

**2024-09-19**

City of Ottawa | Ville d'Ottawa  
**Comité de dérogation**

September 16, 2024

Committee of Adjustment  
101 Centrepointe Drive  
Ottawa, ON, K2G 5K7

**Attention: Michel Bellemare, Secretary – Treasurer**

**Reference: 6115 Prince of Wales Drive  
Application for Consent and Minor Variance  
Our File No.: 124137**

Novatech has been retained by the owner of the property municipally known as 6115 Prince of Wales Drive (the "Subject Site") to prepare and file applications for Consent and Minor Variance for a surplus farm dwelling severance.

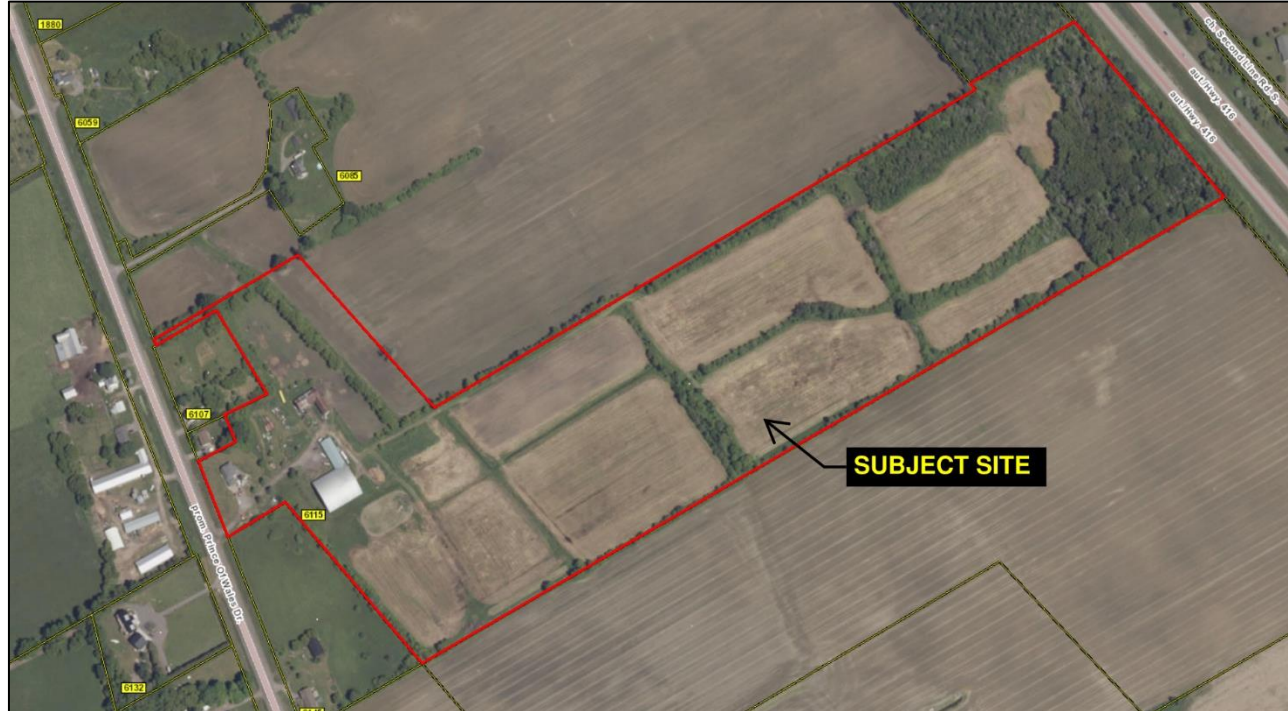
### Existing Conditions

The Subject Site is located on the east side of Prince of Wales Drive within Ward 21 (Rideau-Jock). The Subject Site is located south of Carsonby Road West and north of Phelan Road West. The Subject Site is located to the west of Highway 416 (see Figure 1 & Figure 2).

