

June 6, 2023

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

**RE: Application for Minor Variance
2857 Birchgrove Road**

Committee of Adjustment
Received | Reçu le

Revised | Modifié le : 2023-06-06

City of Ottawa | Ville d'Ottawa
Comité de dérogation

Dear Mr. Bellemare,

Fotenn Planning + Design has been retained by Sal Piamonte to complete and submit the enclosed Minor Variance application for the lands municipally known as 2857 Birchgrove Road in the Cumberland community of the City of Ottawa.

A Minor Variance application is needed to request relief from Section 58 – Floor Plain Overlay of the City of Ottawa Zoning By-law (2008-250) to permit the development of an accessory structure (agricultural storage building) and grain silo within a flood plain. Development is not permitted in the floodplain as per Section 58. The purpose of the structures is to support the proposed agricultural use of a nursery / tree farm.

In addition to one copy of this Planning Rationale, the following materials have been included as part of this submission:

- / Completed Application Form (1 copy);
- / Plan of Survey (1 full-sized and 1 reduced copy);
- / Site Plan / Sketch (1 full-sized and 1 reduced copy);
- / Elevation Drawings (1 full-sized and 1 reduced copy);
- / A cheque for the required application Fees.

If you have any further questions, please do not hesitate to reach out to the undersigned at dhillon@fotenn.com and bolduc@fotenn.com.

Sincerely,



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Fotenn Planning + Design



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1.0 Introduction

Fotenn Planning + Design, acting as agents on behalf of Sal Piamonte (“the Owner”), is pleased to submit this Planning Rationale in support on the enclosed Minor Variance Application for the lands located at 2857 Birchgrove Road (“subject property”) in the City of Ottawa.

1.1 Application Overview

The following application for Minor Variance is being submitted to permit the development of a one-storey 442 square metre (4,752 square foot) agricultural storage building and a 93 square metre silo on the subject property, which is located entirely within a floodplain. The proposed structures are in support of the proposed agricultural use of “nursery” on the subject lands. Section 58 of the Ottawa Zoning By-law (2008-250) prohibits development within the floodplain.

A discussion of the proposal and how it meets the Four Tests for a Minor Variance under the Planning Act is provided in the following sections.

Subject Property and Surrounding Context

2.1 Subject Property

The subject property known municipally as 2857 Birchgrove Road is located in the Orleans South-Navan Ward (Ward 19) in the City of Ottawa and currently contains a two (2) storey residential dwelling with an otherwise largely undeveloped rural parcel. The rectangular parcel of the subject property has 100.00 metres frontage along Birchgrove Road and a lot depth of 202.00 metres, for a total area size of 20,199.10 square metres (2.02 ha).

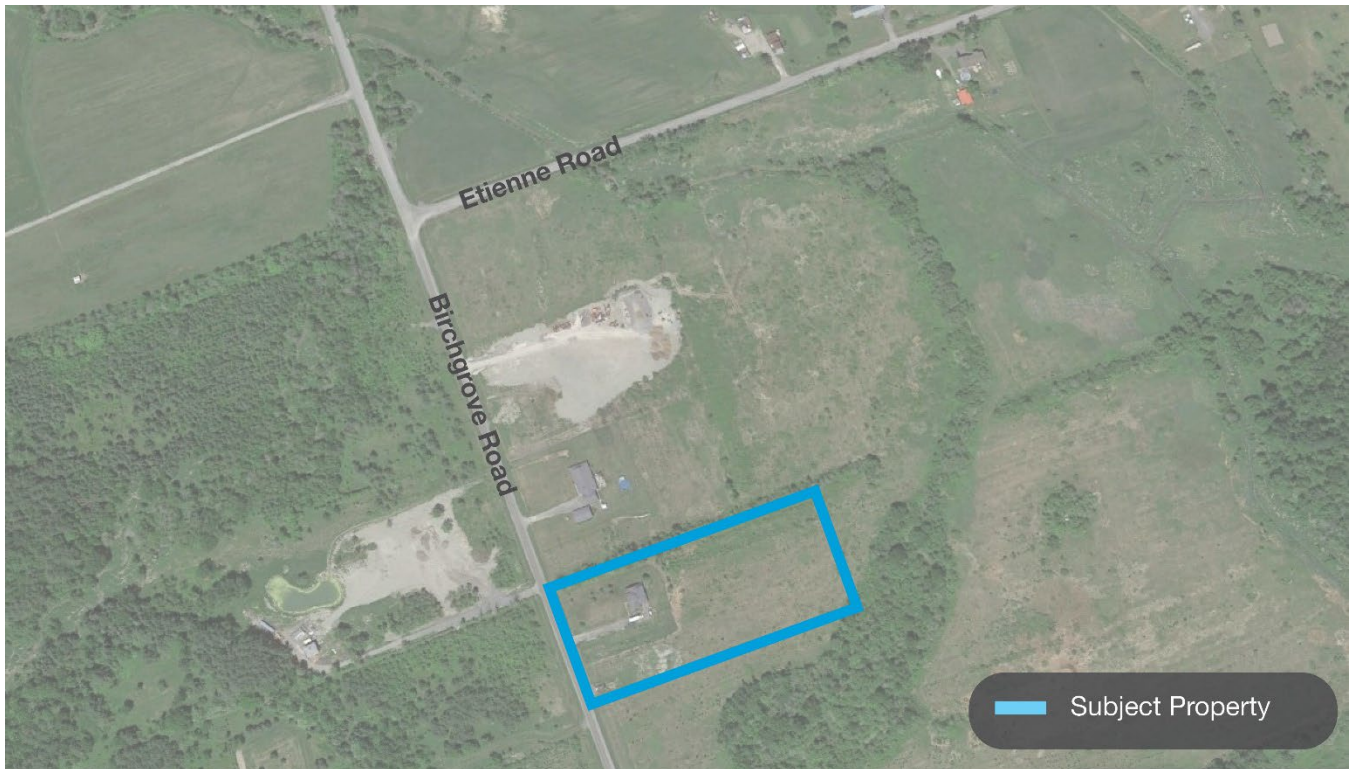


Figure 1: Aerial photo of Subject Property.

