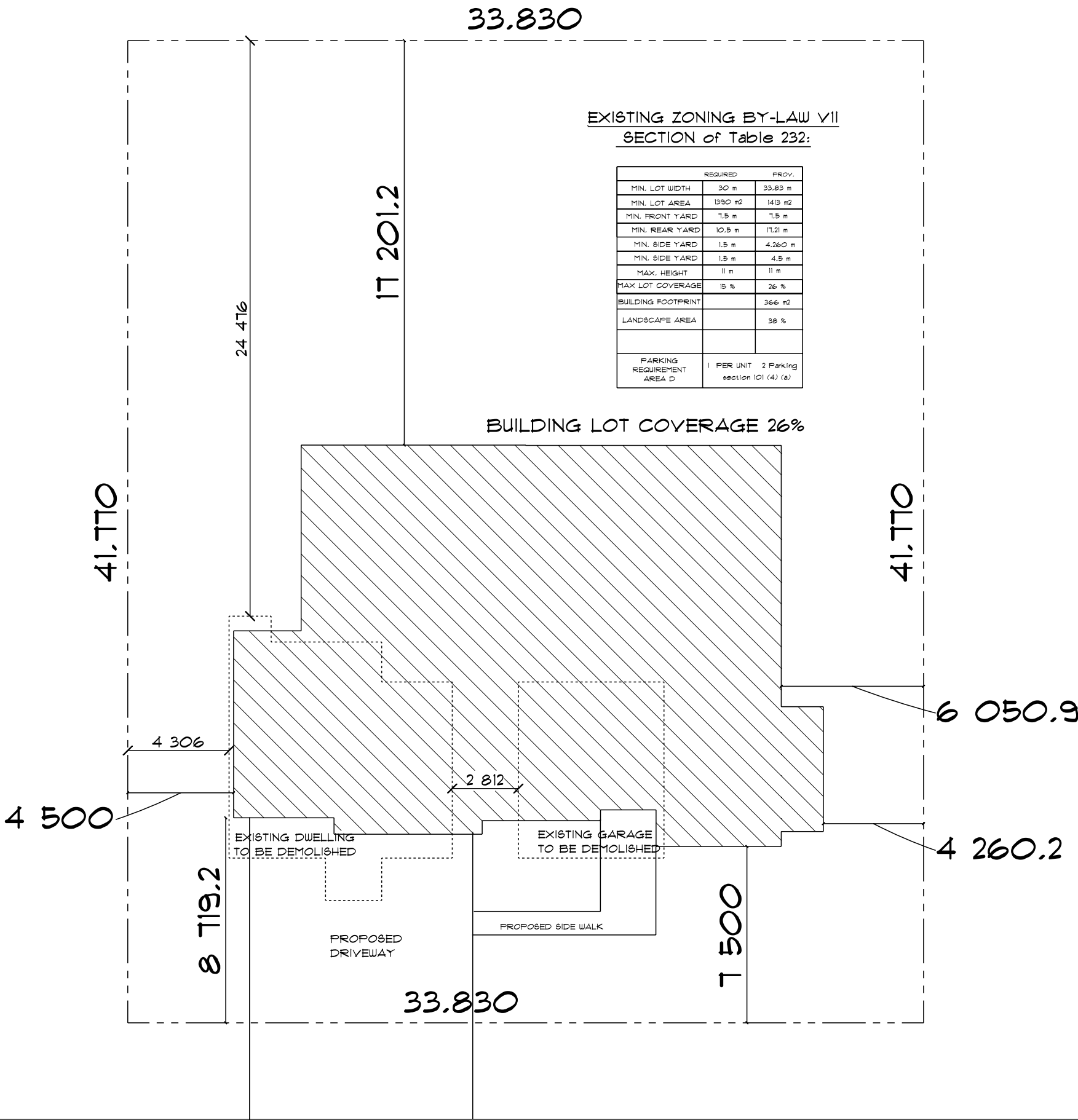


1090 MARCO ST.

Committee of Adjustment
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SITE PLAN

