

2024-06-13



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

PLANNING, DEVELOPMENT AND BUILDING SERVICES DEPARTMENT

Site Address: 5195 Dunning Road
Legal Description: Lots 21 & 22 Concession 4, Geographic Township of Cumberland
File No.: D08-01-23/B-00053
Report Date: June 13, 2024
Hearing Date: June 18, 2024
Planner: Luke Teeft
Official Plan Designation: Rural Transect, Agricultural Resource Area, Sand and Gravel Overlay
Zoning: AG, AG1, MR1

DEPARTMENT COMMENTS

The Planning, Development and Building Services Department **has no 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 no concerns with the proposed consent, subject to the following conditions.

CONDITIONS

If approved, the Planning, Development and Building Services Department requests that the Committee of Adjustment impose the following conditions on the application:

1. 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 metres from the existing centerline of pavement/the abutting right-of-way along Dunning Road, and 13 metres from the existing centerline of pavement/the abutting right-of-way along Clayton Road, 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.

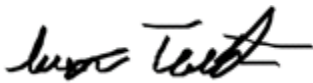
2. That the Owner enter into an Agreement with the City, at the expense of the Owner(s) and to the satisfaction of the **Manager of the Development Review All Wards Branch, or their designate**, which provides the following covenant/notice that runs with the land and binds future Owner(s) on subsequent 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.


3. That the Owner(s) provide a copy of a legally binding agreement of purchase and sale or a letter indicating the current owner of the retained lands is a licensed farmer, satisfactory to the **Manager of the Development Review All Wards Branch, or their designate**, to be confirmed in writing from the Department to the Committee, that demonstrates that the newly created lot is being sold.
4. That the Owner(s) obtain a Zoning By-law Amendment, satisfactory to the **Manager of the Development Review All Wards Branch, or their designate**, to be confirmed in writing from the Department to the Committee, that re-zones the retained lands to prohibit residential development, and rezones the severed parcel to permit a reduced lot width, with all levels of appeal exhausted.
5. That the Owner(s) provide a Mineral Resource Impact Assessment report, to the satisfaction of the **Manager of the Development Review All-Wards Branch, or their designate**, demonstrating that the existing mineral aggregate operation, and potential future expansion of the operation in depth or extent, will not be affected by the development. The report must include a review of the impact of the development upon the current mineral extraction or future expansion. The report shall be prepared in accordance with the Province of Ontario’s Aggregate Resource Policies and Procedures and the City of Ottawa Official Plan.

6. That the Owner(s) provide evidence to the satisfaction of the **Manager of the Development Review All-Wards Branch, or their designate**, to be confirmed in writing from the Department to the Committee, that both the existing storage structures in close proximity to the proposed severance line, and the existing dwelling on the retained lands have been demolished in accordance with a demolition permit or relocated in conformity with the Zoning By-law.
7. That the Owner(s) provide proof to the satisfaction of both the **Chief Building Official and the Manager of the Development Review All Wards Branch, or their designate**, to be confirmed in writing from the Department to the Committee, that each existing parcel has its own independent private sewage system, storm/foundation drainage, and well and that they do not cross the proposed severance line. If the systems cross the proposed severance line, are not independent, or do not meet the minimum spacing requirements of the Ontario Building Code and City of Ottawa Hydrogeological and Terrain Analysis Guidelines, the Owner(s) will be required to relocate the existing systems or construct new systems, at their own cost.
8. That the Owner(s) satisfy the **Chief Building Official, or their designate**, by providing design drawings or other documentation prepared by a qualified designer, that as a result of the proposed severance the existing dwelling on lands to be severed shall comply with the Ontario Building Code, O. Reg. 332/12 as amended, in regard to the limiting distance along the south property line. If necessary, a building permit shall be obtained from Building Code Services for any required alterations/legalization.



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