



**MINOR VARIANCE APPLICATION
COMMENTS TO THE COMMITTEE OF ADJUSTMENT
PANEL 2**

PLANNING, REAL ESTATE AND ECONOMIC DEVELOPMENT DEPARTMENT

Site Address: 121 James Cummings Avenue
Legal Description: Part of Lot 11, Concession 1 (Ottawa Front)
Geographic Township of Nepean
File No.: D08-02-23/A-00218
Report Date: September 28, 2023
Hearing Date: October 3, 2023
Planner: Samantha Gatchene
Official Plan Designation: Outer Urban Transect, Neighbourhood
Zoning: R1E

DEPARTMENT COMMENTS

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

DISCUSSION AND RATIONALE

The Official Plan designates the property Neighbourhood within the Inner Urban Transect. The Official Plan provides policy direction that Neighbourhoods located in the Inner Urban Transect shall accommodate residential growth to meet the City's Growth Management Framework and that new development should include urban built form and site design attributes, including shallow front yard setbacks, range of lot sizes including smaller lots and higher lot coverage, small formal landscaped areas, and limited automobile parking.

The property is zoned Residential First Density Subzone E (R1E), which permits detached dwellings. The purpose of this zone is to limit development to detached dwellings and regulate the massing, height, and design of new developments in a manner that is compatible with the existing land use pattern and built form.

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 variances meet the "four tests".

Reduced Setback of Septic System from High-Water Mark (Variance A)

The Provincial Policy Statement requires planning authorities to protect, improve or restore the quality and quantity of water by implementing the necessary restrictions on development and site alteration to properties. Section 4.9.3 Policy 3 of the Official Plan states that lands within the minimum setback shall remain naturally vegetated to protect the ecological function of surface water features from adjacent land-use impacts. Furthermore, any disturbance of the natural vegetation due to development or site alteration activities shall be restored and enhanced. Section 4.9.3 Policies 7 outlines exceptions to the watercourse setback where it is impossible to achieve the minimum setback due to lot constraints.

Section 4.9.3 Policy 9 of the OP prohibits septic systems to be located within the minimum setback from surface water features unless an alternative setback has been permitted by the City in consultation with the conservation authority.

Section 69 of the Zoning By-law states that no building or structure, including any part of a sewage system, shall be located closer than 30 metres to the normal high-water mark of any watercourse or waterbody.

Staff do not have concerns with requested variance to reduce the minimum setback of a sewage system from the high-water mark from 30 metres to 15 metres. Due to its constrained lot size, it would be nearly impossible to locate the septic system outside of the 30-metre setback even if the dwelling sized was reduced significantly. To ensure the ecological protection of the watercourse is maintained, Staff are requesting that a planting plan be submitted as a condition of approval which shows plantings provided between the proposed development and the watercourse. It is noted that the Tree Information Report (TIR) submitted with the application proposes plantings along the southern interior side yard of the property, but not along the watercourse edge. This will assist the proposal with meeting the intent of the Official Plan. Finally, Staff consider the impact of the variance to be minor and appropriate as it will not negatively affect surrounding properties while enabling private services for the new detached dwelling.

Increased Distance from Garage to Front Entrance (Variance B)

Staff do not have concerns with the requested variance to increase the maximum distance from the garage entrance to the dwelling entrance from 0.60 metres to 3.05 metres. The intent of the Zoning By-law provisions which regulate the location of garage entrance relative to the dwelling is so that emphasis is placed on the main entryway rather than the garage. The requested variance meets the intent of the Zoning By-law because the proposed covered porch in the front yard will maintain the focus on the dwelling entrance. Staff do not anticipate negative impacts on the appearance of the

street as a result of variance. Overall, the variance is appropriate and meets the general intent of the Zoning By-law.

ADDITIONAL COMMENTS

Planning Forestry

Planning forestry does not have concerns with the minor variances sought.

There are two protected trees impacted by the planned development on the property. Applications for Infill tree removal permits must be submitted for trees 1 and 3 on the City of Ottawa website. The number of compensation trees that would be required is 6 trees. No tree removal is to occur until permits have been obtained. A tree planting plan was submitted with the TIR for COA review. The plan incorporates large canopy species in the rear yard where they are well suited. The applicant was provided a pamphlet from Ottawa Sewer Septic Office recommending trees are not planted closer than 6m from leaching and filter beds.

Right of Way Management

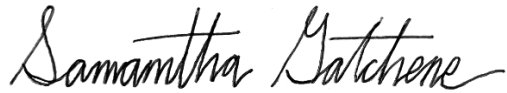
The Right-of-Way Management Department has no concerns with the proposed Minor Variance Application. However, the Owner shall be made aware that a private approach permit is required to construct the newly created driveway/approach.

CONDITION

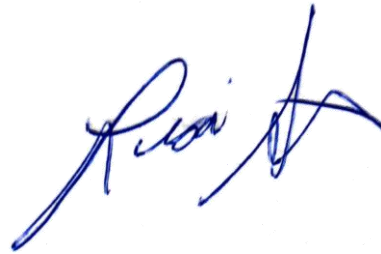
Section 45 (9) of the *Planning Act* gives authority to the Committee to impose conditions on permission applications.

If approved, the Planning, Real Estate and Economic Development Department requests that the Committee of Adjustment impose the following condition on the application:

1. Prior to the issuance of a building permit, the Owner/Applicant(s) shall:
 1. Prepare and submit a planting plan showing a re-naturalization of the landscape between the development and the water's edge, accomplished through vegetation plantings to the satisfaction of the **Development Review Manager of the West Branch within Planning, Real Estate and Economic Development Department, or his/her designate**. If the accepted plan recommends specific mitigation measures or other requirements, the Owner shall enter into a Development Agreement with the City, at the expense of the Owner(s) and to the satisfaction of the **Development Review Manager of the West Branch within Planning, Real Estate and Economic Development Department, or his/her designate**, which is to be registered on the title of the property, which includes those recommendations. The Committee requires a copy of the Agreement and written confirmation from **City Legal Services** that it has been registered on title.



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