

2024-08-01

City of Ottawa | Ville d'Ottawa

Comité de dérogation



**CONSENT & MINOR VARIANCE APPLICATION
COMMENTS TO THE COMMITTEE OF ADJUSTMENT
PANEL 3**

PLANNING, DEVELOPMENT AND BUILDING SERVICES DEPARTMENT

Site Address: 1500 Thomas Argue Road
Legal Description: Part of Lots 13 and 14, Concession 3, Geographic Township of Huntley
File No.: D08-01-24/B-00103 & D08-02-24/A-00152
Report Date: July 31, 2024
Hearing Date: August 06, 2024
Planner: Luke Teeft
Official Plan Designation: Rural Transect; Rural Countryside; Carp Airport Special Policy Area
Zoning: T1B

DEPARTMENT COMMENTS

The Planning, Development and Building Services Department **has no concerns with** the applications.

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.

Staff have reviewed the subject minor variance application against the “four tests” as outlined in Section 45 (1) of the *Planning Act*, R.S.O. 1990 c. P.13, as amended. Staff are satisfied that the requested minor variance meets the “four tests”.

The setback reductions for the structures on site are deemed acceptable as the reduction from 10m to 6.28 metres is minor in nature, and the structures are already existing and meet all other requirements of the Zoning By-law.

The requests for relief from the requirement to provide frontage and proximity of a structure to a lot line will be rendered irrelevant with the transfer of Part 2 on plan 4R-27607.

CONDITIONS

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

1. That the Owner(s) provide evidence that payment has been made to the City of Ottawa for cash-in-lieu of the conveyance of land for park or other public recreational purposes, plus applicable appraisal costs. The value of land otherwise required to be conveyed shall be determined by the City of Ottawa in accordance with the provisions of By-Law No. 2022-280, as amended. Information regarding the appraisal process can be obtained by contacting the Planner.
2. 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 [Part 1 on Draft 4R-27607] and existing building on the retained lands, shall comply with the Ontario Building Code, O. Reg. 332/12 as amended, in regards to the limiting distance along the proposed new south property line running between the existing buildings. If necessary, a building permit shall be obtained from Building Code Services for any required alterations.
3. That the Owner(s) provide proof 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 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.
4. That the Owner(s) submit a **Phase 1 Environmental Assessment** prepared by a qualified person who meets the qualifications prescribed by the regulations, for approval by the **manager of the Development Review All Wards Branch, or their designate**, to be confirmed in writing from the Department to the Committee, outlining the assessment of the property and determining the likelihood that one or more contaminants have affected any land or water, in or under the property.
5. That the Owner(s) provide a Septic System Assessment Report, prepared by a Professional Engineer or Professional Geoscientist, licensed in the Province of Ontario, 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.

Required elements of this report include, but are not limited to, the location of the septic system and mantle (if present), an assessment of the condition of the septic

system components, recommendations on system performance and remedial works if necessary, and the identification of sufficient area for a replacement septic bed and mantle (as per the Ontario Building Code 2012, as amended).

6. 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:

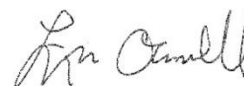
“The City of Ottawa does not guarantee the quality or quantity of the groundwater. If, at some future date, the quality or the quantity of the groundwater becomes deficient, the City of Ottawa bears no responsibility, financial or otherwise, to provide solutions to the deficiency, such solutions being 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.



Luke Teeft
Planner I, Development Review, All Wards

Planning, Development and Building
Services Department



Erin O'Connell
Planner III, Development Review, All
Wards

Planning, Development and Building
Services Department