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October 9, 2024

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

Attention: Michel Bellemare, Secretary – Treasurer

**Reference: North Gower Severances – Prince of Wales Drive
Applications for Consent and Minor Variance
Our File No.: 124155**

Committee of Adjustment
Received | Reçu le

2024-10-09

City of Ottawa | Ville d'Ottawa
Comité de dérogation

Novatech has been retained by the owner of an unaddressed vacant property in the Village of North Gower (the Subject Property) to prepare and file consent and minor variance applications to sever the property into three separate parcels.

This letter describes the existing conditions of the Subject Property, the proposed severances, the proposed minor variances, and provides a rationale in support of the applications.

Existing Conditions

The Subject Property is located in the Rideau-Jock Ward (Ward 21) of the City of Ottawa, east of Prince of Wales Drive (see Figure 1). The Subject Property has approximately 137 metres of frontage along Prince of Wales Drive, and an approximate area of 2.1 hectares.

Figure 1. Subject Property



The Subject Property is legally described as Part of Lot 18, Concession 3, North Gower, Rideau (PIN: 03906-0239). The Subject Property is designated Village on Schedule B9 of the City of Ottawa's Official Plan. The property is zoned Village Residential First Density, Subzone C, Rural Exception 309 (V1C[309r]) by the City of Ottawa's Zoning By-law. The property is within the boundary of the Village of North Gower (see Figure 2). The Subject Property was cleared of most vegetation in the mid 2000's, and has experienced regenerative growth over the past 20 years. There is a driveway immediately south of the Subject Property providing access to a dwelling at 6445 Prince of Wales Drive.

Figure 2. Zoning and Village Boundary Map



Proposed Development

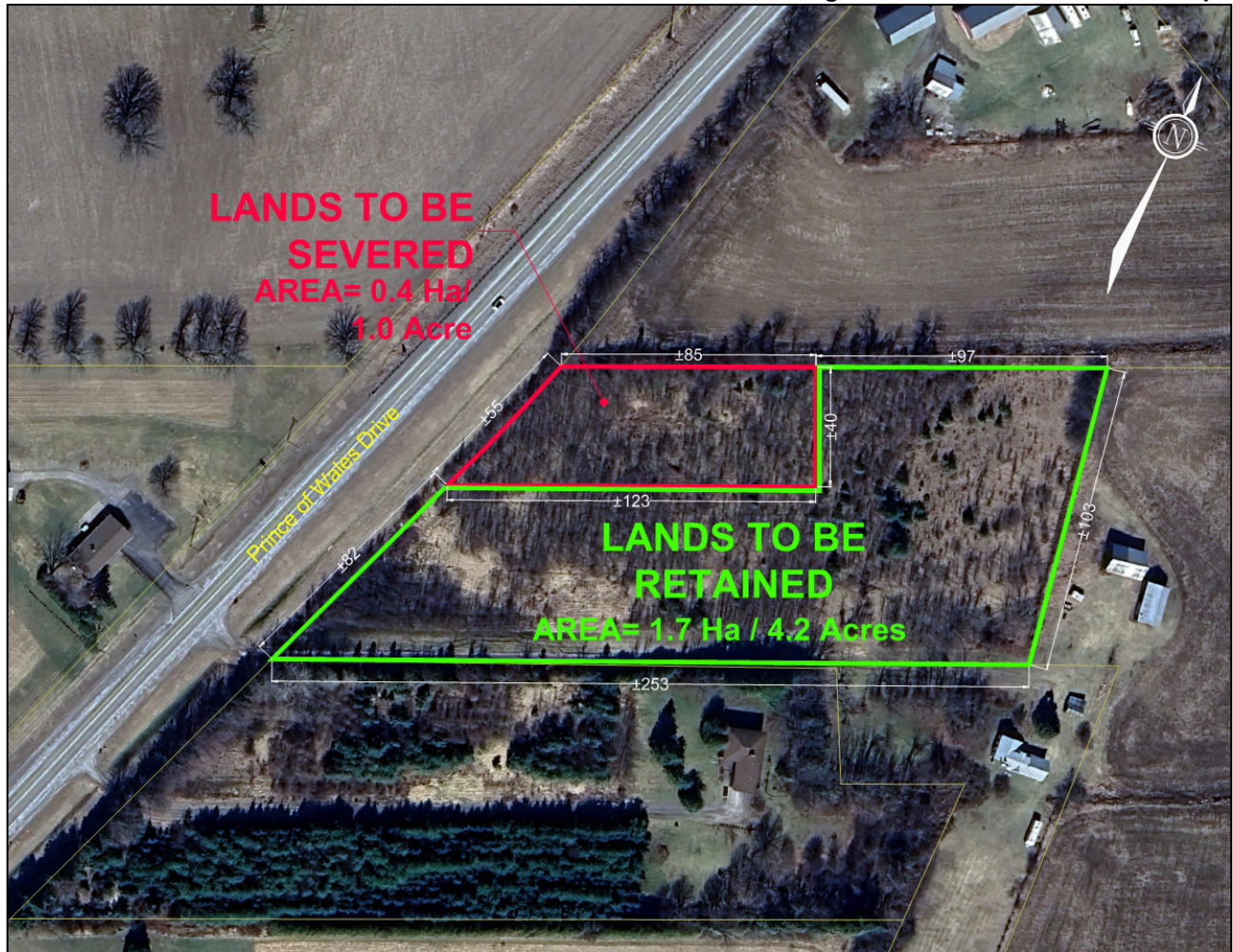
It is proposed to sever the Subject Property into three separate parcels. Two new one-acre parcels are proposed along Prince of Wales Drive. These parcels will be severed along the northern and southern lot lines, and will accommodate future residential development. The retained parcel will have frontage along Prince of Wales Drive between the two new severed parcels, and will accommodate future residential development. All future residential development will be on the basis of private services.

