

February 22, 2024

Michel Bellemare
Secretary-Treasurer
City of Ottawa, Committee of Adjustment
101 CentrepoinTE Drive, 4th Floor
Ottawa, Ontario
K2G 5K7

Committee of Adjustment
Received | Reçu le
2024-02-23
City of Ottawa | Ville d'Ottawa
Comité de dérogation

Dear Mr. Bellemare:

**Re: Applications for Consent & Minor Variances
New Rural Commercial/Industrial Lot & Access Easement
3160 Carp Road, City of Ottawa**

We respectfully submit these applications for consents and minor variances for lands described legally as Part of Lot 11 and Part of Lot 12, Concession 2, Geographic Township of Huntley, former Township of West Carleton, now in the City of Ottawa (the “subject land”). The subject land has been assigned PIN 04537-0298. These applications are submitted on behalf of the property owner, T & L Carroll Holdings Inc. It is noted that adjacent PIN 04537-0297 is also owned by T & L Carroll Holdings Inc. The purpose of the applications is to create one (1) new rural commercial/industrial lot, one (1) access easement in favour of the new lot, and to seek relief from certain zoning requirements for both the severed and retained land.

Subject Land

The subject land is located on the east side of Carp Road, north of McGee Side Road and south of Russ Bradley Road. The subject land is located approximately 3.5 kilometers south of the Village of Carp and approximately 5.5 kilometers north of Highway No. 417. The subject land has an area of +/-23 hectares (+/-56.8 acres) with cumulative frontage of +/-180 metres on Carp Road. The subject land is currently vacant. The subject land is subject to the following:

Instrument No.	Lands	General Description
N661110	Part 1, Plan 5R-7272	Drainage easement. For the conveyance of drainage of water.
N358106	Part 2, Plan 5R-7483	Right of Way in favour of Part 1, Plan 5R-7483.

The proposed severed lot will have an area of +/-1.52 hectares with frontage of +/-119.45 metres on Carp Road (additional details below). The proposed retained land will have an area of +/- 21.4 hectares with cumulative frontage of +/-62.24 metres on Carp Road. The retained lands are proposed to be developed in the future for a rural commercial and industrial subdivision. The proposed severed lot and a proposed access easement for same are identified on the enclosed Consent Sketch and Consent Sketch-Enlarged Detail. The proposed access

easement is located on the land that will be a road for the future subdivision. A 30cm reserve is proposed along the Carp Road frontage to prevent an entrance onto Carp Road, reflecting the Carp Road Corridor Community Design Plan's guideline that asserts access to Carp Road should be limited. The proposed access easement will provide for access to the severed lot until such time as the future subdivision is developed.

Ontario Planning Act, Subdivision Control

Section 50(3)(f) of the *Planning Act, 1990* provides that "No person shall convey land by way of a deed or transfer, or grant, assign or exercise a power of appointment with respect to land, or mortgage or charge land, or enter into an agreement of sale and purchase of land or enter into any agreement that has the effect of granting the use of or right in land directly or by entitlement to renewal for a period of twenty-one years or more unless...a consent is given to convey, mortgage or charge the land, or grant, assign or exercise a power of appointment in respect of the land or enter into an agreement in respect of the land."

The *Planning Act, 1990* further requires that when considering whether to grant a provisional consent, regard must be had to certain matters outlined in Section 51(24) of *the Planning Act, 1990*. Outlined below are the applicable matters noted in Section 51(24) with a note to illustrate how the proposed consents have regard for such matters.

