

2025-07-30

City of Ottawa | Ville d'Ottawa

Comité de dérogation



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

PLANNING, DEVELOPMENT AND BUILDING SERVICES DEPARTMENT

Site Address: 5328 Kilby Lane
Legal Description: Part of Lot 8, Concession 1 and Block 13, Registered Plan 4M-367, Geographic Township of Osgoode, City of Ottawa
File No.: D08-02-25/A-00170
Report Date: July 29, 2025
Hearing Date: August 5, 2025
Planner: Elizabeth King
Official Plan Designation: Rural Transect, Rural Countryside
Zoning: RR9

DEPARTMENT COMMENTS

The Planning, Development and Building Services 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”.

Section 4.9.3 Policy 7 of the Official Plan provides guidance on development near water features. A Planting Plan was not included in the submission materials regarding plantings to compensate for not meeting the 30-metre setback and to help reduce overland runoff and erosion. Staff would like this as a condition of approval or otherwise submitted for Staff’s review.

A permit for the septic system has been approved by the Conservation Authority.

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.
- A private approach permit is required for any access off of the City street.
- Existing grading and drainage patterns must not be altered.
- A report addressing the stability of slopes, prepared by a qualified geotechnical engineer licensed in the Province of Ontario, should be provided wherever a site has slopes (existing or proposed) steeper than 5 horizontal to 1 vertical and/or more than 2 metres in height.
- The Planning, Development and Building Services Department requires proof that the Rideau Valley Conservative Authorities have granted their approval due to development being located within the regulatory limit.
- Encroachment on or alteration to any easement is not permitted without authorization from easement owner(s)

Planning Forestry

A Tree Information Report and tree permit application is required for work that would necessitate removal of any trees within the right-of-way.

The owners should refer to the [Planning around trees](#) page for guidance on working around their trees. In particular, the [Tree Protection Specification](#) should be implemented when working around trees to be retained.

Right of Way Management

The Right-of-Way Management Department has no concerns with the proposed 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

If the access is being modified as part of the construction of the new detached dwelling, it should be reduced in width to not exceed 50% of the frontage per Section 11(1) of the Private Approach By-law.

Environmental

The application for a minor variance for the watercourse setback would require the application of the conditions set forth in Section 4.9.3, Policy 7) of the Official Plan with

two conditions that the ecological function of the site is restored, and enhanced and buildings and structures are located, or relocated, to an area within the existing lot that improves the existing setback.

It is noted that watercourse setbacks take up some most of this site, the application would meet the first condition that a variance could be granted.

A Planting Plan is typically requested showing additional vegetation between the development and the watercourse. There are no hard requirements on exactly what type of plantings are necessary, but the main objective is to help reduce overland runoff and erosion. The ideal plantings would be a [rain garden](#), but Staff accept a wide variety of different planting proposals.

The main house itself is set farther back than the existing structures, but the pool is not. Staff did note that the deck on the southwestern end is slightly outside the boundaries of the existing buildings, but to a very minor extent.

CONDITIONS

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/Applicant(s) provide a 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 additional vegetation between the development and the watercourse prior to the issuance of a Building Permit.



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