

Committee of Adjustment

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Comité de dérogation



MINOR VARIANCE APPLICATION

COMMENTS TO THE COMMITTEE OF ADJUSTMENT

PANEL 3

PLANNING, REAL ESTATE AND ECONOMIC DEVELOPMENT DEPARTMENT

Site Address: 248 Old Quarry Road

Legal Description: Lot 2, Registered Plan 658, Geographic Township of
Torbolton

File No.: D08-02-22/A-00308

Report Date: August 10, 2023

Hearing Date: August 15, 2023

Planner: Jack Graham

Official Plan Designation: Rural Countryside

Zoning: RR15[343r] – Rural Residential, Subzone 15, Exception 343r

DEPARTMENT COMMENTS

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

DISCUSSION AND RATIONALE

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 variance(s) meet(s) the “four tests”.

The subject site is designated as Rural Countryside in the Official Plan. The site is zoned as RR15[343r] – Rural Residential Subzone 15, Exception 343r. The purpose of the RR15 Zone is to acknowledge existing smaller lot development and to regulate development in a manner that respects the residential character of the area and the surrounding rural context.

The subject site is located adjacent to the Ottawa River, and a minor watercourse runs along the Eastern edge of the property. The proposal requests two variances from watercourse setback requirements. The required setback from the Ottawa River to the septic bed is 30 metres. The applicant is requesting a variance to permit a distance of approximately 16 metres. The required setback from the adjacent drainage watercourse is 15 metres from the top of the bank to the septic bed. The applicant is requesting a variance to permit a distance of approximately 5 metres.

Official Plan Section 4.9.3 Policy 2 describes the requirements for watercourse setbacks

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to development. Policy 2 (c) requires a setback of 30 metres from the normal high water mark of rivers, lakes, and streams, as determined in consultation with the Conservation Authority. Policy 2 (d) requires a setback of 15 metres from the existing top of bank.

Official Plan Section 4.9.3 Policy 7 provides criteria for when the above noted setback requirements may be excepted. Policy 7 states that:

Exceptions shall be considered by the City in consultation with the conservation authority in situations where development is proposed on existing lots where, due to the historical development in the area, it is impossible to achieve the minimum setback because of the size or location of the lot, approved or existing use on the lot or other physical constraint, providing the following conditions are met to the City's satisfaction.

As this is a small lot that faces several physical constraints, it would qualify for being granted an exception to the normal watercourse setback requirements. The MVCA has noted the same issues, and has provided comments stating that approval will be in conjunction with municipal planning approvals.

Official Plan Section 4.9.3 Policy 7 states the requirements for being granted an exception. It states:

- a) The ecological function of the site is restored and enhanced, to the greatest extent possible, through naturalization with native, non-invasive vegetation and bioengineering techniques to mitigate erosion and stabilize soils; and*
- b) Buildings and structures are located, or relocated, to an area within the existing lot that improves the existing setback, to the greatest extent possible, and does not encroach closer to the surface water feature.*

At the hearing on December 7, 2022, staff requested that an Environmental Impact Study (EIS) be submitted by the applicant to address the natural features on the lot and to ensure on negative impact to the features, and to demonstrate that the situation meets the above noted policy. The application was adjourned, and the applicant has since submitted an EIS and included a planting plan. The EIS has been reviewed and approved by environmental planning staff, with an additional comment that the owners are requested to plant native non-invasive species, as the species were not noted on the plan.

Staff noted in the initial report that a report addressing slope stability should be provided due to the slope on the property. A slope stability letter was prepared and submitted with the application. It has been reviewed by engineering staff and is found to be satisfactory.

In summary, the noted concerns from the initial application have been addressed, and staff have no concerns with the application.



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