

2024-04-24

City of Ottawa | Ville d'Ottawa
Comité de dérogation



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

PLANNING, REAL ESTATE AND ECONOMIC DEVELOPMENT DEPARTMENT

Site Address: 4053 B Yorks Corners Road
Legal Description: Part of Lot 38, Concession 10, Former Geographic Township of Osgoode
File No.: D08-01-23/B-00318-00319
Report Date: April 24, 2024
Hearing Date: April 30, 2024
Planner: Luke Teeft
Official Plan Designation: Rural Transect, Agricultural Resource Area
Zoning: AG

DEPARTMENT COMMENTS

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

DISCUSSION AND RATIONALE

The application was previously heard on February 6, 2024 and was adjourned at the owner's request.

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.

These four concurrent applications submitted are for the creation of two new adjacent surplus farm dwelling lots and the creation of a right-of-way shared between said new lots.

The proposed lot is larger than the minimum 0.4 hectare requirement for a surplus farm dwelling severance, though the lot does contain a long strip of land for a driveway and land that has not been previously used for agriculture. Staff do have concerns with the dwelling on the site as it is not clear that the building has remained habitable. Staff will need evidence that the structure is habitable as per Official Plan Section 9.1.3 3) a) and does not require permits to allow it to be so.

Staff have no further concerns with the applications as submitted, subject to the following conditions.

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 applications:

1. That the Owner enter into an Agreement with the City, at the expense of the Owner(s) and to the satisfaction of **Development Review 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 Committee requires a copy of the Agreement and written confirmation from City Legal Services that it has been registered on title.

2. 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 Yorks Corners Road and 13 meters from the existing centerline of pavement/the abutting right-of-way along Larry Robinson Road, 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.

3. That the Owner enter into an Agreement with the City, at the expense of the Owner(s) and to the satisfaction of **Development Review 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 has identified that there are potentially unstable slopes near the watercourse on the property, sensitive marine clays within the area that may require site specific detailed geotechnical engineering solutions to allow for development, 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(s) provide evidence to the satisfaction of both the **Chief Building Official and Development Review Manager, Planning, Real Estate and Economic Development Department, or designates**, that both severed and retained parcels have their own independent water, sanitary and storm connection as appropriate, and that these services do not cross the proposed severance line and are connected directly to City infrastructure (where applicable/available). Further, the Owner(s) shall comply with 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.
5. That the Owner(s) satisfy the **Chief Building Official, or designate**, by providing design drawings or other documentation prepared by a qualified designer, that as a result of the proposed severance the existing building on land to be severed shall comply with the Ontario Building Code, O. Reg. 332/12 as amended, in regard to the limiting distance along the proposed North property line. If necessary, a building permit shall be obtained from Building Code Services for any required alterations.
6. That the Owner(s) obtain a building permit, to the satisfaction of the **Chief Building Official, or designate**, for any alterations to the existing building which were not captured by way of a building permit application. Further that the Owner demonstrate to the satisfaction of the **Development Review Manager of the Planning, Infrastructure and Economic Development Department, or his/her designate** that the house is and has remained occupied for most of the past 20 years.
7. 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.

8. 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 re-zones the retained lands to prohibit residential development, with all levels of appeal exhausted.
9. That the Owner(s) enter into Easement Agreement, at the expense of the Owner(s), setting forth the obligations between the Owner(s) and the proposed future owners regarding the shared driveway and hydro line, if required. The Owner shall ensure that the Agreement is binding upon all the owners and successors in title and shall be to the satisfaction of **Development Review Manager of the Relevant Branch within Planning, Real Estate, and Economic Development Department, or his/her designate, and City Legal Services**. The Committee requires written confirmation that the Agreement is satisfactory to **Development Review Manager of the Relevant Branch within Planning, Real Estate, and Economic Development Department, or his/her designate**, and is satisfactory to **City Legal Services**, as well as a copy of the Agreement and written confirmation from City Legal Services that it has been registered on title.



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