

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

1) Introduction

The application is a request for a variance to permit the construction of a detached single-family dwelling adjacent to identified water course (ditch). The variance will permit the building to be located next to a ditch.

The zoning for the property is RR2[18r] in the City of Ottawa.

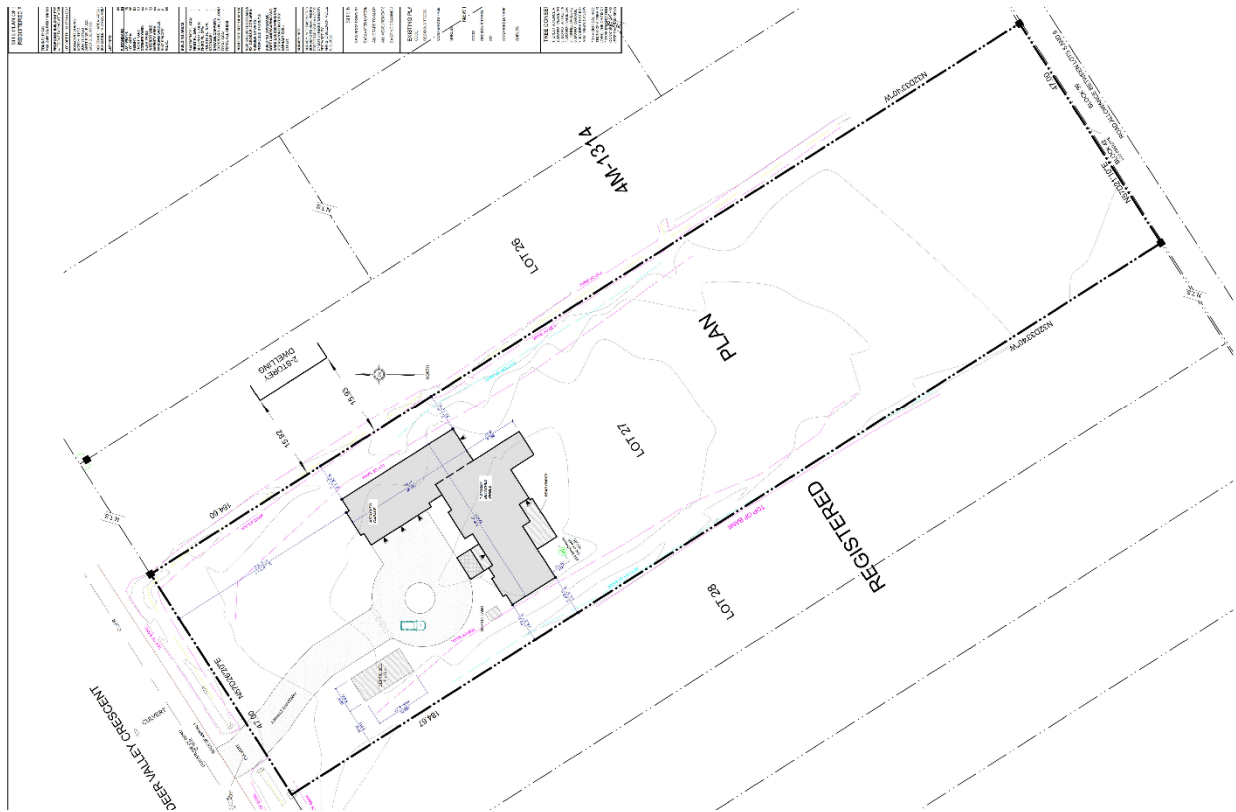
The neighbourhood is characterized as a rural subdivision of detached single-family dwellings. It fronts on DEER VALLEY Crescent which intersects with Apple Orchard Road in 2 locations.

Neighbourhood

Committee of Adjustment
Received | Reçu le
2024-03-11
City of Ottawa | Ville d'Ottawa
Comité de dérogation



Property



There have been extensive discussions with City of Ottawa. The owner corresponded with the City of Ottawa through 4 email streams (attached as Appendix 1). Amy MacPherson, City of Ottawa, Natural Systems group provided below the following (email 1):

The Shields Creek Subwatershed Study did not show this minor tributary to the Grey's Creek system and did not establish any setbacks for it. This part of the subdivision was formerly rather wet generally (treed swamp) and there may not have been a distinct channel present at the time of the subwatershed study or the subdivision approval. It is more pronounced in the post-development aerial photography (2011 and onwards) than the other lot-line swales established through the plan of subdivision, but is evidently an intermittent feature from the Streetview imagery. The owner of Lot 26 appears to have further channelized and realigned the feature in the process of extending their landscaped yard space southwards.

