



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

PLANNING, DEVELOPMENT AND BUILDING SERVICES DEPARTMENT

Site Address: 10A Ashburn Drive
Legal Description: Part of Lot 224, Registered Plan 289002
File No.: D08-01-24/B-00071 & D08-02-24/A-00227
Report Date: September 26, 2024
Hearing Date: October 2, 2024
Planner: Samantha Gatchene
Official Plan Designation: Outer Urban Transect, Neighbourhood
Zoning: R2M

At its May 14, 2024, hearing the Committee adjourned the consent application to allow the Applicant to apply for a minor variance application for the driveway width. A minor variance application has since been submitted.

DEPARTMENT COMMENTS

The Planning, Development and Building Services Department **has some 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.

The site is zoned R2M and designated Neighbourhood under the Official Plan. The proposed consent aligns with the requirements of the Zoning By-law for lot area and width. Neighbourhoods are intended to evolve through gradual development, of which this application is an example.

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 have some concerns with increasing the maximum driveway width from 3.0 metres to 5.5 metres. The intent of the maximum driveway width provisions on lots that are less than 15 metres in width is to contribute to a positive streetscape by providing space for

soft landscaping and, to limit increases in impervious surface that otherwise may lead to increases in stormwater runoff from the property. Increasing the maximum driveway width to 5.5 metres does not meet the intent of the Zoning By-law.

ADDITIONAL COMMENTS

Planning Forestry

There are no tree-related concerns with the proposed severance. Through pre-consultation the requirement for a TIR was waived, however through a site visit a tree has been identified in the ROW; a TIR will be required as a condition of severance, to ensure that the plans and servicing allow for the retention of all protected trees. One new tree must be planted in the ROW of the retained lot following development, to improve the streetscape and canopy cover.

Infrastructure Engineering

- The Planning, Development and Building Services Department will do a complete review of grading and servicing during the building permit process.
- At the time of building permit application, a grading/servicing plan prepared by a Professional Engineer, Ontario Land surveyor or a Certified Engineering Technologist will be required.
- Any proposed works to be located within the road allowance requires prior written approval from the Infrastructure Services Department.
- All trees on City property and private trees greater than 30cm in diameter in the inner urban area are protected under the Tree Protection By-law (2020-340), and plans are to be developed to allow for their retention and long-term survival. A Tree Removal Permit and compensation are required for the removal of any protected tree.
- The surface storm water runoff including the roof water must be self contained and directed to the City Right-of-Way, not onto abutting private properties as approved by Planning, Development and Building Services Department.
- Existing grading and drainage patterns must not be altered.
- Existing Catch Basin is not to be located within the driveway.
- Provide a minimum of 1.5m between the proposed driveway and the utility pole.
- Service lateral spacing shall be as specified in City of Ottawa Standard S11.3.
- In accordance with the Sewer Connection By-Law a minimum spacing of 1.0m is required between service laterals and the foundation face.

Right of Way Management

The Right-of-Way Management Department has no concerns with the proposed Consent Application, however, as there are requested changes to the private approach/driveway, the Owner shall be made aware that a private approach permit is required to construct a newly created entrance.

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 evidence to the satisfaction of both the Chief Building Official and the Manager of the Development Review All Wards Branch within the, Planning, Development and Building Services Department, or designates, that both severed and retained parcels have their own independent water, sanitary and storm connection as appropriate, and that these services do not cross the proposed severance line and are connected directly to City infrastructure. Further, the Owner(s) shall comply to 7.1.5.4(1) of the Ontario Building Code, O. Reg. 332/12 as amended. If necessary, a plumbing permit shall be obtained from Building Code Services for any required alterations.
3. 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 the Manager of the Development Review All Wards Branch within the Planning, Development and Building Services Department, or his/her 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 the Manager of the Development Review All Wards Branch within the Planning, Development and Building Services Department, or their designate.
4. That the Owner/Applicant(s) provide a revised site plan and 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.

5. That the Owner/Applicant(s) provide a Grading and Servicing Plan/Site Plan with the proposed elements/structures (driveways, retaining walls, projections, etc.) designed and located based on the least impact to protected trees and tree cover, to the satisfaction of the Manager of the relevant Branch within the Planning, Real Estate and Economic Development Department, or their designate(s).
6. The Owner/Applicant(s) shall prepare and submit a tree planting plan, to the satisfaction of the Manager of the relevant Branch within the Planning, Real Estate and Economic Development Department, or their designate(s), showing the location(s), species/ultimate size of one new 50 mm tree to be planted on the property frontage or right-of-way of the retained lot following construction, to enhance the urban tree canopy and streetscape.



Samantha Gatchene, MCIP, RPP
Planner II
Development Review, South
Planning, Development and Building
Services Department

Erin O'Connell, MCIP, RPP
Planner III
Development Review, All Wards
Planning, Development and Building
Services Department