

November 12<sup>th</sup>, 2024

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

Committee of Adjustment  
Received | Reçu le  
2024-11-14

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

City of Ottawa | Ville d'Ottawa  
Comité de dérogation

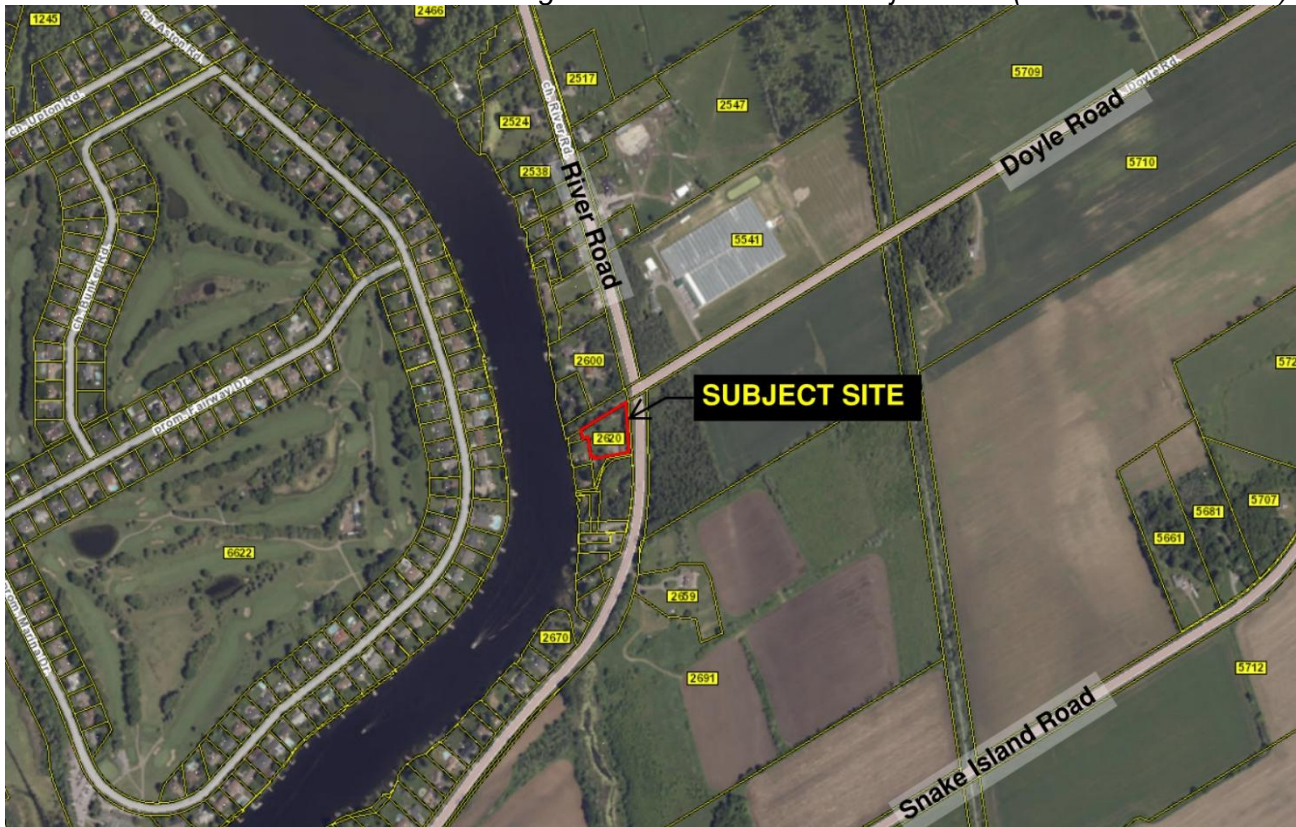
Dear Mr. Bellemare:

**Reference: 2620A River Road  
Lot Line Adjustment and Minor Variance Application  
Our File Number: 124164**

Novatech has been retained by the owner of the property municipally known as 2610B River Road to prepare and file an application for Consent and Minor Variances on behalf of the neighbouring property at 2620A River Road. The Consent application is for a Lot Line Adjustment to convey a 167 square metre part of 2620A River Road to 2610B River Road.

This letter describes the existing conditions of the site and its surrounding context, outlines the proposed lot line adjustment application, and provides a rationale in support of the application.

Figure 1: Location of the Subject Site. (Source: GeoOttawa).