**Figure 1: Subject Site. (Source: GeoOttawa).**



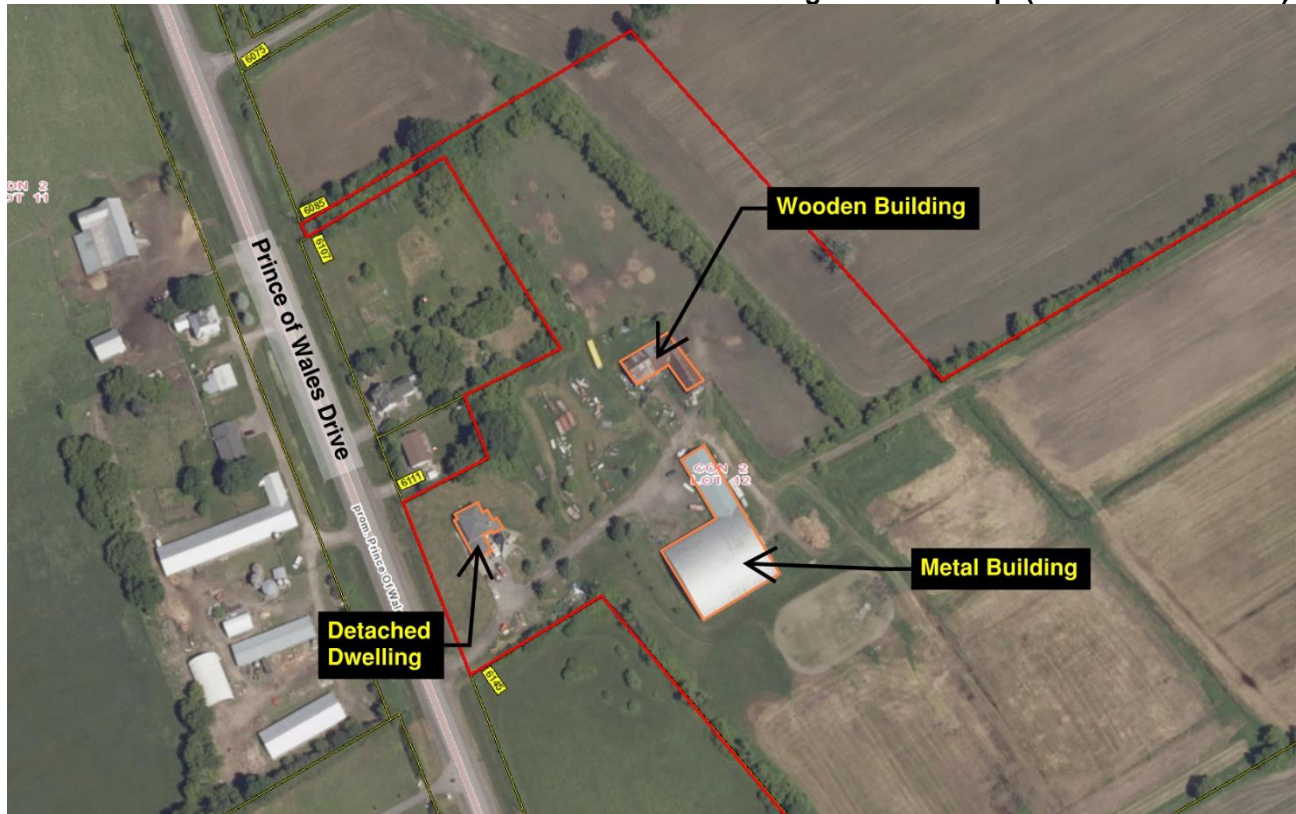
**Figure 2: Subject Site. (Source: GeoOttawa).**



The Subject Site has approximately 87 metres of combined frontage along Prince of Wales Drive. A portion of the Subject Site has approximately 6 metres of frontage along Prince of Wales Drive while another portion has approximately 81 metres of frontage along Prince of Wales Drive. A lot with a detached dwelling at 6107 Prince of Wales Drive and a lot with a detached dwelling at 6111 Prince of Wales Drive are located between the two frontages of the Subject Site. The Subject Site has an area of approximately 23.4 hectares. The Subject Site is legally described as Part of Lot 12, Concession 12, North Gower, as in N609814 except N463691; Rideau.