SCALE 1:200

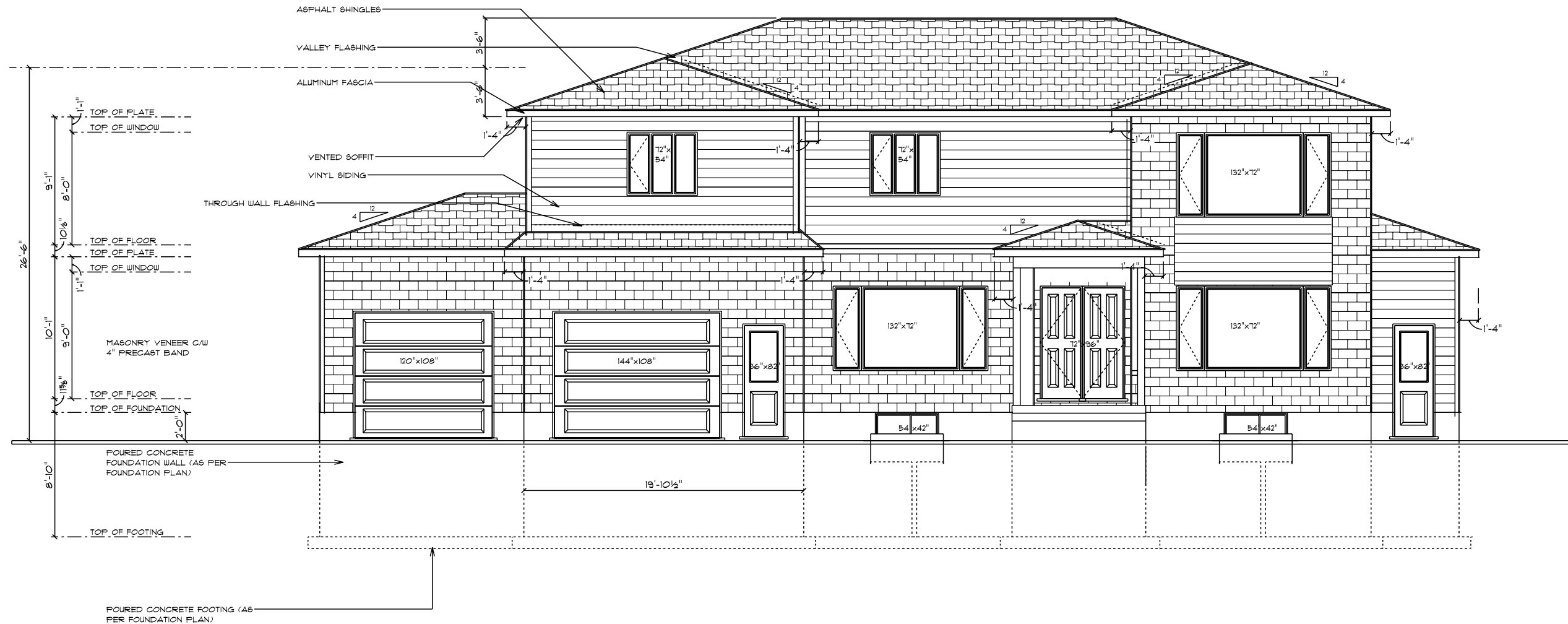
I Andre Theriault, Theriault design:
Takes responsibility for design work
on behalf of a firm registered under
subsection 3.2.4 of division C. of
the building code.
I and the firm is registered in the
appropriate class/categories.
Date: _____
Signature of Designer: _____

Individual: 22368
Firm: 105420



ANDRE THERIAULT
3550 CANOTEK ROAD, UNIT 21
GLOUCESTER, K1J 9C3
tel: (613) 913-2269
email: andre@theriaultdesign.ca

date			model	
1	SITE PLAN	01 MAR 2022	PROPOSED SDU for 1090 MARCO ST.	
			drawing by	drawing no
			H. MAUR	51
			project no.	2022-291
				1



FRONT ELEVATION

SCALE: 1/8" = 1'-0"

Committee of Adjustment
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2024-05-28

City of Ottawa | Ville d'Ottawa
Comité de dérogation

structural engineer stamp if required:



I, Andre Theriault, Theriault design,
Take responsibility for design work
on behalf of a firm registered under
Subsection 3.2.4 of division C, of
the building code.
I and the firm is registered in the
appropriate class/categories.