<i>Planning Act, 1990 Section No.</i>	Criteria – Regard shall be had to:	Response
51(24)(a)	The effect of development of the proposed subdivision on matters of provincial interest.	The proposed consents are consistent with the Provincial Policy Statement, 2020 as they will facilitate rural commercial/industrial development on lands designated as an employment area.
51(24)(b)	Whether the proposed subdivision is premature or in the public interest.	The applications are not premature and are in the public interest given they will allow for the diversification of commercial/industrial uses in an area designated for such development while not preventing the future development of the retained lands.
51(24)(c)	Whether the plan conforms to the official plan and adjacent plans of subdivision.	The proposed consents conform to the City of Ottawa's Official Plan, 2021 which designates the subject land as Rural Industrial and Logistics. The subject land is not adjacent to a plan of subdivision.
51(24)(d)	The suitability of the land for the purposes for which it is to be subdivided.	The subject land is currently designated and zoned for rural commercial/industrial uses.
51(24)(d.1)	If any affordable housing units are being proposed, the suitability of the proposed units for affordable housing.	n/a

51(24)(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.	n/a
51(24)(f)	The dimensions and shapes of the proposed lots.	The dimension and shape of the proposed new lot is appropriate as it generally meets the requirements of the applicable zoning provisions.
51(24)(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.	A 30cm reserve is proposed to prevent direct access from the proposed severed lot to Carp Road. This reflects the guidelines of the Carp Road Corridor Community Design Plan.
51(24)(h)	Conservation of natural resources and flood control.	n/a
51(24)(i)	The adequacy of utilities and municipal services.	Utilities and services are available in the area. The proposed lot will be serviced by private well and septic system. Please see the accompanying Hydrogeological Investigation & Terrain Analysis and Servicing & Stormwater Management Brief for more details.
51(24)(j)	The adequacy of school sites.	n/a
51(24)(k)	The area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes.	No land is proposed to be conveyed or dedicated for public purposes at this time.
51(24)(l)	The extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy.	n/a
51(24)(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.	Future development of the new lot will require Site Plan Control approval.

The proposed consent applications have regard for the above noted criteria as set out in Section 51(24) of the *Planning Act, 1990*.

City of Ottawa Official Plan, 2021

The subject land is designated Rural Industrial and Logistics pursuant to Schedule B9 of the City of Ottawa Official Plan, 2021 (the "Official Plan"). The purpose of the Rural Industrial and Logistics designation is to accommodate a full range of industrial and commercial activities that are not better suited to urban areas or rural countryside due to the requirements for large areas of land or separation from their noxious activity. Policy 9.3.1 (5) provides that "*severances in Rural Industrial areas are permitted; however, large lots of sufficient size to accommodate uses associated with goods movement and storage shall be the dominant size within each designation area and any smaller lots should be located in a manner that shall not limit the*

development of an industrial subdivision.” The proposed severed lot is configured such that its location abutting Carp Road, in combination with retained land that has been configured to accommodate a future road for a subdivision, will not limit the development of an industrial subdivision. The enclosed supporting studies illustrate that the proposed severance is adequately sized for private servicing purposes and will not prohibit the development of an industrial subdivision on the retained land in that regard.

The subject land is subject to Area Specific Policy No. 8 pursuant to Annex 5 – Urban and Rural Areas Subject to Area-Specific Policies. Area Specific Policy No. 8, Carp Road Corridor, contains policies that apply to land within the Carp Road Corridor and designates the subject land as Corridor Commercial Area pursuant to Schedule 8.A Designation Plan. Permitted uses include light industrial uses as well as automotive, recreational and heavy vehicle sales and service.

The proposed consent applications will allow for the development of a rural industrial or commercial use on the new proposed lot while also maintaining the ability to develop the retained land for the purpose of a commercial/industrial subdivision in the future.

Carp Road Corridor Community Design Plan, June 2004

The subject land is designated Highway Commercial Area pursuant to Schedule 1 of the Carp Road Corridor Community Design Plan, June 2004 (the “CRCCDP”). The purpose of this designation is to provide for uses that generally serve passing traffic and require direct access to arterial roads, and more specifically, uses that “require large parking areas, extensive displays, and buildings designed to capture the attention of the passing public.” The designations established in the CRCCDP are implemented through the City’s Zoning By-law, discussed below.

