

2023-06-02



Minor Variance
COMMENTS TO THE COMMITTEE OF ADJUSTMENT
Panel 3

Site Address: 2857 Birchgrove Road

Legal Description: Part of lot 6, Concession 1, Geographic Township of
Cumberland

No.: D08-02-23/A-00097

Date: June 2, 2023

Hearing Date: June 6, 2023

Planner: Luke Teeft

Official Plan Designation: Rural Countryside

Zoning: RU – Rural Countryside

DEPARTMENT COMMENTS

The Planning, Real Estate, and Economic Development Department has **Concerns** with the application as submitted.

DISCUSSION AND RATIONALE

The subject property is designated Rural Countryside on Schedule B9 of the Official Plan. The intent of the Rural Countryside designation is to protect and enhance rural character; strengthen the rural economy by permitting a diversity of uses that support the local rural community; limit the fragmentation of rural lands and ensure the preservation of health.

The subject property is zoned RU - Rural Countryside Zone according to the City of Ottawa Zoning By-Law (Section 227). The purpose of the Rural Countryside Zone is to accommodate agricultural, forestry, and country residential lots created by severance and other land uses characteristic of Ottawa's countryside. It recognizes and permits this range of rural-based land uses which often have large lots or distance separation requirements and regulates various types of development in manners that ensure compatibility with adjacent land uses and respects the rural context.

It is our understanding that the agroforestry storage and processing shed shall serve



as a new primary use on the property, not an accessory use. As a result, it does not appear that the structure is regulated by Section 58 of the Zoning By-law. Staff are not satisfied that the requested minor variance meets the “four tests” as outlined in Section 45 (1) of the *Planning Act*, R.S.O. 1990 c. P.13, as amended. The structure does meet the intent of the Official Plan in that it provides support for agroforestry operations and there is no alternative location to site the structure on the property due to the floodplain overlay. This structure would not require a Minor Variance if it were sited on an area outside of the floodplain, but as a result it is not permitted under the Zoning By-law. The Variance is also not “minor” in nature as the requested relief is significantly above the maximum permitted size of 50 square metres. The concern with size is due to the large amount of rooftop runoff and potential interference with floodwater flow at ground level, but staff defer to the Conservation Authority for guidance on this issue.

ADDITIONAL COMMENTS:

- A Grading Plan will be required at the Building Permit stage, prepared by a relevant professional: Professional Engineer (P.Eng.), Certified Engineering Technologist (CET), Ontario Land Surveyor (OLS), Professional Landscape Architect (OLA), or Professional Architect (OAA).
- A permit from the Rideau Valley Conservation Authority (RVCA) will be required for any future Building Permit applications.

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