2.2 Surrounding Context

North: The subject property is bordered by two (2) similarly sized rural country lots to the north, one of which contains a residential dwelling, followed by Etienne Road.

East and South: The subject property is bound by 2857 Birchgrove Road, a large irregular shaped parcel that is largely undeveloped, followed by agricultural lots of various sizes.

West: The subject property is bound Birchgrove Road, followed by rural lands with minimal agricultural development.

2.3 Road Network

Birchgrove Road and Etienne Road are classified as existing 'Collector' roads on Schedule on Schedule C9 – Rural Road Network of the Official Plan, as shown in Figure 2 below, providing key connections to the surrounding area including Cumberland and Sarsfield.

Collector streets are the principal streets in urban and village neighbourhoods and are used by residents, delivery and commercial vehicles, transit and school buses, and people walking and cycling.

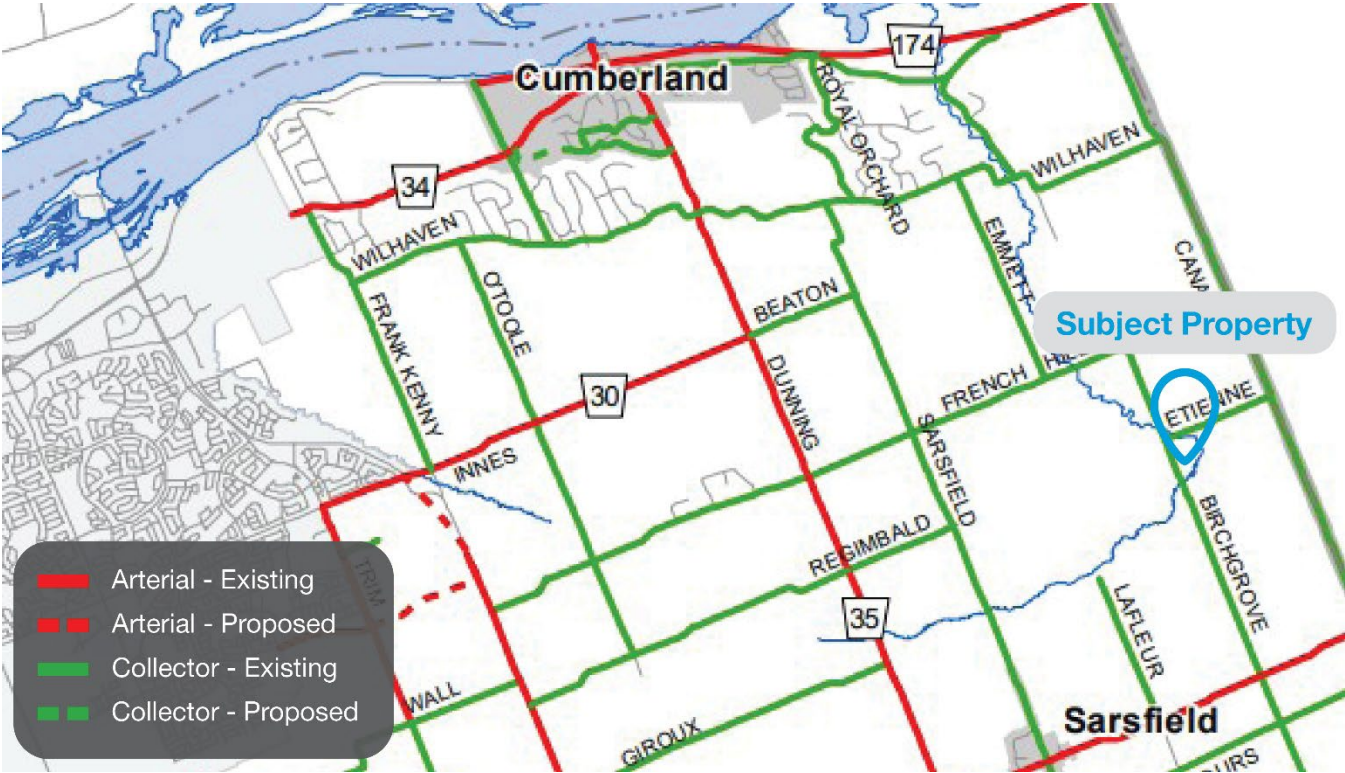


Figure 2: Subject Property on Schedule C9 – Rural Road Network.

3.0 Development Proposal

3.1 Site Layout

The Owner is proposing the development of a new agricultural storage building and silo on the subject lands to support the proposed, permitted use of a tree nursery, classified as an agricultural use under the Zoning By-law. Located to the south of the existing single-detached dwelling, the agricultural storage building is proposed to be 66 feet by 72 feet for a total size of 442 square metres or 4,752 square feet. The proposed silo on the eastern edge of the property is proposed to be 36 feet wide, for a building footprint of 1004 square feet or 93 square metres.

