

2023-04-28



Minor variance
COMMENTS TO THE COMMITTEE OF ADJUSTMENT
Panel 1

Site Address: 11 Warrington Drive

Legal Description: Part of Lot 60 and all of Lot 61, Plan M-38

File Nos.: D08-02-23/A-00085

Date: April 25, 2023

Hearing Date: May 3, 2023

Planner: Basma Alkhatib

Official Plan Designation: Inner Urban Transect, Evolving Neighbourhood
Floodplain Overlay

Zoning: R2R (Residential second density Zone, subzone R)

DEPARTMENT COMMENTS

The Planning, Real Estate and Economic Development Department **has no concerns** with the above-noted application.

DISCUSSION AND RATIONALE

The subject site is within the Floodplain Overlay. The Official Plan section two, policy 2.2.3 Energy and Climate Change states that Flooding is now the costliest type of natural disaster in Canada. Floods damage property and infrastructure, contaminate drinking water and affect people's safety, finances and physical and mental health. The Official Plan direction is to strengthen the resilience to floods and the ability to manage increased stormwater runoff by restricting development in flood plains and mitigating risks in areas vulnerable to flooding under future climate conditions.

Section 10.1.1 states that Lands in the flood plain are subject to regulations under Section 28 of the Conservation Authorities Act, Official Plan policies and zoning provisions in the Zoning By-law. Flood plain boundaries are determined in consultation with the Mississippi Valley, Rideau Valley, and South Nation Conservation Authorities, with adherence to relevant policies and guidelines. The subject site is within the **Rideau Valley Conservation Authority (RVCA)**.

The policies stated in section 10.1.1 includes that a replacement of a dwelling that was in existence at the date of adoption of this Plan, with a new dwelling where:

- i) The new dwelling is generally the same gross floor area as the existing dwelling;
- ii) The new dwelling is in a location on the lot that has lower flood risk than the existing dwelling;



- iii) The new dwelling, in conjunction with any site alteration does not result in a negative effect on flooding; and
- iv) The new dwelling and any associated site alteration shall meet the appropriate floodproofing requirements and be supported by the appropriate conservation authority.

Staff noted that the applicant has consulted with the RVCA. They have determined that the subject site has Safe Access and that the proposed increase of 50 square meters in Gross Floor Area would be permissible under their criteria where the RVCA guidelines states *“Somewhat larger additions resulting in increases of between 20% and 50% but not exceeding a maximum of 50 square metres (538 square feet) may be permitted in the floodway provided all of the following provisions are met: (i) the addition meets the floodproofing provisions outlined in Section 1.4; and (ii) the addition does not alter the use or the potential use of the building or structure; and (iii) access is safe as per Section 1.4.4 (Safe Access / Egress). No application resulting in the cumulative exceedance of 50% of the gross floor area or 50 square metres (538 square feet), whichever is the lesser, shall be permitted in the floodway”*.

Also, the applicant has confirmed that the proposed house is designed with no below-grade living space and the foundation will be built with RVCA approved floodproofing provisions.

The subject site is within the Inner Urban Transect Policy Area on Schedule A and Evolving Neighbourhood designated on Schedule B2 in the Official Plan. Also, it is R2R zone and staff noted that proposed project is following the Zoning By-law requirement for zone R2R.

The Department has **no concerns** with the applicant’s request seeing as the minor variance is supported by the appropriate conservation (RVCA) authority and meet the appropriate floodproofing requirements as required by the Official Plan. Moreover, the removal of the basement will mitigate the risks of flooding which emphasis the Safety goals of the Official Plan.

Forestry Services Comments:

1. Through pre-consultation it was determined that there are no protected trees in the vicinity of the proposed addition. There are no tree-related concerns with the minor variances requested. It is recommended to plant one new 50mm tree on the Brookfield frontage or ROW following construction, to benefit the streetscape and canopy cover.



Additional Comments:

1. The Right-of-Way Management Department has **no concerns** with the proposed Minor Variance Application. However, the Application shall be made that any modification to the approach/driveway may result in the requirement to obtain a Private Approach permit.
2. The **Planning, Real Estate and Economic Development Department** will do a complete review of grading and servicing during the building permit process.
3. At the time of building permit application, a grading/servicing plan prepared by a Professional Engineer, Ontario Land surveyor or a Certified Engineering Technologist may be required.
4. Any proposed works to be located within the road allowance requires prior written approval from the Infrastructure Services Department.
5. All trees on City property and private trees greater than 30cm in diameter in the inner urban area are protected under the Tree Protection By-law (2020-340), and plans are to be developed to allow for their retention and long-term survival. A Tree Removal Permit and compensation are required for the removal of any protected tree.
6. 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, Real Estate and Economic Development Department**.
7. Existing grading and drainage patterns must not be altered.
8. Encroachment on or alteration to any easement is not permitted without authorization from easement owner(s).
9. Please contact the ROW Department for any additional information at rowadmin@ottawa.ca

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