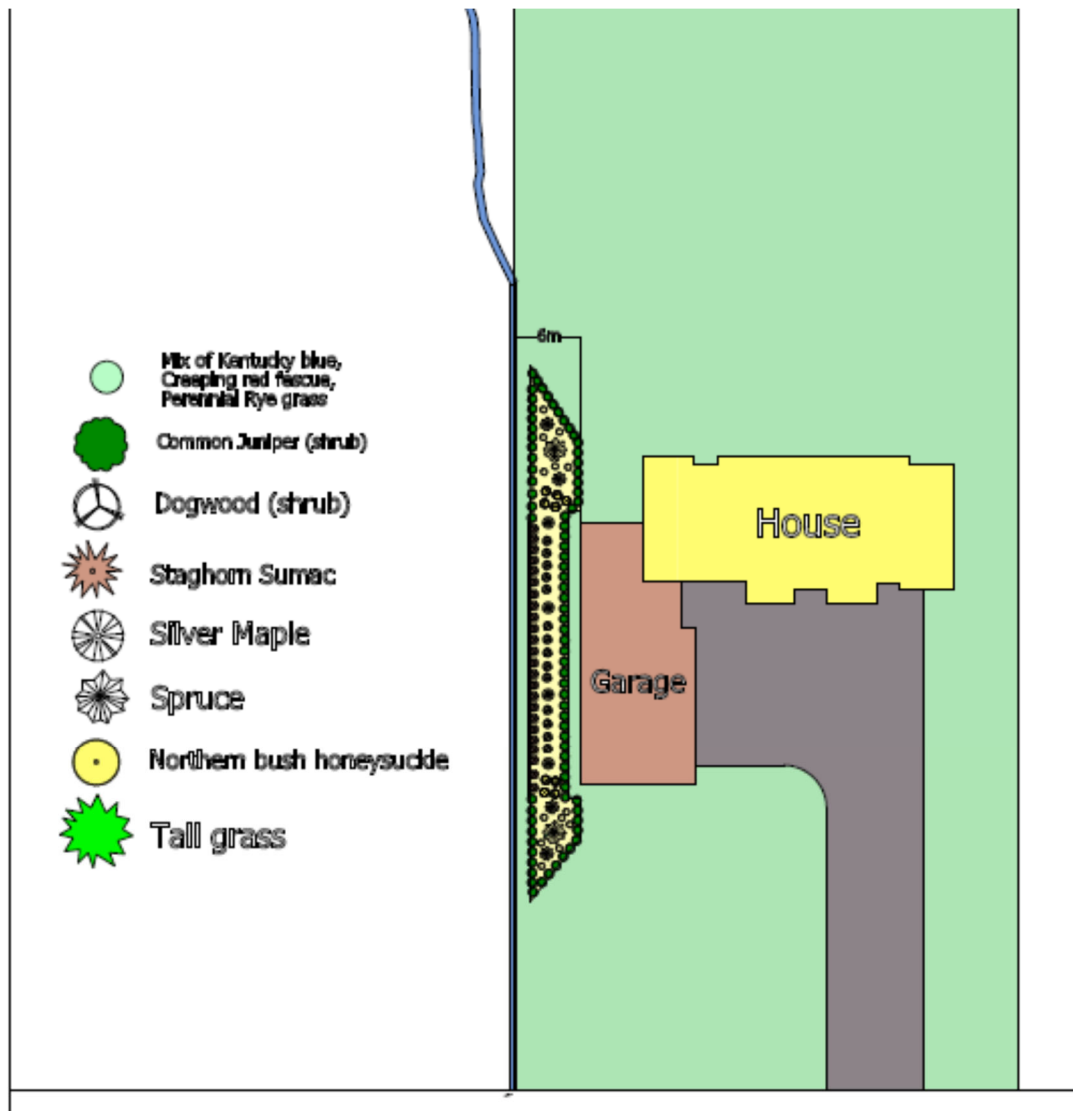
The subdivision agreement clearly sets out requirements for "no touch / no development" setbacks on several other lots for the protection of the Grey's Creek drain (30 m) and its eastern tributary (15 m). Those features are larger, with more permanent flow, and provide spawning habitat for several small species of fish – I have surveyed them myself, as a consultant before joining the City. No such requirements were established for this smaller tributary, indicating that it was not recognized as a watercourse at that time. Lot 26 was developed after the enactment of the Zoning By-law in 2008, and