Consent Applications

Consent Application 1

Consent application 1 will sever a new parcel (the “northern severance”) that will be vacant. The severed parcel will have approximately 55 metres of frontage along Prince of Wales Drive and an approximate area of 0.4 hectares (1 acre). The retained lands will have approximately 82 metres of frontage along Prince of Wales Drive and an approximate area of 1.7 hectares (4.2 acres) (see Figure 3).

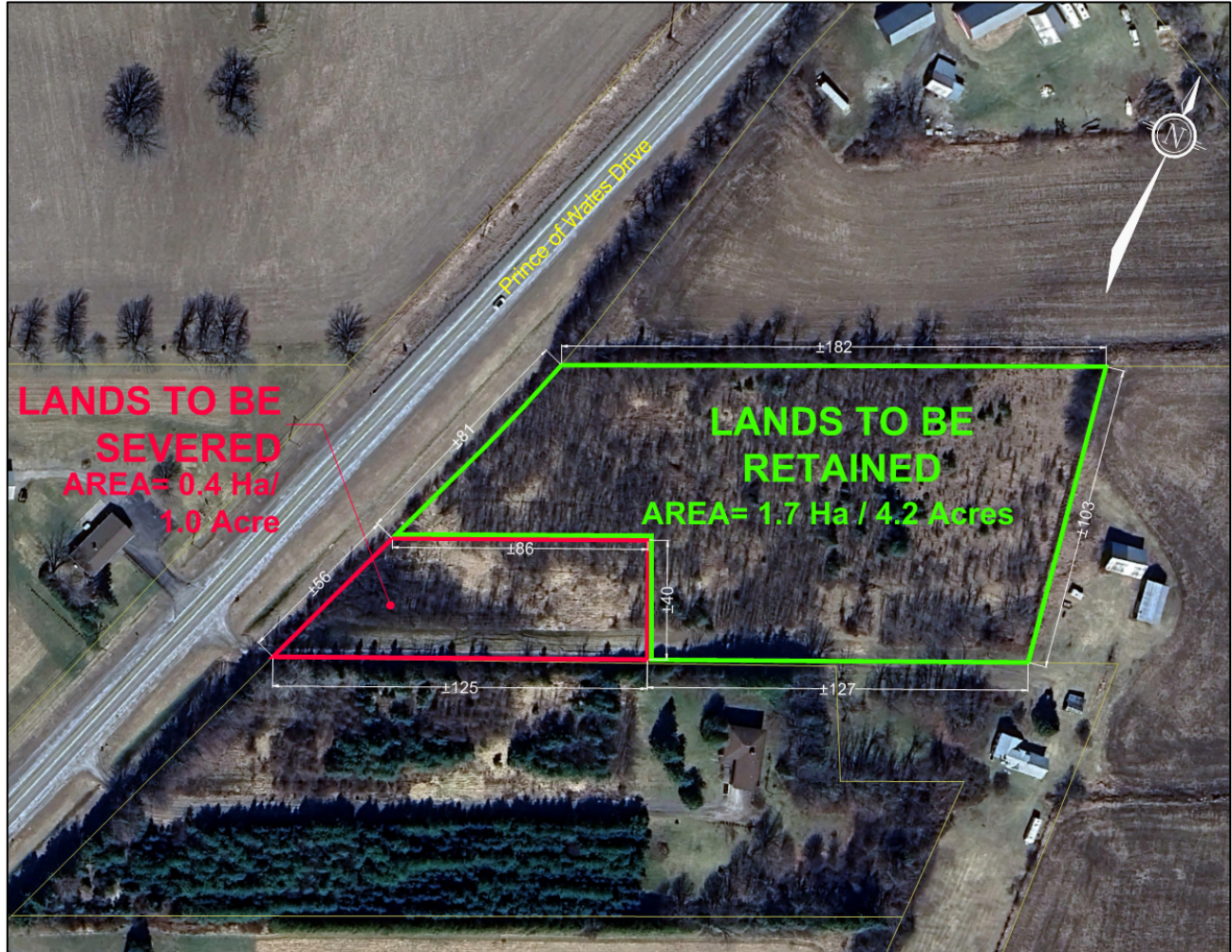