Individual: 22968
Firm: 108420

Date: _____

Signature of Designer: _____

ANDRE THERIAULT
3550 CANOTEK ROAD, UNIT 21
GLOUCESTER, K1J 9C3
tel: (613) 913-2269

email: andre@theriaultdesign.ca

2	PERMIT	13 APR 2024
1	CONST DWG	30 JAN 2024

Project name

PROPOSED HOME
FOR
1030 MARCO STREET

drawn by	drawing no
A.THERIAULT	1
Project no.	2023-416



REAR ELEVATION

SCALE: 1/8" = 1'-0"

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2024-05-28

City of Ottawa | Ville d'Ottawa
Comité de dérogation

Structural engineer stamp, if required:



I, Andre Theriault, Theriault design, Take responsibility for design work on behalf of a firm registered under Subsection 3.2.4 of division C, of the building code.
I and the firm is registered in the appropriate class/categories.

Individual: 22968
Firm: 105420

Date: _____

Signature of Designer: _____

ANDRE THERIAULT
3550 CANOTEK ROAD, UNIT 21
GLOUCESTER, K1J 9C3
tel: (613) 913-2269

email: andre@theriaultdesign.ca

2 PERMIT 13 APR 2024

1 CONST DWG 30 JAN 2024

Project name

PROPOSED HOME
FOR
1090 MARCO STREET

drawn by

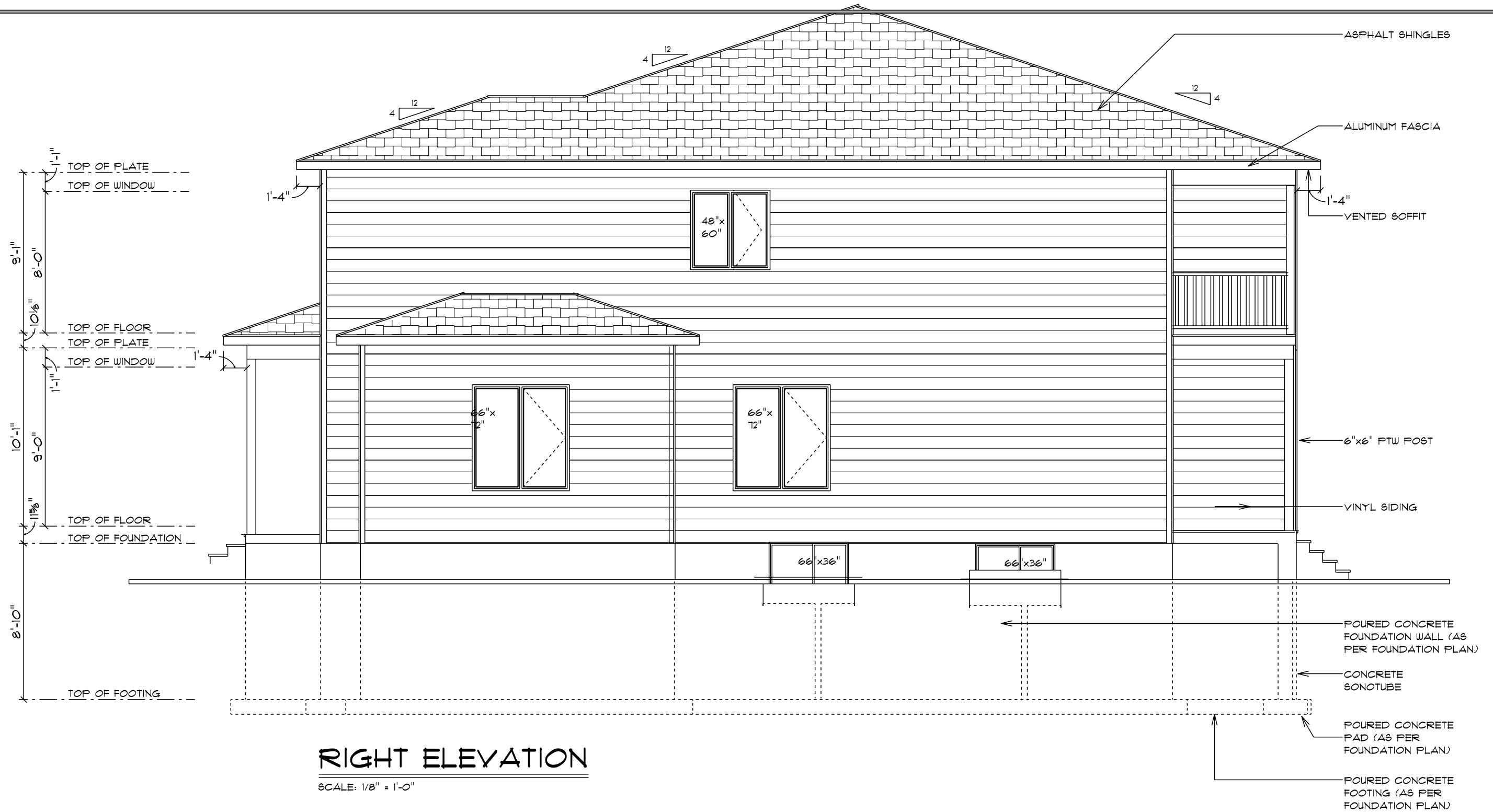
A.THERIAULT

Project no.

2023-416

2

11



RIGHT ELEVATION

SCALE: 1/8" = 1'-0"

Committee of Adjustment
Received | Reçu le

2024-05-28

City of Ottawa | Ville d'Ottawa
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I, Andre Theriault, Theriault design:
Take responsibility for design work
on behalf of a firm registered under
Subsection 3.2.4 of division C. of
the building code.
I and the firm is registered in the
appropriate class/categories.

