



**Consent**  
**COMMENTS TO THE COMMITTEE OF ADJUSTMENT**  
**Panel 3**

Site Address: 5084 Canon Smith Drive  
Legal Description: Lot 23, Concession 11, Former Municipality of Fitzroy

No.: D08-01-23/B-00091

Date: April 12, 2023

Hearing Date: April 19, 2023

Planner: Luke Teeft

Official Plan Designation: Agricultural Resource Area

Zoning: AG - Agricultural

**Committee of Adjustment**  
Received | Reçu le  
**Revised | Modifié le : 2023-04-18**  
City of Ottawa | Ville d'Ottawa  
**Comité de dérogation**

**DEPARTMENT COMMENTS**

The Planning, Real Estate, and Economic Development Department has **No Concerns** with the application as submitted subject to the following requested conditions.

**DISCUSSION AND RATIONALE**

The subject property is located near the village of Fitzroy Harbour and designated as Agricultural Resource Area in Schedule B9 of the Official Plan. The intent of the Agricultural Resource Area designation is to protect farmland and minimize the loss of agricultural land.

The subject site is zoned AG – Agricultural. The purpose of the Agricultural zone is to recognize and permit agricultural uses in areas designated Agricultural Resource Area in the Official Plan.

The proposed severance will have frontage of ~~~68.5~~ **88.5** metres on Canon Smith Drive, a depth of 86 metres, an area of ~~~0.59~~ **0.76** hectares, and will continue to be known municipally as 5804 Canon Smith Drive. The retained parcel will have frontage of ~~~374~~ **351** metres on Canon Smith Drive, a depth of ~750 metres, and a total lot area of ~43 hectares. The retained parcel will contain the lands that will continue to be utilized for agriculture.



The department has no further concerns with the application as subject to the following conditions.

**CONDITIONS:**

1. That the Owner enter into an Agreement with the City, at the expense of the Owner(s) and to the satisfaction of Development Review Manager of the Relevant Branch within Planning, Real Estate and Economic Development Department, or his/her designate, which provides the following covenant/notice that runs with the land and binds future Owner(s) on subsequent transfers:

“The City of Ottawa does not guarantee the quality or quantity of the groundwater. If, at some future date, the quality or the quantity of the groundwater becomes deficient, the City of Ottawa bears no responsibility, financial or otherwise, to provide solutions to the deficiency, such solutions being the sole responsibility of the homeowner.”

The Committee requires a copy of the Agreement and written confirmation from City Legal Services that it has been registered on title.

2. That the Owner acknowledges and agrees to convey to the City, at no cost to the City, an unencumbered road widening across the complete frontage of the lands, measuring 15 meters from the existing centerline of pavement/the abutting right-of-way on Canon Smith Drive, pursuant to Section 50.1(25)(c) of the Planning Act and Schedule C16 of the City’s new Official Plan. 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 requires 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.
3. That the Owner(s) provide proof to the satisfaction of Development Review Manager of the Relevant Branch within Planning, Real Estate and Economic Development Department, or his/her designate, to be confirmed in writing from the Department to the Committee, that each existing parcel has its own independent private sewage system, storm/foundation drainage, and well and that they do not cross the proposed severance line. If the systems cross the



proposed severance line, are not independent, or do not meet the minimum spacing requirements of the Ontario Building Code and City of Ottawa Hydrogeological and Terrain Analysis Guidelines, the Owner(s) will be required to relocate the existing systems or construct new systems, at his/her own cost.

4. That the Owner(s) obtain a Zoning By-law Amendment, satisfactory to the **General Manager of the Planning, Infrastructure and Economic Development Department, or his/her designate**, to be confirmed in writing from the Department to the Committee, that re-zones the retained lands to prohibit residential development, with all levels of appeal exhausted.

A handwritten signature in black ink, appearing to read "Luke Teeft".

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Luke Teeft  
Planner I, Development Review, PRED  
Dept.

A handwritten signature in blue ink, appearing to read "Cheryl McWilliams".

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Cheryl McWilliams, MCIP, RPP  
Planner III, Development Review, PRED  
Dept.