



MINOR VARIANCE APPLICATION
COMMENTS TO THE COMMITTEE OF ADJUSTMENT
PANEL 2

PLANNING, DEVELOPMENT AND BUILDING SERVICES DEPARTMENT

Site Address: 94 Withrow Avenue & 92 Withrow Avenue
Legal Description: Lots 286, 287, 288, & 289, Registered Plan 375
File No.: D08-02-24/A-00234 & D08-02-24/A-00237
Report Date: September 25, 2024
Hearing Date: October 1, 2024
Planner: Elizabeth King
Official Plan Designation: Outer Urban Transect, Neighborhood
Zoning: R1FF [632]

DEPARTMENT COMMENTS

The Planning, Building and 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”.

92 Withrow and 94 Withrow are zoned Residential First Density Subzone FF, the intent of the zone is to restrict the building form to detached dwellings and regulate development in a manner that is compatible with existing land use patterns so that the detached dwelling, residential character of a neighbourhood is maintained and enhanced.

The City View neighbourhood has known drainage issues as a result of lack of storm sewer infrastructure and ditches being modified over time. The proposed development would result in significant increases in lot coverage, with the potential to worsen the existing situation if no additional stormwater management measures are pursued. Therefore, it is requested that this minor variance approval be subject to stormwater management conditions to address on-site stormwater management.

ADDITIONAL COMMENTS

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**.
- A private approach permit is required for any access off of the City street.
- Existing grading and drainage patterns must not be altered.
- Existing services are to be blanked at the owner's expense.
- Asphalt overlay would be required if three or more road-cuts proposed on City Right of way. This includes the road cut for blanking of existing services, and any other required utility cuts (ie, gas, hydro, etc.).
- This property does not have frontage on a storm sewer.
- Service lateral spacing shall be as specified in City of Ottawa Standard S11.3.

Planning Forestry

Through pre-consultation it was determined that the reduced front yard setback for Part 2 is requested to allow for retention of an existing black walnut in the rear yard; as such, this variance is supported by Forestry. There are no tree-related concerns with the variances proposed. The planting plan provided shows appropriate locations for all 4 required compensation trees. The services should be placed alongside the driveways to provide maximum plantable space in the front yards.

Right of Way Management

The Right-of-Way Management Department has **no concerns** with the proposed Minor Variances for reduced lot width, lot area and front yard setback. 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 or visit the City webpage [Driveways | City of Ottawa](https://ottawa.ca/urbanisme) to submit a Private Approach application.

CONDITIONS

Section 45 (9) of the *Planning Act* gives authority to the Committee to impose conditions on permission applications.

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

1. That the Owner(s) submit a Stormwater Management Brief prepared by a Professional Civil Engineer licensed in the Province of Ontario, demonstrating a design for controlling post-development stormwater peak flows to pre-development peak flows for all stormwater events up to the 100 year storm event, 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,

If the Stormwater Management Brief includes infiltration techniques, the Owner(s) must submit a supporting Geotechnical Brief prepared by a Professional Civil Engineer licensed in the Province of Ontario, for approval by **the Development Review Manager of the Development Review All Wards Branch within Planning, Development and Building Services Department or their designate**.

That the Owner(s) enter into a **Development Agreement** with the City to construct the required stormwater system, including posting required securities. A copy of the Agreement and written confirmation from City Legal Services that it has been registered on title, shall be forwarded to the Committee of Adjustment.

If applicable, the Owner(s) shall obtain an Environmental Compliance Approval from the Ontario Ministry of Environment, Conservation and Parks.



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