The Subject Site is designated Agricultural Resource Area on Schedule B9 of the City of Ottawa Official Plan. The Subject Site is zoned AG2 – Agricultural Zone 2. The Subject Site is currently developed with three buildings, including a detached dwelling, a smaller wooden building, and a steel building (see Figure 3).

**Figure 3: Site Map. (Source: GeoOttawa).**



The wooden building is an old horse barn. The larger steel building was formerly used as a horse barn and arena. Both buildings have been completely renovated. The buildings are no longer used and no longer can be used to house livestock. Instead, the steel building is being used to store farm equipment, a portable sawmill, and wood for the forestry operation on the Subject Site.

The images below show the interior of the buildings. The buildings are no longer capable of housing livestock and have been fully converted to support the forestry operation on the Subject Site.

**Figure 4: Wooden Building (Exterior)**



**Figure 5: Wooden Building (Exterior)**



**Figure 6: Wooden Building (Interior)**



**Figure 7: Steel Building (Exterior)**



**Figure 8: Steel Building (Exterior)**



**Figure 9: Steel Building (Interior)**



**Figure 10: Steel Building (Interior)**



As stated in Guideline #9 in the Ontario Ministry of Agriculture, Food, and Rural Affairs Publication 853:

“For a proposed severance of a residence surplus to a farming operation:

1. Where the existing dwelling to be severed and the nearby livestock facility or anaerobic digester are located on separate lots prior to the consent, an MDS I setback is not required for the consent application (or associated rezoning) unless otherwise required by a municipal official plan policy. This is because a potential odour conflict may already exist between those surrounding livestock facilities or anaerobic digesters and the existing dwelling.
2. An MDS I setback is always required for a proposed lot with an existing dwelling when prior to the consent, that dwelling is located on the same lot as an existing livestock facility or anaerobic digester and after the consent, the dwelling would be on a lot separate from that same existing livestock facility or anaerobic digester. This is because such a proposal could create a potential odour conflict as the dwelling and the livestock facility or anaerobic digester will be on separate conveyable lots if the severance is approved. This is the case regardless of how a municipality chooses to treat existing livestock facility on lots separate from the dwelling prior to the consent.”

The existing dwelling to be severed is located on a separate lot from the nearby livestock buildings at 6096 Prince of Wales Drive. An MDS I setback is not required for the consent application. The existing dwelling to be severed is located on the same lot as buildings that were previously used to house livestock. These buildings no longer house livestock and are no longer equipped to house livestock. The buildings have been converted to store farm equipment, a portable sawmill, and wood for the forestry operation on the site.

### **Proposed Development**

The proposed development is for a surplus farm dwelling severance. The proposed consent application is to sever the existing detached dwelling from the portion of the property used for forestry purposes. The severed lot with the detached dwelling will be 0.4 hectares in size. The retained lot will be 23 hectares in size.

The retained parcel does not meet the minimum lot width requirements for the AG2 Zone. A minor variance is required to permit a reduced lot width of 6 metres to recognize the existing frontage north of 6107 Prince of Wales Drive. Both parcels will have frontage on Prince of Wales Drive.