the development on that lot appears to be in the location shown on the approved plan, approximately 15 m from the feature. I recommend that the development of Lot 27 be similarly permitted to proceed in accordance with the approved grading plan, which appears to provide at least 15 m separation between the septic system, the house footprint, and the feature. This 15 m distance would be consistent with the treatment of the other Grey’s Creek tributary. We would not insist on the full 15 m remaining in “no touch” natural vegetation in this case, although some natural buffer between the lawn and the feature would be preferred.

The owner has agreed to provide a buffer as requested (email 4), and as stated Mark Elliot, City of Ottawa, meets the requirement of the official plan.

“What you’ve shown here is sufficient to meet the watercourse setback revegetation standards as required in the official plan. I have no further concerns about the planting plan.”

by see below:



The owner has revised the plans somewhat see below:



2) Requests

The property is a vacant property in an existing rural subdivision. A new 2 storey single family dwelling is proposed.

The Variances is requested are:

- 1) to permit part of the building and structure, including any part of a sewage system to be 1.58m from the top of the bank of any watercourse or waterbody whereas the bylaw requires that any part of the building and structure, including any part of a sewage system to be 15 m from the top of the bank of any watercourse or waterbody
 - 2) to permit part of the building and structure, including any part of a sewage system to be 4.25m from the normal high-water mark of any watercourse or waterbody whereas the bylaw requires that part of the building and structure, including any part of a sewage system to be 30m from the normal high-water mark of any watercourse or waterbody
- Section 69 (2) (a) and (b)

The proposed variances should be considered minor for the following reasons.

- 1) As per the Official Plan Section 4.9.3 Restrict or limit development and site alteration near surface water features, Section 4.9.3. 7) Exceptions, see 3)2) below.
- 2) The proposed single family detached dwelling full complies with all other aspects of the zoning bylaw.

3) New Official Plan

- 1) The property is classified as Schedule B9 - Rural Transect.
- 2) The proposed development fully complies with Section 4.9.3 Restrict or limit development and site alteration near surface water features. The owner has consulted with the the City of Ottawa.
- 3) The property also does not fall under any of the environmental constraints as identified in Schedule C15 - Environmental Constraints

Section 5.5.1 requires development to *Recognize a rural pattern of built form and site design and*

b) Outside Villages, where development is permitted, built form and site design shall be premised on maintaining the rural character, image and identity; and

c) Outside of Villages, 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. 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 maybe used to enhance the site frontage.;

The proposed detached residential dwelling in the same character and setbacks of existing home in this rural subdivision.

4) Zoning Bylaw

The property is zoned is RR2[18r].

The purpose of the RR – Rural Residential Zone is to:

- (1) recognize and permit large-lot residential development in planned subdivisions and to acknowledge existing smaller lot development in areas designated as General Rural Area or Rural Natural Features in the Official Plan;
- (2) recognize clusters of existing residential development found in areas designated as Agricultural Resource Area or Greenbelt Rural in the Official Plan;
- (3) permit residential-only uses as well as related and accessory uses;
- (4) regulate development in a manner that respects both the residential character of the area and the surrounding rural context.

The proposed detached dwelling is not intensification, but rather an appropriate development of an existing undeveloped lot in an existing rural subdivision. The detached dwelling is a permitted use. Other than the variances requested from the waterways the location and scale of the proposed building fully comply with the zoning bylaw.

5) Under the current zoning bylaw and official plan the variances requested are minor for the following reasons:

- They are minor and desirable.
 - They reflect the current character of the neighbourhood and protect the natural environment
- The general intent and purpose of the Zoning By-law is maintained
 - the intent of the bylaw is to permit the single-family detached dwellings.
 - The intent of the bylaw that the new infill properties respect the existing character of the neighbourhood.
- The general intent and purpose of the Official Plan is maintained;
 - The official plan permits development with the setbacks from waterways where it can be demonstrated that there will be no adverse impact on the natural environment or natural heritage features .
- The Ontario Planning Act supports development in residential urban areas

Chris Jalkotzy
Modulink
613 869 4965