Figure 3. Consent Sketch 1 Excerpt



Consent Application 2

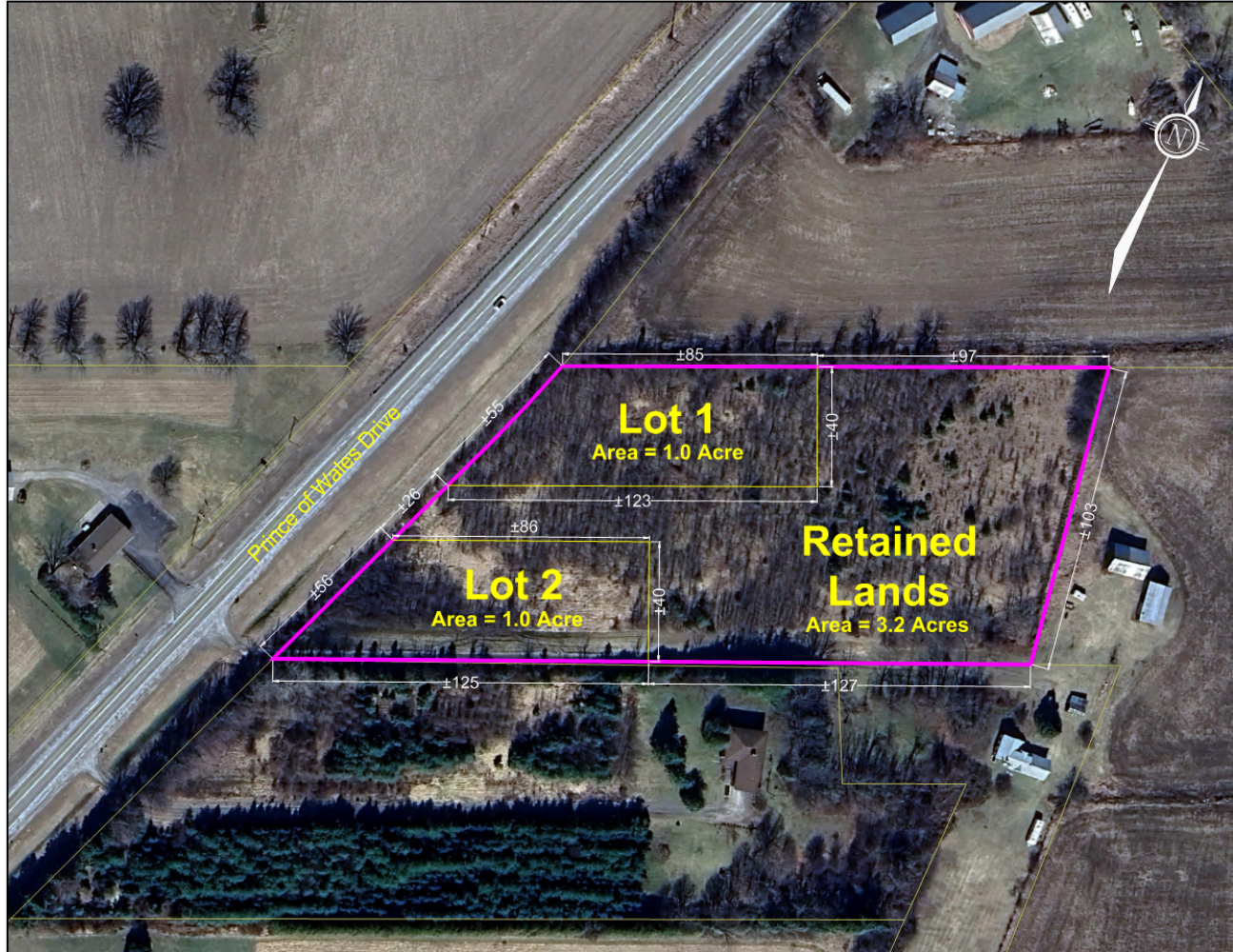
Consent application 2 will sever a new parcel (the “southern severance”) that will be vacant. The severed parcel will have approximately 56 metres of frontage along Prince of Wales Drive and an approximate area of 0.4 hectares (1 acre). The retained lands will have approximately 81 metres of frontage along Prince of Wales Drive and an approximate area of 1.7 hectares (4.2 acres) (see Figure 4).