## Site and Context

### Site

The Subject Site is located near the Village of Osgoode within Ward 20 – Osgoode in the City of Ottawa. The Subject Site is located on the west side of River Road. An unopened road allowance is adjacent to the northerly interior lot line of the Subject Site. A shared driveway provides access to the property from River Road. The driveway provides access to 2620B River Road, 2620C River Road, and 2620D River Road. 2610B River Road is the adjacent property to the west. The Subject Site has approximately 83.6 metres of frontage along River Road and has a lot area of approximately 4,854 square metres.

The Subject Site is legally known as Part of Lot 21, Concession 1, Geographic Township of Osgoode, City of Ottawa.

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



The Subject Site is designated Rural Countryside in the Rural Transect of the City of Ottawa Official Plan (Figure 3). The Subject Site is zoned RR2 – Rural Residential, Subzone 2 in the City of Ottawa Zoning By-law 2008-250 (Figure 4).



Figure 3: OP designation. (Source: City of Ottawa Official Plan).

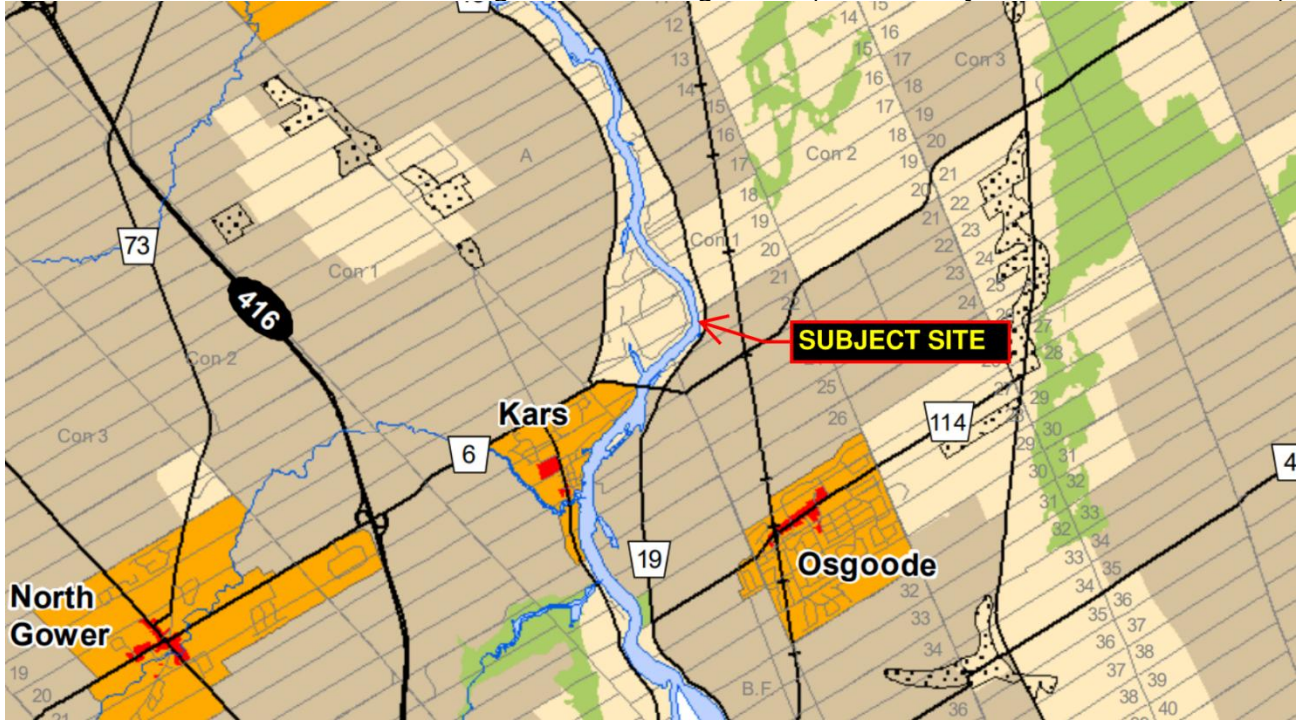
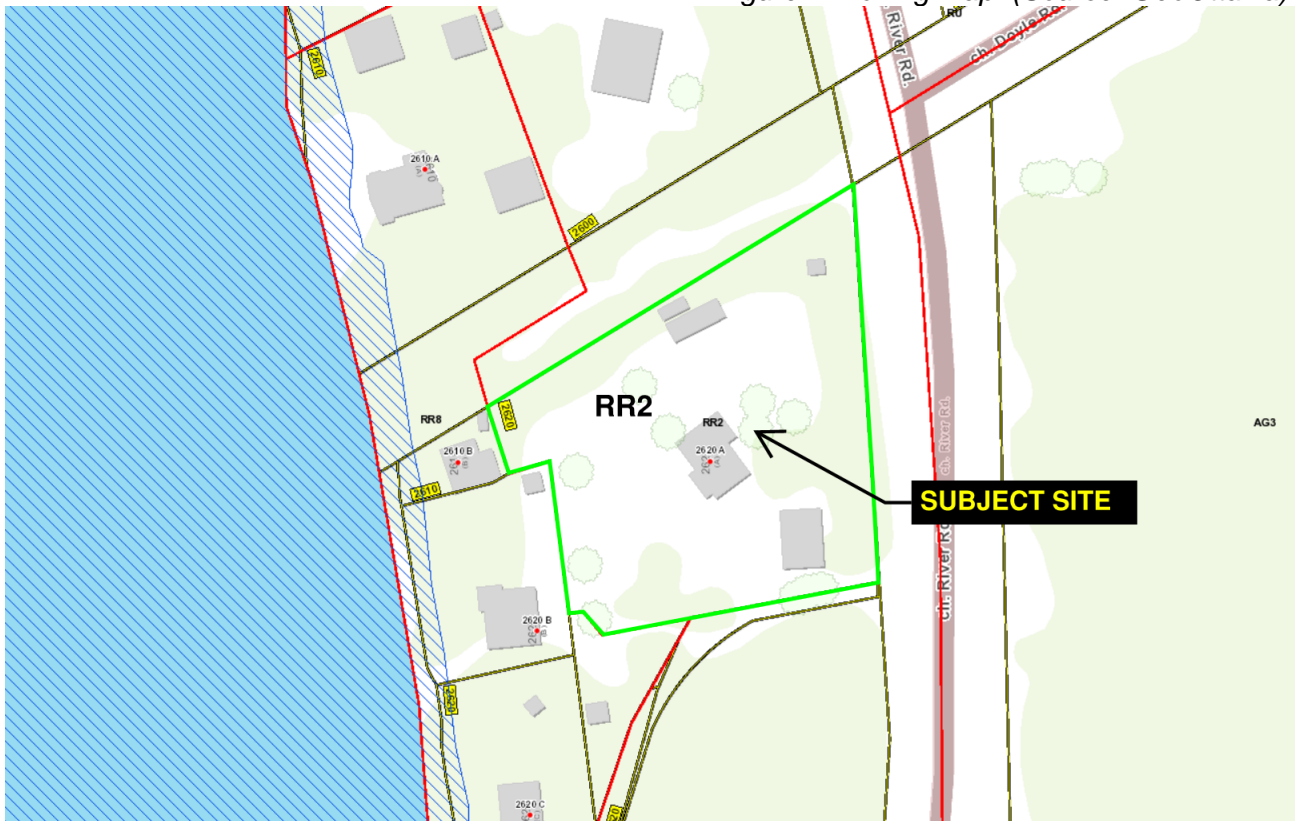