As the silo is a long-term project for the owner, no elevations have been submitted at this time. As per Section 64 of the Zoning By-law, barns, silos and other farm-related buildings are permitted to have a height in excess of maximum height limits in the underlying zone, and thus for the silo, the footprint alone is noted for the purposes of the variance.

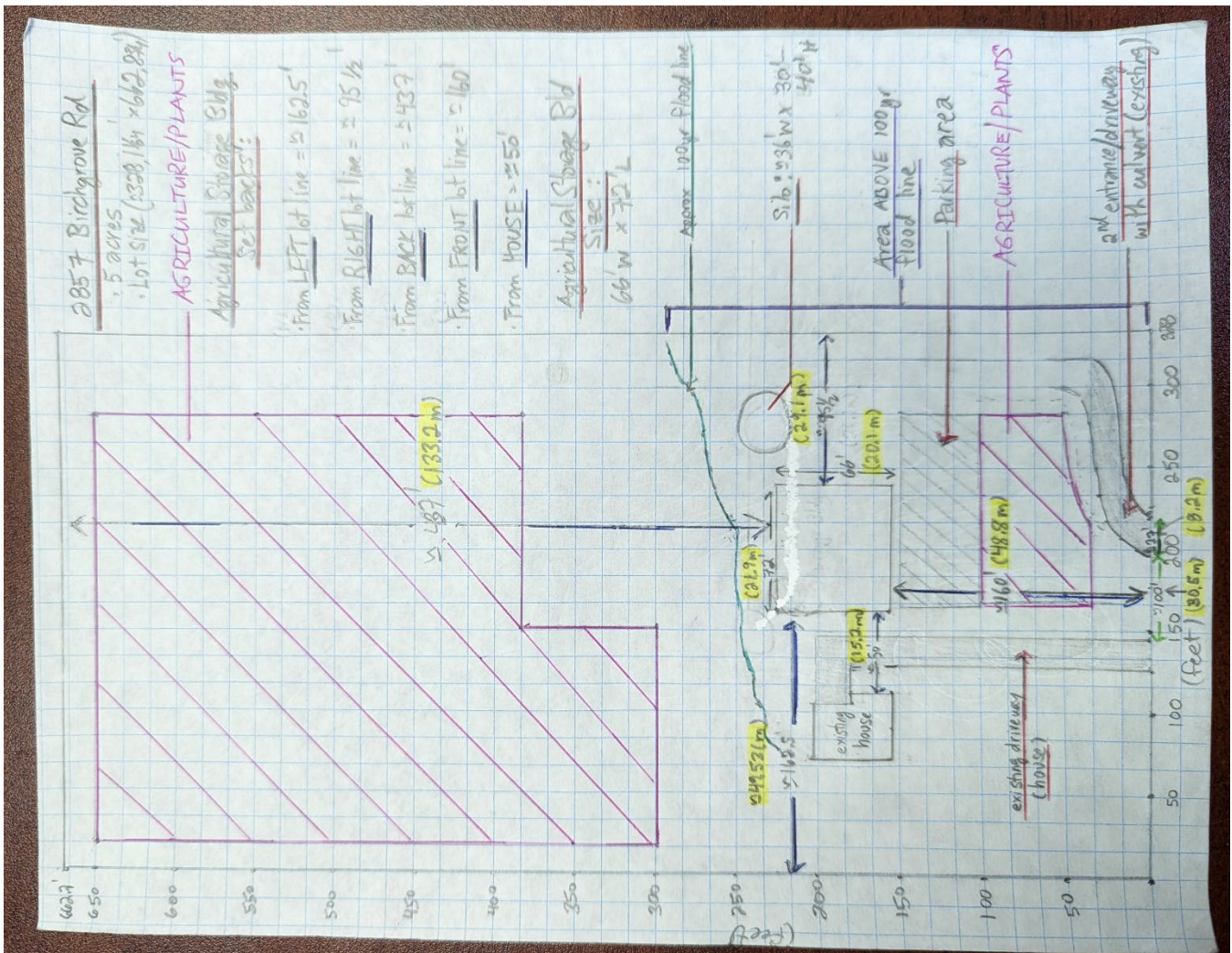


Figure 3: Sketch prepared by the Owner showing the location of the existing house, proposed agricultural building, proposed silo, and agricultural fields.

As the full property is located within the floodplain, the proposed agricultural building and silo cannot be located outside of the floodplain. The location of the of the proposed structures were chosen based on optimal grading conditions, as seen in

the application's the grading plan in Figure 4, which shows the existing house and proposed structures within the 100-year flood contour.

