

**DECISION
CONSENT/SEVERANCE**

Date of Decision	October 11, 2024
Panel:	2 - Suburban
File No.:	D08-01-24/B-00071
Application:	Consent under Section 53 of the <i>Planning Act</i>
Applicant:	Silvia Marcoux
Property Address:	10A Ashburn Drive
Ward:	9 – Knoxdale-Merivale
Legal Description:	Part of Lot 224, Registered Plan 289002
Zoning:	R2M
Zoning By-law:	2008-250
Heard:	October 1, 2024, in person and by videoconference

APPLICANT’S PROPOSAL AND PURPOSE OF THE APPLICATION

- [1] The Owner wants to subdivide their property into two separate parcels of land for the construction of a new detached dwelling. The existing dwelling is to remain.
- [2] On May 14, 2024, the Committee adjourned the scheduled hearing of the application to allow the Applicant time to apply for a minor variance. The Applicant is now also applying for a minor variance and would like to proceed with both applications.

CONSENT IS REQUIRED FOR THE FOLLOWING

- [3] The Owner requires the Committee’s consent to sever the land.
- [4] The land to be severed, shown as Part 1 on a Draft 4R-Plan with the application, will have a frontage of 12.50 metres, a depth of 30.48 metres and a lot area of 381 square metres. This parcel is vacant and will be known municipally as 10B Ashburn Drive.
- [5] The land to be retained, shown as Part 2 on said plan, will have a frontage of 12.50 metres, a depth of 30.48 metres and a lot area of 381 square metres. This parcel contains the existing dwelling and is known municipally as 10A Ashburn Drive.
- [6] Approval of this application will have the effect of creating separate parcels of land, the proposed development will not be in conformity with the requirements of the

Zoning By-law and therefore, minor variance application (File No. D08-02-24/A-00227) has been filed and will be heard concurrently with this application.

PUBLIC HEARING

Oral Submissions Summary

- [7] André Marcoux and Jessica D'Aoust, both acting as Agents for the Applicant, provided an overview of the application.
- [8] After hearing from Ms. D'Aoust and City Planners Elizabeth King and Erin O'Connell, the Committee confirmed that, due to the reduction in the lot dimensions of the retained parcel where the existing dwelling is located, a similar minor variance for the existing driveway width was also required. However, the Committee found that no additional public notification of the amended application was required under the circumstances.
- [9] Ms. King reiterated the department's concerns over the requested double driveway as they are not observed in the R2M zoning designation. Also, Ms. King highlighted that the proposal is not in keeping with the intent of the zoning designation because it does not contribute to the streetscape by providing space for soft landscaping or stormwater management.
- [10] Ms. King advised that both a single and a double driveway could accommodate accessibility concerns.
- [11] Following the public hearing, the Committee reserved its decision.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED

Application Must Satisfy Statutory Tests

- [12] Under the *Planning Act*, the Committee has the power to grant a consent if it is satisfied that a plan of subdivision of the land is not necessary for the proper and orderly development of the municipality. Also, the Committee must be satisfied that an application is consistent with the Provincial Policy Statement and has regard for matters of provincial interest under section 2 of the Act, as well as the following criteria set out in subsection 51(24):

Criteria

(24) In considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality and to,

- a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;
- b) whether the proposed subdivision is premature or in the public interest;
- c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;
- d) the suitability of the land for the purposes for which it is to be subdivided;
- d.1) if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;
- e) the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;
- f) the dimensions and shapes of the proposed lots;
- g) the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;
- h) conservation of natural resources and flood control;
- i) the adequacy of utilities and municipal services;
- j) the adequacy of school sites;
- k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;
- l) the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and
- m) the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act or subsection 114 (2) of the *City of Toronto Act, 2006*. 1994, c. 23, s. 30; 2001, c. 32, s. 31 (2); 2006, c. 23, s. 22 (3, 4); 2016, c. 25, Sched. 4, s. 8 (2).

Evidence

[13] Evidence considered by the Committee included all oral submissions made at the hearing, as highlighted above, and the following written submissions held on file

with the Secretary-Treasurer and available from the Committee Coordinator upon request:

- Application and supporting documents, including cover letter, revised plans, letters of support from neighbours, photo of the posted sign, and a sign posting declaration.
- City Planning Report received September 26, 2024, with some concerns; report received September 25, 2024, with some concerns; received May 13, 2024, requesting an adjournment; received May 8, 2024, requesting an adjournment.
- Rideau Valley Conservation Authority email received September 26, 2024, with no objections; received May 10, 2024, with no objections.
- Hydro Ottawa email received September 27, 2024, with comments.
- Hydro One email received September 25, 2024, with no comments; received May 10, 2024, with no comments.
- Ontario Ministry of Transportation email received April 30, 2024, with no comments.
- Ottawa International Airport Authority email received April 30, 2024, with comments.

