

P. H. Robinson Consulting  
Urban Planning, Consulting and Project Management

City of Ottawa Committee of Adjustment  
101 CentrepoinTE Drive, 4<sup>th</sup> Floor  
Ottawa, ON K2G 5K7

August 30th, 2023

Attn: Mr Michel Bellemare  
Secretary Treasurer

Re: 1444 Dwyer Hill (Consent applications)  
Part of Lot 5, Concession 11,  
Former Township of Goulbourn, now in the City of Ottawa.  
Grant Huibers and Michelle Huibers

**Committee of Adjustment**  
Received | Reçu le

2023-08-31

City of Ottawa | Ville d'Ottawa  
**Comité de dérogation**

On behalf of the property owners, we are submitting Consent to Sever applications for 1444 Dwyer Hill Rd. The subject property is zoned both RU - Rural Countryside and EP3 - Environmental Protection and is within the Rural Countryside and Greenspace designation. The retained parcel is entirely within the Rural Countryside designation and is zoned RU - Rural Countryside.

The intent of these applications is to sever the existing lot into three parts for residential purposes. The resulting parcels will be Part 1: 162,727 m<sup>2</sup> (16.27 ha); Part 2: 28,501 m<sup>2</sup> (2.85 ha); and Part 3: 209,684 m<sup>2</sup> (20.97 ha). Parts 1 and 2 will each have frontages of 179 m and 198 m, respectively. Part 3 will have a frontage of 528 m on Dwyer Hill Rd. and 300 m on Crawford Side Rd. These lot areas and lot widths comply with the Zoning By-Law requirements for the RU zone.

Parts 2 and 3 are currently used as greenspace for leisure activities and the intention is to create two new residential lots. These lands have previously been rented as cow pastures but have been continuously overgrown for at least a decade.

The applications being submitted are as follows:

- Severing Part 3 from Parts 2 and Part 1 (application 1)
- Severing Part 2 from Part 1 (application 2)

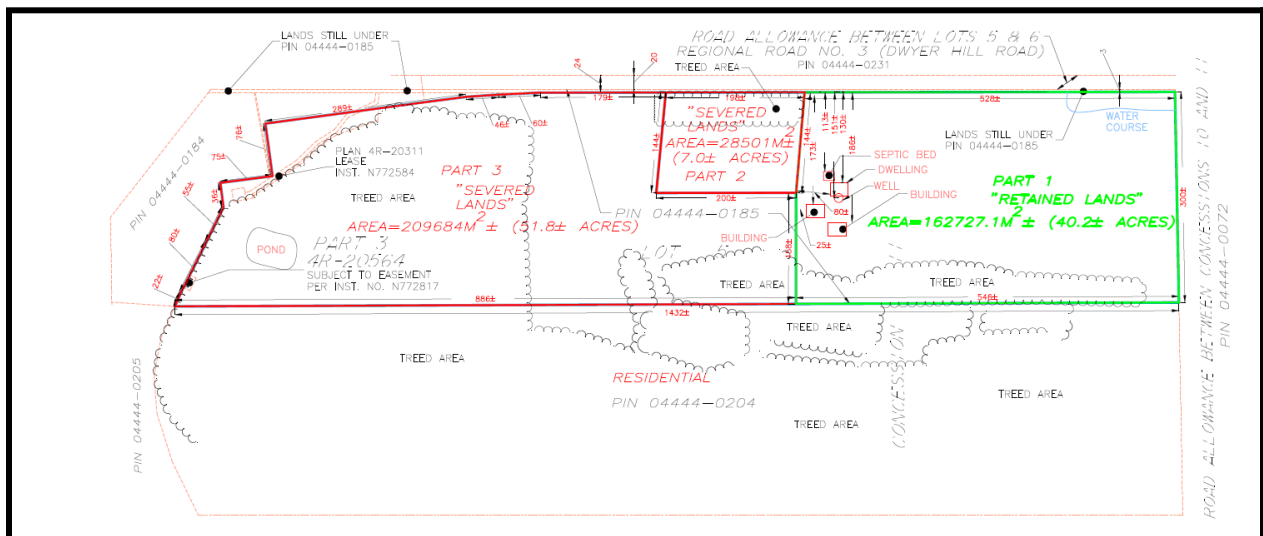
We would request that the Committee, when rendering its decision, only require the owners to survey the length and depth of the two new lots (approximately 20.97 ha and 2.85 ha in size) and not the retained lot as a condition of the consent being granted.