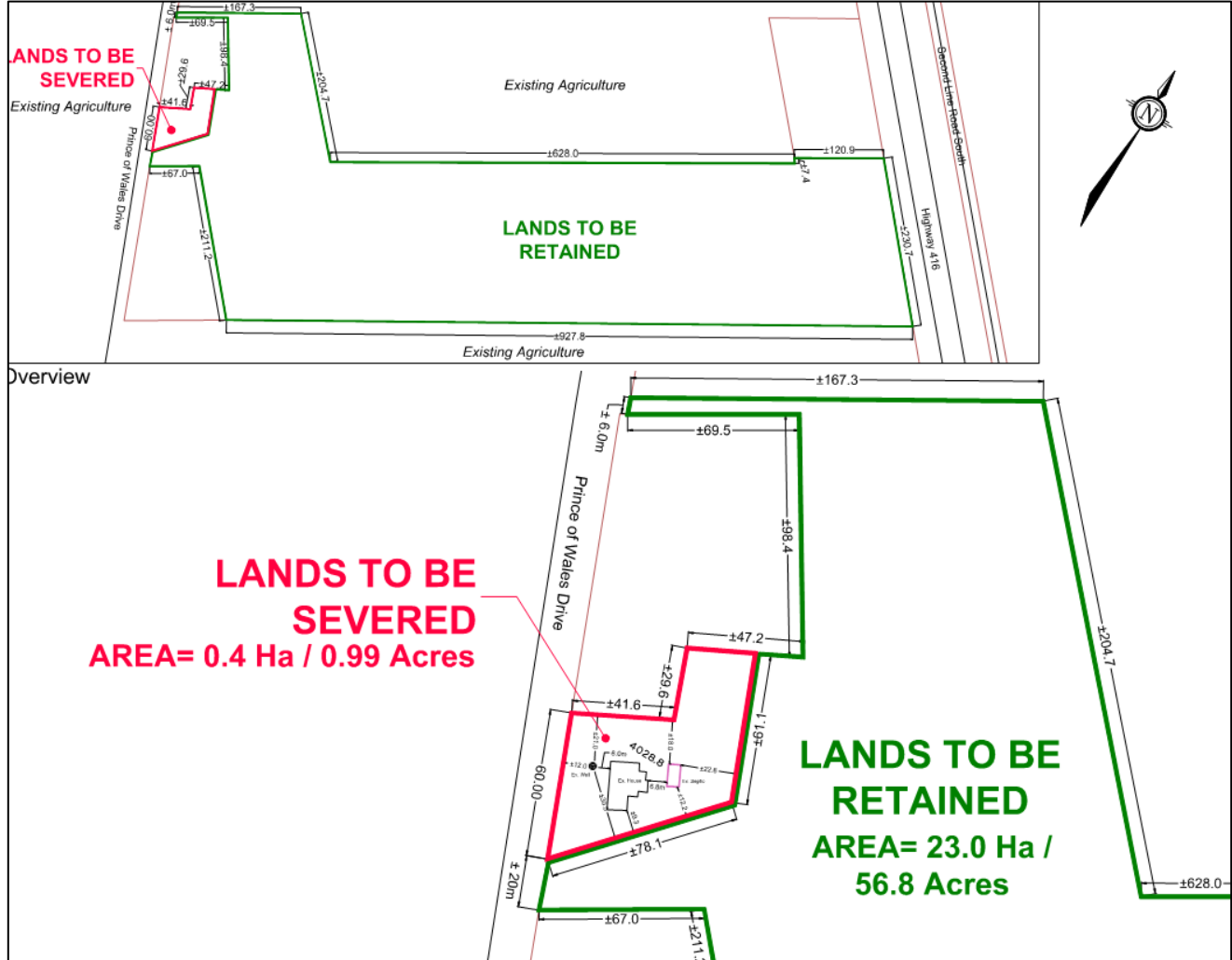
### **Consent Application**

The proposed consent application seeks to sever the surplus farm dwelling from the portion of the property used for forestry purposes. The severed parcel with the detached dwelling will have a lot width of 60 metres and a lot area of 0.4 hectares. Two portions of the retained parcel will have frontage on Prince of Wales Drive. The first portion will have approximately 6 metres of frontage along Prince of Wales Drive. The other portion will have approximately 20 metres of frontage along Prince of Wales Drive. While the combined frontage of the retained lot is 26 metres, the provided lot width by definition is 6 metres. The lot area of the retained parcel is 23 hectares (see Figure 11).

The severed parcel meets the minimum lot width and minimum lot area requirements in the Zoning By-law. The retained parcel meets the minimum lot area requirement but does not meet the minimum lot width requirement in the Zoning By-law.



Figure 11: Severance Sketch



## Consent Rationale

### Planning Act

Subsection 53(1) of the Planning Act states (*emphasis added*):

*“An owner, chargee or purchaser of land, or such owner’s, chargee’s or purchaser’s agent duly authorized 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 proposed severance does not necessitate the construction of new public infrastructure such as new roads and site services. A plan of subdivision is not required for the properly and orderly development of the municipality.