Date: _____

Signature of Designer: _____

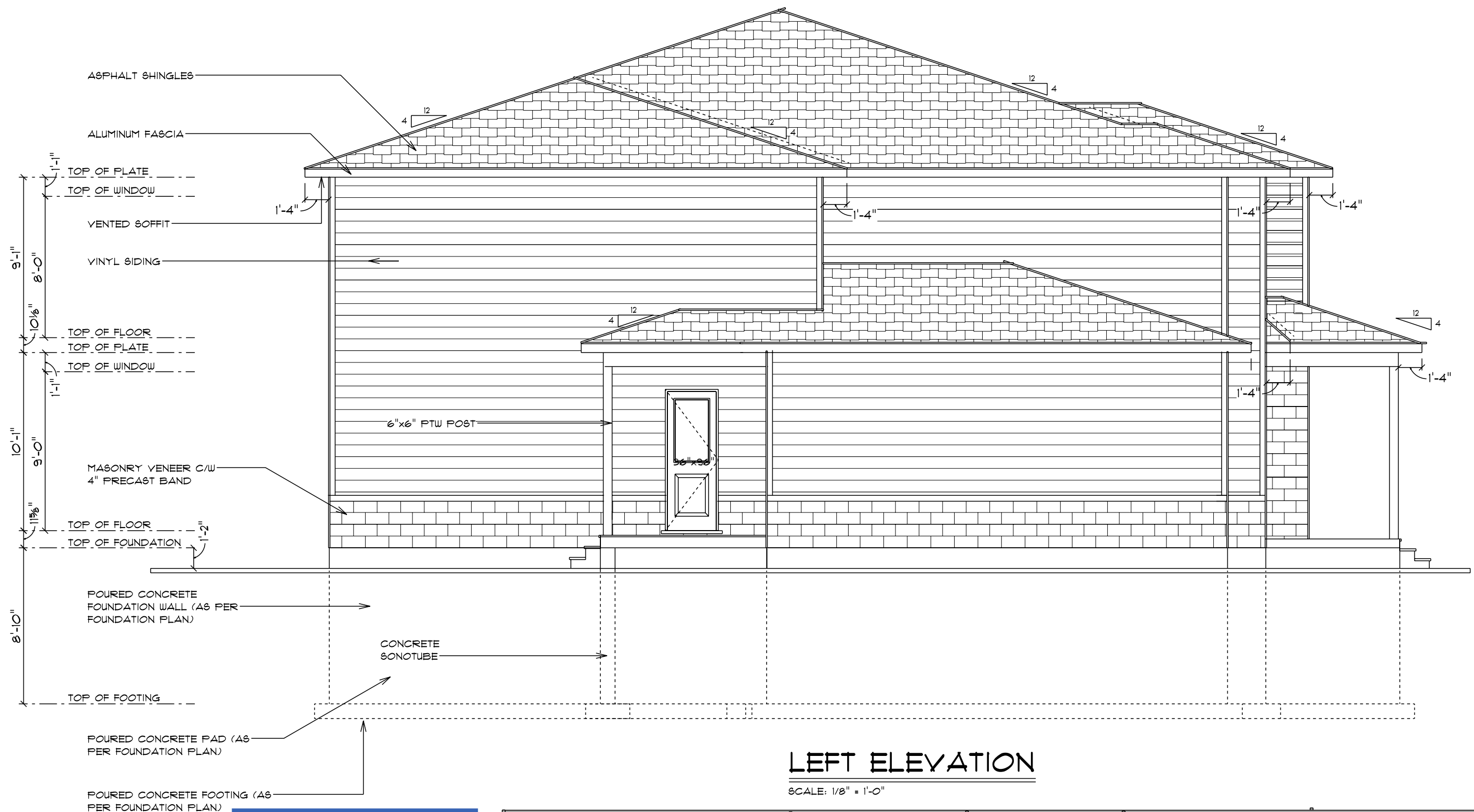
Individual: 22968
Firm: 105420

**Theriault
Design**
Architecture - Planification

ANDRE THERIAULT
2251 ESPRIT DRIVE, ORLEANS
K4A 0A4
tel: (613) 834-5284
fax: (613) 834-0895
email: theriault85@gmail.com

date		
1	CONST DWG	30 JAN 2024
2	PERMIT	13 APR 2024

model	
PROPOSED HOME FOR 1090 MARCO STREET	
drawing by	drawing no
A.THERIAULT	3
project no.	11
2023-416	



LEFT ELEVATION

SCALE: 1/8" = 1'-0"

Committee of Adjustment
Received | Reçu le

2024-05-28

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Comité de dérogation

I, Andre Theriault, Theriault design:
Take responsibility for design work
on behalf of a firm registered under
Subsection 3.2.4 of division C. of
the building code.
I and the firm is registered in the
appropriate class/categories.

Date: _____

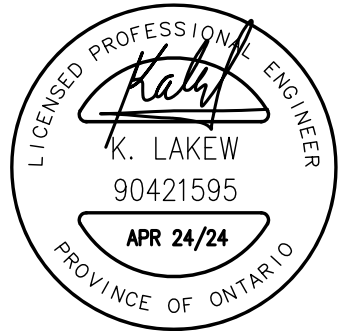
Signature of Designer:

Individual: 22968
Firm: 105420

**Theriault
Design**
Architecture - Planification

ANDRE THERIAULT
2251 ESPRIT DRIVE, ORLEANS
K4A 0A4
tel: (613) 834-5284
fax: (613) 834-0895
email: theriault85@gmail.com

date			model
1	CONST DWG	30 JAN 2024	PROPOSED HOME FOR 7090 MARCO STREET
2	PERMIT	13 APR 2024	
			drawing by
			A.THERIAULT
			project no.
			2023-416
			drawing no
			4
			11



Committee of Adjustment
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2024-05-28

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LEGEND	
XXXX	EXISTING ELEVATIONS
XX.XX	PROPOSED ELEVATIONS
■	TEST PIT LOCATION
---	SEPTIC BED OUTLINE
---	PERFORATED PVC PIPE
---	SOLID PVC PIPE
HP	HYDRO POLE
⊙	TEMPORARY BENCHMARK

DRAWING NUMBER: 240113-SD

CONSTRUCTION NOTES:

- All dimensions and elevations are in metres. Do not scale drawing.
- This drawing is not a legal survey, a utility plan or a site plan and is for septic purposes only.
- TBM = Twin nails in utility pole. Elevation = 109.10 metres.
