

2024-03-26



City of Ottawa | Ville d'Ottawa
Comité de dérogation

COMMENTS TO THE COMMITTEE OF ADJUSTMENT
PANEL 3
PLANNING, REAL ESTATE AND ECONOMIC DEVELOPMENT DEPARTMENT

Site Address: 2808 Donald B. Munro Drive
Legal Description: Part of the West half of Lot 7, Concession 7, Geographic Township of Fitzroy
File No.: D08-01-24/B-00031
Report Date: March 26, 2024
Hearing Date: April 02, 2024
Planner: Luke Teeft
Official Plan Designation: Rural Transect, Agricultural Resource Area, Overlay
Zoning: AG1

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.

Staff have some concerns with the layout of the severed and retained parcels. There are structures on the severed lot which are located very close to the lot line, where the interior side yard setback for the AG zone is 5 metres. There is also a small shed on the retained lands which staff would like to clarify the purpose of.

The severed parcel does not meet the minimum lot width requirements of the AG zone. A Zoning By-law Amendment will be required which addresses this issue.

ADDITIONAL COMMENTS

Right of Way Management

- The Right-of-Way Management Department has no concerns with the proposed consent application as there are no requested changes to private approaches.

However, the Owner shall be made aware that a private approach permit is required to construct any newly created driveway/approach, or, to remove an existing private approach.

CONDITIONS

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

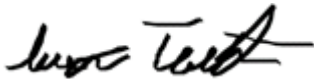
1. That the Owner(s) obtain a Zoning By-law Amendment, satisfactory to the **General Manager of the Planning, Infrastructure and Economic Development Department, or his/her designate**, to be confirmed in writing from the Department to the Committee, that restricts residential development on the retained lands, and permits a reduced lot width on the severed lands, with all levels of appeal exhausted.
2. That the Owner(s) provide a copy of a legally binding agreement of purchase and sale or a letter indicating the current owner is a licensed farmer, 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 demonstrates that the newly created lot is being sold.
3. That the Owner enter into an Agreement with the City, at the expense of the Owner(s) and to the satisfaction of the **General 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 property is located next to lands that have an existing source of environmental noise (railway) and may therefore be subject to noise and other activities associated with that use.”

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 13 meters from the existing centerline of pavement/the abutting right-of-way along Donald B. Munro Drive, pursuant to Section 50.1(25)(c) of the Planning Act and Schedule C16 of the City’s new Official Plan, if required. 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.



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