Subsection 53(12) of the Planning Act states (*emphasis added*):

*“A council or the Minister in determining whether a provisional consent is to be given shall have regard to the matters under subsection 51 (24) and has the same powers as the approval authority has under subsection 51 (25) with respect to the approval of a plan of subdivision and subsections 51 (26) and (27) and section 51.1 apply with necessary modifications to the granting of a provisional consent. 1994, c. 23, s. 32.”*

This rationale will speak to the following criteria outlined in subsection 51(24) of the Planning Act.

*51. (24) In considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality and to,*

*(a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;*

6115 Prince of Wales Drive is located within the rural area of the City of Ottawa. The proposed severance has proper regard to matters of provincial interest. It results in lot creation that is locally appropriate and development that is compatible with the rural landscape and infrastructure. The proposed surplus farm dwelling severance supports the continued forestry use of the retained parcel, which is appropriate for rural lands in municipalities. The proposed severance complies with minimum distance separation formulae.

### Provincial Policy Statement

Section 3 (5) of the Planning Act states:

*“A decision of the council of a municipality, a local board, a planning board, a minister of the Crown and a ministry, board, commission or agency of the government, including the Tribunal, in respect of the exercise of any authority that affects a planning matter,*

*(a) subject to a regulation made under subsection (6.1), shall be consistent with the policy statements issued under subsection (1) that are in effect on the date of the decision; c. 23, s. 5; 2017, c. 23, Sched. 5, s. 80; 2023, c. 10, Sched. 6, s. 2 (1).”*

A decision by the Committee of Adjustment with respect to a planning matter must be consistent with the Provincial Policy Statement (PPS). The PPS sets out policy direction on matters of provincial interest related to land use planning and development.

The Subject Site meets the definition of “Rural Lands” in the PPS. Section 1.1.5 sets out policies for Rural Lands in Municipalities. Section 1.1.5.2 states that:

*“On rural lands located in municipalities, permitted uses are:*

*d) agricultural uses, agriculture-related uses, on-farm diversified uses, and normal farm practices, in accordance with provincial standards;”*

The proposed surplus farm dwelling severance supports the continued forestry use of the retained parcel, which is appropriate for rural lands in municipalities.

Section 1.1.5.4 states that:

*“Development that is compatible with the rural landscape and can be sustained by rural service levels should be promoted.”*

Section 1.1.5.5 states that:

*“Development shall be appropriate to the infrastructure which is planned or available, and avoid the need for the unjustified and/or uneconomical expansion of this infrastructure.”*

The proposed consent results in the severance of a surplus residential dwelling to support the continuation of the forestry use on the retained lands. The severed lot with the surplus residential dwelling is appropriately sized to accommodate a detached dwelling in the rural area and meets the minimum lot width and lot area prescribed by the Zoning By-law. Private water and wastewater servicing is provided, ensuring that no unjustified or uneconomical expansion of municipal infrastructure is required.

Section 1.1.5.8 states that:

*“New land uses, including the creation of lots, and new or expanding livestock facilities, shall comply with the minimum distance separation formulae.”*

The proposed surplus residential farm dwelling severance complies with the minimum distance separation formulae.

