

2023-08-31



**CONSENT APPLICATION
COMMENTS TO THE COMMITTEE OF ADJUSTMENT
PANEL 3**

PLANNING, REAL ESTATE AND ECONOMIC DEVELOPMENT DEPARTMENT

Site Address:	3388 Milton Road
Legal Description:	Part of Lot 10, Concession 10, Geographic Township of Cumberland
File No.:	D08-01-23/B-00176
Report Date:	August 31, 2023
Hearing Date:	September 05, 2023
Planner:	Luke Teeft
Official Plan Designation:	Rural Transect, Rural Countryside
Zoning:	RR1, RU

DEPARTMENT COMMENTS

The Planning, Real Estate and Economic Development Department **has some concerns with** the application.

DISCUSSION AND RATIONALE

Section 53 (12) of the *Planning Act*, R.S.O. 1990, c .P.13, as amended, permits the criteria for the subdivision of land listed in Section 51 (24) to be considered when determining whether provisional consent may be granted by a committee of adjustment. With respect to the criteria listed in Section 51 (24), staff have concerns with the proposed consent. The subject property is within the setback distance of the Montreal and Ottawa Rail Corridor.

The subject property is zoned RR1 – Rural Residential, Subzone 1 and RU – Rural Countryside. The entire parcel is designated Rural Countryside. Both new lot geometries will conform to the requirements of the Zoning By-law and Official Plan.

The subject property is within the setback distance of the Montreal and Ottawa Rail Corridor. Though the right of way is currently used as a recreational trail, the line may or may not be used for rail in the future. A notice on title regarding the impacts of potential future rail use will be required.

It has been noted that the existing sheds on 3388 Milton Road were constructed without a building permit. If the lot line adjustment is approved, it is recommended that the owner seek out a building permit to ensure the structures are legally compliant.

Staff have no further concerns with the application subject to the following conditions.

CONDITIONS

If approved, the Planning, Real Estate and Economic Development Department requests that the Committee of Adjustment impose the following conditions on the application:

1. That the Owner(s) provide evidence that payment has been made to the City of Ottawa for cash-in-lieu of the conveyance of land for park or other public recreational purposes, plus applicable appraisal costs. The value of land otherwise required to be conveyed shall be determined by the City of Ottawa in accordance with the provisions of By-Law No. 2022-280, as amended. Information regarding the appraisal process can be obtained by contacting the Planner.
2. That the Owner(s), or any subsequent owners, at its expense acknowledges and agrees to obtain a private approach permit to remove the now redundant approach from the property. In addition, the removal shall be completed in accordance with and shall comply with the City's Private Approach By-law, being By-law No. 2003-447, as amended, and shall be subject to approval of the Right-of-Way, Heritage, and Urban Design Branch.
3. That the Owner enter into an Agreement with the City, at the expense of the Owner(s) and to the satisfaction of the **Development Review Manager of the Rural 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.

4. 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 10 metres from the existing centerline of pavement/the abutting right-of-way of Canary Street, 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

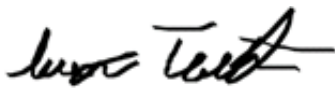
written confirmation from City Legal Services that the transfer of the widening to the City has been registered. All costs shall be borne by the Owner.

5. That the Owner enter into an Agreement with the City, at the expense of the Owner(s) and to the satisfaction of the **Development Review Manager of the Rural 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 property is located next to lands that have an active railway line now, or may have one in the future, and may therefore be subjected to noise, vibration, and other activities associated with this use.”

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

6. That the Owner(s) provide evidence to the satisfaction of the **Chief Building Official, or designate**, that both severed and retained parcels have their own independent water, sanitary and storm connection and shall comply to 7.1.5.4(1) of the Ontario Building Code, O. Reg. 332/12 as amended. If necessary, a plumbing permit shall be obtained from Building Code Services for any required alterations.



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