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**Urban Planning, Consulting and Project Management**

City of Ottawa Committee of Adjustment  
101 Centrepointe Drive, 4<sup>th</sup> Floor  
Ottawa, ON K2G 5K7

Committee of Adjustment  
Received | Reçu le  
2025-05-01

April 29 2025

Attn: Mr Michel Bellemare  
Secretary Treasurer

City of Ottawa | Ville d'Ottawa  
Comité de dérogation

Re: 1937 Stagecoach Road (Consent to Sever and Minor Variance applications)  
Part of Lot 12, Concession 4  
Geographic Township of Osgoode; City of Ottawa  
Scott Petticrew/Alexander Fait

On behalf of the property owners of 1937 Stagecoach Road , we are submitting two Consent to Sever applications and two Minor Variance applications for their lands at 1937 Stagecoach Rd. The lands are zoned RU - Rural Countryside. The lots proposed to be severed are located completely within the RU zone and are designated as Rural Countryside in the Rural transect.

The intent of the severance applications is to sever two lots located along the southerly edge of the property for residential purposes. The subject lands have not had any severances created from the parcel since May 14 2003 as per Official Plan policies and the lots to be created are 0.8 hectares (2 acres) in size and the retained parcel is 32.8 ha in area (81.15 acres) which meets the policies outlined in Section 9.2.3 (3) (a) of the Official Plan.

The resulting parcels will be:

- 1937 Stagecoach (retained Part 3)
- 1937 Stagecoach - "Part 1" (severed) (southerly severed lot)
- 1937 Stagecoach - "Part 2" (severed) (northerly severed lot)

The size and location of the severed parcels were designed to minimise loss of agricultural land.

The intent of the Minor Variance applications is to permit the severance applications as they will trigger variances for lot width and Minimum Distance Separation (MDS) setbacks. As detailed in the provided drawings, the retained lot (Part 3) will feature a smaller than permitted lot width. As detailed in the MDS report, the southerly severed lot (Part 2) conflicts with the required setback distance from an unoccupied livestock barn. Under MDS guideline #43, a Minor Variance is an appropriate process to approve a reduction to MDS I setbacks.