Figure 4. Consent Sketch 2 Excerpt



Approval of both severed parcels will result in a retained parcel with approximately 26 metres of frontage along Prince of Wales Drive and an approximate area of 1.3 hectares (3.2 acres) (see Figure 5).

Figure 5. Ultimate Lot Fabric



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 severances do not necessitate the construction of new public infrastructure, including roads and services. A plan of subdivision is not required for the proper 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;

The Subject Property is within the rural transect of the City of Ottawa. The proposed severances have regard for the following matters of provincial interest:

- the orderly development of safe and healthy communities; and
- the appropriate location of growth and development.

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

The Subject Property is located within the rural transect of the City of Ottawa. The Subject Property is within the rural Settlement Area of the Village of North Gower. The proposed severances will create two new parcels. The severed and retained parcels will be vacant. Future residential development of the severed and retained parcels will be on the basis of private services. The proposed severances are not premature and are in the public's interest.

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

The Subject Property is designated Village on Schedule B9 of the City of Ottawa's Official Plan. Section 9.4 of the Official Plan sets out policies for lands designated Village. Policy 2 of Section 9.4.1 states:

“The distribution of land uses and permitted development within a Village shall be identified by:

- a) A secondary plan in Volume 2; and*
- b) Based on the ability to support development on private water and wastewater services or on municipal services where such services exist.”*

The policies of the Village of North Gower Secondary Plan are addressed following the policies of the Village designation. The proposed severed and retained parcels will be developed for residential uses on the basis of private wells and septic systems.

Policy 1 of Section 9.4.2 states:

“The following are generally permitted uses within Villages unless otherwise prescribed by a secondary plan:

- a) *Residential uses, the form and scale of which shall be limited by the available servicing methods and subject to the policies related to water and wastewater servicing;*

The proposed severances will create two new lots for residential development on the basis of private services, and the retained parcel. The proposed severances will facilitate development that is permitted within the Village designation.

The Subject Property is designated Residential on Schedule A of the Village of North Gower Secondary Plan. Section 3.2 of the Secondary Plan sets out policies for lands designated Residential. Policy 3 of Section 3.2 states:

“Permitted residential uses include detached dwelling, secondary dwelling unit, coach houses, group homes, and home-based businesses.”

The severed and retained parcels are proposed to be developed for residential uses. The proposed severances will facilitate development that is permitted within by the Residential designation of the Secondary Plan.

