

January 16th, 2025

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

Attention: Michel Bellemare, Secretary - Treasurer

Dear Mr. Bellemare:

**Reference: 2610B River Road
Easement Application
Our File Number: 124164**

**Committee of Adjustment
Received | Reçu le**

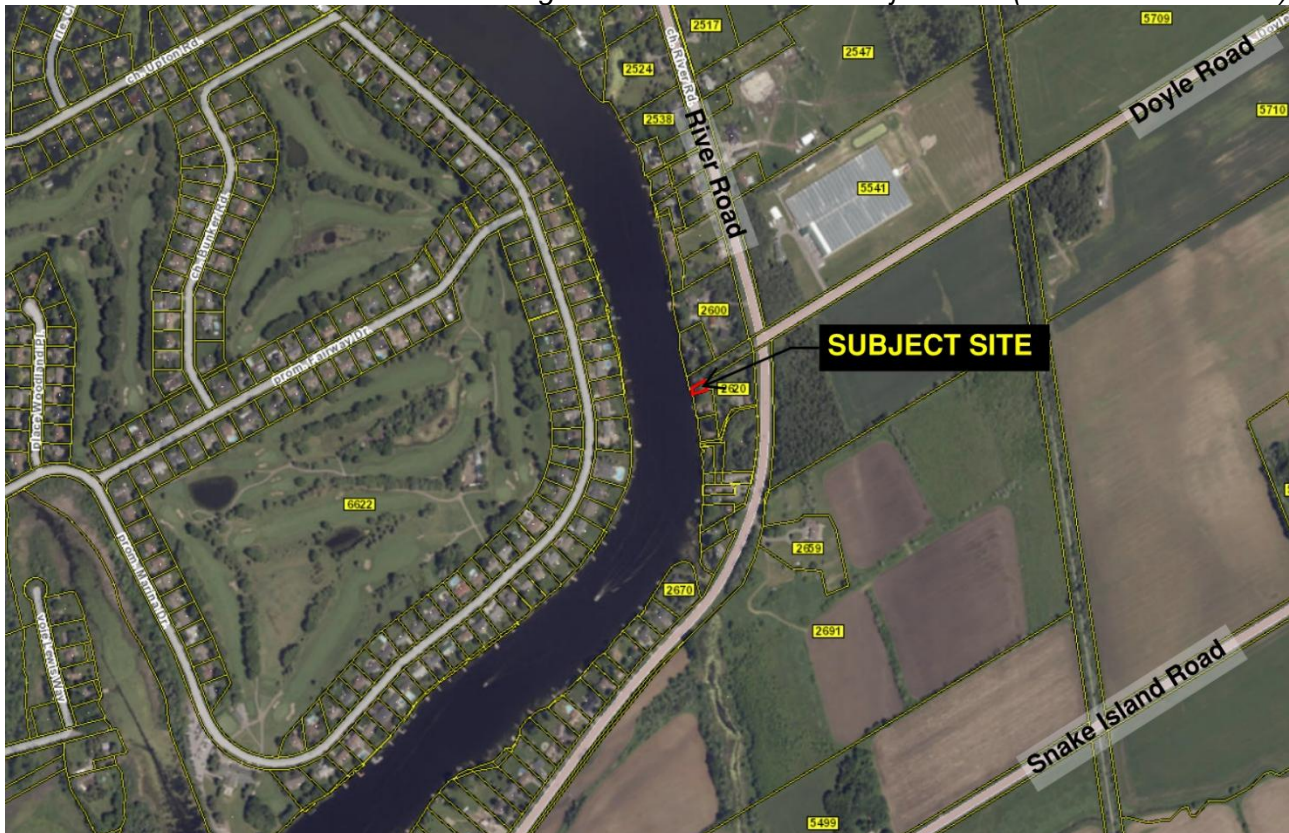
2025-01-16

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

Novatech has been retained by the owner of the property municipally known as 2610B River Road to prepare and file an application for Consent to establish an easement over a portion of the Subject Site in favour of 2620A River Road. The easement will establish legal access for the owners of 2620A River Road over the Subject Site to access the Rideau River.

This letter describes the existing conditions of the site and its surrounding context, outlines the proposed easement 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 east side of the Rideau River. The property does not have frontage on an improved public street. An unopened road allowance abuts the Subject Site to the north. A gravel driveway connects the property to River Road. The Subject Site has 8.4 metres of frontage along the water and a lot area of approximately 270 square metres. A Lot Line Adjustment application submitted on November 14th, 2024 will add 169 square metres from the adjacent lot to the east (2620A River Road) increasing the lot area of the Subject Site to 440 square metres.

For the purposes of this application, it is assumed that the lot line adjustment application has been approved by the Committee of Adjustment and finalized. The easement will only be created following the completion of the Lot Line Adjustment.