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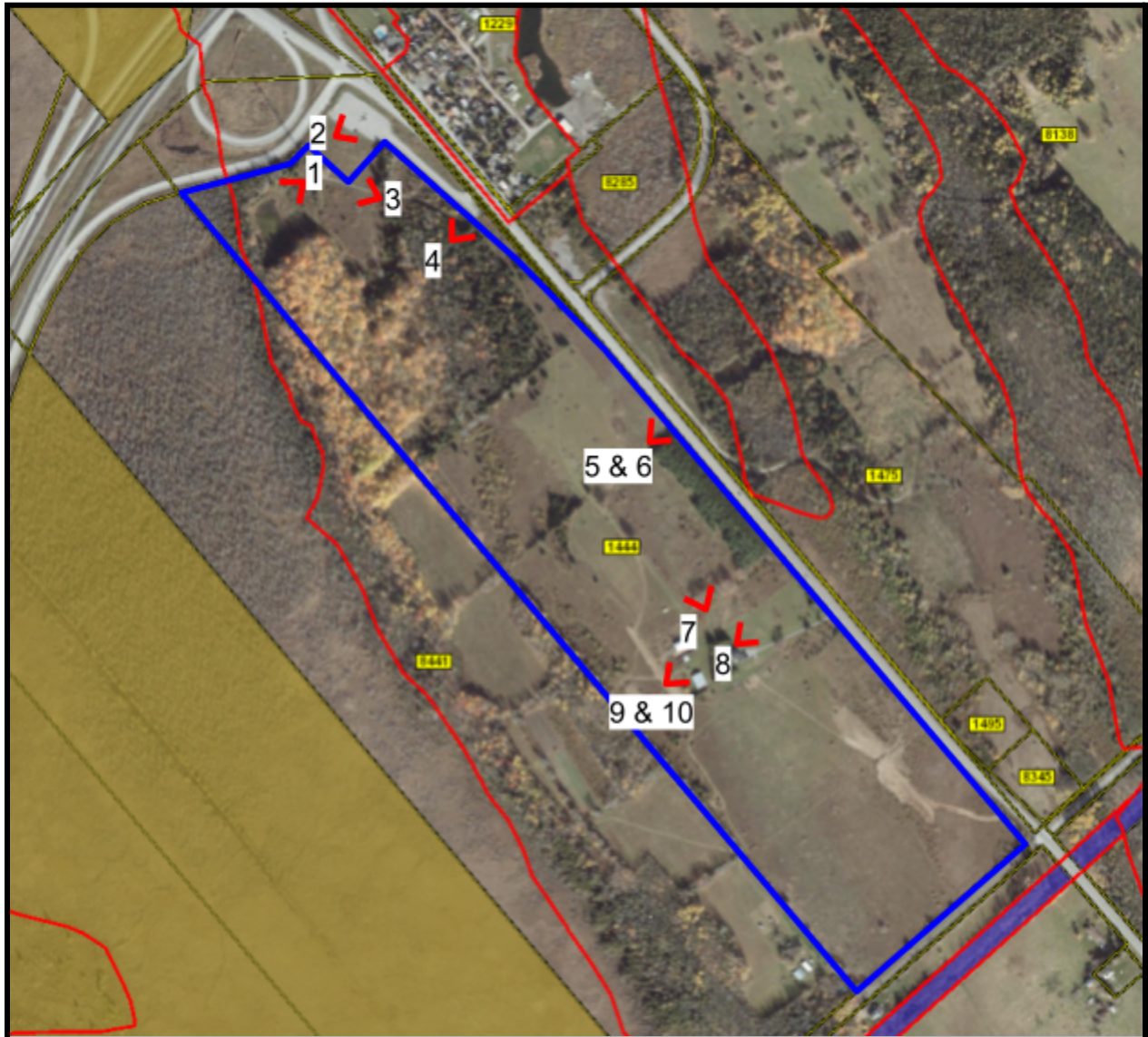


Image showing the lots to be **severed** and **retained** (1444 Dwyer Hill)



Survey sketch showing the proposed parcels to be **severed** (Parts 2 and 3) and **retained** (Part 1).