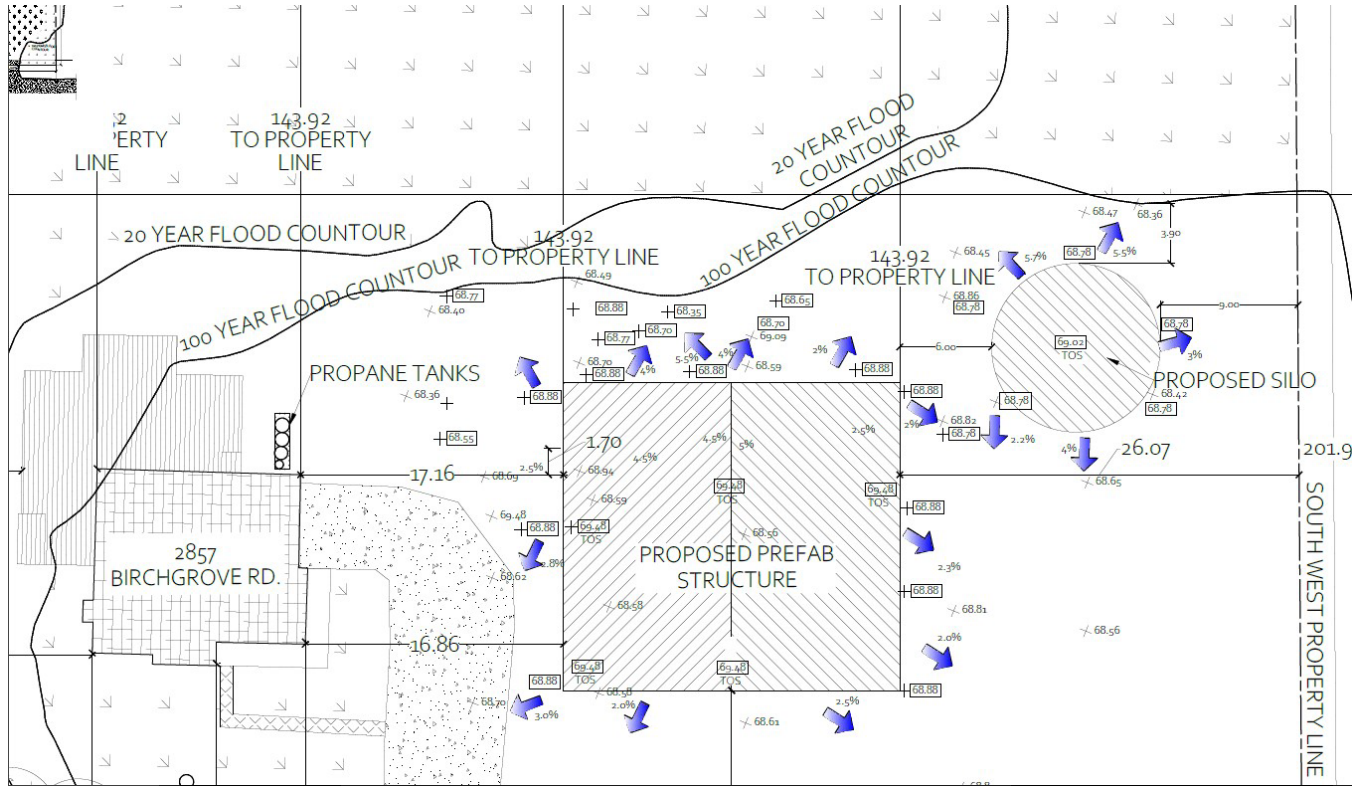


Figure 4: Grading plan of the subject property showing the proposed structures and the 100-year flood contour.

3.2 Grain Silo and Prohibited Uses

The proposed 93m² grain silo is intended to be used for dry storage associated with the use of a tree farm / nursery. Section 58 of the Zoning By-law generally prohibits new development within the floodplain, but where development is permitted, there are certain uses or activities which remain prohibited. This includes certain agricultural activities such as farm fuel storage, or the storage of pesticides and other hazardous substances.

Both the grain silo and the proposed agricultural storage building are intended for the refinement and storage of product and equipment, and does not propose any of the prohibited uses listed under Section 58.

3.3 Agricultural Storage Building Details

The proposed agricultural storage building consists of a one-storey prefabricated sheet metal structure with a central building core, flanked by reserve capacity on either side. The front of the structure features a 20x10 foot entrance, oriented towards Birchgrove Road and a building height of 8.62 metres measured from middle of the ceiling.

SKETCH - 66'-0" x 72'-0" x 20'-0" - Sarsfield, ON

Please note that all framed openings for installation of standard windows, by others are 6'-0"x4'-0"