Policy 5 of Section 3.2 states (*emphases added*):

“Lot creation will generally be done by plan of subdivision which will also implement Schedule B – Parks and Connectivity Plan.”

The proposed severed and retained parcels meet the minimum required lot area of the Village First Density Subzone C zone. The parcels are adequately sized to accommodate a residential dwelling, well, and septic system. Policy 5 above does not preclude lot creation on lands designated Residential by means of consent applications.

Section 5 of the Secondary Plan sets out policies for Servicing and Infrastructure. Policy 1 of Section 5 of the Secondary Plan states:

“All future development in North Gower will be on the basis of private wells and private sewage systems unless the City reassesses the condition and is able to support alternative systems in the village.”

The proposed severed and retained parcels will be serviced by private services including wells and septic systems. The proposed severances conform to the policies of the Village of North Gower Secondary Plan.

The proposed severances conform to the policies of the City of Ottawa’s Official Plan.

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

The Subject Property is within the Village of North Gower. North Gower is considered a rural Settlement Area within the City of Ottawa. The Subject Property is designated Village on Schedule B9 of the Official Plan. The Village designation generally permits the development of residential uses. The Subject Property is also designated Residential by the Village of North Gower Secondary Plan. The Residential designation also generally permits the development of residential uses. The severed and retained parcels are zoned Village Residential First Density, Subzone C, Rural Exception 309

(V1C[309r]) in the City of Ottawa's Zoning By-law. The V1C[309r] zone requires a minimum lot area of 4,000 square metres and a minimum lot width of 45 metres for lots entirely on private services.

The proposed severed and retained parcels meet the minimum required lot area in the V1C[309r] zone. The proposed severed and retained parcels do not meet the minimum required lot width in the V1C[309r] zone. A rationale in support of the proposed minor variances for lot width is provided in the following section of this Letter.

Subject to approval of the requested variances, the Subject Property is suitable for the proposed purposes for which it is to be subdivided.

(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 proposed severed and retained parcels will have a minimum 0.4 hectare (1 acre) lot area. The severed and retained parcels will be serviced by private wells and septic systems. Minor variances are requested to permit a reduced lot width for the severed and retained parcels. The dimensions and shapes of the proposed lots are suitable for the proposed development.

(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;

The Subject Property is not within nor adjacent to a flood plain. No natural resources have been identified on the Subject Property.

(i) the adequacy of utilities and municipal services;

Private services including wells and septic systems will be required in support of the development of the severed and retained parcels.

(j) the adequacy of school sites;

The proposed severances are not anticipated to have an impact on 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 severances have regard for the criteria outlined in subsection 51(24) of the Planning Act.

Provincial Planning 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;" 2006, c. 23, s. 5; 2017, c. 23, Sched. 5, s. 80; 2023, c. 10, Sched. 6, s. 2 (1).

The Provincial Policy Statement 2020 came into effect May 1, 2020. The Provincial Policy Statement provides policy direction on matters of provincial interest related to land use planning and development in the Province of Ontario. At the time of preparing this Letter the Provincial Policy Statement 2020 is in effect.

The Provincial Planning Statement 2024 (PPS) will provide policy direction on matters of provincial interest related to land use planning and development in the Province of Ontario. The Provincial Planning Statement 2024 comes into effect on October 20, 2024. It is anticipated the Provincial Planning Statement will be in force and effect at the time of consideration of the consent and minor variance applications for the Subject Property.

All decisions affecting planning matters "*shall be consistent with*" policy statements issued under the Planning Act. The policies of the Provincial Planning Statement 2024 are detailed below.

Section 2.2 of the PPS sets out policies for housing. Policy 1 of Section 2.2 states:

“Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected needs of current and future residents of the regional market area by:

- b) permitting and facilitating:*
 - 1. all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including additional needs housing and needs arising from demographic changes and employment opportunities; and*
 - 2. all types of residential intensification, including the development and redevelopment of underutilized commercial and institutional sites (e.g., shopping malls and plazas) for residential use, development and introduction of new housing options within previously developed areas, and redevelopment, which results in a net increase in residential units in accordance with policy 2.3.1.3;*
- c) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation;”*

The Subject Property is a vacant property within the Village of North Gower. The proposed severances will facilitate the development of two new residential parcels within the Village of North Gower for current and future residents. The proposed severances are considered residential intensification of vacant lands designated for residential purposes. The Subject Property is adjacent to a designated arterial road (Prince of Wales Drive). The Subject Property is an appropriate location for new residential development where existing rural infrastructure is available.

