

2024-09-26



**COMMENTS TO THE COMMITTEE OF ADJUSTMENT  
PANEL 2**

**PLANNING, DEVELOPMENT AND BUILDING SERVICES DEPARTMENT**

Site Address: 375 des Épinettes Avenue  
Legal Description: Part of Block C, Registered Plan 50M-23  
File No.: D08-01-24/B-00152  
Report Date: September 25, 2024  
Hearing Date: October 1, 2024  
Planner: Elizabeth King  
Official Plan Designation: Suburban Transect, Neighbourhood  
Zoning: LC5 H(9.5)

**DEPARTMENT COMMENTS**

The Planning, Development and Building Services Department **has no concerns with** the application.

**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.

375 des Épinettes Avenue is zoned Local Commercial Subzone 5, the intent of this zone is allowing a variety of small, locally oriented convenience and service uses as well as residential uses and impose development standards that will ensure that the size and scale of development are consistent with that of the surrounding residential area.

## ADDITIONAL COMMENTS

### Planning Forestry

There are no tree-related impacts associated with the requested severance.

Future development of the site will most likely require the removal of one distinctive tree on site (tree 3 in the TIR); a tree removal permit application and replacement plantings would be required. Trees 1 and 2 are outside the building envelope and should be prioritized for retention through development.

### Right of Way Management

The Right-of-Way Management Department has **no concerns** with the proposed Consent Application to sever the property. A Private approach permit is required to construct any newly created or modified driveway/approaches or close redundant approaches. Please contact the ROW Department for any additional information at [rowadmin@ottawa.ca](mailto:rowadmin@ottawa.ca) or visit the City webpage [Driveways | City of Ottawa](#) to submit a Private Approach application

## CONDITIONS

If approved, the Planning, Development, and Building Services Department requests that the Committee of Adjustment impose the following conditions on the application:

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 a servicing plan or other evidence, to the satisfaction of **the Development Review Manager of the Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate**, to be confirmed in writing from the Department to the Committee, that each existing building and/or unit on the severed and retained parcels has its own independent water, sanitary and sewer connection, as appropriate, that are directly connected to City infrastructure and do not cross the proposed severance line.

If the services are shared, and there is sufficient justification for the service locations to remain, the Owner(s) must obtain Ontario Ministry of the Environment and Conservation and Parks (Environmental Compliance Approval – ECA), must obtain the approval of the Committee to grant easement(s) as required for access and maintenance of the services, and must register a Joint Use and Maintenance

Agreement, between the Owners of the services, on the title of the property, all at their own costs.

3. 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, highway, airport, etc) and may therefore be subject to noise and other activities associated with that use”

The Agreement shall be to the satisfaction of Development Review All Wards Manager **of the Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate.** 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(s) shall provide evidence that a grading and drainage plan, prepared by a qualified Civil Engineer licensed in the Province of Ontario, an Ontario Land Surveyor or a Certified Engineering Technologist, has been submitted to the satisfaction of **Development Review All Wards Manager of the Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate** to be confirmed in writing from the Department to the Committee. The grading and drainage plan shall delineate existing and proposed grades for both the severed and retained properties, to the satisfaction of **Development Review All Wards Manager of the Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate.**



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