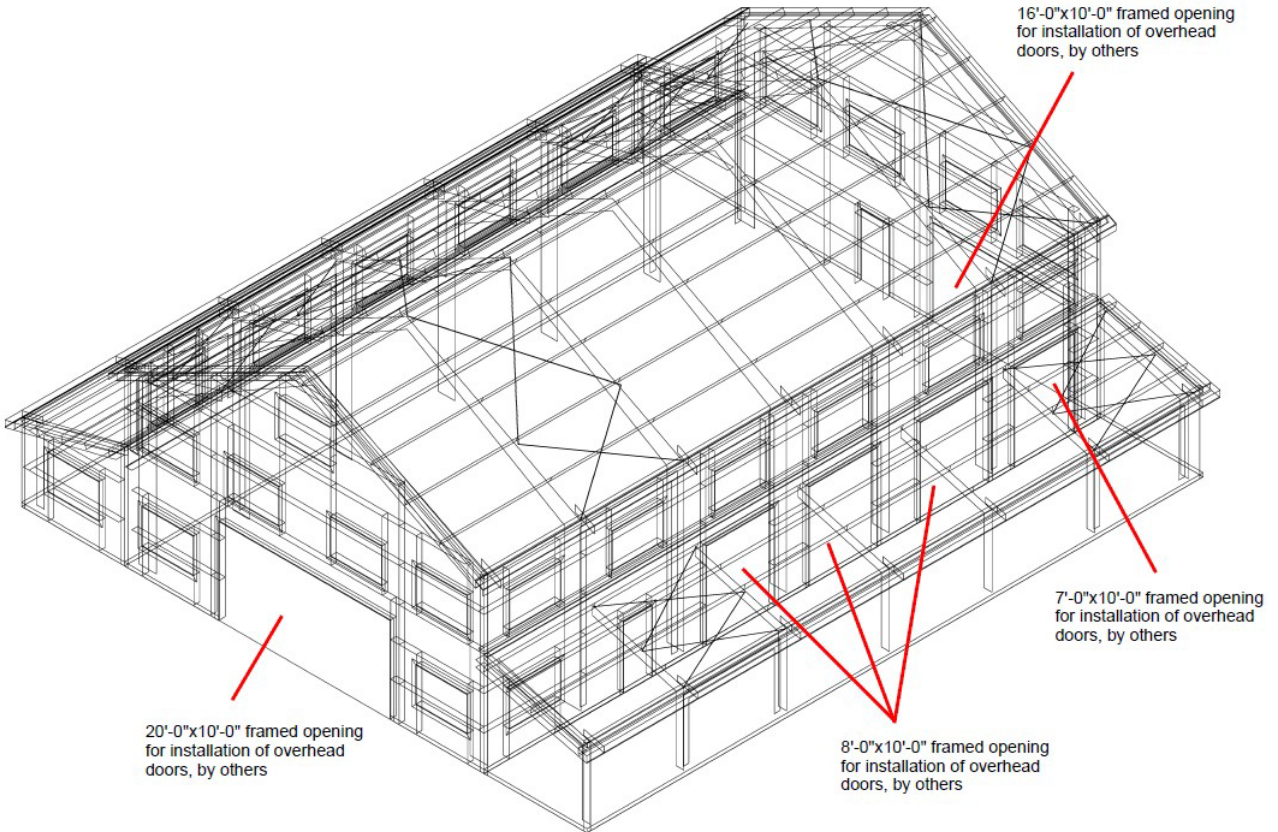


Figure 5: Aerial massing view of the proposed development.

4.0 Minor Variance Application

4.1 The Four Tests of the Planning Act

Section 45 of the Planning Act, R.S.O. 1990 provides the Committee of Adjustment with the ability to grant Minor Variances by weighing their appropriateness based on the “Four Tests”. The Act requires that an application for a variance demonstrates that it satisfies the following:

1. Is it in keeping with the general intent and purpose of the Official Plan?
2. Is it in keeping with the general intent and purpose of the Zoning By-law?
3. Is it desirable for the appropriate development or use of the land, building or structure?
4. Is the application minor in nature?

It is Fotenn’s professional planning opinion that this application meets the “Four Tests” as follows:

4.1.1 Maintains the General Intent and Purpose of the Official Plan

The subject property is designated as ‘Rural Countryside’ as per Schedule B9 – Rural Transect of the City of Ottawa Official Plan as seen as Figure 3 below.