The Village of North Gower is considered a rural *Settlement Area* as defined by the PPS. The Subject Property is within a rural Settlement Area in the City of Ottawa.

Section 2.3 of the PPS sets out policies for Settlement Areas and Settlement Area Boundary Expansions. Policy 1 of Section 2.3.1 states: *“Settlement areas shall be the focus of growth and development.”* The proposed severances support and directs residential growth to a rural Settlement Area in Ottawa.

Policy 2 of Section 2.3.1 of the PPS states:

- “Land use patterns within settlement areas should be based on densities and a mix of land uses which:*
- a) efficiently use land and resources;*
 - b) optimize existing and planned infrastructure and public service facilities;*
 - c) support active transportation;*
 - d) are transit-supportive, as appropriate; and*
 - e) are freight-supportive.*

The proposed severances support the development of vacant residential lands within the Village of North Gower. Two new residential lots will be created for development on the basis of private services. The proposed severed and retained parcels have access to rural infrastructure including a rural arterial road. There are no bus stops near the Subject Property.

Section 2.5 of the PPS sets out policies for Rural Areas in Municipalities, including rural Settlement Areas. Policy 1 of Section 2.5 of the PPS states:

“Healthy, integrated and viable rural areas should be supported by:

- a) building upon rural character, and leveraging rural amenities and assets;*
- c) accommodating an appropriate range and mix of housing in rural settlement areas;*
- d) using rural infrastructure and public service facilities efficiently;*

The proposed severances will facilitate the development of two new residential lots within the Village of North Gower. Each residential lot will have a minimum lot area of 0.4 hectares (1 acre), and be developed on the basis of private services including wells and septic systems. The proposed development builds on the rural character of the area, and proposes new housing on vacant lands within a rural Settlement Area. The severed and retained parcels will be accessed from a rural arterial road.

Policy 2 of Section 2.5 of the PPS states: *“In rural areas, rural settlement areas shall be the focus of growth and development and their vitality and regeneration shall be promoted.”* The proposed severances direct new residential development onto vacant lands within a rural Settlement Area in Ottawa.

Policy 3 of Section 2.5 of the PPS states:

“When directing development in rural settlement areas in accordance with policy 2.3, planning authorities shall give consideration to rural characteristics, the scale of development and the provision of appropriate service levels.”

The proposed severances will facilitate residential development on private wells and septic systems. The requested severances will support the development of two new residential lots on the Subject Property. The proposed residential lots are appropriate for the rural character of the area, the Village of North Gower, and will be serviced by private services.

The consent applications are consistent with the policies of the PPS.

The requested severances from the Subject Property have regard for the criteria outlined in subsection 51(24) of the Planning Act, and are consistent with the policies of the PPS.

