

2025-05-01

City of Ottawa | Ville d'Ottawa
Comité de dérogation



**CONSENT APPLICATION
COMMENTS TO THE COMMITTEE OF ADJUSTMENT
PANEL 3**

PLANNING, DEVELOPMENT AND BUILDING SERVICES DEPARTMENT

Site Address:	2933 Breezy Heights Road
Legal Description:	Part of Lot 2, Concession 3, Fitzroy
File No.:	D08-01-24/B-00244
Report Date:	May 01, 2025
Hearing Date:	May 06, 2025
Planner:	Luke Teeft
Official Plan Designation:	Rural Transect; Agricultural Resource Area; Natural Heritage System Corridor
Zoning:	AG2

DEPARTMENT COMMENTS

The Planning, Development and Building Services Department **has some concerns with** the application.

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 concerns with the proposed consent.

The plans submitted in support of the application show the severed lot sharing a well which crosses property lines. Under Section 51 (17) (h) of the *Planning Act*, staff recommend that the applicant either revise the lot lines to include the well on the severed lot or demonstrate that both lots have wells which do not cross property lines.

ADDITIONAL COMMENTS

Planning Forestry

There are no tree-related impacts associated with the severance requested. If future development is planned, the City's **Tree Protection Specifications** should be implemented when working around trees.

Transportation Engineering

Breezy Heights Road along the site frontage is expected to undergo gravel road to a hard surface upgrade this year (CP001033). Construction coordination is required with the City of Ottawa infrastructure project manager. Contact williamrobert.leach@ottawa.ca to discuss renewal plans and coordination.

CONDITIONS

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

1. That the Owner(s) obtain a Zoning By-law Amendment that prohibits residential development on the retained lands, with all levels of appeal exhausted. Notice shall be provided in writing to the Committee from the Department confirming this condition has been fulfilled.
2. That the Owner(s) provide proof, to the satisfaction of the **Manager of Development Review All Wards, or their designate**, that each existing parcel has its own well, independent private sewage system, and storm/foundation drainage and that they do not cross the proposed severance line. If the systems do cross, 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, at their own cost, to relocate the existing systems or construct new systems.
3. That the Owner(s) provide a report, to the satisfaction of the **Manager of Development Review All Wards, or their designate**, demonstrating the adequacy of the aquifer, with respect to quality and quantity, to support the proposed development.

Where adequacy cannot be demonstrated, the Owner(s) shall construct a new well on the severed lands and provide a report, to the satisfaction of the **Manager of Development Review All Wards, or their designate**, to demonstrate the adequacy of the aquifer, with respect to quality and quantity, to support the proposed development. The report must include a septic impact assessment to evaluate the water quality impact of the on-site septic system on the receiving aquifer.

The report must demonstrate the following:

- a. That the construction of any new well on the severed parcel is in accordance with the Ministry of the Environment, Conservation and Parks;
- b. That the quality of the water meets the Ministry of the Environment, Conservation and Parks Regulations, Standards, Guidelines and Objectives;
- c. That the quantity of water meets all the Ministry of the Environment, Conservation and Parks requirements; and

- d. That the septic impact assessment meets the Ministry of the Environment, Conservation and Parks requirements.

A qualified Professional Engineer or Professional Geoscientist must prepare the report. It is the Owner's responsibility to coordinate the person drilling a new well, if required, and the professional noted herein in order to properly satisfy this condition.

If the accepted report recommends specific mitigation measures or design requirements, the Owner(s) shall enter into a Development Agreement with the City, at the expense of the Owner(s), to include those recommendations and such agreement shall be registered on title. In instances where the subject site has sensitive soils, the drilling of a well and/or the conveyance of a 30-centimetre reserve may be required. Both the report and any required Development Agreement shall be prepared to the satisfaction of the **Manager of Development Review All Wards, or their designate**.

The Report shall be prepared as per Procedure D-5-4 "Technical Guideline for Individual On-Site Sewage Systems: Water Quality Impact Risk Assessment" and Procedure D-5-5 "Technical Guideline for Private Wells: Water Supply Assessment".

4. That the Owner(s) enter into an Agreement with the City, at the expense of the Owner(s), which is to be registered on title to deal with the following covenants/notices that shall run with the land and bind future owners on subsequent transfers:

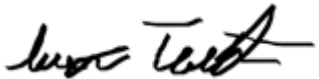
"The property is located next to lands that have an existing source of environmental noise (collector road) and may therefore be subject to noise and other activities associated with that use."

"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 shall be provided a copy of the Agreement and written confirmation from **City Legal Services** that it has been registered on title.

5. Pursuant to clause 51 (25) (c) of the *Planning Act* and Schedule C16 of the City's Official Plan, the Owner conveys to the City, at no cost to the City, an unencumbered road widening across the complete Breezy Heights frontage of the lands, measuring 13 meters from the existing centerline of pavement/the abutting right-of-way. The exact widening must be determined by legal survey. The Owner shall provide a reference plan for registration, indicating the widening, to the City Surveyor for review and approval prior to its deposit in the Land Registry Office. Such reference plan must be tied to the Horizontal Control Network in accordance

with the municipal requirements and guidelines for referencing legal surveys. The Owner(s) must provide to the City Surveyor a copy of the Committee of Adjustment Decision and a draft Reference Plan that sets out the required widening. The Committee shall be provided written confirmation from City Legal Services that the transfer of the widening to the City has been registered. All costs shall be borne by the Owner.



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