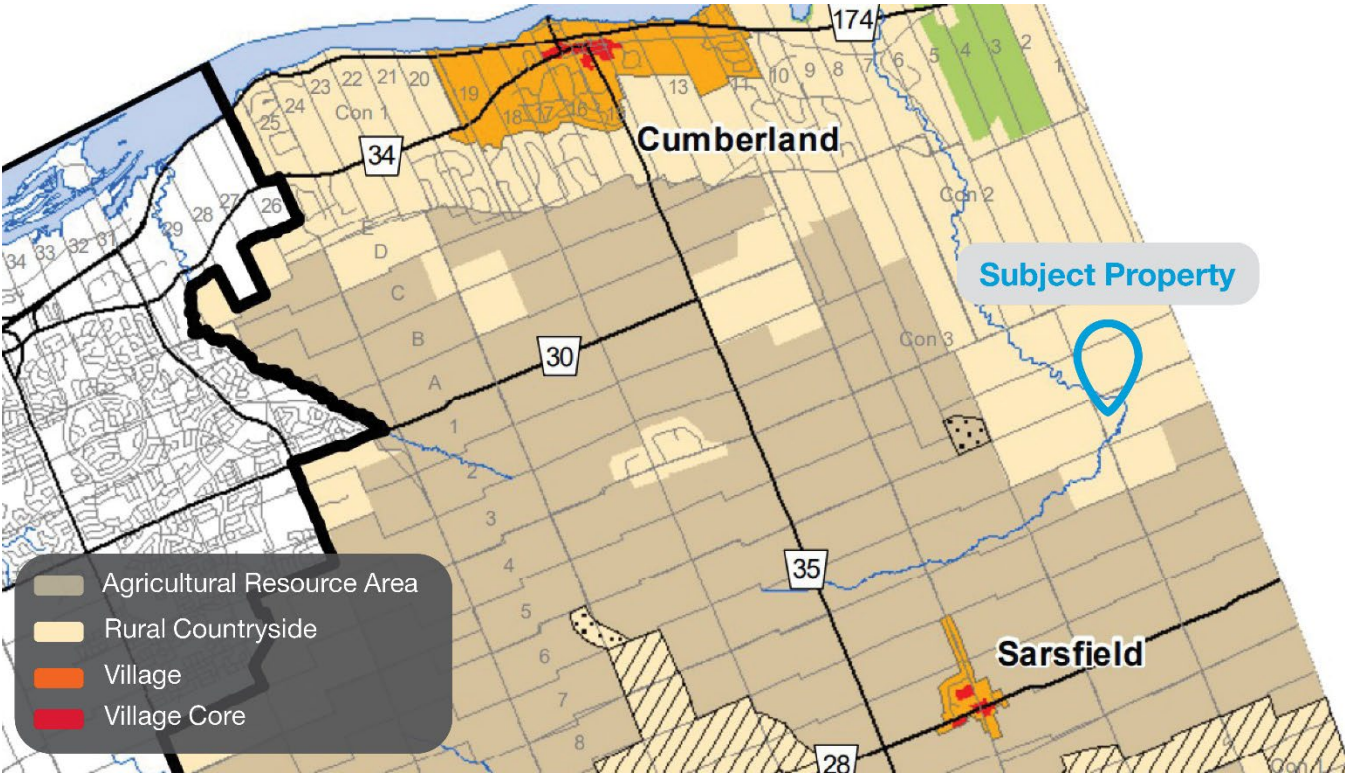


Figure 7: Schedule B9 – Rural Transect of the City of Ottawa Official Plan.

Rural Countryside Designation

The Rural Countryside is made up of a variety of low-intensity uses such as farming, small-scale industries and outdoor recreation and tourism supportive uses. The Rural Countryside also contains clusters of low-density residential units which

pre-date this plan. The intent of this designation is to accommodate a variety of land uses that are appropriate for a rural location, limiting the amount of residential development, and support industries that serve local residents and the travelling public

In an effort to strengthen the rural economy by allowing for a diversity of uses that support the local rural community, Policy 1b of Section 9.2.2 permits agricultural, agricultural-related and on-farm diversified uses.

The Rural Countryside designation permits agricultural-related and on-farm diversified uses such a nurseries to support the local rural community and economy.

Rural Transect

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

Policy 1b of Section 5.5.1 state that outside Villages, where development is permitted, built form and site design shall be premised on maintaining the rural character, image and identity and sites shall be designed to locate surface parking, storage and paved areas far from the road frontage, and access to such areas shall be designed to maintain rural character.

Policy 1c of Section 5.5.1 states 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. Elements such as low fences, hedges or landscape-based ornaments may be used to enhance the site frontage.

Policy 2a of Section 5.5.1 states development in the Rural Transect should be low density throughout.

Policy 2c of Section 5.5.1 allows for uses that integrate well with the natural environment and rural area.

The addition of the proposed accessory buildings for agricultural purposes will maintain the rural character of the area and will allow the site to be used for a permitted agricultural use.

Natural Hazards: Flooding and Erosion Hazards

The Official Plan policies for flood plains also apply to areas where flood plains exist but are not mapped by the conservation authorities or identified as flood plain 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.

Schedule C15 – Environmental Constraints provides the general location of lands affected by the flood plain, however this schedule does not show all lands affected by the flood plain and should not be used to determine if a lot is affected by the flood plain. For detailed information about lands affected by the flood plain, the Official Plan refers readers to the Flood Plain Overlay in the Zoning By-law.

