



Revised | Modifié le : 2024-03-04

City of Ottawa | Ville d'Ottawa  
Comité de dérogation

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

**PLANNING, REAL ESTATE AND ECONOMIC DEVELOPMENT DEPARTMENT**

Site Address: 1680 Stittsville Main Street  
 Legal Description: Part of Lot 6, Registered Plan 538, City of Ottawa  
 File No.: D08-01-24/B-00017 to D08-01-24/B-00019  
 Report Date: **March 01**, 2024  
 Hearing Date: March 05, 2024  
 Planner: Luke Teeft  
 Official Plan Designation: Suburban (West) Transect, Neighbourhood  
 Zoning: R1T[721]

### DEPARTMENT COMMENTS

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

### 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.

These applications were previously heard October 6, 2021 but lapsed on October 26, 2023. The property is zoned R1T[721] and designated Neighbourhood under the Official Plan. The subject property is within the Suburban (West) Transect policy area on Schedule B5 of the Official Plan. The intent of the Suburban Transect is to recognize a suburban pattern of built form and site design with the distinction that this new designation supports an evolution towards 15-minute neighbourhoods and increased density. Net residential densities within the Suburban Transect shall strive to approach the densities of the Inner Urban Transect over time.

The previous applications were heard under the old Official Plan (2003). Under the new Official Plan, all new development applications along arterial roadways are required to provide a noise attenuation study and notice on title for environmental noise. These are included as condition #3 and #4, respectively. Staff have no further concerns with the applications as submitted.

## ADDITIONAL COMMENTS

### Right of Way Management

- The Right-of-Way Management Department has **no concerns** with the proposed consent application as there are no requested changes to private approaches. However, the Owner shall be made aware that a private approach permit is required to construct any newly created driveway/approach, or, to remove an existing private approach.

### Forestry

- As of February 1<sup>st</sup>, 2024, the minimum diameter for distinctive trees in the suburban area has been reduced from 50 cm to 30 cm DBH. This means that across the urban area, in both the inner urban and suburban areas, a tree permit will now be required to remove privately owned trees 30 cm DBH or more on properties one hectare or less in size. More detailed information on this amendment to the tree by-law can be found in the report to Council: [Streamlining Distinctive Tree Provisions](#).
- The Tree Information Report dated May 18, 2021 should be revised to account for growth and/or changes to conditions of the trees on site. The updated TIR should also reflect the changes to the size of Distinctive Trees across the City. If there are no additional trees that would be considered Distinctive, AND the tree protection plan remains unchanged, the associated condition may be waived.
- The Grading and Servicing Plan provided does not align with the approved Tree Planting Plan prepared by Dendron Forestry Services, dated Sept. 18th, 2023. The grading and servicing plan and/or the planting plan should be revised for consistency.

## CONDITIONS

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

1. That the Owner(s) provide evidence that payment has been made to the City of Ottawa for cash-in-lieu of the conveyance of land for park or other public recreational purposes, plus applicable appraisal costs. The value of land otherwise required to be conveyed shall be determined by the City of Ottawa in accordance with the provisions of By-Law No. 2022-280, as amended. Information regarding the appraisal process can be obtained by contacting the Planner.
2. That the Owner(s) provide proof to the satisfaction of **the Development Review Manager of the West Branch within Planning, Real Estate and Economic Development Department, or his/her designate**, to be confirmed in writing from the Department to the Committee, that the existing dwelling has been removed,

that the existing sewer services are capped at the sewer and that the existing water service is blanked at the watermain.

3. The Owner(s) shall prepare a noise attenuation study in compliance with the City of Ottawa Environmental Noise Control Guidelines to the satisfaction of **the Manager of the West Branch within Planning, Real Estate and Economic Development Department, or his/her designate**. The Owner(s) shall enter into an agreement with the City that requires the Owner to implement any noise control attenuation measures recommended in the approved study. The Committee requires a copy of the Agreement and written confirmation from **City Legal Services** that it has been registered on title.
4. That the Owner enter into an Agreement with the City, at the expense of the Owner, which is to be registered on Title to deal with the covenants/notices that shall run with the land and bind future owners on subsequent transfers:

“The property is located next to lands that have an existing source of environmental noise (arterial road) and may therefore be subject to noise and other activities associated with that use.”

The Agreement shall be to the satisfaction of **the Development Review Manager of the West Branch within Planning, Real Estate and Economic Development Department, or his/her designate**. The Committee requires a copy of the Agreement and written confirmation from City Legal Services that it has been registered on title.

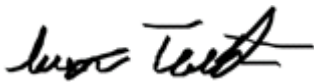
5. That the Owner(s) enter into a Development Agreement with the City, at the expense of the Owner(s) and to the satisfaction of **the Manager of the West Branch within Planning, Real Estate and Economic Development Department, or his/her designate**, to require that an asphalt overlay will be installed, at the Owner(s) expense, on Stittsville Main Street, fronting the subject lands, over the entire public driving surface area within the limits of the overlay, if the approved Site Servicing Plan shows three or more cuts within the pavement surface. The overlay must be carried out to the satisfaction of **the Manager of the West Branch within Planning, Real Estate and Economic Development Department, or his/her designate**. The Committee requires a copy of the Agreement and written confirmation from **City Legal Services** that it has been registered on title.

If the **Manager of the West Branch within Planning, Real Estate and Economic Development Department, or his/her designate** determines that a Development Agreement requiring an asphalt overlay is no longer necessary, this condition shall be deemed as fulfilled.

6. That the Owner(s), or any subsequent owners, at its expense acknowledges and agrees to obtain a private approach permit to establish the required new

approaches or remove the now redundant approach. No person shall construct, relocate, alter or close a private approach without first obtaining a private approach permit from the General Manager in accordance with the provisions of the City's Private Approach By-law, being By-law No. 2003-447 and a road cut permit in accordance with the provisions of By-law No. 2003-445 being the City's Road Activity By-law or a successor by-law thereto.

7. That the Owner(s) provide(s) a revised Tree Information Report to the satisfaction of the **Manager of the relevant Branch within the Planning, Real Estate and Economic Development Department, or their designate(s)**. This report shall be prepared by an Arborist, identifying all trees protected under the City's Tree Protection by-law, and meeting the standards of the City's Tree Information Report Guidelines, including an assessment of impacts related to the as-of-right building envelope and specific mitigation measures where work is proposed within the Critical Root Zone of a protected tree.
8. That the Owner/Applicant(s) provide(s) proof, to the satisfaction of the **Manager of the relevant Branch within the Planning, Real Estate and Economic Development Department, or their designate(s)** that the approved Tree Planting Plan submitted to the City, prepared by Dendron Forestry Services, Version 1.0., dated September 18, 2023 – or an approved subsequent version - has been implemented. Proof will be accepted in the form of photographs showing the planted tree(s) or requesting a Tree Planting Inspection by contacting 311. A paid planting contract or a Letter of Undertaking are acceptable if planting cannot be completed prior to completion of the severance.



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