

2026-04-02



**MINOR VARIANCE APPLICATION
COMMENTS TO THE COMMITTEE OF ADJUSTMENT
PANEL 2**

PLANNING, DEVELOPMENT AND BUILDING SERVICES DEPARTMENT

Site Address: 89 Amberwood Crescent
Legal Description: Part of Lot 237 Registered Plan 628300 (Township of Nepean)
File No.: D08-02-26/A-00026
Report Date: April 2, 2026
Hearing Date: April 7, 2026
Planner: Elizabeth King
Official Plan Designation: Outer Urban Transect, Neighbourhood Designation
Zoning By-law 2008-250: R1F
Zoning By-law 2026-50: N2E

DEPARTMENT COMMENTS

The Planning, Development and Building Services Department **requests an adjournment of** the application for an additional minor variance under Zoning By-law 2026-50.

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 note that the application was deemed complete on March 16, 2026 and it is subject to the most restrictive zoning provisions. Zoning By-law 2026-050 Section 801 (7)(c)(ii) requires an interior yard to be no less than 1.2 metres and Table 801B (e)(iv) requires a total interior yard of 3.6 metres. The current proposal has a total interior yard of 2.43 metres and one interior side yard is 0.91 metres.

Staff have reviewed the proposed rear yard setback reduction and Staff are not satisfied that the requested minor variance meet the “four tests”. Staff are concerned because the proposal is to remove mature trees that are located outside of as-of-right setback and the proposed setback. Section 4.8.2(3)(d) of the Official Plan states that applications to the Committee of Adjustment that consider the impacts on individual trees, planning and development decisions, shall give priority to the retention and protection of large, healthy

trees over replacement plantings and compensation. It is Staff's opinion that this does not maintain the intent of the Official Plan.

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 may be required.
 - A Grading Plan, prepared by a relevant professional, is required for any proposal that requires a permit if the proposed works, including hard landscaping, are less than 1.2 metres from a property line.
- A Stormwater Management plan may be required, if the building setback from the lot line is less than 1.2 m. As per New Zoning By-Law 201:
 - Exemptions, Stormwater Management: (4)(b) *an addition to a building or structure, in any zone, for which Site Plan Control approval is not required and where the addition is less than 55 square metres in size, and which is located more than 1.2 metres from all lot lines.*
- Existing grading and drainage patterns must not be altered.

Planning Forestry

The TIR provided does not meet the requirements outlined in the Tree By-law and must be revised to allow for review of the requested variances. The application proposes to remove 2 protected trees without sufficient detail or justification. The Official Plan prioritizes retention of protected trees outside of the allowable footprint. Minor Variances affecting protected trees are generally not supported. If a revised TIR cannot be provided prior to the hearing, adjournment is recommended.



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