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June 30, 2022

Committee of Adjustment
101 Centrepointe Drive
Ottawa, ON, K2G 5K7

Attention: Michel Bellemare, Secretary – Treasurer

**Reference: 3388 Milton Road
Application for Consent for a Lot Line Adjustment
Our File No.: 123069**

Committee of Adjustment
Received | Reçu le
2023-06-30
City of Ottawa | Ville d'Ottawa
Comité de dérogation

Novatech has been retained by the owner of the property municipally known as 3388 Milton Road (the “Subject Property”) to prepare and file a consent application for a lot line adjustment. The lot line adjustment will sever lands from the Subject Property and add them to the adjacent property municipally known as 795 Canary Street.

This letter describes the existing conditions of the Subject Property, the proposed lot line adjustment, and provides a rationale in support of the consent application.

Existing Conditions

3388 Milton Road is located in the Orleans South-Navan Ward (Ward 19) of the City of Ottawa south of the intersection of Milton Road and Canary Street (see Figure 1). The Subject Property has approximately 82 metres of frontage along Milton Road, and an approximate area of 6.9 acres (2.8 hectares).

Figure 1. Subject Property



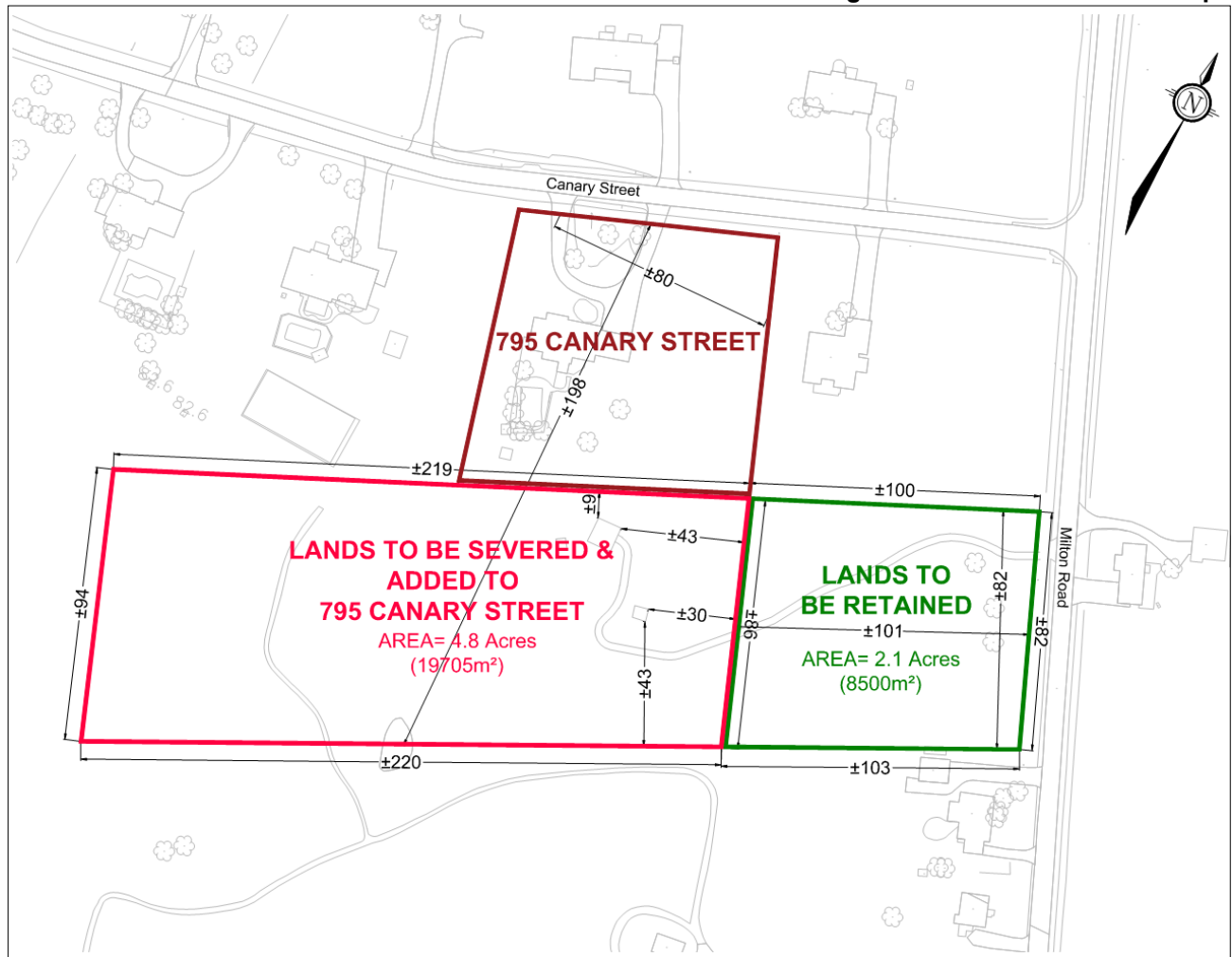
3388 Milton Road is legally described as Part of Lot 10 Concession 10, Cumberland, City of Ottawa (PIN: 145430265). The Subject Property is designated Rural Countryside in the City of Ottawa's Official Plan. The property is zoned Rural Countryside (RU). The property is currently vacant. A driveway off Milton Road provides access to a detached garage and two sheds. Following the lot line adjustment access to the garage and sheds will be from 795 Canary Street. An easement over the existing driveway is not required in support of the lot line adjustment application.

