

2025-07-03

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: 15 Deerfox Drive
Legal Description: Part of Lot 15, Concession 2
File No.: D08-01-25/B-00085, D08-01-25/B-00086, D08-01-25/B-00087, D08-01-25/B-00088, D08-01-25/B-00089, D08-02-25/A-00100, D08-02-25/A-00101, D08-02-25/A-00102, D08-02-25/A-00103, & D08-02-25/A-00139
Report Date: July 3, 2025
Hearing Date: July 8, 2025
Planner: Dylan Geldart
Official Plan Designation: Suburban Transect, Neighborhood Designation
Zoning: R2V [2050] - h

REQUESTED APPLICATIONS

1. Consent Application

- a. Consent to sever land and grant of easement/right-of-way for the construction of four long semi-detached dwellings.

2. Variance Application

- a. To permit an increased building height of 11 metres for Parts 2 through 5 and Parts 8 through 11 on the draft reference plan, whereas the By-law permits a maximum building height of 9.5 metres.
- b. To permit a reduced lot width of 9.8 metres for Parts 2 through 5 and Parts 8 through 11 on the draft reference plan, whereas the By-law requires a minimum lot width of 10 metres.
- c. To permit a reduced lot width of 6.38 metres for Parts 1, 6, and 7 on the draft reference plan, whereas the By-law requires a minimum lot width of 9.40 metres.

DEPARTMENT COMMENTS

The Planning, Development and Building Services Department **has some concerns with** the application.

DISCUSSION AND RATIONALE

Minor Variance Application

Staff have reviewed the subject minor variance applications 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 the requested minor variances meet the “four tests”.

Consent Application

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 some concerns the proposed draft reference plan does not fully satisfy Section 51(24) of the Planning Act, particularly clause 2(h), as it relates to matters of provincial interest.

The application includes a shared walkway between Parts 3 and 4 on the draft reference plan. Staff are requesting a pedestrian easement be established in this location to legalize the access.

Without a pedestrian easement, future owners may assert their development rights to install fencing or other obstructions along the shared lot line. This may limit the functionality of the walkway and undermine the orderly connectivity of the site.

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.

- Provide a minimum of 3m between the proposed driveway and the fire hydrant.
- In accordance with the Sewer Connection By-Law a minimum spacing of 1.0m is required between service laterals and the foundation face.
- Encroachment on or alteration to any easement is not permitted without authorization from easement owner(s).

Planning Forestry

The subject site contains a large portion of the remaining canopy in this neighbourhood. The proposed severance and development of the site would require the removal of 15 protected trees, subject to the planting of 33 replacements on site. Currently, the planting plan is proposing a total of nine trees, requiring monetary compensation for the remaining 24 trees, in addition to the payment of monetary compensation for the value of the City trees to be removed.

The proposed arrangement of the parcels should be redesigned to retain existing trees along Deerfox Dr., in keeping with the OP policies of section 4.8.2. Specifically, Policy 3) d) states that:

4.8.2 Provide residents with equitable access to an urban forest canopy

3) Growth, development and intensification shall maintain the urban forest canopy and its ecosystem services, in accordance with Subsection 4.8.2, Policy 6) and the following:

- c) Planning and development decisions, including Committee of Adjustment decisions, shall have regard for short-term, long-term and cumulative impacts on the urban forest at the neighbourhood and urban-wide scale;
- d) When considering impacts on individual trees, planning and development decisions, including Committee of Adjustment decisions, shall give priority to the retention and protection of large, healthy trees over replacement plantings and compensation,

Trees 18, 19, and 22 appear to be healthy and retainable, and should be protected through development. Trees 7, 8, & 9, should also be prioritized for retention, through relocation of the driveway, to align with the existing private approach.

Right of Way Management

The Right-of-Way Management Department has no concerns with the proposed Consent Application and Minor Variance Application. 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. As a result of the newly planned driveway, one Private Approach Permit is required. The Owner must contact the ROW Department for further information at rowadmin@ottawa.ca.

Transportation Engineering

Deerfox Drive has a right of way (ROW) protection of 24m per Schedule C16 of the Official Plan. The 24m ROW (measured 12m from centreline) must be dedicated to the City as part of this application. For more details, refer to Policy 2.1.1 (a) of Schedule C16.

For the applicant's information, Deerfox Drive is planned for construction involving area traffic management measures this year (LN61170). The Project Manager is Patrick Franey (Patrick.Franey@ottawa.ca).

CONDITIONS

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

1. That the Owner/Applicant(s) provide a Grading and Servicing Plan and Site Plan with the proposed elements/structures (driveways, parking, retaining walls, projections, services, etc.) designed and located based on the least impact to protected trees and tree cover, as well as a revised Tree Information Report reflecting these changes to the satisfaction of the Manager of Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate.
2. 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) 11, 18, 19, 20, & 22) 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 confirming that the identified tree(s) is/are healthy, retainable, and remain(s) structurally stable.
3. 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.

4. That the Owner(s) provide a Site Servicing Study, prepared by a Professional Civil Engineer, licensed in the Province of Ontario, outlining the municipal servicing requirements for each unit and indicating, if required, that capacity exists within existing City infrastructure. The study shall be to the satisfaction of Manager of Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate.
5. That the Owner(s) enter into an Infrastructure Agreement with the City, at the expense of the Owner(s), to extend, at their own costs, the municipal services on Deerfox. Securities shall be posted for the necessary works in the City Right-of-Way to the satisfaction of the Manager of Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate. The Owner(s) must also obtain Ministry of the Environment, Conservation and Parks approval for the extension of the municipal services. The Committee shall be provided a copy of the Agreement and written confirmation from City Legal Services that it has been registered on title. Where municipal services on Deerfox have been completed by the City of Ottawa, the Manager of Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate, shall deem this condition satisfied.
6. 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.
7. The Owner(s) shall:
 - a) Prepare a Noise Control Study , in compliance with the City of Ottawa Environmental Noise Control Guidelines, to the satisfaction of 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.

Or

- b) Design the dwelling units with central air conditioning and 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 will bind future owners on subsequent transfers, warning purchasers and/or tenants of expected noise levels due to the existing source of environmental noise. The Committee requires a copy of the Agreement and written confirmation from City Legal Services that it has been registered on title. The following two conditions will be included in the above-noted Agreement.

Notices-on-Title respecting noise:

- i. “The Purchaser/Lessee for himself, his heirs, executors, administrators, successors and assigns acknowledges being advised that this dwelling unit has been supplied with a central air conditioning system which will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the City of Ottawa’s and the Ministry of the Environment and Climate Change’s noise criteria.”
 - ii. “The Purchaser/Lessee for himself, his heirs, executors, administrators, successors and assigns acknowledges being advised that despite the inclusion of noise control features in this development and within building units, noise levels from increasing roadway traffic may be of concern, occasionally interfering with some activities of the dwelling occupants as the outdoor sound level exceeds the City of Ottawa’s and the Ministry of the Environment and Climate Change’s noise criteria.”
8. 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 (arterial road, highway, airport, etc.) 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.

9. 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 Deerfox, 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.
10. 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.

11. That the Owner(s) provide proof 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 cost. The value of the 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.

12. That the Owner(s) provide proof, to the satisfaction of the Manager of Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate, that the holding zone has been lifted.
13. 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 Deerfox Drive frontage of the lands, measuring 12 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.



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