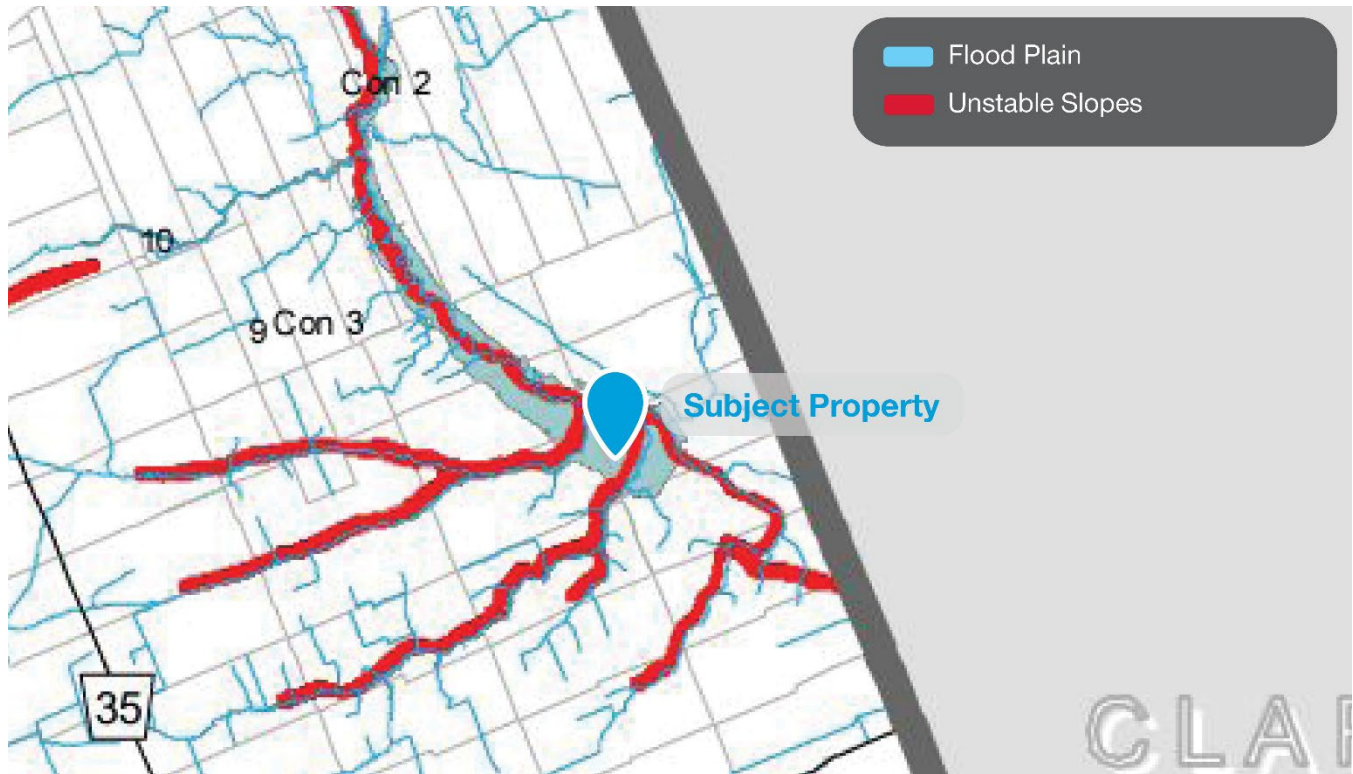


Figure 8: Schedule C15 - Environmental Constraints

The proposed development is located within the flood plain as identified on Schedule C15 and in the Zoning By-law. The policies do not prohibit the development of structure which support permitted land uses, but structures are regulated in the Zoning By-law. The proposed structure is not a residential building, but rather an accessory structure similar to a barn, which will be used for the storage of trees in the winter months, as well as equipment.

Overall, the proposed Minor Variance conforms to the policies of the Official Plan.

4.1.2 Maintains the General Intent and Purpose of the Zoning By-law

The subject property is zoned Rural Country Zone (RU) in the City of Ottawa Comprehensive Zoning By-law (2008-250) as seen in Figure 5 below.

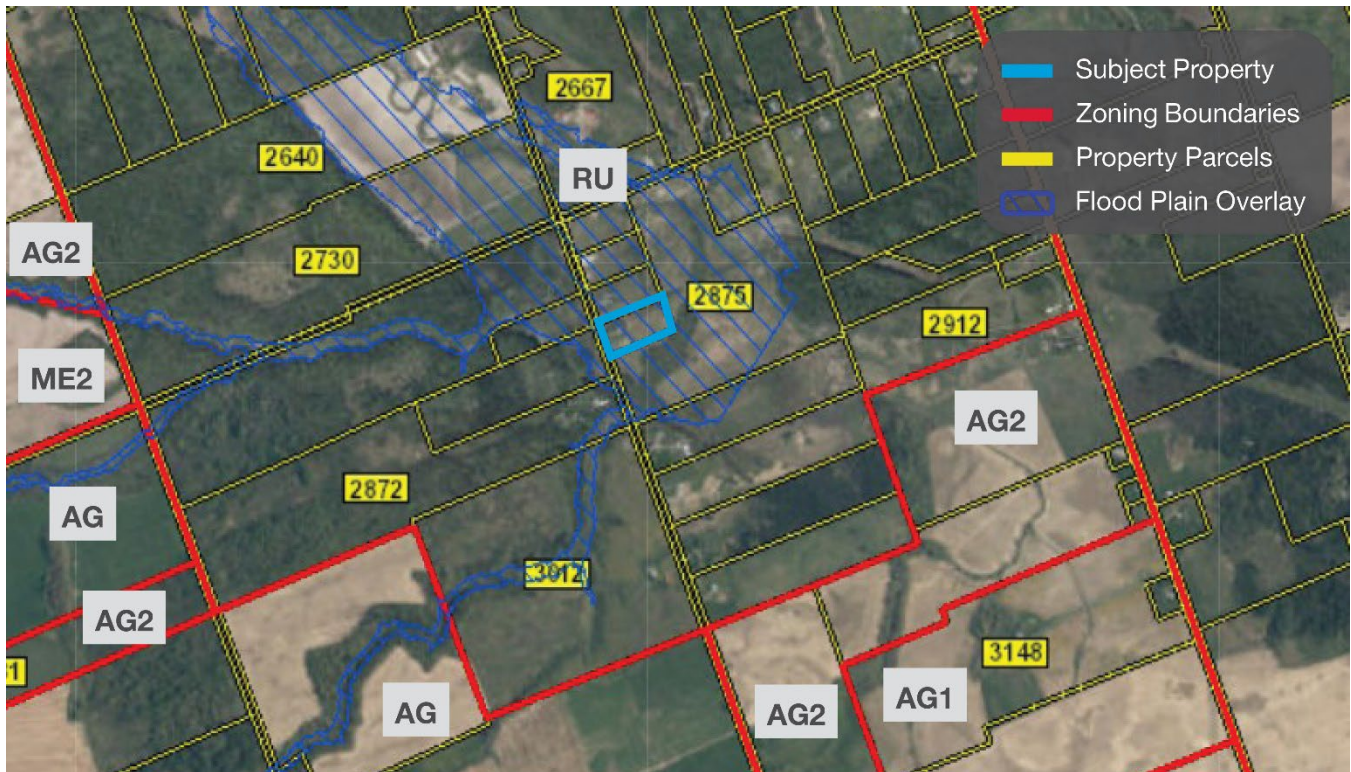


Figure 9: Zoning map of the subject property and surrounding area.

The purpose of the RU zone is to:

- / Accommodate agricultural, forestry, country residential lots created by severance and other land uses characteristics of Ottawa's countryside;
- / Recognize and permit this range of rural-based land uses which often have a large lot or distance separation requirements; and
- / Regulate various types of development in manners that ensure compatibility with adjacent land uses and respect the rural context.