795 Canary Street is legally described as Lot 12, Plan 50M-62, City of Ottawa (PIN: 145430312). The property is designated Rural Countryside in the City of Ottawa's Official Plan. The property is zoned Rural Residential, Subzone 1 (RR1). The property is developed with a detached dwelling.

Proposed Lot Line Adjustment

The proposed lot line adjustment will convey approximately 4.8 acres (1.9 hectares) of land from 3388 Milton Road to 795 Canary Street (see Figure 2).

Figure 2. Consent Sketch Excerpt



The retained vacant parcel will have a lot width of 82 metres, and an approximate area of 2.1 acres (0.8 hectares). The retained parcel meets the minimum required lot width (50 metres) and minimum required lot area (0.8 hectares) for a detached dwelling in the RU zone.

Following completion of the lot line adjustment 795 Canary Street will be dual zoned RR1 and RU, have a lot width of 80 metres, and an approximate area of 7 acres (2.8 hectares). 795 Canary Street will continue to meet the minimum required lot width (45 metres) and minimum required lot area (0.8 hectares) for a detached dwelling in the RR1 zone, and also meet the minimum required lot width (50 metres) and minimum required lot area (0.8 hectares) for a detached dwelling in the RU zone.

Consent Rationale

Planning Act

Subsection 53(1) of the Planning Act states (*emphasis added*):

“An owner, chargee or purchaser of land, or such owner’s, chargee’s or purchaser’s agent duly authorized 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 proposed lot line adjustment does not necessitate the construction of new public infrastructure, including roads and services. A plan of subdivision is not required for the proper and orderly development of the municipality.

Subsection 53(12) of the Planning Act states (*emphasis added*):

“A council or the Minister in determining whether a provisional consent is to be given shall have regard to the matters under subsection 51 (24) and has the same powers as the approval authority has under subsection 51 (25) with respect to the approval of a plan of subdivision and subsections 51 (26) and (27) and section 51.1 apply with necessary modifications to the granting of a provisional consent. 1994, c. 23, s. 32.”

This rationale will speak to the following criteria outlined in subsection 51(24) of the Planning Act.

51. (24) In considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality and to,

(a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;

3388 Milton Road and 795 Canary Street are within the rural area of the City of Ottawa. The proposed lot line adjustment has regard for the following matter of provincial interest:

- the orderly development of safe and healthy communities;

(b) whether the proposed subdivision is premature or in the public interest;

795 Canary Street is already developed to accommodate a detached dwelling. The retained vacant parcel meets the minimum required lot width and lot area of the RU zone, and is accessible from Milton Road. There is an adequate supply of land on the vacant retained parcel to ensure spacing requirements for the provision of private services for potential future residential development. The proposed lot line adjustment is not premature and is in the public's interest.

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

3388 Milton Road is designated Rural Countryside on Schedule B9 of the City of Ottawa's Official Plan. Section 9.2 of the Official Plan sets out policies for to the Rural Countryside designation. Policy 1 c) of Section 9.2 states:

"The following uses may be permitted;

c) Residential uses according to the policies of this plan;"

Residential uses are permitted within the Rural Countryside designation. 795 Canary Street is already developed to accommodate a detached dwelling. The Subject Property is currently vacant. The proposed retained parcel will be vacant. No new residential development potential is created by approval of the requested lot line adjustment.

Section 11.5 of the Official Plan sets out policies to provide direction to Committee of Adjustment processes. Policy 8 of Section 11.5 states:

"The City shall permit lot adjustments in any land-use designated for legal or technical reasons. For the purposes of this section, legal or technical reasons include severances for purposes such as easements, corrections of deeds, quit claims and minor boundary adjustments, which do not result in the creation of a new lot or render an existing lot as non-complying."

The requested lot line adjustment is a minor boundary adjustment that does not result in the creation of a new lot, nor render an existing lot non-complying.

The proposed lot line adjustment conforms to the policies of the Official Plan.