City of Ottawa Comprehensive Zoning By-law No. 2008-250

The subject land is zoned Rural Commercial Subzone 9 (RC9) pursuant to City of Ottawa Comprehensive Zoning By-law No. 2008-250 (the “zoning by-law”). The purpose of the RC9 zone is to permit a variety of commercial uses in a manner that respects the surrounding rural area. The zoning by-law requires a minimum lot area of 4,000 square metres, a minimum lot width of 30 metres, and that all lots, including those to be severed, shall abut an improved public street for a distance of at least 3.0 metres.

The proposed new lot and the retained land will comply with the minimum lot area, having a proposed area of +/- 1.52 hectares and +/-21.4 hectares respectively. Due to the proposed 30cm reserve that will be used to prevent direct access to Carp Road from the proposed new lot, the new lot will abut an improved public street for 0.0 metres, until such time as the future subdivision road is constructed. The retained land will abut an improved public street for a cumulative distance of +/- 62.24 metres. Neither the proposed new lot nor the retained land will meet the minimum lot width requirement as proposed. The proposed new lot, due to the implementation of the 30 cm reserve, will not have a front lot line to be used for the purposes of calculating the lot width. The proposed retained lands will have a lot width of 26 metres, as this has been determined to be the appropriate right-of-way width for the future subdivision. Accordingly, we are seeking relief through minor variances to address these areas of non-compliance.

Proposed Minor Variances

As noted above, the proposed new lot and the retained land will not comply with all relevant zoning by-law provisions. Consequently, we are seeking the minor variances to address the following:

1. Permit the southeastern lot line of the proposed severed lot to be considered the front lot line for zoning purposes, despite having 0.0 metres frontage on a public street, whereas the zoning by-law defines front lot line as "...that lot line, not including a corner lot line, which abuts a street for the shortest distance, whether or not that line jogs or curves, and extending between the side lot lines, more or less for the full width of the lot, and where more than one such lot line exists, means a lot line which abuts the same street as the front lot line of an abutting lot." **[Section 54]**
2. Permit the proposed severed lot to abut an improved public street for 0.0 metres, whereas the zoning by-law requires that no person shall develop or otherwise use any lot unless that land abuts an improved public street for a distance of at least 3.0 metres. **[Section 59 (1)]**
3. Permit the severance of a lot that abuts an improved public street for 0.0 metres, whereas the zoning by-law requires that no person shall sever any land unless the land severed and the land retained each abut to a street for a distance of at least 3.0 metres. **[Section 59 (2)]**
4. Permit a lot width of 26.0 metres for the retained land, whereas the zoning by-law requires a minimum of 30.0 metres. **[Section/Table 217(b)]**

Four Tests for Minor Variances

Outlined below is a rationale addressing how the proposed variances meet the 'four tests' criteria for granting a minor variance.

The variance is minor and is desirable for the appropriate development or use of the property.

The proposed configuration of the new lot and the retained land, while not compliant with the zoning by-law, will facilitate the development of a rural commercial/industrial use on land designated for same in a manner that maintains the ability to develop the retained land for the purpose of a rural commercial/industrial subdivision in the future.

Proposed variances 1 through 3 above will be required on a temporary basis, given such relief will no longer be required when the future subdivision road is constructed. At that time, the proposed new lot will have a lot line that abuts a public street for a minimum of 3.0 metres and such lot line will also meet the relevant definition for a front lot line and can then be used to calculate lot width.

With respect to proposed variance number 4, the configuration of the proposed retained land, and more specifically the reduced lot width of 26.0 metres, has been designed to reflect that this particular portion of the retained land will be developed as a road within the future subdivision. The 26.0 metre width has been established based on pre-consultation with City of Ottawa staff, as it will reflect the width of the existing frontage on Carp Road at the south end of the subject land (between 3116 and 3108 Carp Road) and will allow for a turning lane if the applicable studies for the future subdivision determine one is required.

Based on the forgoing, the requested variances can be considered minor in nature and are desirable for the appropriate development of the subject land.