The list of permitted uses is generally limited to:

- | | |
|--------------------------------|------------------------------|
| / Agricultural use | / Forest operation |
| / Agriculture-related use | / Group home |
| / Animal care establishment | / Home-based business |
| / Animal hospital | / Home-based day care |
| / Artist studio | / Kennel |
| / Bed and breakfast | / On-farm diversified use |
| / Cannabis production facility | / Retirement home, converted |
| / Detached dwelling | / Secondary dwelling unit |
| / Equestrian establishment | |

The definition of “agricultural use” in the Zoning By-law is as follows:

Agricultural use means the cultivation of the soil to produce crops and the raising of farm animals, and without limiting the generality of the foregoing includes:

1. the growing of crops;
2. **nurseries**, greenhouses, market gardens, orchards, vineyards, agro-forestry operations and maple syrup production;
3. the keeping and raising of livestock, fowl, fish, bees or fur or wool bearing animals;
4. farm-based home industry involving the production of value-added or value-retained products from produce grown or raised on-site;
5. a farm produce outlet selling agricultural products produced on the premises.

The proposed use of a nursery (agricultural use) is permitted in the RU zone.

Accessory Uses, Buildings, and Structure

Provision 1 of Section 55 states an accessory use is permitted in any zone if it:

- (a) it is one the same lot as the principal use to which it is accessory; and
- (b) it exists to aid and contribute to the principal use to carry out the function of that principal use.

The following table compares the proposed agricultural building against the zoning provisions for accessory uses, buildings and structures:

Zoning Mechanism	Provision	Proposed	Compliance
Minimum Required Setback from a Front Lot Line Table 227 (c)	Same as required for principal building. 10m	48.8 metres	YES
Minimum Required Setback from an Interior Lot Line or Rear Lot Line not abutting a street Table 227 (e)(f)	In a front, interior or corner side yard, same as the principal building. Interior lot line: 5m Rear lot line: 10m	North: 49.5m South: 29.1m East (rear lot line): 133m	YES
Minimum Required Distance from Any Other Building Located on the Same Lot Table 55 (4)	1.2m	15.24m	YES
Maximum Permitted Height Table 55 (5)	RU Zone: 12m Section 64 – Permitted Projections Above the Height Limit: Except in the case of buildings or structures located within the area shown on Schedules 11 to 88, the maximum height limits do not apply to the structures listed below or to any other similar	Agricultural Storage Building: Less than 8.62m Silo: 12.20m	YES

Zoning Mechanism	Provision	Proposed	Compliance
	structures that may require a height in excess of maximum height limits in order to serve their intended purpose, unless otherwise specified in the by-law and provided these structures are erected only to such height or area as is necessary to accomplish the purpose they are to serve and that is necessary to operate effectively and safely: / barn, silo, or other farm-related buildings or structures		
Maximum Permitted Size Table 55 (6)	Aggregate of all accessory buildings not to exceed 5% of the total lot area or 150 square metres, whichever is greater 5% of the Lot Area: 1010m ²	442 m ² or 4,752ft ²	YES
Maximum Number of Buildings permitted on a lot Table 55 (7)	No Restriction	1	YES

The proposed structures comply with the provisions applicable to accessory uses, buildings, and structures zoning provisions.

Flood Plain Overlay

General Provision (2)(b) of Section 58 states development may be permitted in an area subject to a floodplain for an accessory building or structure to a use permitted in the underlying zoning which does not exceed a gross floor area of 50 square metres and a height of one storey.

A variance is required to Section 58(2)(b), to permit a 442 square metre proposed agricultural building to be located within a floodplain.

The proposed agricultural structure comply with the remaining zoning provisions and the agricultural building is intended to support a use which is permitted in both the Official Plan and Zoning By-law.

4.1.3 Appropriate for the Development and use of the Lands

The proposed agricultural building contributes to and retains the existing rural and agricultural character of the area and supports the development of agricultural uses on lands where these uses are permitted. A tree nursery makes efficient use of lands located within a floodplain, which may not be suitable for other, more traditional agricultural uses.

The proposal makes efficient use of the land, proposes land uses that are compatible with the existing context of the surrounding community and positively contributes to provincial and municipal goals for rural agricultural industry. Overall, the proposal is appropriate for the development and use of the lands.

4.1.4 Minor in Nature

The proposed Minor Variance is minor in nature as the proposed agricultural storage building and silo are not anticipated to generate any undue adverse impacts on surrounding properties, or the agricultural viability of surrounding lands. The location of the building maintains the existing setback from the road of the main house, consistent with other buildings along Birchgrove Road. There are no livestock proposed as part of the development proposal as the proposed business is for a tree nursery. The proposed building is not residential in nature and does not pose any health or safety risks being located within a floodplain, and is strategically located within the 100-year floodplain contour to minimize flooding risks.

With a total building area of approximately 750m² including both proposed buildings and the existing house, the planned nursery will have a total lot coverage of approximately 3.71%, which is not anticipated to generate any adverse impacts on adjacent properties.

Therefore, the proposal is minor in nature.

5.0 Conclusion

The Minor Variance application to permit a new agricultural building and silo within the floodplain makes efficient use of existing rural and agricultural lands that may not be suited for other agricultural activities. The proposed use is permitted in the Official Plan and Zoning By-law and does not create any undue adverse impacts on surrounding properties. The size of the proposed agricultural building and silo are required to support the regular business activities, including winter storage, associated with the proposed agricultural use of a nursery.

The proposal is therefore in the public interest and represents good planning.

Sincerely,



Bipin Dhillon, MPA M.PL
Planner



Jacob Bolduc, MCIP RPP
Associate