(d) the suitability of the land for the purposes for which it is to be subdivided;

Lands from the Subject Property are proposed to be added to 795 Canary Street. 795 Canary Street is already developed to accommodate a detached dwelling. The vacant retained parcel meets the minimum required lot width and minimum required lot area for a detached dwelling in the RU zone. The retained vacant parcel is of sufficient size to be developed with a future residential use, and is accessible from Milton Road. No new lot is created by approval of the requested lot line adjustment. The proposed lot fabric is suitable for existing and potential future rural residential development.

(d.1) if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;

Not applicable.

(e) the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;

Not applicable.

(f) the dimensions and shapes of the proposed lots;

The proposed lot fabric meets the minimum required lot width and minimum required lot area for a detached dwelling in the RU zone, and in the RR1 zone. No new lot is created by approval of the requested lot line adjustment.

(g) the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;

Not applicable.

(h) conservation of natural resources and flood control;

The Subject Property is not within the floodplain. No new development potential will result from approval of the requested lot line adjustment. The requested lot line adjustment is anticipated to have no impact on natural resources.

(i) the adequacy of utilities and municipal services;

795 Canary Street is already developed to accommodate a detached dwelling. Future residential development of the vacant retained parcel will be on the basis of private services. The proposed lot line adjustment is not anticipated to have an impact on the adequacy of utilities, nor on the adequacy of municipal services.

(j) the adequacy of school sites;

No new development potential will result from approval of the requested lot line adjustment. The proposed lot line adjustment is not anticipated to have an impact on the adequacy of school sites.

(k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;

Not applicable.

(l) the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and

Not applicable.

(m) the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act or subsection 114 (2) of the City of Toronto Act, 2006. 1994, c. 23, s. 30; 2001, c. 32, s. 31 (2); 2006, c. 23, s. 22 (3, 4); 2016, c. 25, Sched. 4, s. 8 (2).

Not applicable.

The requested lot line adjustment has regard for the criteria outlined in subsection 51(24) of the Planning Act.

Provincial Policy Statement

Section 3 (5) of the Planning Act states:

“A decision of the council of a municipality, a local board, a planning board, a minister of the Crown and a ministry, board, commission or agency of the government, including the Tribunal, in respect of the exercise of any authority that affects a planning matter,

(a) subject to a regulation made under subsection (6.1), shall be consistent with the policy statements issued under subsection (1) that are in effect on the date of the decision; c. 23, s. 5; 2017, c. 23, Sched. 5, s. 80; 2023, c. 10, Sched. 6, s. 2 (1).”

A decision by the Committee of Adjustment with respect to a planning matter must be consistent with the Provincial Policy Statement (PPS). The PPS sets out policy direction on matters of provincial interest related to land use planning and development.

3388 Milton Road is within the rural area of the City of Ottawa. Section 1.1.4 of the PPS sets out policies for rural areas. Policy 1.1.4.2 states *“In rural areas, rural settlement areas shall be the focus of growth and development and their vitality and regeneration shall be promoted.”* The requested lot line adjustment does not meet the definition of development defined in the PPS, and is not considered development. No new development potential is created by transferring lands from 3388 Milton Road to 795 Canary Street.

The Subject Property is considered *“rural lands”* by the policies of the PPS. Section 1.1.5 of the PPS sets out policies for rural lands. Policy 1.1.5.2 permits *“residential development, including lot creation, that is locally appropriate”* on rural lands. The requested lot line adjustment is not considered development by the PPS. 795 Canary Street will continue to be used for residential purposes. The retained parcel will be vacant.

The policies of Sections 1.1.4 and 1.1.5 of the PPS do not speak to lot line adjustments. The PPS permits lot line adjustments inside Prime Agricultural Areas for legal or technical reasons. The Subject Property is located outside of a prime agricultural area.

The requested lot line adjustment is consistent with the policies of the PPS.

The requested lot line adjustment has regard for the criteria outlined in subsection 51(24) of the Planning Act, and is consistent with the policies of the PPS.

Conclusion

The consent application for a lot line adjustment at 3388 Milton Road does not require a plan of subdivision for the orderly development of the land and has regard for the criteria set out in subsection 51(24) of the Planning Act. The consent application is consistent with the policies of the Provincial Policy Statement.

In support of the consent application for a lot line adjustment please find enclosed:

- One (1) copy of this Cover Letter;
- Complete Consent Application Form (one copy);
- Consent Sketch (one 11x17 copy); and
- Parcel Abstract for 3388 Milton Road, PIN: 145430265 (one copy).

Should you have any questions regarding this application, please do not hesitate to contact the undersigned.

Yours truly,

NOVATECH



Ryan Poulton, M.P.L., MCIP, RPP
Project Planner