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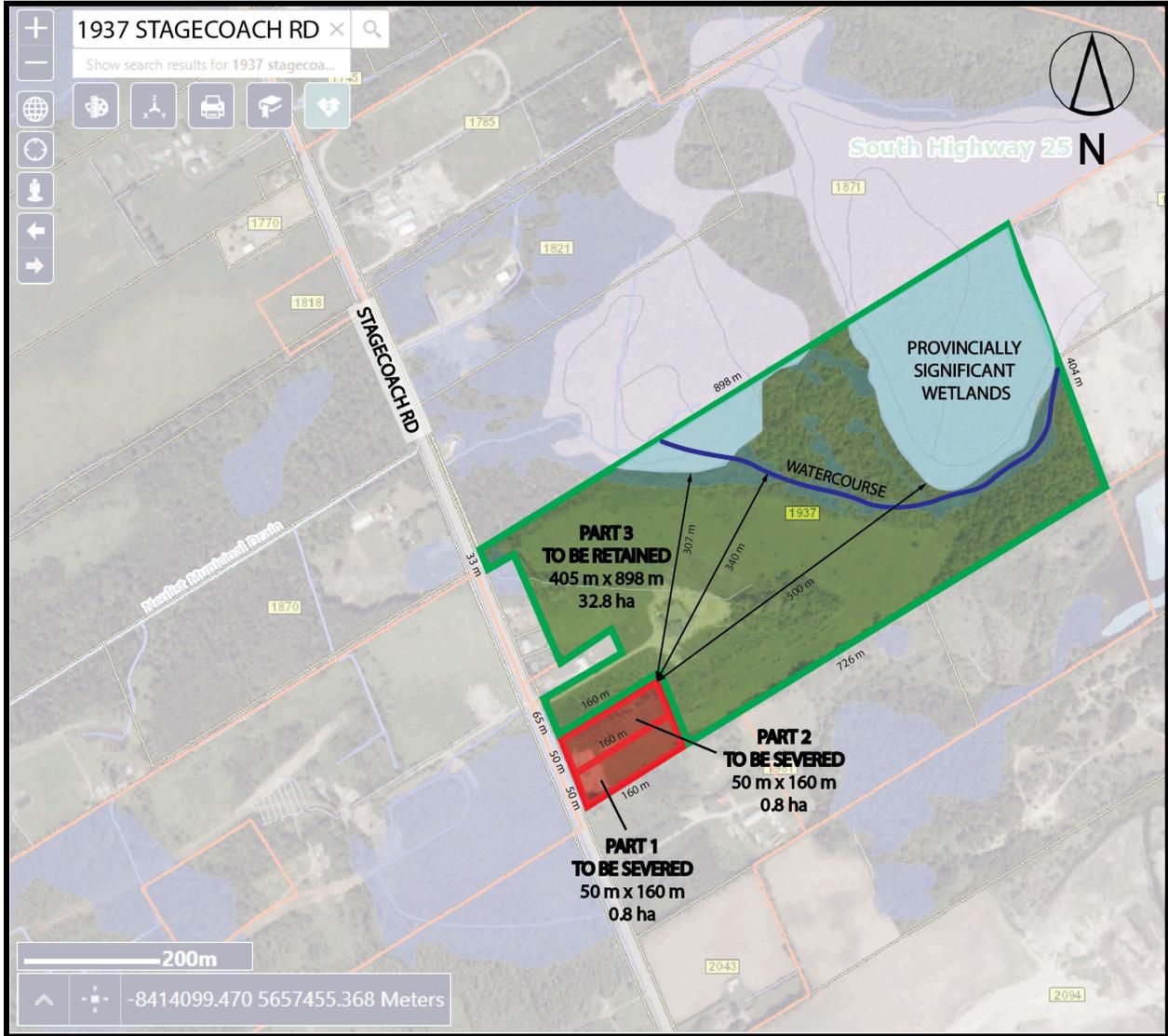
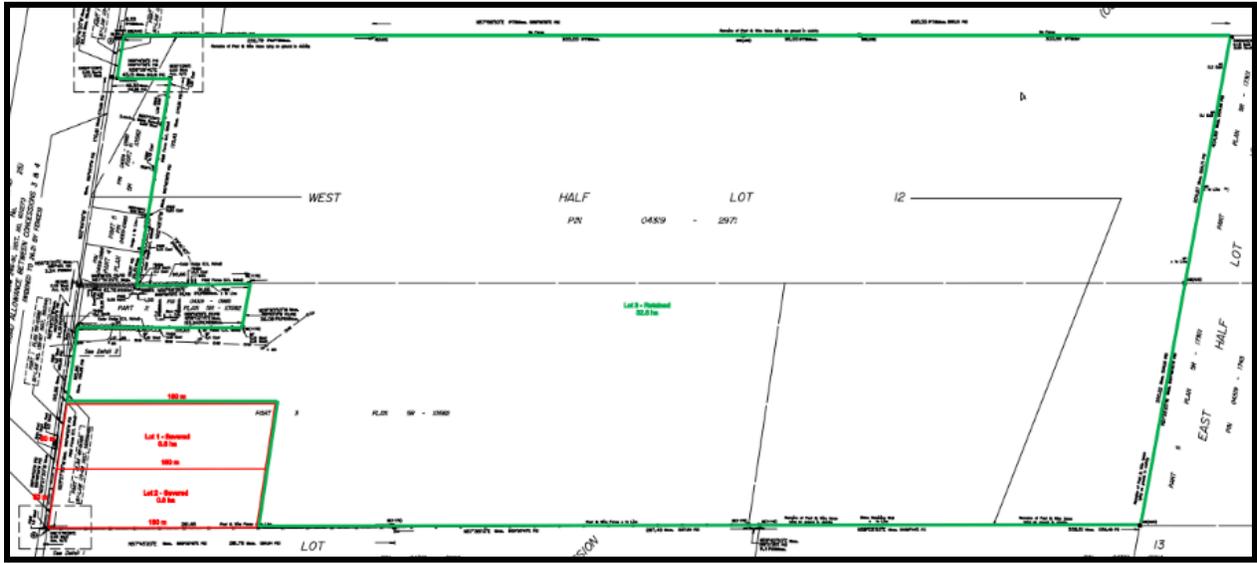