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**Key map of the subject property showing where the following site photos were taken.**



**1. Pond located in the northwest corner of Part 3.**



**2. Park N' Ride located northeast of the subject property. This land was expropriated from the subject property in 2003.**



**3. Cell tower located in the northeast corner of Part 3, east of the pond in image 1 and west of the Park N' Ride in image 2.**



**4. Image of the existing easement (access) for the cell tower through the Park N' Ride road access.**



**5. Image of the frontage condition on Dwyer Hill Rd for Part 2 looking south.**



**6. Image of the frontage condition on Dwyer Hill Rd for Part 3 looking north.**



**7. Image from the southernmost corner of Part 2 looking north along the proposed lot line.**



**8. Image from the existing dwelling on Dwyer Hill Rd. looking east towards the roadway.**



**9. Image of one of the existing storage barns on the property west of the existing dwelling. Note: these barns are not used for livestock and are located on the lands to be retained.**



**10. Image of one of the existing storage barns west of the existing dwelling. Note: these barns are not used for livestock and are located on the lands to be retained.**



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Inquiries were made to the neighbouring properties that showed signs of livestock barns and manure storage within a 750m radius of the proposed severances that would trigger the need for MDS calculations. It was found that none of the surrounding properties within a 750m radius contained applicable structures, livestock, or manure storage therefore no MDS calculations are required.

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).

The reasons why this division of land can proceed as a consent application and does not need to be done via a Plan of Subdivision is provided below in the responses to the applicable sections of Section 51 (24) of the Planning Act.

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:

(a) the protection of ecological systems, including natural areas, features and functions; The proposed severance does not interfere with the ecological systems onsite. The majority of the key ecological activity would be located to the north portion of Part 3 in the area zoned EP3. Part 2 is located approximately 550 m from the EP3 zone at its closest point, and the retained lot is approximately 700 m from the zone at its closest. The proposed severances do not cross areas of ecological significance.

(f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems. Each parcel has frontage on an active roadway so neither proposed parcel requires additional roads to be constructed. The resulting parcels will use private sewage and water systems

(h) the orderly development of safe and healthy communities. The lots will be a comparable size to the variable surrounding parcels and will be an efficient use of space as residential lots on private services. The severance applications will allow for two new residential lots to be created as opposed to the single dwelling that is currently on the overall property.

(p) the appropriate location of growth and development. The goals of this severance are to create two lots with their own adequate provision for onsite

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sewage, water, and waste management systems, their contribution to safe and healthy communities, their contribution to growth and development in the area, and the compactness of the lots aligns with sustainability in this rural area of the City.

(b) whether the proposed subdivision is premature or in the public interest. The lands have access to hard and soft services with the connection to an already established road network.

(c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any. The majority of the subject property falls within the Rural Transect, Rural Countryside designation of the Official Plan and lots of this size are permitted in this designation. This land conforms to all applicable policies in the Rural Countryside section of the Official Plan except one: 9.2.3.3. This policy states, "Lot creation for the purpose of a residential use is prohibited except where all of the following are met." However, not all the conditions apply to this parcel, therefore not all the conditions can be met. City Planning staff acknowledge that the Official Plan team is in the process of preparing an amendment to clarify the miswording in the Official Plan, which will bring the current application into conformity on all counts. This situation has been in place since late 2021/early 2022 and it was expected that the provincial approval of the Official Plan would correct this through a red-lined revision, but that did not happen. At the time of the submission of this application, we are aware that this is to be rectified through amendments to be heard by the Planning Committee and Agriculture and Rural Affairs Committee in early September. .

(d) the suitability of the land for the purposes for which it is to be subdivided. The severances will create two new residential lots which are zoning compliant in terms of lot width and lot area and the resulting lot areas are compatible with the fabric of the area. There is no specific lotting pattern displayed along Dwyer Hill, however there are a variety of lot spaces and sizes that accommodate residential uses.

(i) the adequacy of utilities and municipal services. The dwelling is connected to utilities and private services for well and septic will be provided on site.

(j) the adequacy of school sites. There are multiple schools approximately 10km from the subject site in the northeast direction (Stittsville), and in the southwest direction (Carleton Place).

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.

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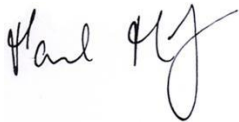
At this time, we are submitting the following in support of the application:

- Completed application forms for the primary and secondary consents
- Property owner's authorization
- Parcel Abstract Page (PIN)
- Application fees
- A surveyors sketch plan of the overall property showing the severed and retained lands
- Lawyer's letter requesting a retained land certificate and confirming there are no ownership issues that would contravene section 50 of the Planning Act

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](mailto:probinson@probinsonconsulting.com)

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Paul Robinson RPP

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Jasmine Paoloni, Junior Planner