

2025-05-29

City of Ottawa | Ville d'Ottawa

Comité de dérogation



CONSENT & MINOR VARIANCE APPLICATION
COMMENTS TO THE COMMITTEE OF ADJUSTMENT
PANEL 2

PLANNING, DEVELOPMENT AND BUILDING SERVICES DEPARTMENT

Site Address: 1301 Heron Road
Legal Description: Lot 3, Registered Plan 607
File No.: D08-01-25/B-00100 & D08-01-25/B-00101
D08-02-25/A-00118 & D08-02-25/A-00119
Report Date: May 29, 2025
Hearing Date: June 03, 2025
Planner: Nivethini Jekku Einkaran
Official Plan Designation: Outer Urban Transect, Neighbourhood,
Evolving Neighbourhood Overlay, Minor Corridor
Zoning: R1O

DEPARTMENT COMMENTS

The Planning, Development and Building Services Department **requests an adjournment of** the application(s) as additional minor variances are required.

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.

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.

A 44.5 m Right of Way protection required for Heron Road between Data Centre Road and Walkley Road. This requirement affects the proposed development as a portion of the dwelling is within the required road widening.

The revised survey plan and conceptual site plan show the required ROW protection and that no part of the proposed dwelling within the ROW protection. As a result, additional minor variances are required for rear yard setback, rear yard area and minimum parking requirements.

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.
- 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 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.).
- 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.
- Infrastructure Services Department expects the applicant to work together to provide SWM best management practices to reduce and mitigate impacts of development at the time of grading & drainage review.

Planning Forestry

Through pre-consultation, the applicant updated their proposed design to minimize impacts & permit the retention of existing trees on the adjacent property at 1295 Heron.

Across both sites, the proposed development will require the removal of four protected trees, subject to the planting of six replacement trees and payment of the appraised value of the two City trees (#2 & 5 in the TIR).

Currently, the TIR proposes five new trees in the frontage and right-of-way of 1301 Heron. The planting plan should be revised to provide some new trees in the rear yard and ensure that proposed trees do not conflict with overhead wires.

An updated site plan has been received, reflecting the increased right-of-way widening. An updated TIR will be required, reflecting the new buildings' locations.

Right of Way Management

The Right-of-Way Management Department has no concerns with the proposed Consent Application. However, the owner shall be made aware that Private Approach permits are required x2 to establish any proposed new entrances for both - as well as to modify or close an existing entrance that becomes redundant. No permits have been applied for or secured yet. Please contact the ROW Department for further information at rowadmin@ottawa.ca.

Transportation Engineering

Heron Road has a 44.5m ROW protection (22.25m measured from the centre of the road). Property within the ROW protection limit must be dedicated to the City of Ottawa as part of this application. ROW protection limits and ROW widening must be identified on the site plan and the measurement from the centreline of the road clearly illustrated. The ROW widening parcel should also be shown on the draft plan of subdivision. Note that ROW protection for this segment of Heron Road was added through Amendment 35 of Omnibus Official Plan Amendment 1, approved by Ottawa City Council on September 13th, 2023.

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) provide evidence to the satisfaction of the **Chief Building Official, and the Manager of Development Review All Wards Branch within Planning, Development and Building Services Department, or designates**, that the existing dwelling been demolished or relocated under the authority of a building permit.
3. That the Owner(s) provide evidence, to the satisfaction of the Manager of Development Review All Wards, Planning, Development and Building Services Department, that each existing parcel has its own independent storm, sanitary and water services connected to City infrastructure and that these services do not cross the proposed severance line. If they do cross or are not independent, the Owner(s) will be required, at their own cost, to relocate the existing services or construct new services from the City sewers/watermain. Notice shall be provided in writing to the Committee from the Department confirming this condition has been fulfilled.

4. That the Owner(s) provide a Stormwater Management Report, prepared by a Professional Civil Engineer, licensed in the Province of Ontario, demonstrating a design for post-development stormwater peak flows that are controlled to pre-development peak flows for all stormwater events up to and including the 100 year storm event. The report shall be to the satisfaction of and approved by the Manager of Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate.