The general intent and purpose of the Zoning By-law is maintained.

The subject land is zoned Rural Commercial Subzone 9. As noted above, the non-compliance of the severed and retained lands will be temporary until such time as the future subdivision is developed and more specifically, the new internal road is constructed. Upon construction, and the subsequent assumption, of the future subdivision road, the proposed severed lot will abut an improved public street for more than 3.0 metres and will have a front lot line per the standard definition of the zoning by-law which can then be used to calculate the lot width. The relevant portion of the retained land, with its reduced lot width at Carp Road, will become a road and will not form a lot to be developed. The future lots within the subdivision will front onto the proposed new road. Accordingly, the proposed variances maintain the general intent and purpose of the zoning by-law.

The general intent and purpose of the Official Plan is maintained.

The subject land is designated Rural Industrial & Logistics. As detailed above, the proposed minor variances will allow for the efficient rural industrial development of the proposed severed lot in a manner that considers the future development of the retained land for a rural industrial/commercial subdivision and will not limit future development potential. The proposed variances maintain the general intent and purpose of the Official Plan.

Conclusion

The enclosed applications for consents and minor variances will facilitate the development and diversification of commercial and industrial uses within the Carp Road Corridor. The proposed new lot will comply generally with the provisions of the Rural Commercial Subzone 9 zone, with minor variances being sought for the areas of non-compliance as outlined above. Based on the forgoing, the enclosed applications for consents and minor variances are appropriate, are in the public interest, and represent good planning. We respectfully submit that the applications be approved.

Complete Application Material

In support of these applications, and in addition to this covering letter, please find enclosed the following:

1. One (1) City of Ottawa Committee of Adjustment Primary Consent Application form to create a new lot, duly executed,
2. One (1) Completed Schedule A: Rural Consent Additional Application Information,
3. One (1) City of Ottawa Committee of Adjustment Secondary Consent Application form to create a new access easement, duly executed,
4. One (1) Completed Schedule A: Rural Consent Additional Application Information,
5. One (1) City of Ottawa Committee of Adjustment Primary Minor Variance Application form related to the proposed severed land, duly executed,

6. One (1) City of Ottawa Committee of Adjustment Secondary Minor Variance Application form related to the proposed retained land, duly executed,
7. Two (2) copies of the parcel abstract for the subject land (PIN 04537-0298),
8. Two (2) full size and two (2) reduced copies of Consent Sketch prepared by Egis Canada Ltd. dated February 1, 2024,
9. Two (2) full size and two (2) reduced copies of Consent Sketch – Enlarged Detail prepared by Egis Canada Ltd. dated February 1, 2024,
10. One (1) copy of Hydrogeological Investigation & Terrain Analysis prepared by GEMTEC Consulting Engineers and Scientists dated February 5, 2024,
11. Two (2) copies of Servicing & Stormwater Management Brief prepared by Novatech Engineers, Planners & Landscape Architects dated February 5, 2024,
12. Correspondence with City Infill Forester regarding Tree Information Report requirement,
13. A cheque in the amount of \$5,823.00 and a cheque in the amount of \$3,655.00 payable to the City of Ottawa representing the applicable application fees,
14. Two (2) copies of the parcel abstract for adjacent land owned by T & L Carroll Holdings Inc. (PIN 04537-0297),
15. One (1) full size copy of Plan 5R-11909,
16. One (1) copy of Instrument N661110,
17. One (1) full size copy of Plan 5R-7272,
18. One (1) copy of Instrument N358106,
19. One (1) full size copy of Plan 5R-7483, and
20. Two (2) full size and two (2) reduced copies of Plan of Survey prepared by McIntosh Perry Surveying Inc. dated March 1, 2023.

Should you have any questions regarding these applications or require any further information, please do not hesitate to contact the undersigned at bridgette.alchawa@egis-group.com or 613.778.8760.

Respectfully submitted,



Bridgette Alchawa, MCIP, RPP
Land Use Planner