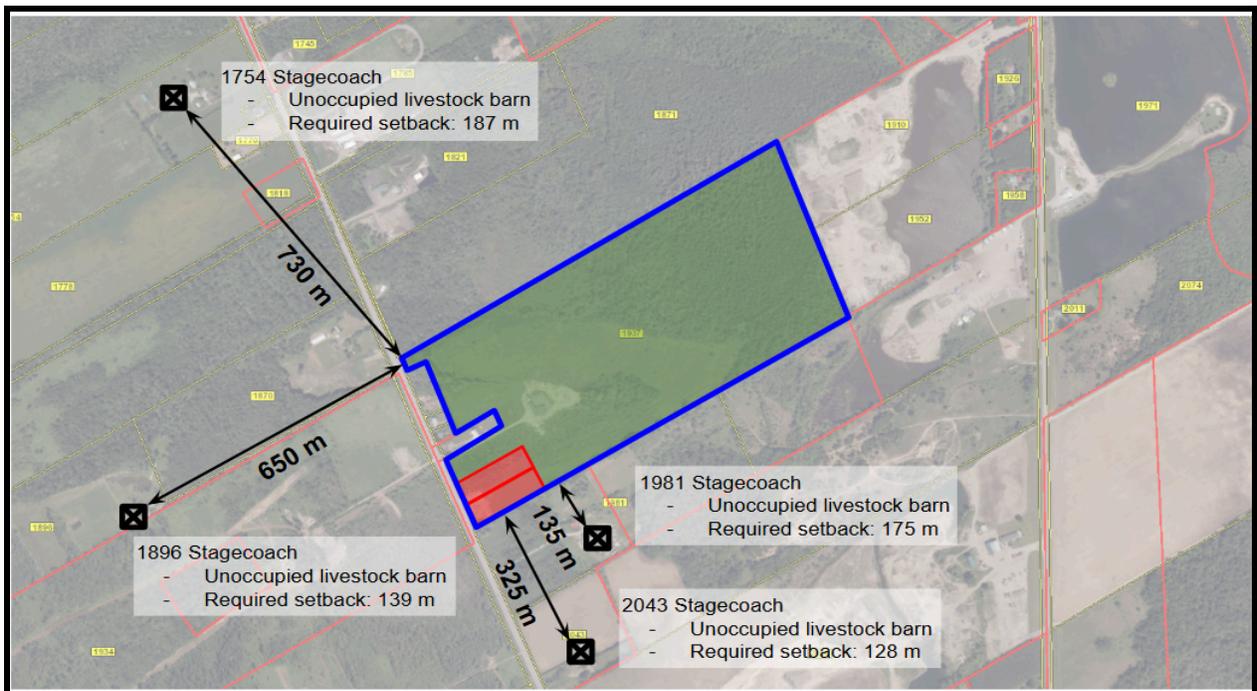
Image showing the lots to be **SEVERED** and the lot to be **RETAINED**.

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Sketch plan showing the two parcels to be **severed** and the parcel to be **retained**.



Minimum Distance Separation (MDS) map indicating properties considered for MDS requirements and demonstrating setbacks from applicable livestock barns to the **proposed lots**.

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### **Mineral Resource Impact Assessment (MRIA)**

The lands are within the 300 m influence area of a *Sand and Gravel Resource Area* overlay in the Official Plan and an area zoned for Mineral Extraction.

Section 67 of the Zoning By-law speaks to residential use building setbacks from mineral aggregate zones, noting no new dwellings may be constructed within 150 metres of a ME2 zone or subzone.

There is a Mineral Extraction (ME2) zone approximately 200 metres south of the building envelope for the proposed building lots. This particular ME2 zone contains a pit licensed to G.W. Drummond Ltd.

The separation distance between the proposed building lots and the existing ME2 zone are therefore in compliance with the 150-metre setback in the Zoning by-law.

There is a ME2[1r]-h zone located 115 metres north of the proposed back lot line. We are proposing a building envelope of 125 metres from Stagecoach Road with services (septic bed) allowed beyond the envelope. This would provide the required 150-metre separation distance for a residence bringing the proposal into compliance with the zoning by law.