Figure 4: Zoning Map. (Source: GeoOttawa).



## **Surrounding Context**

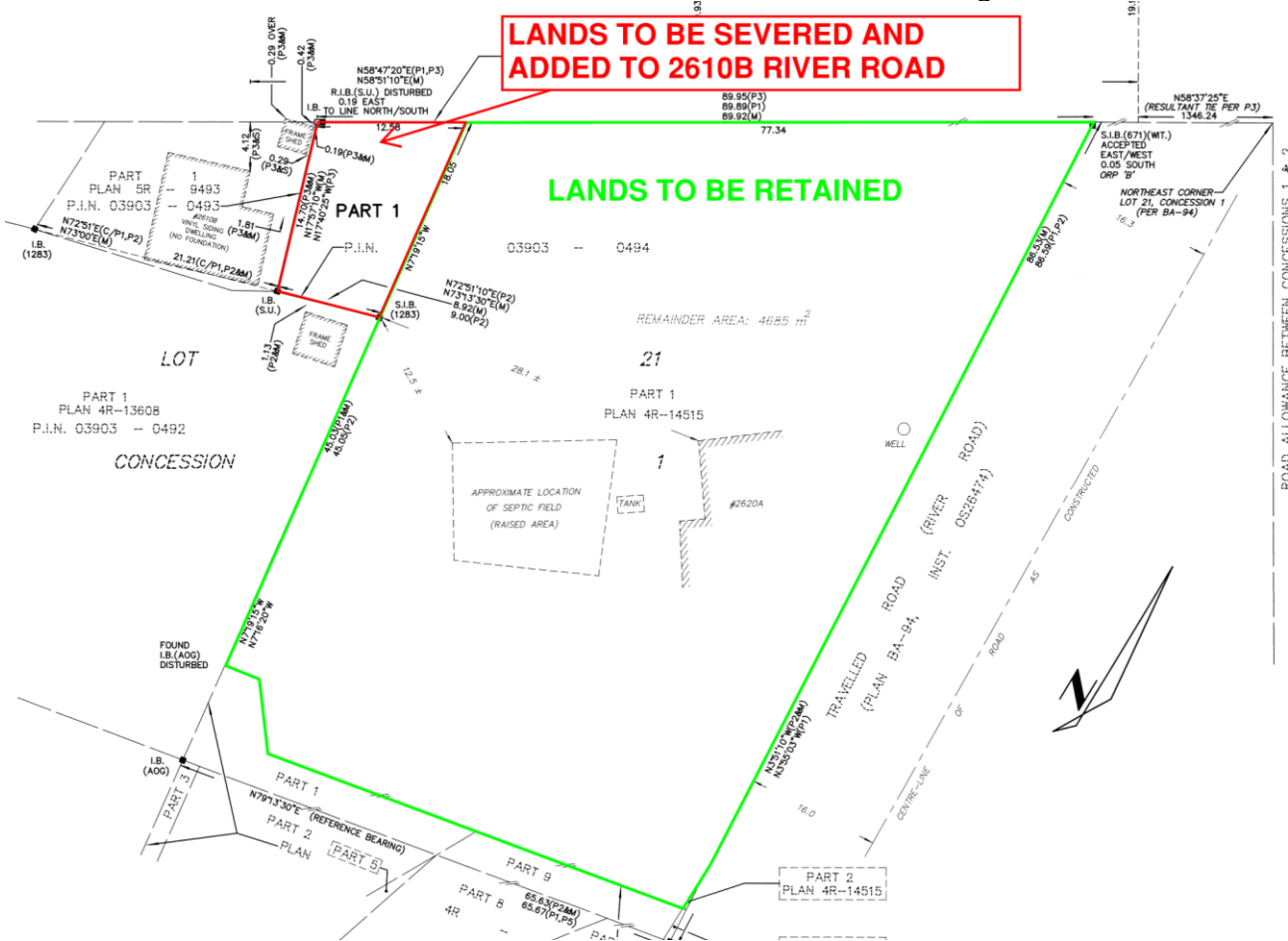
The adjacent properties to the west (2610B River Road, 2620B River Road, and 2620C River Road) are each developed with detached dwellings on waterfront lots. The Subject Site is located between the Rideau River and River Road, south of Doyle Road and north of Snake Island Road. The lot areas of the adjacent properties are highly varied. 2600 River Road, the Subject Site, and 2630 River Road are located along River Road, while smaller lots with no street frontage are located along the Rideau River. Access to the Subject Site and the adjacent waterfront properties to the west (2620B, 2620C, and 2620D River Road) is provided by a shared driveway from River Road. The rear lot line of the Subject Site is offset approximately 9 metres from the shared lot line with 2620B River Road. The proposed lot line adjustment will move the rear lot line eastwards 9 metres, to align with the shared lot line with 2620B River Road.

## **Proposed Development**

The proposed Consent application is for a Lot Line Adjustment to convey a 169 square metre portion of 2620A River Road (the Subject Site) to 2610B River Road, a neighbouring property to the west. The portion of the Subject Site proposed to be conveyed to 2610B River Road is shown on the Draft Reference Plan (Figure 5). The Lot Line Adjustment application will increase the lot area of 2610B River Road, providing space to locate the required septic system.

The Subject Site currently does not meet the minimum required lot area of 8,000 square metres in the RR2 Zone. The Lot Line Adjustment application will further reduce the lot area of the Subject Site. Relief is requested to permit a reduced lot area of 4,685 square metres.

Figure 5: Consent Sketch.



**Consent Applications**

Consent Application 1:

This application will create a new part from 2620A River Road to be conveyed to 2610B River Road.