- This drawing cannot be accepted as acknowledging all of the utilities, and it will be the responsibility of the user to contact the respective utility authorities for confirmation.
- This drawing is not for construction until approved by the relevant authorities.
- Contractor is responsible for location and protection of utilities.
- The sewage system envelope (leaching bed) as identified on the drawing must be maintained free of the deposit or disposal of any materials, structures, or equipment other than the material or equipment required for the construction of the leaching bed within the sewage system envelope.
- Topsoil rootmat (organics) to be removed from bed area and exposed subgrade. No wheeled vehicles to be allowed in leaching bed area.
- Percolation rate of any imported sand for bed to be 6 to 8 min/cm, with < 5% passing the #200 (0.080 mm) sieve.
- Stone layer to be washed septic stone, free of fine material, with gradation conforming to OBC Table 8.7.3.3.A.
- The septic system leaching bed is to be graded to provide positive drainage away from the septic system and treated with 75 to 100 mm permeable topsoil and seed. Grass growth is to be established.
- The following are not to be connected to the septic system: Water softener; swimming pool or filter system backwash; sump pump discharge.
- Septic system to be installed in accordance with the OBC.
- Septic tank to meet criteria described in the OBC.
- No silty clay or clayey or silty material to be placed around or over leaching bed.
- All changes to this design must be verified and approved by Kollaard Associates Incorporated.
- Minimum clearance from treatment unit to;
 - * structure = 1.5m
 - * property line = 3m
 - * drilled well = 15m
- Minimum clearance from distribution piping to;
 - * structure = 6.7m
 - * property line = 4.7m
 - * drilled well = 16.7m