The 150-metre distance would also allow the potential establishment of any future extractive operation to occur with minimal property setbacks (15 metres) with no requirement for a noise study as receptors would be beyond 150 metre Provincial Standard for requiring noise reports under the Aggregate Resources Act.

As indicated, the eastern part of the ME2[1r]-h zone has been previously depleted and there is not enough aggregate resource in the west part of the zoned area to be feasible to warrant a pit licence application at this location.

The previously depleted area at the west end of the Daley Pit was surrendered from the Pit Licence following depletion, but has not been removed from the ME2[1r]-h zone. This area is shown as open water and fill area in the recent satellite image (see Figure 3 of the MRIA report).

In discussions with the licensee for the Daley Pit, the sand and gravel operations further west of the depleted part of the pit were extracted to the edge of the deposit. The remaining area at the west side of the ME2 [1r]-h zone has been depleted except for a 1-hectare ridge of tertiary sand and gravel, about 3 metres in depth, that runs into the wetland on both sides, as observed along the snowmobile trail.

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Establishing this small remaining tertiary sand and gravel deposit is not economically feasible to develop.

In summary, the 125 metre building envelopes for the proposed 2 lots are 200 metres from the edge of the ME2 zone and 150 metres from the ME2[1r]-h zone to the north and are in compliance with the Zoning By-law.

Below are **images taken of the subject property**



**View of the laneway access (to the right of the large tree) leading to the existing use on the property. Photo taken from the west side of Stagecoach Road. 1931 Stagecoach is on the left.**

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**View looking south on Stagecoach Road. Proposed lots would be beyond the driveway on the left hand side of the photo.**

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**View towards proposed new lots looking to the north east.**

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**View towards proposed new lots looking to the south east.**

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### **Consent to Sever Applications**

Section 53 (1) of the Planning Act indicates that ‘ an owner, chargee or purchaser of land, or such owner’s, chargee’s or purchaser’s agent duly authorised 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 reasons why this division of land can proceed as a consent application and does not need to be done via a Plan of Subdivision are provided below in the responses to the applicable sections of Section 51 (24) of the Planning Act.

Section 51 (24) of the Planning Act states that in considering the draft of a subdivision, the following factors will be considered:

- a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;
  - d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;
  - f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems
  - h) the orderly development of safe and healthy communities;
  - p) the appropriate location of growth and development;
  - q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;
  - r) the promotion of built form that,
    - (i) is well-designed,
    - (ii) encourages a sense of place, and
    - (iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;

*Response: The subject site does not contain any features of architectural, cultural, historical, archaeological, or scientific interest. The proposed lots have adequate provisions for communication, transportation, sewage and water services, and waste management systems. The applications to subdivide the property are aligned with matters of provincial interest.*

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

*Response: The proposed severed parcels are intended for residential use and will have similar lot patterns to other properties along Stagecoach Road. The Rural transect and Rural Countryside designation allow for lot creation up to a maximum of two lots and residential land use on lots with areas of 0.8 ha*

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*therefore the proposed subdivision is not premature and is in public interest.*

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

*Response: The relevant policies in the Official Plan for this subject property are 9.2.2 and 9.2.3. As per these policies, the proposed residential uses are permitted, both lots may be created, the retained lot is larger than 10 ha and the severed lots are 0.8 ha. Additionally, all lots have frontage on a public road. Therefore, the proposed subdivision conforms to the relevant policies in the Official Plan.*

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

*Response: The subject property is located in the RU zone which permits residential uses and lots of this size. The property is designated as Rural Countryside which also permits residential developments. The two proposed lots are proposed to have each 60m of frontage on Stagecoach Road and an area of 0.8 ha. Minimum Distance Separation calculations have been completed and the required setback has been determined. Any new construction will be zoning compliant.*

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

*Response: 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;

*Response: This proposal does not include any new roadway construction. The lots have adequate frontage on open municipal roadways being Stagecoach Road.*

f) the dimensions and shapes of the proposed lots;