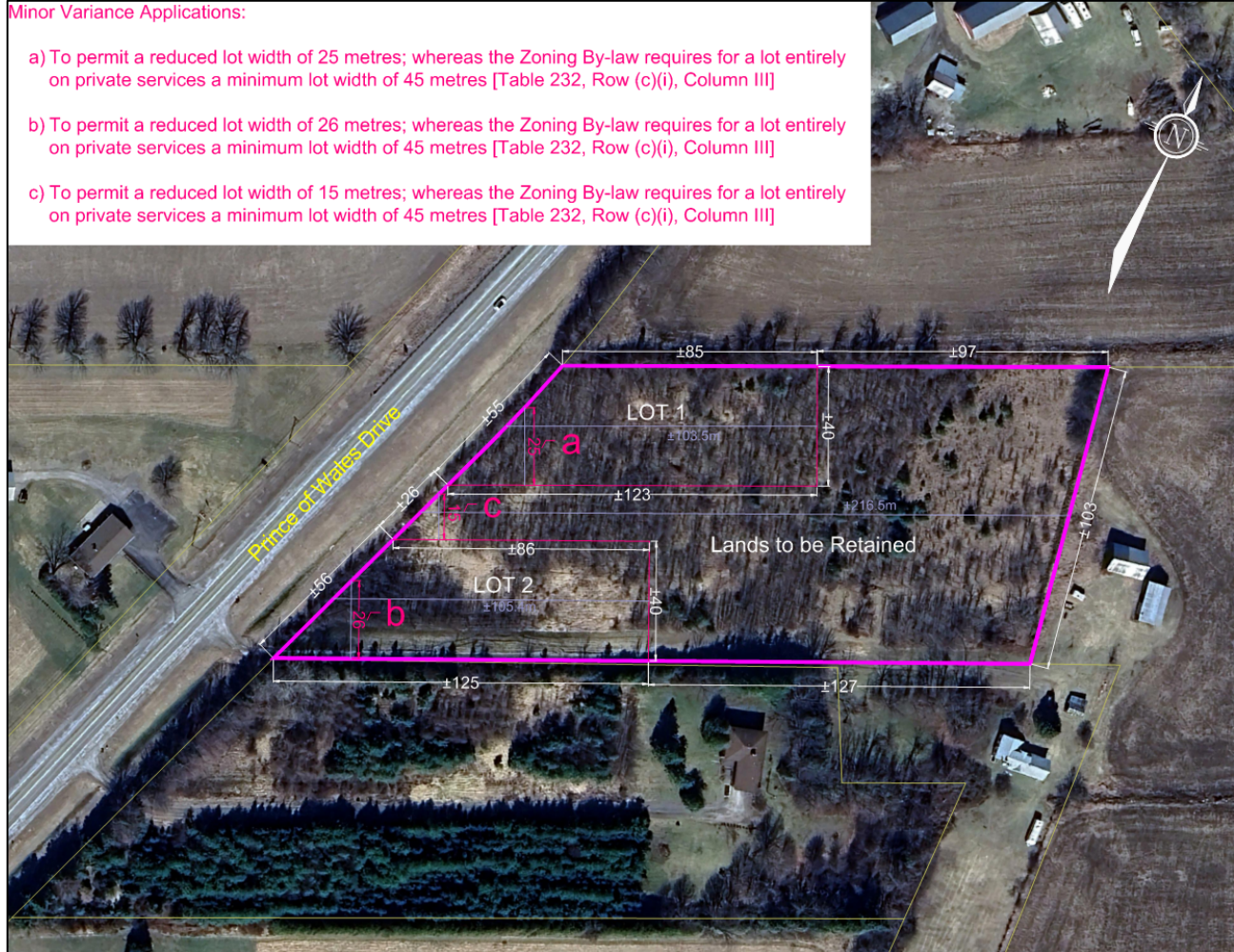
Minor Variance Application

The following minor variances are requested:

- a) To permit a reduced lot width of 25 metres; whereas the Zoning By-law requires for a lot entirely on private services a minimum lot width of 45 metres [Table 232, Row (c)(i), Column III].
- b) To permit a reduced lot width of 26 metres; whereas the Zoning By-law requires for a lot entirely on private services a minimum lot width of 45 metres [Table 232, Row (c)(i), Column III].
- c) To permit a reduced lot width of 15 metres; whereas the Zoning By-law requires for a lot entirely on private services a minimum lot width of 45 metres [Table 232, Row (c)(i), Column III].

Note: All requested minor variances have been rounded down (in the interest of caution) to the nearest whole number.

Figure 6. Minor Variance Sketch Excerpt



Minor Variance Rationale

The requested variances meet the four tests for minor variance as set out under Section 45(1) of the Planning Act.

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

The Subject Property is designated Village on Schedule B9 of the City's Official Plan, and designated Residential on Schedule A of the Village of North Gower Secondary Plan.

Section 9.4 of the Official Plan states:

“The majority of development within the Rural area occurs within Villages in order to reduce conflicts with other uses such as agriculture, mineral extraction, Rural Industrial and Logistics and areas of natural significance.”

The proposed variances are required in support of the creation of the severed parcels. The proposed variances will facilitate new residential development within a village. Both the Village designation of the Official Plan and the Residential designation of the Secondary Plan permit the development of residential uses including detached dwellings. The lot area of the proposed severed and retained parcels are adequate for the development of residential uses on private services.

