

P. H Robinson Consulting
Urban Planning, Consulting and Project Management

City of Ottawa Committee of Adjustment
101 Centrepoin Drive, 4th Floor
Ottawa, ON K2G 5K7

June 18th, 2024

Attn: Mr Michel Bellemare
Secretary Treasurer

Re: 3179 Carry's Side Rd (Consent application)
Part of Lot 8 and 9, Concession 6
Geographic Township of Fitzroy, City of Ottawa
James Flewellyn

Committee of Adjustment
Received | Reçu le

2024-06-24

City of Ottawa | Ville d'Ottawa
Comité de dérogation

On behalf of the owners of the subject property, we are submitting the enclosed Consent to Sever application (Surplus Farm Lot) for the property at 3179 Carry's Side Rd. The subject property is located within the AG - Agricultural zone as per the City of Ottawa Zoning By-Law, and is designated as an Agricultural Resource Area as per the Official Plan.

The property is located at the intersection of Carry's Side Rd and Donald B. Munro Dr south of central Kinburn and north of Highway 417. The lot is irregularly shaped with a total area of approximately 30.41 ha with 670 m of frontage on Donald B. Munro Dr and 690 m of frontage on Carry's Side Rd. The property currently contains one (1) dwelling and three (3) sheds and is an active farm. The abutting properties to the north and west as well as the properties across Donald B. Munro and Carry's Side Rd are also agricultural land. These agricultural properties range in area from 12 ha to 40 ha. Among the agricultural lots are various residential lots that range from 0.41 ha to 1.65 ha. The property owner is a local farmer and he and his family live on another of their farm properties.

The purpose of this application is to sever a lot that contains an existing residential dwelling that is considered surplus to an agricultural operation. The proposed severance will result in two zoning compliant lots measuring 0.41 ha (severed) and 39 ha (retained). The severed parcel will retain the existing detached dwelling, and the retained parcel will retain the existing sheds (3). The structure of the severance is as follows:

Severed

This proposed lot will be approximately 0.41 ha in area with 58 m of frontage on Carry's Side Rd. This property will contain the existing dwelling on private well and septic and is intended for residential use.

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Retained

This parcel will be approximately 39 ha in area with a combined frontage of 632 m on Carry's Side Rd and 670 m of frontage on Donald B. Munro Dr. This property will contain the existing sheds (3) and is intended to be maintained as a farm.

Minimum Distance Separation (MDS)

MDS calculations are not required for the following reasons (Guideline #20):

➤ **3179 Carry's Side Rd**

This property does not contain any livestock barns or manure storage. The structures located on this property are accessory to a non-livestock agricultural operation and are not capable of housing livestock.

➤ **3142 Carry's Side Rd**

This property does not contain any livestock barns or manure storage. The structure on this property is accessory to the detached dwelling and provides storage for use by the owner. The structure is not capable of housing livestock.