*Response: The proposed lots conform to the minimum required lot width and area as per the Zoning By-Law and the Official Plan. The proposed severances will match the lotting pattern of the area. The retained lot complied with the lot area requirement but required a variance for lot width due to the split frontage of about 65 m to the south and 33m to the north.*

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;

*Response: Restrictions on the subject land are triggered by the proximity of the Sand*

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*and Gravel Resource Area zoned for Mineral Extraction within 300 m of the subject site and the proximity of unoccupied livestock barns within 750 m of the subject site. To address these restrictions, a Mineral Resources Impact Assessment and a Minimum Distance Separation calculation report have been completed and submitted with this application.*

(h) conservation of natural resources and flood control;

*Response: The subject property is not within a flood plain and the wetlands identified on GeoOttawa are approximately 430m from the proposed lots.*

i) the adequacy of utilities and municipal services;

*Response: Private services will be used on both created lots as municipal services are not available. The lots have been adequately sized to accommodate private well and septic systems.*

j) the adequacy of school sites;

*Response: The available schools closest to the subject site are: Greely Elementary School (5.1 km), Castor Valley Elementary School (8.5 km), Osgoode Township High School (13.3 km)*

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

*Response: There is no land to be conveyed or dedicated for public purposes*

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

*Response: 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).

*Response: The proposal does not trigger Site Plan Control as there are no new buildings being proposed at this time. When development will be proposed in the future, the proposed land use will be a detached dwelling which does not trigger Site Plan Control.*

### **Minor Variance Applications**

The proposal requires relief from the following Zoning By-Law sections:

- a) Lot width. The proposed lot width of the retained lot (Part 3) is 33.4 m, whereas the minimum required lot width for a lot with agricultural uses is 60 m (Table 227, (a), Zoning By-Law 2008-250, as amended).
- b) Minimum Distance Separation setback. To create a new residential lot with a separation distance of 135 m from an existing livestock operation, whereas the Zoning By-Law requires that new development complies with the Minimum Distance Separation requirements (175m) (Section 62, (2) Zoning By-Law 2008-250, as amended).

The four tests of a **Minor Variance** application from Section 45 (1) of the Planning Act are that the variances are minor in nature, are desirable for the appropriate development or use of the land and building, and maintain the general intent and purpose of the Zoning By-Law and Official Plan.

#### **1. The variances are minor in nature**

The requested variances are minor in nature and do not represent significant departures from the Zoning By-Law and do not cause adverse impacts on abutting properties or the neighbourhood.

Variance a) is triggered due to a smaller than permitted lot width for the RU zone for the retained lot which contains agricultural uses. The lot in question (Part 3) is the retained lot in the corresponding severance application and features a split frontage. Currently, 1937 Stagecoach features a split frontage with a southern frontage of 165.86 m and a northern frontage of 33.04 m. The site is currently accessed via the southern 165.86 m frontage.

As per Zoning definition, the front lot line is defined as the shortest frontage, and the lot width is a function of the front lot line meaning the lot width must be measured from the northern portion of this property's frontage. If the lot width was permitted to take both frontages into consideration, or simply the southern frontage only, the lot would be Zoning compliant.

