

March 11, 2020

Development Review – Rural Area
Planning, Infrastructure & Economic Development
City of Ottawa
110 Laurier Avenue West
Ottawa, ON K1P 1J1

Attention: Adam Brown, Manager Development Review - Rural

Dear Mr. Brown,

**Reference: Application for Zoning By-law Amendment (Minor Amendment/Temporary Use)
2289 Devine Road, Vars
Our File No. 116038**

Novatech has been retained to file a zoning by-law amendment application on behalf of Luc Séguin, the owner, for a property known municipally as 2289 Devine Road. The subject property is legally described as Part of Lot 25, Concession 5, Geographic Township of Cumberland, City of Ottawa, and is located on the north side of Devine Road, east of the Village of Vars.

The subject property has a total area of approximately 30.4 ha and a frontage of 131.11 m on Devine Road. The property is currently developed with a single-detached dwelling and an accessory structure that were constructed in 2015 and 2017. A watercourse travels through the southern portion of the property and majority of the property is well vegetated with mature tree cover. Surrounding the property are existing low-density rural residential properties ranging in size between 0.2 ha to 38.8 ha.

The subject property was recently subject of a consent application conditionally approved in December 2019 to sever a 1.24 ha parcel with 60m of frontage on Devine Road containing the existing dwelling on the property, as per the enclosed severance sketch. The retained lands of the consent application are approximately 29.16 ha in size with approximately 71.11 m of frontage on Devine Road which an existing accessory storage building is sited on the property. These retained lands of the conditionally approved consent application are the subject to the enclosed zoning by-law amendment application.

The property is designated as Rural Natural Features Area on Schedule A of the City of Ottawa Official Plan, and a large portion of the property is identified as a Natural Heritage System Feature on Schedule L1. The property is zoned RU (Rural Countryside) in the City of Ottawa Comprehensive Zoning By-law 2008-250.

Project Description

The lands subject to the zoning by-law amendment includes approximately 29.16 ha and 71.11m of frontage on Devine Road which are developed within an existing accessory structure. It is the property owner's intention to construct a new single dwelling on these lands, adjacent to the accessory structure in the near future.

As outlined in Condition #3 of the Committee of Adjustment’s Decision, relief from the Zoning By-law is required to permit the accessory structure on the retained lands. General Provision 55.(1) of the City’s Zoning By-law states, “An accessory use is permitted in any zone if: (a) it is on the same lot as the principal use to which it is accessory; and (b) it exists to aid and contribute to the principal use to carry out the function of that principal use”. As the proposed consent application results in an interim situation where an accessory structure would exist on the lands prior to the proposed principal residential use, a temporary use zoning by-law amendment is being applied for.

Furthermore, as per Condition #2 of the consent application, the property owner is also required to enter into a development agreement to implement the recommended development envelope and mitigation measures provided in an Environmental Impact Statement (EIS). A scoped Environmental Impact Statement (EIS) was prepared by Muncaster Environmental Planning Inc in support of the consent applications due to the property’s location within the Natural Heritage Features Area. Appendix A provides a copy of the Figure included in the EIS that identifies the recommended development envelope. It was further suggested by the City that, in addition to the development agreement, a zoning by-law amendment would be required to rezone the property to identify where buildings or structures would be permitted on the subject lands as recommended by the EIS. Therefore, the zoning by-law amendment also proposes to rezone the lands to implement the recommended building envelope as an added measure to ensure permitted buildings or structures do not encroach onto or impact the natural features on the property.

Zoning By-law Amendment Application

The subject lands are currently zoned Rural Countryside (RU) by the City of Ottawa’s Comprehensive Zoning By-law 2008-250. The proposed zoning by-law amendment would rezone the lands from “Rural Countryside (RU)” to “Rural Countryside (RU[xr]Sx)”. The purpose of the amendment is to fulfill conditions of consent as follows:

- a) To temporarily permit an accessory structure on the lands for a period of three years; and
- b) To append a Schedule to By-law 2008-250, in relation to the subject lands, to delineate a development envelope to which buildings or structures are limited to be constructed within.

For staff’s consideration the amendment proposes the following wording for the rural zone exception:

Exception Number	Applicable Zone	Exception Provision		
		Additional Land Uses Permitted	Land Uses Prohibited	Provisions
xr	RU[xr]Sx	N/A	N/A	<ul style="list-style-type: none"> - An accessory structure as existing on (<u>date of passing of By-law</u>) is a temporary permitted use for a period of time expiring (<u>three years from the passing of the By-law</u>). - All buildings and structures shall be located within the development envelope (Area X) as described on Schedule ____.

As described, the property owner wishes to construct a new single dwelling on the conditionally approved 29.16 ha retained lands, adjacent to the accessory structure. The proposed zoning by-law amendment would allow the accessory structure to remain on the subject lands while giving the property owner enough time to apply for and construct a new dwelling on the property. Thus, bringing the property into conformity with the Zoning By-law at the issuance of an occupancy permit for the dwelling. A temporary period of three years is proposed in accordance with requirements of Planning Act.

Further, the zoning amendment proposes to rezone the lands to identify a portion of the property that would limit the location of buildings or structures. As shown on the enclosed Zoning Sketch, the recommended development envelope is approximately 0.39 ha in size which is large enough to include the existing accessory building, a future single dwelling and associated private services (well and septic).

The City's Official Plan designates the property as Rural Natural Features Area which is a designation that identifies natural areas within the City's rural area. Section 3.2.4.3 of the Plan indicates a single-detached dwelling and accessory buildings are permitted on a lot existing as of the date of adoption of the Plan within this designation where the lot fronts on an existing road and is permitted in the Zoning By-law. Policies of the Official Plan also permit the maximum creation of two lots from an existing lot of record as of May 14, 2003 (Section 3.7.2 10.a)) provided as environmental impact statement is prepared demonstrating there will be no negative impacts on the natural features in the area. In accordance with these requirements, conditional approval for consent was granted in December 2019 to create the proposed severed 1.24 ha and retained 29.16 ha land parcels. The proposed zoning by-law amendment meets the intent of the Official Plan as it will implement the recommended development envelope to ensure further protection of the natural features on the subject lands.

The proposed zoning by-law amendment conforms to policies of the Provincial Policy Statement which permits limited residential development in rural areas provided negative impacts on natural heritage features are mitigated. It is our opinion the proposed zoning by-law amendment meets the intent of the City's Official Plan.

In support of the zoning amendment application, please find the following enclosed documents as recommended by Krishon Walker on February 14, 2020:

- Cover Letter (4 copies);
- Zoning Sketch (15 copies);
- Severance Sketch (2 copies);
- Committee of Adjustment Decision (2 copies);
- CAD File of Development Envelope; and
- One Cheque in the amount of \$10,410.99.

Please do not hesitate to contact either Greg Mignon or me in the event that you require either additional information or clarification with respect to the enclosed zoning amendment application for 2289 Devine Road.

Yours truly,

NOVATECH



Jordan Jackson, BPI
Planner

c.c. Luc Séguin, owner

Appendix A