The requested variances maintain the general intent and purpose of the City of Ottawa’s Official Plan.

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

The Subject Property is zoned Village Residential First Density, Subzone C, Rural Exception 309 (V1C[309r]) by the City of Ottawa’s Zoning By-law. The site-specific provisions of Rural Exception 309 do not apply to the proposed rural residential severances.

The purpose of the V1C zone is to:

- (1) *“permit detached dwellings in areas designated as Village in the Official Plan, and historically zoned for such low density use;*
- (2) *allow a limited range of compatible uses, and*
- (3) *regulate development in a manner that adopts existing land use patterns so that the low density, low profile form of a neighbourhood is maintained and enhanced.”*

The requested variances will facilitate the creation of two new residential lots within the Village of North Gower. Future residential development will be on private services. The zoning of the Subject Property requires low density rural residential development. The proposed severed and retained parcels include lot areas that maintain the low density, low profile form of neighbourhood development.

The lot width of the severed and retained parcels are calculated based on the definition of lot width in the Zoning By-law. The Zoning By-law defines “Lot width” 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 frontage of the Subject Property along Prince of Wales Drive is skewed at an angle compared to the rest of the property. As a result, when measuring lot width, the front lot line along Prince of Wales Drive intersects the lot width of the severed and retained parcels as measured between the side lot lines. The requested variances are based on the measured lot width of the severed and retained parcels.

The functional width of the severed parcels is 40 metres. The functional width of the retained parcel is approximately 100 metres. The measured lot widths of the severed and retained parcels is less than the functional lot width between the side lot lines of the proposed severed and retained

properties. There is sufficient lot area to develop the severed and retained parcels to accommodate a detached dwelling, well, and septic system.

The requested variances maintain the general intent and purpose of the Zoning By-law.

The third test for minor variance is that the minor variance is considered desirable for the use of land.

The requested variances will facilitate the development of two new residential lots within the Village of North Gower. The Subject Property is designated and zoned to permit low-density residential development on private services. The area and functional lot width of the severed and retained parcels are sufficient for each parcel to accommodate a detached dwelling, well, and septic system. The proposed development maintains the rural residential character of the village. The two severed residential lots and the retained lot will have access to Prince of Wales Drive.

The requested variances are considered desirable for the use of the land.

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

The proposed variances are required in support of the severed and retained parcels. The variances request a reduced lot width for the severed and retained residential parcels to be developed entirely on private services. The proposed severed and retained parcels meet the minimum lot area of 4,000 square metres.

Each severed parcel will have functional widths of 40 metres. The retained parcel will have a functional width of approximately 100 metres.

A Hydrogeological Investigation and Terrain Analysis, including a Septic Impact Assessment, is anticipated to be required as a condition of approval of the proposed severances. No impacts are anticipated by approval of the proposed minor variances.

The requested variances are considered minor in nature.

Conclusion

The proposed severances from the unaddressed vacant property in the Village of North Gower do not require a plan of subdivision for the orderly development of the land, and have regard for the criteria outlined in subsection 51(24) of the Planning Act. The consent applications are consistent with the policies of the Provincial Planning Statement.

The proposed minor variances maintain the general intent and purpose of the City of Ottawa's Official Plan, and the City of Ottawa's Zoning By-law 2008-250. The requested variances are considered desirable for the use of the land and are minor in nature. The consent applications and proposed minor variances represent good land use planning.

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

- One (1) copy of this Cover Letter;
- Complete Consent Application Form 1 (one copy);

- Complete Consent Application Form 2 (one copy);
- Complete Minor Variance Application Form 1 (one copy);
- Complete Minor Variance Application Form 2 (one copy);
- Complete Minor Variance Application Form 3 (one copy);
- Consent Sketch 1 (one 11x17 copy);
- Consent Sketch 2 (one 11x17 copy);
- Minor Variance Sketch (one 11x17 copy); and
- Parcel Abstract for the Subject Property, PIN: 03906-0239 (one copy).

Should you have any questions regarding these applications please do not hesitate to contact the undersigned.

Yours truly,

NOVATECH



Ryan Poulton, M.P.L., MCIP, RPP
Project Planner