If the Stormwater Management Report includes infiltration techniques, the Owner(s) must provide a supporting Geotechnical Brief prepared by a Professional Civil Engineer licensed in the Province of Ontario, for approval by the Manager of 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.

Should the stormwater management system cross property lines or access to the system be over multiple properties, that the owner will seek approval of the Committee to grant easement(s) for access and maintenance of the stormwater system or register a Joint Use and Maintenance Agreement on title of the properties, all at the owner(s) costs.

5. 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 Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate.
6. The Owner(s) shall prepare a Noise Control Study, in compliance with the City of Ottawa Environmental Noise Control Guidelines, to the satisfaction of the the Manager of Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate. The Owner(s) shall enter into an agreement with the City, at the expense of the Owner(s), that requires the Owner(s) to implement any noise control attenuation measures recommended in the approved study. The Agreement shall also deal with any covenants/notices, recommended in the approved study, that shall run with the land and bind future

owners on subsequent transfers, warning purchasers and/or tenants of expected noise levels due to the existing source of environmental noise (arterial, highway, airport, etc.). The Committee shall be provided a copy of the Agreement and written confirmation from City Legal Services that it has been registered on title.

7. 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 common driveways.

The Owner shall ensure that the Agreement is binding upon all unit owners and successors in title and shall be to the satisfaction of Manager of Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate, or City Legal Services. The Committee shall be provided written confirmation that the Agreement is satisfactory to the Manager of Development Review All Wards Branch within Planning, Development and Building Services Department, 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.

8. That the Owner(s) enter into a Resurfacing Agreement with the City, to the satisfaction of the Program Manager, Right of Way Branch within the Planning, Development and Building Services Department, 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 Insert ROW Name, 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 Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate, shall deem this condition satisfied.
9. Pursuant to clause 51 (25) (c) of the *Planning Act* and Schedule C16 of the City's Official Plan, the Owner conveys to the City, at no cost to the City, an unencumbered road widening across the complete Heron Road frontage of the lands, measuring 22.25 meters from the existing centerline of pavement/the abutting right-of-way. The exact widening must be determined by legal survey. The Owner shall provide a reference plan for registration, indicating the widening, to the City Surveyor for review and approval prior to its deposit in the Land Registry Office. Such reference plan must be tied to the Horizontal Control Network in accordance with the municipal requirements and guidelines for referencing legal surveys. The Owner(s) must provide to the City Surveyor a copy of the Committee of Adjustment Decision and a draft Reference Plan that sets out the required widening. The Committee shall be provided written confirmation from

City Legal Services that the transfer of the widening to the City has been registered. All costs shall be borne by the Owner.

10. That the Owner/Applicant(s) enter into a Development Agreement or a Letter of Undertaking (LOU) with the City of Ottawa, at the expense of the Owner/Applicant(s), and to the satisfaction of the Manager of Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate. A development agreement is to be registered on title of the property (where applicable). The agreement/LOU will include the tree protection and mitigation requirements detailed in the Tree Protection By-law and the approved Tree Information Report (or any approved revisions), and associated securities for tree protection. The securities, which will be based on the value of the tree(s) to be protected (Tree(s) 1) shall be retained for [two (2)] years following issuance of a final occupancy permit, and thereafter returned to the owner only upon the City having received a report from an arborist or appropriate professional confirming that the identified tree(s) is/are healthy, retainable, and remain(s) structurally stable. The Owner(s) acknowledge(s) and agree(s) that if, in the opinion of the City Forester and/or the Manager of Development Review All Wards Branch, the report indicates that any tree is declining and/or must be removed, the security for that tree, in its entirety, will be forfeited.
11. That the Owner/Applicant(s) provide a tree planting plan, prepared to the satisfaction of the Manager of Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate, showing the location(s) and species or ultimate size of at least one new tree (50 mm caliper) per lot, in addition to any compensation trees required under the Tree Protection By-law.
12. That the Owner/Applicant(s) provide a revised Tree Information Report, to the satisfaction of the Manager of Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate. 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 updated site plan, and specific mitigation measures where work is proposed within the Critical Root Zone of a protected tree.

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