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 RR8 – Rural Residential, Subzone 8 and RR2 – Rural Residential, Subzone 2 in the City of Ottawa Zoning By-law 2008-250 (Figure 4). A portion of the property is subject to the Floodplain Overlay.

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

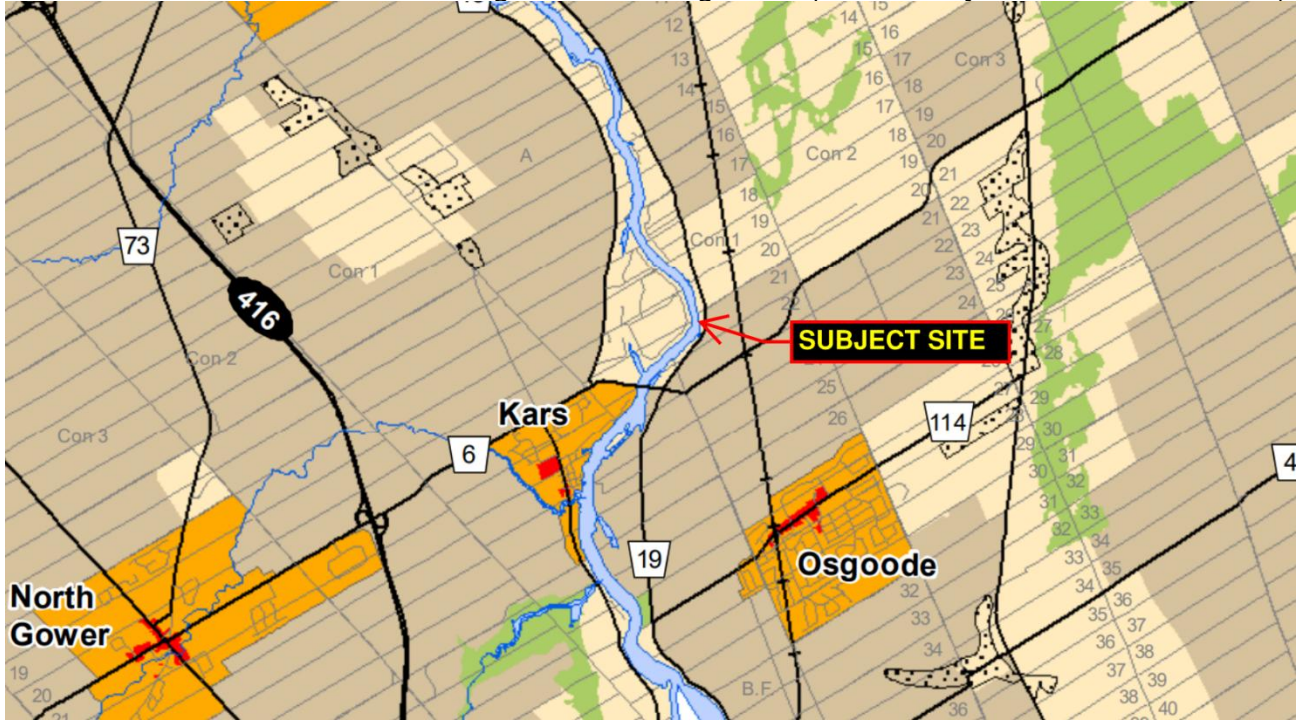
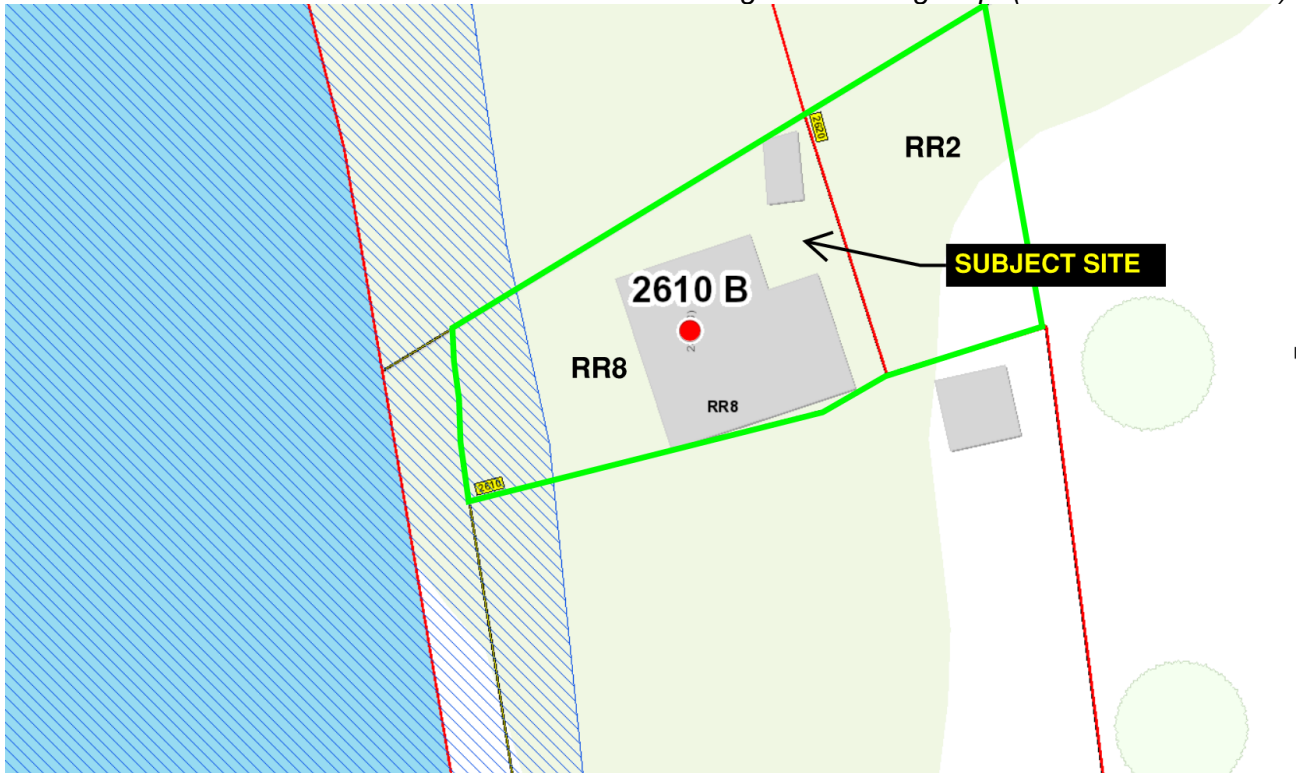