**The requested severances are consistent with the policies of the PPS.**

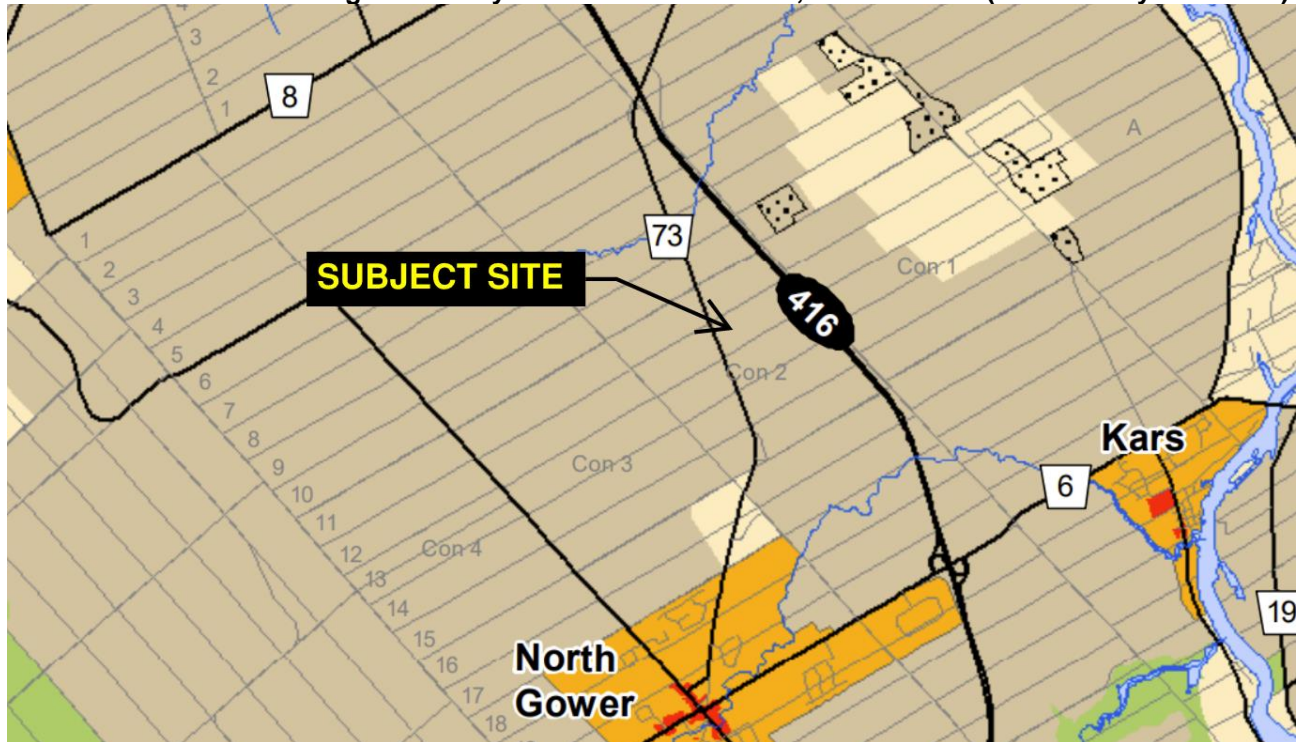
*(b) whether the proposed subdivision is premature or in the public interest;*

The proposed severance is not premature and is in the public interest. The proposed surplus residential farm dwelling severance allows the existing dwelling on the Subject Site to be separately conveyed, which supports the continuation of the forestry use on the retained parcel. The severed lot meets the minimum lot width and minimum lot area requirements in the Zoning By-law. The retained parcel exceeds the minimum lot area requirement of the Zoning By-law. Relief is being sought through a minor variance application to permit a reduced lot width. Both lots are suitably sized to accommodate their respective uses. The severance does not generate adverse impacts, is not premature, and is in the public interest.

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

The Subject Site is designated Agricultural Resource Area on Schedule B9 of the City of Ottawa Official Plan (Figure 12). Section 9.1 of the Official Plan sets out policies for the Agricultural Resource Area designation.

Figure 12: City of Ottawa Official Plan, Schedule B9. (Source: City of Ottawa).



Policy 1 of Section 9.1.2 states that:

- 1) *On lands designated as Agricultural Resource Area, a variety of types, and intensities of agricultural uses and normal farm practices are permitted and shall be consistent with Provincial guidelines related to uses and practices in prime agricultural areas.*

Policy 3 of Section 9.1.3 states that:

- 3) *Lot creation is prohibited unless all of the following are met:*
  - a) *The new lot contains an existing habitable dwelling made surplus through farm consolidation;*
  - b) *As a condition of severance, the retained lands are zoned to prohibit residential uses;*
  - c) *The severed lot is of a size that minimizes the loss of agricultural land;*
  - d) *The new lot can be adequately serviced;*
  - e) *Where the new lot may only contain buildings or structures including a dwelling unit that are accessory or secondary to the principal residential use; and*
  - f) *Where only one lot may be created.*

The proposed severance of the surplus residential farm dwelling meets the criteria of Section 9.1.3, Policy 3. The severed lot has an existing habitable dwelling and the severed lot is 0.4 hectares, which is adequately sized to accommodate a residential dwelling and private services in the rural area. As a condition of severance approval, a Zoning By-law Amendment will be required to prohibit future residential uses on the retained lands.

