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Urban Planning, Consulting and Project Management

City of Ottawa Committee of Adjustment
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Ottawa, ON K2G 5K7

May 10 2023

Committee of Adjustment
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2023-05-09

City of Ottawa | Ville d'Ottawa
Comité de dérogation

Attn: Mr Michel Bellemare
Secretary Treasurer

Re: 6780 (6788) Third Line Rd (Consent application)
Part of Lot 24, Concession 3,
Former Township of North Gower, now in the City of Ottawa
James Davidson

On behalf of the owners of the subject property, we are submitting a Consent to Sever application for 6780 and 6788 Third Line Rd located in the AG zone.

The intent of the application is to legally sever one lot into two for residential purposes. Parts 3 and 4 (6788) currently contain a detached dwelling constructed (see below) in the late 1980s and Parts 1 and 2 (6780) also features a detached dwelling which is nearing completion (see below) as per building permit A22-005750. The resulting parcels will be 7,850 m² (0.785 ha.) in area for Parts 3 and 4 (6788) and 14,580 m² (1.458 ha.) in area for Parts 1 and 2 (6780).

The survey plan being filed with this application shows the locations of the existing well and septic bed for the home at 6788 Third Line Road.



Image of the existing dwelling at 6788 Third Line Rd (to be severed lot).



Images of the dwelling being constructed at 6780 Third Line Rd (to be retained lot).



Aerial image showing the retained and severed parcels fronting on Third Line Rd.

The lots are understood to be separate lots municipally and provincially, as indicated by GeoOttawa mapping, and MPAC (Municipal Property Assessment Corporation), however legally they have been merged on title and require a consent application to sever them.

As we understand it, 6788 Third Line was established in 1987 on Plan 5R-10845 and was owned by a married couple. In 2002, 2153 Lockhead (PIN 03912-0410) was severed to create Parts 1-4 as shown on Plan 4R-18125. Part 1 on this plan is identified as 6780 Third Line Rd. Then, the married couple that owned 6788 Third Line bought 6780 Third Line in the husband's name. In 2018, the marriage was dissolved and the wife's name was removed from the 6788 Third Line deed. This led to two abutting properties with identical names on the deeds. As noted in a letter from the Committee of Adjustment in November 2003, Part 1 on Plan 4R-18125 (6780 Third Line) has merged on title with the abutting land known as 6788 Third Line Rd.

When our clients requested a valuation of the property, MPAC confirmed that the land must be valued as separate lots as they have unique roll numbers and PINs. Also as noted on GeoOttawa, the land is divided into two portions with their own municipal addresses. Furthermore, a building permit was issued by the City of Ottawa for the construction of a new detached dwelling on 6780 Third Line Rd and this lot division issue never arose.

Earlier this year, with the house construction under way at 6780 Third Line Road, the owners put the property at 6788 Third Line Road on the market and the lawyers retained by the buyers noticed the issue of the merged properties when they were trying to secure the final purchase of the property at 6788 Third Line Road. Only in the last couple of weeks has this been noticed so we have worked quickly with our clients and surveyors to file the attached documents.

Planning Act

Section 53 (1) of the Planning Act indicates that ' an owner, chargee or purchaser of land, or such owner's, chargee's or purchaser's agent duly authorised in writing, may apply for a consent as defined in subsection 50 (1) and the council or the Minister, as the case may be, may, subject to this section, give a consent if satisfied that a plan of subdivision of the land is not necessary for the proper and orderly development of the municipality. 2021, c. 25, Sched. 24, s. 4 (1).

Section 51 (24) of the Planning Act states that in considering the draft of a subdivision, the following factors will be considered:

(a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2; i.e the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems (f), the orderly development of safe and healthy communities (h), the appropriate location of growth and development (p), the promotion of development that

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is designed to be sustainable (q); The provincial interest aligns with the goals of this severance application. It has been proven through the building permit approval that there is adequate and efficient use of sewage, water, and waste management. The proposal reflects orderly development of the land as this lot is a land use and lot size that is commonly found on this portion of Third Line Rd. The current land use, single detached dwelling, does not and will not impose undue environmental risks so therefore it is a sustainable type of development.

(b) whether the proposed subdivision is premature or in the public interest; After discussions with the neighbours and City Building Code Services, we agree that this division of land is not premature and is in public interest. The property is already understood by most people as separate lots and it was only when a potential buyer for 6788 Third Line had their lawyer review the deeds that the land was found to be a single parcel. Both parcels have public frontage and have connections to private services.

(c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;

Section 9.1 of the Provincially-approved Official Plan deals with the Agricultural Resource Area. Policy 9.1.3 (3) states that all the following criteria must be met in order to permit lot creation:

a) The new lot contains an existing habitable dwelling made surplus through farm consolidation; The new lot already contains a dwelling that has existed pre. 1976 though it was not made surplus through farm consolidation.

b) As a condition of severance, the retained lands are zoned to prohibit residential uses; The retained lands also already contain a dwelling that was recently constructed and underwent a review process by the City to receive a building permit.

c) The severed lot is of a size that minimises the loss of agricultural land; The lot creation does not cause loss of agricultural land. 6788 has been residential for approximately 45 years, and 6780 has been vacant and used as storage for 6788 since approximately 2017.

d) The new lot can be adequately serviced; As indicated by the building permit approval, the lot can be adequately serviced.

e) Where the new lot may only contain buildings or structures including a dwelling unit that are accessory or secondary to the principal residential use; There are no proposed buildings or structures accessory or secondary to the principal residential use.

f) Where only one lot may be created. We are proposing that one lot be created.

We believe that this consent application conforms to the relevant policies in the Official Plan for lot creation.

(d) the suitability of the land for the purposes for which it is to be subdivided; The land will be divided into two residential use lots which are zoning compliant in terms of lot width and lot area. The resulting lots will be cohesive with the existing fabric of Third Line Rd especially north of the subject site towards Roger Stevens Dr.

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- (i) the adequacy of utilities and municipal services; Both dwellings are already connected to utilities and private services for well and septic.
- (j) the adequacy of school sites; There are three schools located within a 5km radius of the site. St. Mark's High school (4.5km), Kars on the Rideau Public elementary school (3.5km), and North Gower / Marlborough Public Elementary School (2.6km). This area already has an established school bus service and this severance would not require an extension.

For these reasons we do not feel that a Plan of Subdivision is an efficient and practical way to divide these lands and that a Consent application is the appropriate route. Additionally, we believe that consent should be granted for the subject land as it has been recognized as a separate parcel for 20 years by the City's mapping, the provincial land registry system, and the Provincial property tax issued through the City. The City's Building Code Services Branch issued a building permit for 6780 Third Line Rd.

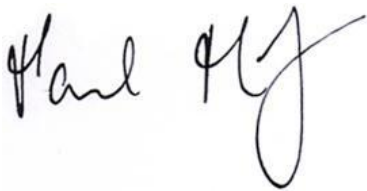
At this time, we are submitting the following in support of this application:

- Completed application form (1 original)
- A signed Owner's Authorization form
- Application fees
- A draft 4R Plan showing the overall property and the area for the creation of the new lot.
- Previous surveys (R4-18125 and 5R-10845)
- Previous committee decisions dated November 20th, 2003
- Parcel abstract pages

When the notification signs are ready for this application could you please email the undersigned and I will arrange for them to be picked up and installed on the property.

Should you have any questions or require anything further, please do not hesitate to contact the undersigned at (613) 599 9216 or via email at probinson@probinsonconsulting.com

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Paul Robinson RPP