**Consent Rationale**

**Planning Act**

Subsection 53(1) of the Planning Act states:

*“53(1) 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 lot line adjustment does not necessitate the construction of new public infrastructure, including roads and services. The proposed lot line adjustment application results in the conveyance

of a 169 square metre portion of 2620A River Road to 2610B River Road. A plan of subdivision is not required for the proper and orderly development of the municipality.

Subsection 53(12) of the Planning Act states:

*“53(12) 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 proposed lot line adjustment has regard for the following matter(s) of provincial interest:

- the orderly development of safe and healthy communities

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

The Subject Site is located within an existing area with smaller lot development. The proposed lot line adjustment will adjust an existing lot line to provide an increased lot area for 2610B River Road, while minimally decreasing the size of the Subject Site. The lot line adjustment is therefore 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 Rural Countryside in the City of Ottawa Official Plan. The Rural Countryside designation is intended to protect and enhance rural character and limit the fragmentation of rural lands.

The proposed lot line adjustment does not fragment rural lands as no new lot is proposed to be created. The lot line adjustment provides space for 2610B River Road to accommodate the required septic system. 2610B River Road is an existing undersized lot developed with a detached dwelling. The additional lot area as a result of the lot addition will support the location of a new septic system further away from the water. The lot line adjustment does not significantly reduce the size of the Subject Site. The lot line adjustment application protects and enhances rural character.

Policy 8 of Section 11.5 states:

***11) The City shall permit lot adjustments in any land-use designated for legal or technical reasons. For the purposes of this section, legal or technical reasons include severances for purposes such as easements, corrections of deeds, quit claims and minor boundary***



*adjustments, which do not result in the creation of a new lot or render an existing lot as non-complying.*

The proposed lot line adjustment does not render an existing lot as non-complying as the Subject Site as it exists does not comply with the minimum lot area requirement of the Zoning By-law. The lot line adjustment does not result in the creation of a new lot. The lot line adjustment increases the size of 2610B River Road, which does not meet the minimum lot area requirements of the Zoning By-law. The lot line adjustment application does not create any non-complying lots. Relief is requested to permit a further reduced lot area for the Subject Site as a result of the lot line adjustment, which increases the size of 2610B River Road by 169 square metres.

The proposed lot line adjustment conforms 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 proposed lot line adjustment will adjust the shared lot line between the Subject Site and 2610B River Road, increasing the lot area of 2610B River Road by 169 square metres. The increased lot area at 2610B River Road supports the location of a new septic system in an appropriate location on the property.

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

No affordable housing units are proposed.

***(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;***

The consent applications do not propose any new highways.

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

The proposed lot line adjustment supports the conveyance of a 169 square metre portion of 2620 River Road to 2610B River Road. The proposed lot line adjustment does not result in the creation of a new lot. The proposed lot line adjustment will adjust a shared lot line. The adjusted lot line increases the size of 2610B River Road by 169 square metres supporting a more suitable lot size to accommodate residential development. The proposed lot line adjustment improves the functionality of 2610B River Road without significantly reducing the size of 2620A River Road.

***(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;***

There are no restrictions or proposed restrictions on the lots, beyond the provisions of the Zoning By-law.

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

The Subject Site is not located in a floodplain or area of natural interest.

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

The Subject Site is in the rural area and uses private septic and well. The lot line adjustment will not have any impact on the adequacy of utilities and municipal services.

***(j) the adequacy of school sites;***

The Subject Site is within four kilometres of Kars on the Rideau Public School and within five kilometres of Osgoode Public School. The proposed lot line adjustment does not result in any new dwelling units and does not generate any new demand for school accommodations. Approval of the consent application is 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;***

No area of land is proposed to be conveyed or dedicated for public purposes as a result of the proposed lot line adjustment application.

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

Approval of the proposed lot line adjustment results in a more appropriate lot configuration that supports the relocation of the septic system for 2610B River Road. The portion of the Subject Site proposed to be conveyed to 2610B River Road is currently undeveloped and is used as a yard for the dwelling on the Subject Site. The lot line adjustment does not significantly reduce the size of this yard space while supporting the construction of a new home and septic system on the neighbouring property.

***(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).***

The proposed development is not subject to site plan control.

**The proposed lot line adjustment meets the criteria set out in Section 51(24) of the Planning Act.**

### **Minor Variance Application**

The proposed minor variance is as follows:

**2620A River Road:**

- a) To permit a reduced lot area of 4,685 square metres, whereas the Zoning By-law requires a minimum lot area of 8,000 square metres. (Section 226, Table 226A).