REV.	NAME	DATE	DESCRIPTION
------	------	------	-------------

Kollaard Associates
Engineers

210 PRESCOTT STREET
PO BOX 189
KEMPTVILLE ONTARIO
K0G 1J0

(613) 860-0923
FAX (613) 258-0475
www.kollaard.ca
info@kollaard.ca

CLIENT:
DEEPAK KUMAR

DRAWING:
PROPOSED SEPTIC DESIGN PLAN

LOCATION:
7090 MARCO STREET
LOT 1, CONC. 5,
OSGOODE,
CITY OF OTTAWA, ONTARIO

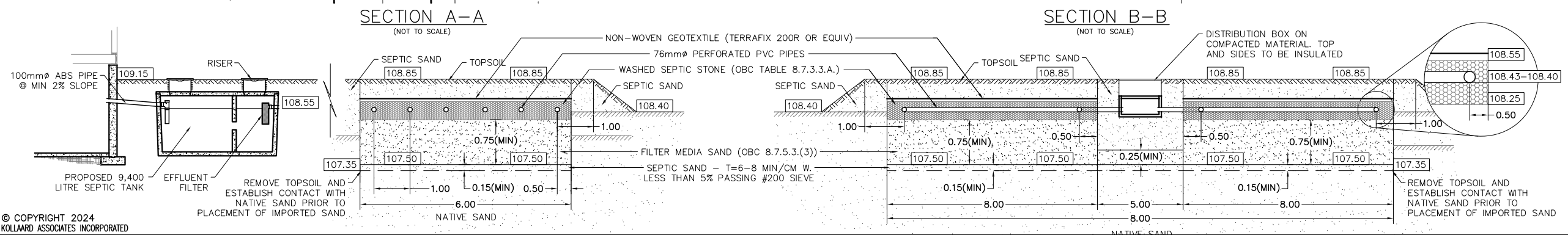
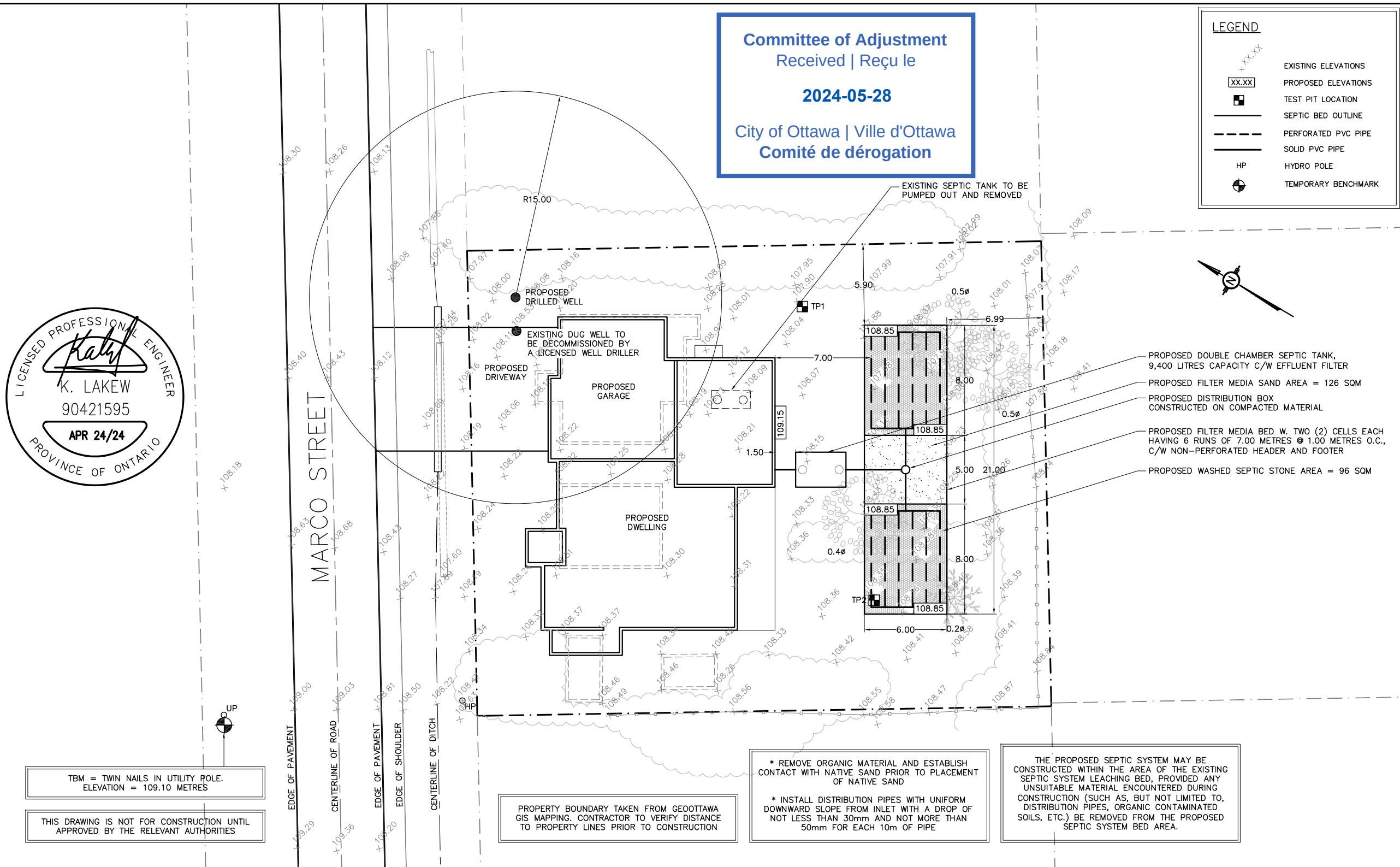
DESIGNED BY:
AKM