Effect of Submissions on Decision

[14] The Committee considered all written and oral submissions relating to the application in making its decision and granted the application.

[15] The Committee notes that the City's Planning Report raises "no concerns" regarding the application subject to the requested conditions agreed to by the Applicant's Agent.

[16] Based on the evidence, the Committee is satisfied that the proposal is consistent with the Provincial Policy Statement that promotes efficient land use and development as well as intensification and redevelopment within built-up areas, based on local conditions. The Committee is also satisfied that the proposal has adequate regard to matters of provincial interest, including the orderly development of safe and healthy communities; the appropriate location of growth and development; and the protection of public health and safety. Additionally, the Committee is satisfied that a plan of subdivision of the land is not necessary for the proper and orderly development of the municipality. Moreover, the Committee is satisfied that the proposal has adequate regard for the criteria specified under subsection 51(24) of the *Planning Act* and is in the public interest.

[17] THE COMMITTEE OF ADJUSTMENT therefore grants the provisional consent, subject to the following conditions, **which must be fulfilled within a two-year period from the date of this Decision:**

1. That the Owner(s) provide evidence that the accompanying Minor Variance Application (D08-02-24/A-00227) has been approved, with all levels of appeal exhausted.
2. 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.
3. 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.
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 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**.
5. 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.

6. 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)**.
7. 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.
8. That the Owner(s) file with the Committee a copy of the registered Reference Plan prepared by an Ontario Land Surveyor registered in the Province of Ontario, and signed by the Registrar, **confirming the frontage and area of the severed land. If the Registered Plan does not indicate the lot area, a letter from the Surveyor confirming the area is required.** The Registered Reference Plan must conform substantially to the Draft Reference Plan filed with the Application for Consent.
9. That upon completion of the above conditions, and **within the two-year period outlined above**, the Owner(s) file with the Committee, the “electronic registration in preparation documents” for a severance for which the Consent is required.

“Fabian Poulin”
FABIAN POULIN
VICE-CHAIR

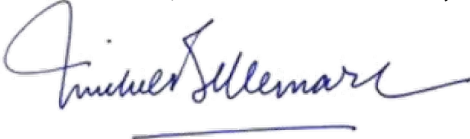
“Jay Baltz”
JAY BALTZ
MEMBER

“George Barrett”
GEORGE BARRETT
MEMBER

“Heather MacLean”
HEATHER MACLEAN
MEMBER

“Julianne Wright”
JULIANNE WRIGHT
MEMBER

I certify this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa, dated **October 11, 2024**.



Michel Bellemare
Secretary-Treasurer

NOTICE OF RIGHT TO APPEAL

To appeal this decision to the Ontario Land Tribunal (OLT), a completed appeal form along with payment must be received by the Secretary-Treasurer of the Committee of Adjustment by **October 31, 2024**, delivered by email at cofa@ottawa.ca and/or by mail or courier to the following address:

Secretary-Treasurer, Committee of Adjustment,
101 CentrepoinTE Drive, 4th floor, Ottawa, Ontario, K2G 5K7

The Appeal Form is available on the OLT website at <https://olt.gov.on.ca/>. The Ontario Land Tribunal has established a filing fee of \$400.00 per type of application with an additional filing fee of \$25.00 for each secondary application. Payment can be made by certified cheque or money order made payable to the Ontario Minister of Finance, or by credit card. Please indicate on the Appeal Form if you wish to pay by credit card. If you have any questions about the appeal process, please contact the Committee of Adjustment office by calling 613-580-2436 or by email at cofa@ottawa.ca.

Only the applicant, the Minister or a specified person or public body that has an interest in the matter may appeal the decision to the Ontario Land Tribunal. A “specified person” does not include an individual or a community association.

There are no provisions for the Committee of Adjustment or the Ontario Land Tribunal to extend the statutory deadline to file an appeal. If the deadline is not met, the OLT does not have the authority to hold a hearing to consider your appeal.

If a major change to condition(s) is requested, you will be entitled to receive Notice of the changes only if you have made a written request to be notified.

NOTICE TO APPLICANT

All technical studies must be submitted to the Planning, Development and Building Services Department a minimum of **40 working days** prior to lapsing date of the consent. Should a Development Agreement be required, such request should be initiated **15 working days** prior to lapsing date of the consent and should include all required documentation including the approved technical studies.

Ce document est également offert en français.

Committee of Adjustment
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Ottawa.ca/CommitteeofAdjustment
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613-580-2436



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