



2025-02-12

**CONSENT & MINOR VARIANCE APPLICATION  
COMMENTS TO THE COMMITTEE OF ADJUSTMENT  
PANEL 3**

**PLANNING, DEVELOPMENT AND BUILDING SERVICES DEPARTMENT**

Site Address: 7725 Flewellyn Road  
Legal Description: Part of Lot 11, Concession 9; Geographic Township of Goulbourn  
File No.: D08-01-24-B 00211 & D08-02-24-A-00269  
Report Date: February 12, 2025  
Hearing Date: February 18, 2025  
Planner: Nivethini Jekku Einkaran  
Official Plan Designation: Rural Transect, Rural Countryside  
Zoning: RU [131r]

**DEPARTMENT COMMENTS**

The Planning, Development and Building Services Department **recommends refusal of** the application(s).

**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 concerns with the proposed consent.

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 not satisfied that the requested minor variance(s) meet(s) the “four tests”.

The subject property was subject to a Zoning By-law Amendment (D02-02- 09-0021) in 2009 which created the Rural Exception 131r prohibiting all uses except an office, a warehouse and a storage yard limited to a contractor’s business on the property. The application proposed to convert the existing dwelling to an office use and accessory warehouse. The dwelling appears to have remained in use as a residence. The cover letter also states that the severed lot will contain a building used for residential/ commercial purposes. It must be noted that an Exception takes precedence over the underlying zone provisions and thus a residential use is not permitted on the property.

Staff are not in support of the creation of a new lot for a use that is not in compliance with the Zoning By-law.

The subject property does not meet the Zoning By-law requirements for lot area for a property in the Rural Countryside Zone. Staff are not in support of the minor variance to reduce the lot area and severances of an undersized lot.

Staff recommend refusal of the application as the lot is undersized and the severance would create a lot with a use that is not zoning compliant.

### **ADDITIONAL COMMENTS**

~~The Official Plan requires a Mineral Resource Impact Assessment to be prepared for any instance of lot creation within the 500 m setback from an area designated as part of the Bedrock Resource Overlay. In this instance, because the lot in question is already developed, Staff are requesting the report be prepared as a condition of approval.~~ **Upon further review, it was determined that a Mineral Resource Impact Assessment would not be required as the property is already developed.**

### **Planning Forestry**

There are no tree-related impacts associated with the variances requested. A TIR and tree permit application would be required for any work that would require removal of any trees within the right-of-way.

### **Right of Way Management**

The Right-of-Way Management Department has no concerns with the proposed Consent Application, as there are no requested changes to private approaches. The Owner shall be made aware however, that a private approach permit is required to construct any new entrance, as well as to modify or close an existing entrance that becomes redundant. Please contact the ROW Department for further information at [rowadmin@ottawa.ca](mailto:rowadmin@ottawa.ca).

### **Transportation Engineering**

**Provide a corner triangle at the corner of Flewellyn Road and Munster Road consisting of two 5m x 15m overlapping triangles per Policy 2.1.1 (e) and Policy 2.1.1 (f) of Schedule C16 of the Official Plan. Dedicate the corner triangle to the City of Ottawa road right of way.**

### **CONDITIONS**

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

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) obtain a Change of Use Building Permit, satisfactory to the **Manager of the Development Review All Wards Branch, or their designate**, to convert the dwelling to a commercial use to be compliant with the Zoning By-law.
- ~~3. That the Owner(s) prepare a Mineral Resource Impact Assessment, satisfactory to the **Manager of the Development Review All Wards Branch, or their designate**.~~
4. That the Owner(s) provide proof to the satisfaction of the **Development Review Manager of the 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 parcel has its own independent private sewage system, storm/foundation drainage, and well and that they do not cross the proposed severance line. If the systems cross the proposed severance line, are not independent, or do not meet the minimum spacing requirements of the Ontario Building Code and City of Ottawa Hydrogeological and Terrain Analysis Guidelines, the Owner(s) will be required to relocate the existing systems or construct new systems, at their own cost.
5. That the Owner enter into an Agreement with the City, at the expense of the Owner(s) and to the satisfaction of the **Development Review Manager within Planning, Development and Building Services Department, or their designate**, which provides the following covenant/notice that runs with the land and binds future Owner(s) on subsequent transfers:

“The City of Ottawa does not guarantee the quality or quantity of the groundwater. If, at some future date, the quality or the quantity of the groundwater becomes deficient, the City of Ottawa bears no responsibility, financial or otherwise, to provide solutions to the deficiency, such solutions being the sole responsibility of the homeowner.”

The Committee requires a copy of the Agreement and written confirmation from City Legal Services that it has been registered on title.

6. 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 (Flewellyn Road is a Collector Road) and may therefore be subject to noise and other activities associated with that use”

The Agreement shall be to the satisfaction of **Development Review Manager of the 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.

7. 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 Manager of the 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.
8. That the Owner convey a 5 m x 15 m overlapping corner sight triangle located at the intersection of Flewellyn Road and Munster Road to the City, with all costs to be borne by the Owner(s), to the satisfaction of the Surveys and Mapping Branch of the City. This area will be free of all structures, plantings, etc. and will allow a proper sighting distance for motorists when performing turning movements within the intersection. The Committee must receive written confirmation from City Legal Services that the transfer of the lands to the City has been registered.
9. That the Owner enter into an Agreement with the City, at the expense of the Owner(s) and to the satisfaction of **Development Review Manager of the All Wards Branch within Planning, Development and Building Services Department, or their designate**, which provides the following covenant/notice that runs with the land and binds future Owner(s) on subsequent transfers:

“The City of Ottawa has identified that there are potential thin soils and karst topography within the area that may require site specific detailed geotechnical engineering solutions to allow for development, the City of Ottawa bears no responsibility, financial or otherwise, to provide solutions to the deficiency, such solutions being the sole responsibility of the home owner.”

The Committee requires a copy of the Agreement and written confirmation from City Legal Services that it has been registered on title.

10. That the Owners provide a report, to the satisfaction of the City of Ottawa, demonstrating the adequacy of the aquifer with respect to quality and quantity to support the proposed development, failing which the Owners construct a new well

on the severed lot and provide a report, to the satisfaction of the City of Ottawa, to demonstrate the adequacy of the aquifer with respect to quality and quantity to support the proposed development. The report must include a septic impact assessment to evaluate the water quality impact of the on-site septic system on the receiving aquifer.

The Owners' report must demonstrate the following to the City of Ottawa:

- That the construction of any new well on the severed parcel is in accordance with the Ministry of the Environment, Conservation and Parks
- That the quality of the water meets the Ministry of the Environment, Conservation and Parks Regulations, Standards, Guidelines and Objectives;
- That the quantity of water meets all the Ministry of the Environment, Conservation and Parks requirements.
- That the septic impact assessment meets the Ministry of the Environment, Conservation and Parks requirements.

A qualified Professional Engineer or Professional Geoscientist must prepare the report. It is the Owner's responsibility to coordinate the person drilling a new well, if required, and the professional noted herein in order to properly satisfy this condition.

If the accepted report recommends specific mitigation measures or design requirements, the Owners shall enter into a Development Agreement with the City, at the expense of the Owners, which is to be registered on the title of the property, which includes those recommendations. In instances where the subject site has sensitive soils, the drilling of a well and/or the conveyance of a 30-centimetre reserve may be required. Both the report and any required Development Agreement shall be prepared to the satisfaction of **Development Review Manager of the All Wards Branch within Planning, Development and Building Services Department, or their designate.**

The Report shall be prepared as per Procedure D-5-4 "Technical Guideline for Individual On-Site Sewage Systems: Water Quality Impact Risk Assessment" and Procedure D-5-5 "Technical Guideline for Private Wells: Water Supply Assessment".

*J. E. Nivethini*

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