DATE:
APR 24, 2024

DRAWN BY:
AKM

SCALE:
1:300

KOLLAARD FILE NUMBER:
240113



2024-07-11

City of Ottawa | Ville d'Ottawa
Comité de dérogation



MINOR VARIANCE APPLICATION
COMMENTS TO THE COMMITTEE OF ADJUSTMENT
PANEL 3

PLANNING, DEVELOPMENT AND BUILDING SERVICES DEPARTMENT

Site Address: 7090 Marco Street
Legal Description: Part of Lot 1, Concession 5, Former Township of Osgoode
File No.: D08-02-24/A-00138
Report Date: July 10, 2024
Hearing Date: July 16, 2024
Planner: Luke Teeft
Official Plan Designation: Rural Transect; Village, Village Residential
Zoning: V1I

DEPARTMENT COMMENTS

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

DISCUSSION AND RATIONALE

The application was previously heard on July 2, 2024 and was adjourned to allow the applicant an opportunity to address comments from the Ottawa Septic System office.

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 meets the “four tests”.

The proposal improves upon the existing front yard setback and complies with all other provisions of the Zoning By-law. The variance is considered minor within this context.

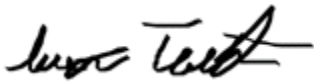
ADDITIONAL COMMENTS

Building Code Services:

- That the Owner(s) provide evidence to the satisfaction of the Chief Building Official, or designate, that any other accessory structure which exceeds 10 m² has been demolished or relocated under the authority of a building permit. Demolition permits have already been obtained for the house and two car garage.

Planning Forestry

- Through pre-consultation, potential impacts to neighbouring trees were flagged, and the applicant was advised to engage the neighbouring property owner about any impacts to adjacent trees.



Luke Teeft
Planner I, Development Review, All Wards

Planning, Development and Building
Services Department



Erin O'Connell
Planner III, Development Review, All
Wards
Planning, Development and Building
Services Department