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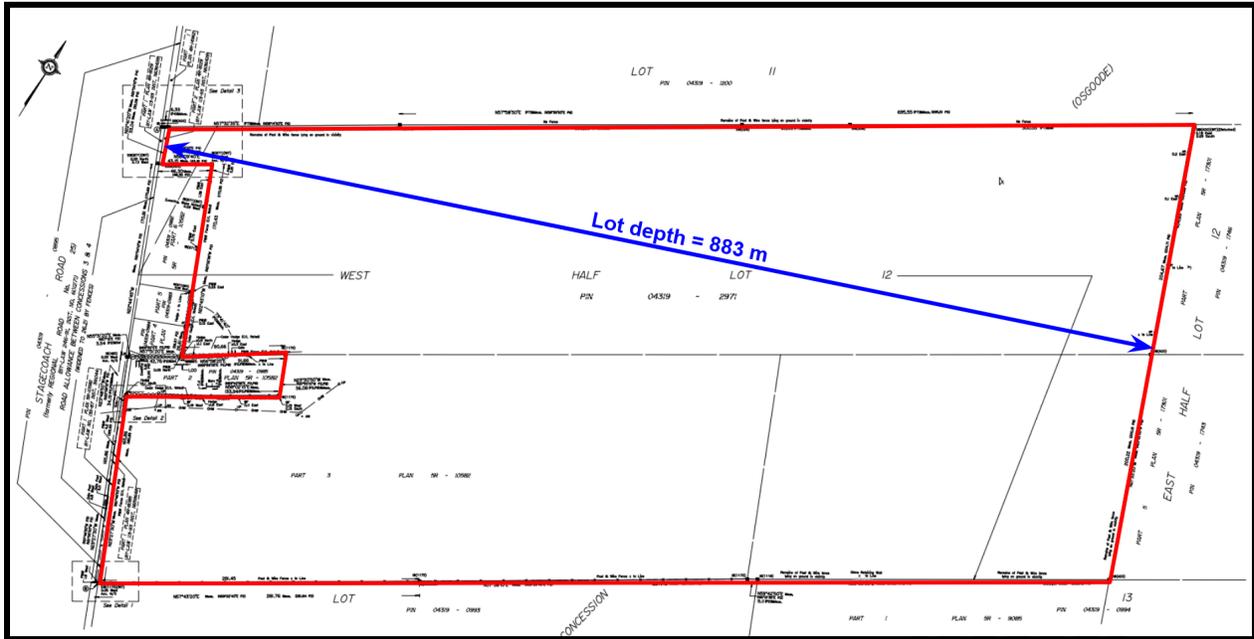


Diagram showing how lot depth is calculated.

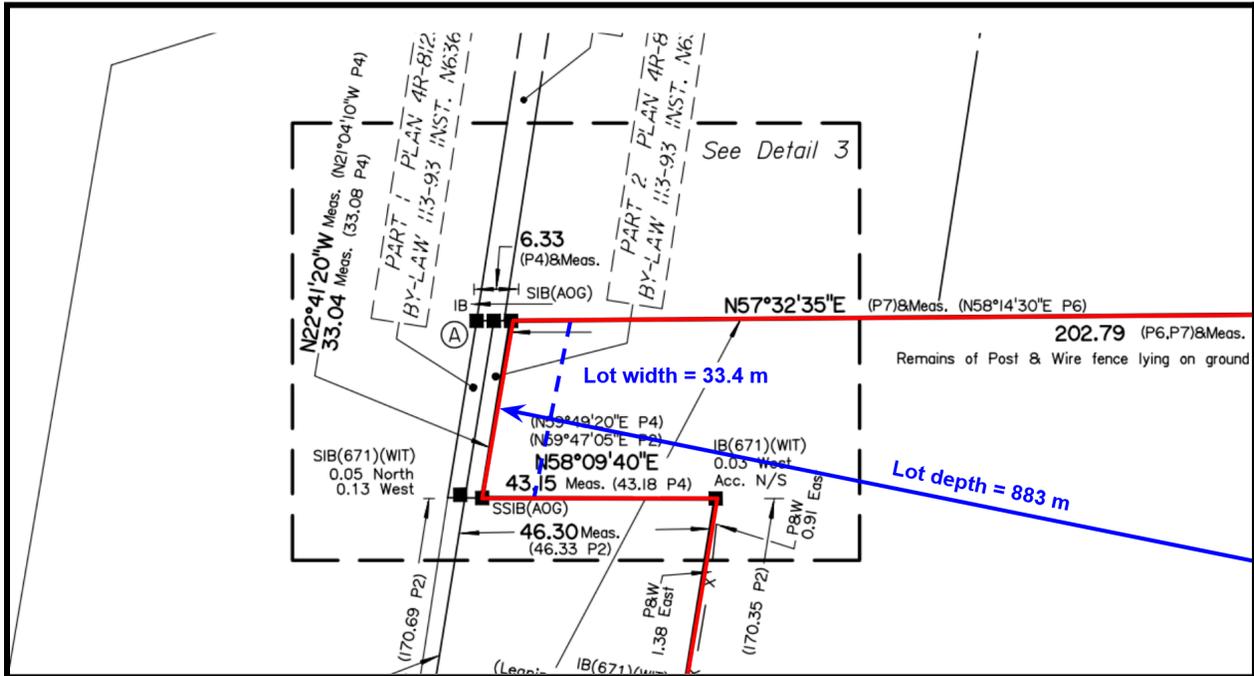


Diagram showing how lot width is calculated.