**The requested severance conforms to the policies of the Official Plan.**

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

The Subject Site is currently developed with a detached dwelling and two outbuildings, which support the forestry operation on the property. The majority of the Subject Site is used for a forestry operation. The buildings are used to store equipment, a portable sawmill, and wood in support of the forestry operation on the Subject Site. The retained lands will continue to be used for forestry purposes and is suitably sized to accommodate the existing forestry use. The severed lands continue to be used for residential purposes. The severed lot will be adequately sized to accommodate a detached dwelling in the rural area.

**(d.1)** *if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;*

Not applicable.

**(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;*

Not applicable.

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

The severed lot has a lot width of 60 metres and a lot area of 0.4 hectares, which is an appropriate size for a rural residential lot. The retained lot has a lot area of 23 hectares, which exceeds the Zoning By-law requirement. The retained lot has a lot width of 6 metres, measured from the front lot line, which is the lot line that abuts the street *for the shortest distance*. Relief is required to permit a reduced lot width. The retained lot is adequately sized to accommodate the existing tree farm operation.

**(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;*

Not applicable.

**(h)** *conservation of natural resources and flood control;*

One watercourse runs through the southwestern portion of the Subject Site, northeast of the two barns and the existing dwelling. There is no floodplain associated with this watercourse. The Subject Site is not located within the Bedrock Resource Area Overlay or the Sand and Gravel Resource Area Overlay. The proposed severance will not have any impact on the watercourse.

**(i)** *the adequacy of utilities and municipal services;*

The Subject Site is already developed with a detached dwelling which utilizes private water and wastewater services. The surplus farm dwelling will continue to utilize private water and wastewater services. The severance will not impact the adequacy of utilities and municipal services.

*(j) the adequacy of school sites;*

The proposed development results in one severed parcel (surplus farm dwelling) and one retained parcel (forestry operation). Since only one new lot is being created and no new dwellings are proposed, there is no impact to the adequacy of school sites.

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

Not applicable.

*(l) the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and*

Not applicable.

*(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 designated under subsection 41 (2) of this Act or subsection 114 (2) of the City of Toronto Act, 2006. 1994, c. 23, s. 30; 2001, c. 32, s. 31 (2); 2006, c. 23, s. 22 (3, 4); 2016, c. 25, Sched. 4, s. 8 (2).*

Not applicable.

**The requested severance has regard for the criteria outlined in subsection 51(24) of the Planning Act.**

### **Minor Variance Application**

The proposed minor variance is as follows:

#### Retained Lot:

- a) To permit a reduced lot width of 6 metres, whereas the Zoning By-law requires a minimum lot width of 60 metres. (Section 212, Table 212A).

### **Minor Variance Rationale**

This rationale will speak to the four tests for a minor variance set out in Section 45(1) of the Planning Act. The minor variance listed above meets the four tests for minor variance.

**The first test for a minor variance is that the general intent and purpose of the Official Plan is maintained.**

The Subject Site is designated Agricultural Resource Area within the Rural Transect in the City of Ottawa Official Plan. The intent of the Agricultural Resource Area designation is to protect farmland from uses that would impede productive farming operations and support diversification of farming operations to increase local supply of goods and services in the regional economy.

The proposed severance with the required variance meets this intent by allowing for the conveyance of a surplus farm dwelling, which will support the existing forestry operation on the Subject Site. Despite the reduced lot width, the total frontage of the retained lands is approximately 27 metres, ensuring that there is still adequate frontage. The reduced lot width does not have any impact on the forestry operation and still results in an adequately sized lot to accommodate forestry use of the retained lands.

The requested variance maintains the general intent and purpose of the Official Plan.