## 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 Rural Countryside within the Rural Transect in the City of Ottawa Official Plan. Section 9.2 of the Official Plan states that the intent of the Rural Countryside designation is to:

- 1) *Protect and enhance rural character.*
- 2) *Strengthen the rural economy by permitting a diversity of uses that support the local rural community.*
- 3) *Limit the fragmentation of rural lands and ensure the preservation of health.*

The requested variance is to permit a reduced lot area of 4,685 square metres, whereas the Zoning By-law requires a minimum lot area of 8,000 square metres. The proposed lot line adjustment with the requested variance for reduced lot area does not result in the creation of new lots that would further fragment rural lands. The existing lot does not meet the zoning by-law requirement. The lot line adjustment would decrease the lot area by 169 square metres and would not have any adverse impact on the rural character of the area.

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 RR2 – Rural Residential Subzone 2 in the City of Ottawa Zoning By-law 2008-250. The purpose of the RR Zone is to:

- (1) recognize and permit large-lot residential development in planned subdivisions and to acknowledge existing smaller lot development in areas designated as General Rural Area or Rural Natural Features in the Official Plan;*
- (2) recognize clusters of existing residential development found in areas designated as Agricultural Resource Area or Greenbelt Rural in the Official Plan;*
- (3) permit residential-only uses as well as related and accessory uses;*
- (4) regulate development in a manner that respects both the residential character of the area and the surrounding rural context.*

The provisions of the RR1 to RR3 subzones are for existing country lot developments.

The existing lot area of 4,854 square metres is smaller than the minimum lot area of 8,000 square metres in the RR2 Zone. The requested variance for a lot area of 4,685 square metres reduces the size of the Subject Site by 169 square metres. The RR Zones acknowledge existing smaller lot development. The intent of the RR Zones is to regulate development in a manner that respects the

residential character of the area and the surrounding rural context. The requested variance recognizes a lot area that is only 169 square metres smaller than the existing lot area.

The reduction results from a lot line adjustment application, which correspondingly increases the size of an abutting undersized lot (2610B River Road) so that a septic system can be accommodated on that lot. The lot line adjustment does not significantly decrease the existing lot area. The reduced lot area respects the existing residential character of the area and the surrounding rural context.

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 requested variance recognizes an existing undersized lot which is being reduced in area by 169 square metres as part of a lot line adjustment application, which will correspondingly increase the size of the neighbouring lot to the west (2610B River Road). The increased lot size on the adjacent lot supports a more appropriate septic system location, improving that property without adversely impacting the Subject Site.

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 area requirement is to ensure that lots are appropriately sized to accommodate the permitted uses for the zone. Adequate space is available to accommodate the existing use despite the reduced lot area. The reduced lot area results from a lot line adjustment, which will add a 169 square metre portion of the Subject Site to 2610B River Road. The reduction is minimal and the lot still meets all the other performance standards of the RR2 Zone. The reduced lot area is only 169 square metres less than the existing lot area which already does not comply with the Zoning By-law. No adverse impact is generated as a result of the reduced lot area.

The variance is considered minor in nature.

## **Conclusion**

The proposed lot line adjustment application at 2620A River Road meets the criteria of Section 51(24) of the Planning Act. The consent application is consistent with the policies of the PPS. The consent application meets the intent of the Official Plan. The proposed lot line adjustment results in additional space to accommodate a septic system at 2610B River Road.

The minor variance application to permit a reduced lot area of 4,685 square metres, whereas a minimum lot area of 8,000 square metres is required meets the general intent and purpose of the Official Plan and Zoning By-law. The proposed lot size with the requested variance is suitable and desirable for the use of the land and the requested variance is minor in nature. The requested variance meets the criteria of Section 45(1) of the Planning Act. The consent and minor variance applications represent good land use planning.

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

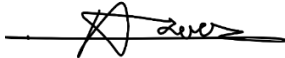
- Cover Letter (one copy)
- Complete Consent Application Form (one original copy)

- Signed Consent Authorization Form (one original copy)
- Complete Minor Variance Application Form (one original copy)
- Signed Minor Variance Authorization Form (one original copy)
- Application fee
- Draft Reference Plan (one 8.5x11 copy and one 11x17 copy)
- Survey Plan (one 8.5x11 copy and one 11x17 copy)
- Parcel Abstract for 2620A River Road (one copy)

Should you have any questions regarding these applications, please do not hesitate to contact me.

Yours truly,

**NOVATECH**



Arjan Soor, M.PL  
Planner