

2025-03-26



**CONSENT APPLICATION**  
**COMMENTS TO THE COMMITTEE OF ADJUSTMENT**  
**PANEL 1**

**PLANNING, DEVELOPMENT AND BUILDING SERVICES DEPARTMENT**

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Site Address:	317 Westhill Avenue
Legal Description:	Lot 4 Registered Plan 460
File No.:	D08-01-25/B-00035 & D08-01-25/B-00036
Report Date:	March 26, 2025
Hearing Date:	April 02, 2025
Planner:	Luke Teeft
Official Plan Designation:	Inner Urban Transect; Neighbourhood, Minor Corridor; Evolving Neighbourhood Overlay
Zoning:	R3S; Mature Neighbourhoods Overlay

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**DEPARTMENT COMMENTS**

The Planning, Development and Building Services Department **has no 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.

**ADDITIONAL COMMENTS**

**Planning Forestry**

- This site is under construction with a City tree already removed with a permit due to the conflicting locations of driveways and services. The approved tree planting plan proposes 3 trees, with the City tree to be larger (60-75mm) spaded stock to adequately replace the tree that was removed. It will be a condition of approval to implement the planting plan as approved by Forestry Services.

**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 so two PA permits are required. #317 Westhill has already applied and been issued a permit but #319 Westhill will need to apply for their own PA permit. ROW has already notified the applicant of this requirement.

## CONDITIONS

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

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, or their designate**, that both severed and retained parcels have their own independent water, sanitary and storm connection as appropriate, 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) provide proof 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, delineating the existing and proposed grades for both the severed and retained lands has been provided to the satisfaction of the **Manager of the Development Review All Wards Branch, or their designate**.
4. That the Owner(s) enter into an Agreement with the City, at the expense of the Owner(s), which is to be registered on title to deal with the following covenant/notice that shall run with the land and bind future owners on subsequent transfers:

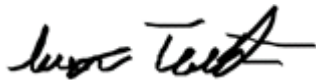
“The property is located next to lands that have an existing source of environmental noise (Churchill Avenue North) and may therefore be subject to noise and other activities associated with that use.”

The Committee shall be provided a copy of the Agreement and written confirmation from **City Legal Services** that it has been registered on title.
5. That the Owner(s) enter into a Joint Use and Maintenance Agreement, at the expense of the Owner(s), setting forth the obligations between the Owner(s) and the proposed future owners with respect to the joint use and maintenance of all

common elements including, but not limited to, the common party walls, common structural elements such as roof, footings, soffits, foundations, common areas, common driveways and common landscaping.

The Owner shall ensure that the Agreement is binding upon all unit owners and successors in title and shall be to the satisfaction of the **Manager of the Development Review All Wards Branch, or their designate, or City Legal Services**. The Committee shall be provided written confirmation that the Agreement is satisfactory to the **Manager of the Development Review All Wards Branch, or their designate**, or is satisfactory to **City Legal Services**, as well as a copy of the Agreement and confirmation that it has been registered on title.

6. That the Owner(s) enter into a Resurfacing Agreement with the City, to the satisfaction of the **Program Manager, Right of Way Branch, or their designate**, and provide financial security in accordance with the Road Activity By-law, as amended, to install an asphalt overlay over the roadway surface of Westhill Ave, fronting the subject lands, to the limits shown on the approved Site Servicing Plan. Where the approved Site Servicing Plan demonstrates the resurfacing is not required, based on the City's Road Cut Resurfacing Policy, the **Manager of the Development Review All Wards Branch, or their designate**, shall deem this condition satisfied.
7. That the Owner/Applicant(s) provide proof, to the satisfaction of the **Manager of the Development Review All Wards Branch, or their designate**, that the approved Tree Planting Plan submitted to the City, prepared by Dendron Forestry Services, Version 2.0, dated Feb. 5, 2025 has been implemented. Proof will be accepted in the form of photographs showing the planted tree(s) or requesting a Tree Planting Inspection by contacting 311. A paid planting contract or a Letter of Undertaking are acceptable if planting cannot be completed prior to completion of the severance.



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