Figure 4: Zoning Map. (Source: GeoOttawa).



Surrounding Context

The Subject Site is adjacent to other residential dwellings on waterfront lots. The adjacent property to the south is developed with a detached dwelling on a waterfront lot. The adjacent property to the east is developed with a detached dwelling. The property to the north is developed with a detached dwelling. The Subject Site is located between the Rideau River and River Road.

Proposed Development

The proposed Consent application is to establish an Easement over the Subject Site in favour of the adjacent property at 2620A River Road. The adjacent property to the east (2620A River Road) does not have access to the water. An easement over a portion of the Subject Site will allow the owners of 2620A River Road to have access to the Rideau River.

Committee of Adjustment Application History

A Permission and Minor Variance application was submitted to the Committee of Adjustment on November 14th, 2024 to permit the expansion of the legally non-conforming detached dwelling and deck and to permit a reduced lot area. A Lot Line Adjustment and Minor Variance application was submitted on November 14th, 2024 to convey a 169 square metre portion of 2620A River Road to the owner of the Subject Site, providing additional space on the property to accommodate a new septic system.

Figure 5: Consent Sketch.



Consent Applications

Consent Application 1:

This application will create an easement over the Subject Site in favour of 2620A 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 easement does not result in any land division. The proposed easement simply establishes legal access over the Subject Site for the adjacent property at 2620A 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 easement 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;

No lot creation is proposed as part of the easement application. The easement application facilitates legal access between a private landowner onto another private landowner’s property. The easement application 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 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 easement application does not fragment rural lands. There is no

policy direction on easements between private landowners in the Official Plan. The easement application broadly aligns with the overarching direction of the Official Plan.

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

The proposed easement over the Subject Site in favour of 2620A River Road provides a 1.5-metre-wide access behind the proposed dwelling on the site. The access is optimally located given the size constraints of the Subject Site and is sufficiently wide to permit easy access with outdoor and recreational equipment.

(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 application does not propose any new highways.

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

The proposed easement application will establish legal access over the Subject Site for the owners of the adjacent property at 2620A River Road. The proposed easement will be 1.5 metres wide, providing sufficiently sized and direct access to the water. The dimensions of the easement are appropriate for the intended function.

(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 located in a floodplain. The Subject Site is not located in an area of natural interest. The proposed easement does not impact the floodplain. The easement simply facilitates access to the water.

(i) the adequacy of utilities and municipal services;

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

(j) the adequacy of school sites;

The proposed easement does not impact 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 easement application.

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

The proposed easement application does not impact the available supply, means of supplying, efficient use, and conservation of energy.

(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.

Conclusion

The proposed easement application at 2610B 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 easement establishes legal access over the Subject Site in favour of 2620A River Road. The easement will allow the owners of 2620A River Road to have access to the water.

The consent application represents good land use planning.

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

- Cover Letter (one copy)
- Complete Consent Application Form (one original copy)
- Signed Consent Authorization Form (one original copy)
- Application fee
- Consent Sketch (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