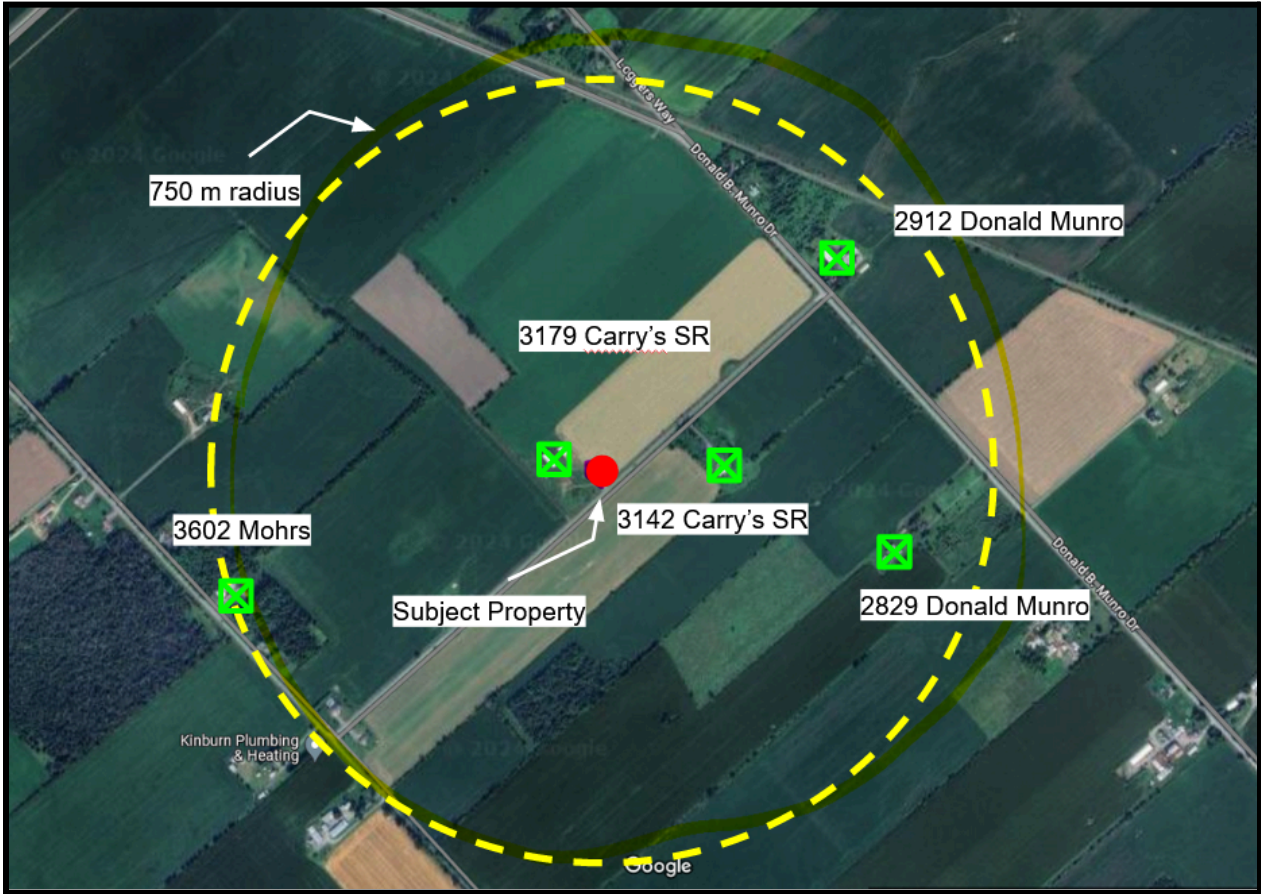
➤ **2912 Donald B. Munro Dr.**

This property does not contain any livestock barns or manure storage. The structures on this property are accessory to a non-livestock agricultural operation and are not capable of housing livestock.

➤ **3602 Mohrs Rd.**

This property does not contain any livestock barns or manure storage. The structures on this property are accessory to the detached dwelling and are not capable of housing livestock.

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Map of properties considered for MDS.

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Image of the existing sheds from the subject property's Carry's Side Road entrance.



Existing dwelling located on the subject property to be severed.

Planning Act

Section 53 (1) of the Planning Act indicates that ‘ an owner, chargee or purchaser of land, or such owner’s, chargee’s or purchaser’s agent duly authorised 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 reasons why this division of land can proceed as a consent application and does not need to be done via a Plan of Subdivision are provided below in the responses to the applicable sections of Section 51 (24) of the Planning Act.

Section 51 (24) of the Planning Act states that in considering the draft of a subdivision, the following factors will be considered:

(a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2; i.e the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems (f), the orderly development of safe and healthy communities (h), the appropriate location of growth and development (p), the promotion of development that is designed to be sustainable (q);

Response: The subject site does not contain any features of architectural, cultural, historical, archaeological, or scientific interest. The proposed lot has adequate provisions for communication, transportation, sewage and water services, and waste management systems. The existing well and septic system are located on the property to be severed and will continue to service the dwelling. The proposed consent is consistent with the matters of provincial interest for development in the Agricultural area.

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

Response: The proposed subdivision is not premature as it conforms to key planning policies as per the Planning Act and the Official Plan (see section c below).

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

Response: The subject property is designated as Agricultural Resource Area in the Rural transect. The key policies in the Official Plan that pertain to this application are sections 9.1.3 (1), 9.1.3 (3), 9.1.3 (4). The existing residential use is permitted to remain because it is situated on a lot with frontage on an existing public road. The existing dwelling has existed on the subject property since at least 1976 and has only recently been made inhabitable by the 2018 tornado. No agricultural land is lost due to the proposed severance. The new lot is already adequately serviced. There are no accessory structures proposed on the lot to be severed. Only one lot is proposed to be severed. The farmland is already owned and farmed by the

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client and there are changes proposed to this arrangement.

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

Response: The proposed severed and retained lots will consist of land uses consistent with the surrounding context.

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

Response: The dimensions and shapes of the proposed lots are considered appropriate. The minimum lot width and lot areas required as per the Zoning By-Law are met, and the proposed lot to be severed is regularly shaped and does not contain any agricultural land.

(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;

Response: The proposed lot to be severed will continue to be permitted as residential, and the lands to be retained will be rezoned to prohibit residential uses.

(h) conservation of natural resources and flood control

Response: The subject property is outside any natural resource and flood control areas.

(i) the adequacy of utilities and municipal services;

Response: Private services currently exist on the subject property and will remain on the lot to be severed. The retained parcel will not require any services.

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

Response: A road widening requirement is not anticipated for the subject property.

As noted, the subject property does not require a Plan of Subdivision for their proper and orderly development and addresses the criteria outlined in Section 51 (24) of the Planning Act (1990). It is our opinion that the proposed consent is an appropriate use for Ottawa's rural area and that it represents good land use planning.

At this time, we are submitting the following in support of this application:

- Completed application form (1 original);
- Schedule A: Rural Consent form including farm data;
- A signed Owner's Authorization form;
- Application fees;
- A survey sketch plan showing the severed and retained lots;
- Parcel abstract pages;
- Lawyer's letter.

When the notification signs are ready for this application could you please email the

100 Palomino Drive, Ottawa, Ontario K2M 1N3
Phone: 613 599 9216
Email: probinson@probinsonconsulting.com

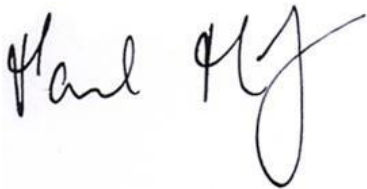
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undersigned and I will arrange for them to be picked up and installed on the property.

In terms of any required road widenings we do not believe that they are required along Donald B Munro Drive due to the existing right of way along that road. Along Carry's Side Road we believe that the requirement would be close to 3 metres and there is 690 metres of frontage along that road which is a very lightly travelled gravel road. To dedicate the road widening along the retained parcel (approximately 632 metres of the total frontage) and to require any fencing to be moved away from any future City Right of Way seems to be at odds with the City's policies to protect farmland. My client is not in support of the road widening to be taken on the retained lands which comes at considerable surveying expenses for a road of a low priority at the City which only contains 5 homes fronting on to it.

Should you have any questions or require anything further, please do not hesitate to contact the undersigned at (613) 599 9216 or via email at probinson@probinsonconsulting.com

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A handwritten signature in black ink, appearing to read 'Paul Robinson', with a stylized flourish at the end.

Paul Robinson RPP

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