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Variance b) is triggered because the Minimum Distance Separation (MDS) calculations that were completed identified a larger setback than is provided for the southerly severed lot (Part 2). The MDS calculations resulted in a required setback of 175 m from the unoccupied barn at 1981 Stagecoach whereas the proposed lot is actually 135 m from the unoccupied livestock barn.

As per Ontario Ministry of Agriculture, Food, and Rural Affairs (OMAFRA) guidelines, municipalities have the ability to require that any reductions to MDS setbacks be approved through a Minor Variance process. Therefore, the Committee of Adjustment has the authority to approve the proposed MDS reduction from 175 m to 135 m.

## **2. Desirable and appropriate for the development or use of land and building**

The retained lot width reduction does not alter the configuration or use of the land. The existing driveway located on the southern portion of the frontage will remain functional after the severances have occurred. The existing agricultural use will continue to operate effectively. Additionally, the lot features a second frontage of 65.86 m which would be a zoning compliant lot width.

The MDS setback reflects the potential for livestock activity at 1981 Stagecoach Rd and not actual land usage. Currently, there is no livestock facility in use and so there is no immediate concern with noise or order for the proposed severed lot (Part 2). A variety of livestock could be housed in the existing barn with a MDS setback of less than 135m. For example, chickens would trigger a 97 m setback, goats would trigger a 117 m setback, horses would trigger a 121 m setback, and turkeys would trigger a 115 m setback. Additionally, if the required MDS setback of 175 m was implemented, the proposed severed lot would contain 0.5 ha of developable area outside of the required setback. The reduction to the MDS setback will not significantly alter the available development options for the severed property (Part 2).



#### **4. The variances maintain the intent of the Zoning By-Law**

The purpose of the RU - Rural Countryside zone is:

- (1) **accommodate agricultural, forestry, country residential lots** created by severance and other land uses characteristic of Ottawa's countryside, in areas designated as General Rural Area, Rural Natural Features and Greenbelt Rural in the Official Plan;
- (2) recognize and permit this range of rural-based land uses which often have large lot or distance separation requirements; and
- (3) regulate various types of development in manners that ensure **compatibility with adjacent land uses and respect the rural context.**

The intent of the lot width requirement is to ensure each property has sufficient frontage for access and development. The retained lot's width is an existing condition that is not changing through this application. Adequate frontage and access are provided through the southern portion of the frontage and the site is already developed with an agricultural use. No further development is proposed on this lot.

The intent of the MDS setback requirements is to protect current and future land owners from adjacent noise and odour from adjacent livestock and manure storage facilities. The MDS setbacks are guided by the OMAFRA MDS manual which outlines guidelines for lot severances and future development in the presence of unoccupied livestock barns. The proposed severance aligns with the intent of this requirement because the conflicting setback is taken from an unoccupied livestock barn. There are no existing or proposed livestock or manure facilities within 750 m radius of the subject property. Additionally, the proposed severed lot contains a total of 0.5 ha of lot area located outside of the required 175 m setback, proving that potential future development could be compliant with the maximum required setback.

The proposed severed and retained lots will accommodate permitted uses being agricultural and residential development on lots with compliant lot areas and severed lots with compliant lot widths.

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At this time, we are submitting the following in support of the application:

- Completed application forms for the primary and secondary consents;
- Property owner's authorization;
- Parcel Abstract Page (PIN);
- Application fees;
- A sketch plan of the overall property showing the severed and retained lands;
- MDS report;
- Lawyer's letter requesting a retained land certificate and confirming there are no ownership issues that would contravene section 50 of the Planning Act;
- Mineral Resource Impact Assessment report;

Should you have any questions or require anything further, feel free to contact the undersigned at (613) 599 9216 or via email at [probinson@probinsonconsulting.com](mailto:probinson@probinsonconsulting.com)

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