**The second test for a minor variance is that the general intent and purpose of the Zoning By-law is maintained.**

The Subject Site is zoned AG2 – Agricultural Zone, Subzone 2 in the City of Ottawa Zoning By-law 2008-250. The purpose of the Agricultural Zone is to:

- (1) recognize and permit agricultural uses in areas designated Agricultural Resource Area in the Official Plan;
- (2) restrict the range of permitted uses to agricultural, forestry and related accessory uses in order to preserve these prime agricultural lands from loss to other uses;
- (3) regulate uses in a manner that respects the character of the area and minimizes land use conflicts; and,
- (4) identify, through the use of subzones, those existing farm lots having lot area and lot width minimums that are less than the minimums required in the principal Agricultural zone.

The requested variance for a reduced lot width of 6 metres meets the intent and purpose of the Zoning By-law by supporting the continued forestry use of the retained lands. Despite the reduced lot width, approximately 27 metres of frontage is provided. The proposed lot width of 6 metres is due to the calculation of lot width, which is defined in the Zoning By-law as “*the horizontal distance between the side lot lines measured at right angles to the lot depth, from a point that is equal to the front yard setback requirement for the zone.*” The front yard setback is calculated from the front lot line, which is defined as “*that lot line, not including a corner lot line, which abuts a street for the shortest distance.*” The retained lot has frontages of 6 metres and 21 metres on Prince of Wales Drive. The shortest distance is 6 metres. The proposed lot width is therefore 6 metres.

Based on the definitions noted above, the existing lot would have the same lot width of 6 metres measured from the front lot line, which is the lot line that abuts the street for the shortest distance. Thus, the severance does not reduce the lot width by technical definition and still provides adequate frontage to support the continued forestry use of the retained lands. A driveway that provides access from Prince of Wales Drive to the two existing buildings will not be impacted by the severance or the reduced lot width.

The requested variance meets the general intent and purpose of the Zoning By-law.

**The third test for a minor variance is that the minor variance is considered suitable and desirable for the use of land.**

The requested variance is suitable and desirable for the appropriate use of the land. The variance supports a surplus residential farm dwelling severance, which is a permitted form of lot creation in the Agricultural Resource Area. The variance and the surplus farm dwelling severance supports the forestry operation on the Subject Site by allowing for the surplus dwelling to be separately conveyed. Conveyance of the surplus dwelling can financially assist agricultural operations, ensuring that they are maintained.

The requested variance is considered suitable and desirable for the appropriate use of land.

**The fourth test for a minor variance is that the variance is considered minor in nature.**

The intent of the lot width requirement is to ensure that lots are appropriately sized to accommodate the permitted uses for the zone. Despite the reduced lot width, the proposed lot area for the retained parcel greatly exceeds the minimum required lot area, ensuring adequate space is provided for the forestry use. Additionally, the reduced lot width does not impact the ability to access the existing buildings from the road, as there is still adequate road frontage provided. The reduced lot width corresponds to an existing, narrow frontage on the Subject Site. The existing lot has a lot width of 6 metres at the narrowest point, which is the same lot width as the retained lot, ensuring that there is no additional impact.

The variance is considered minor in nature.

**Conclusion**

The consent application for a surplus residential farm dwelling severance at 6115 Prince of Wales Drive meets the criteria set out in Section 51(24) of the Planning Act. The consent application is consistent with the policies of the Provincial Policy Statement, is not premature, is in the public interest, conforms to the Official Plan, and results in appropriately sized lots to accommodate the surplus dwelling on the severed lot and the forestry use on the retained lot. The severance has regard for the conservation of natural resources and flood control and is adequately serviced by utilities, private services and school sites.

The requested minor variance meets the four tests set out in Section 45(1) of the Planning Act. The proposed minor variance maintains the general purpose and intent of the City of Ottawa Official Plan and Zoning By-law. The proposed minor variance is a suitable and desirable use of the land and is considered minor in nature.

The proposed development represents good land use planning.

In support of the consent and minor variance applications, please find enclosed:

- Cover Letter (this document) – One (1) copy;
- Complete Consent Application Forms – One (1) copy;
- Complete Minor Variance Application Forms – One (1) copy;
- Consent Sketch – One 11 x 17 copy and one 8.5 x 11 copy;
- Parcel Abstract for 6115 Prince of Wales Drive – One (1) copy;



Should you have any questions regarding this application, please do not hesitate to contact the undersigned.

Yours truly,

**NOVATECH**

Arjan Soor, M.PL.  
Planner