



## COMMITTEE OF ADJUSTMENT

### REPORT N° AMÉ-20-38-R

<b>Date received</b>	24/06/2020
<b>Date of meeting</b>	13/08/2020
<b>Submitted by</b>	Claire Lemay
<b>Subject</b>	Consent – Creation of a new residential lot
<b>File Number</b>	D-10-890
<b>Owner</b>	2606406 Ontario Inc
<b>Agent</b>	Marc Daigneault
<b>Civic Address</b>	9370 County Road 17
<b>Legal Description</b>	Part of Lot 36, Con 1 (O.S.), Being Parts 1, 3, 6, 7, 8 & 9 on Plan 50R-9349

#### 1) GENERAL INFORMATION:

**Designation of the Official Plan of the United Counties of Prescott and Russell:** Rural Policy Area

**Designation of the Official Plan of the Urban Area of the City of Clarence-Rockland:** N/A

**Designation of the Official Plan of Bourget:**  
N/A

**Classification of Zoning By-law No. 2016-10:**  
Rural (RU) Zone

**Services :**

**Municipal Water:** No

**Municipal Sewer:** No

**Road Access:** County Road 17

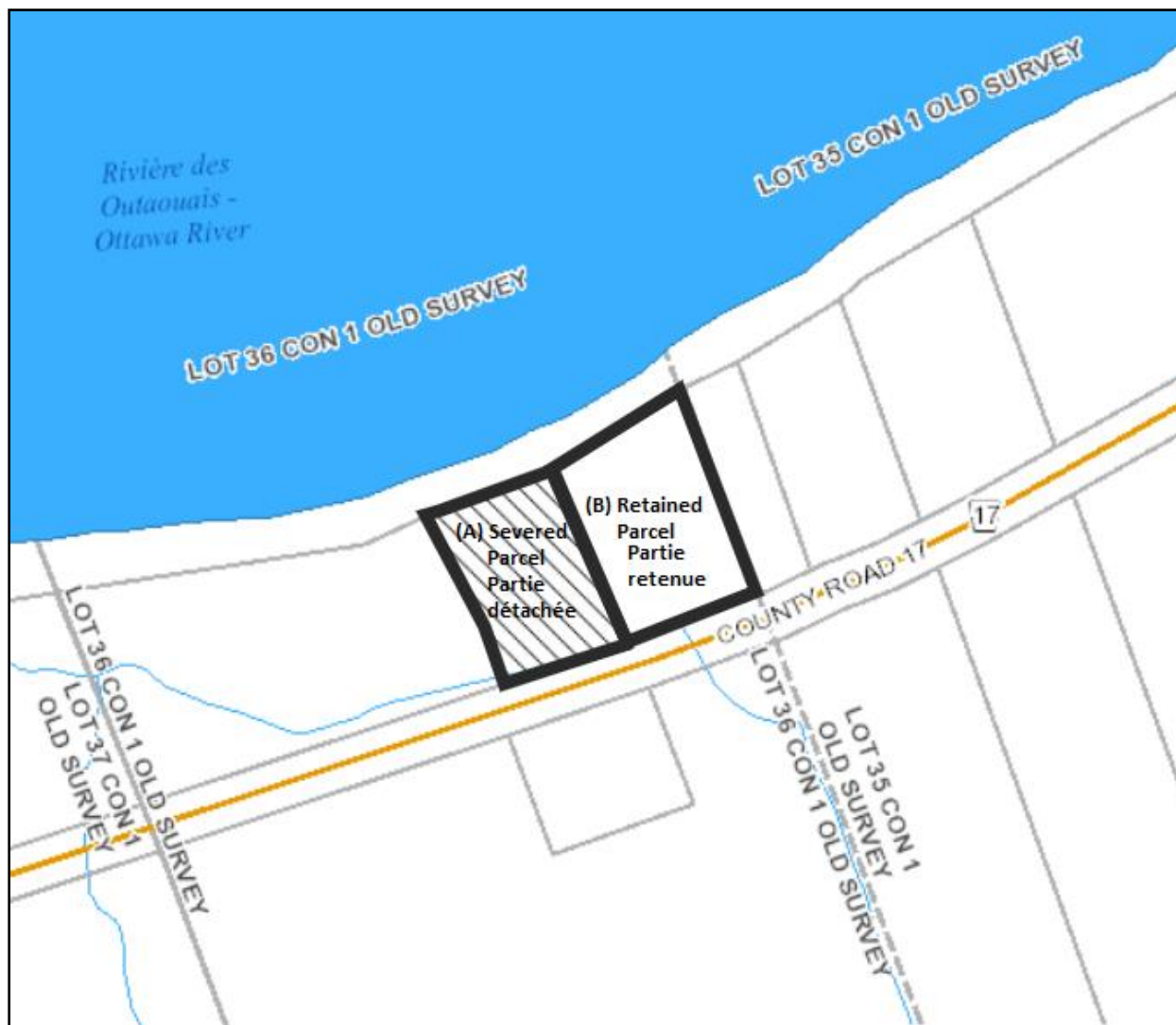
An appeal may be made to the OMB if no decision is made within 90 days (22/09/2020).

#### 2) PURPOSE :

Creation of a new residential lot

### 3) CONSENT REQUESTED :

	Frontage	Depth	Area
(A) Severed parcel	63m	115m	7,245m <sup>2</sup>
(B) Retained parcel	94m	127m	11,100m <sup>2</sup>



**Figure 1 (Keymap)**

### 4) CONDITIONS AND COMMENTS RECEIVED :

#### **Finance :**

No objections.

#### **Protective Services :**

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#### **Community Services :**

5% cash-in-lieu of Parkland fee to be applied as required by the Parkland Dedication By-law.

**Construction :**

No concerns as long as the new lot created for residential can accommodate a septic and a well.

**Infrastructure Services :**

Slope stability analysis will need to be provided to ensure there is still enough space to build (house + septic + well - area for shared driveway).

Commercial use & registered site plan will need to be removed from the old restaurant property in order to avoid having a commercial use of shared driveway through a residential entrance.

Hydrogeological study to be provided in support that this lot will be able to accommodate another septic bed (adjacent to two commercial septic).

Lot is located in part of the Intake Protection Zone.

No municipal services are available.

**United Counties of Prescott and Russell :**

See attached document.

**South Nation Conservation :**

See attached document.

**Comments from HydroOne:**

This location is serviced by Hydro One by way of a private primary line. Please advise the property owner that the service pole and transformer that supplies the existing building is located on the proposed severed lot side. Any line/connection changes required will need to be coordinated through the Hydro One call center at 1-866-664-9376 and any reconfiguration cost(s) will be paid for by the person requesting the changes.

**Planning Services :**

The owner has requested consent in order to create a new residential lot having frontage and access on County Road 17. The proposed severed parcel would share an entrance with the retained parcel – this existing entrance is already shared with the adjacent property at 9374 County Road 17, where the offices of Lamarche Électrique are located.

The subject property is located within the “*Rural Policy Area*” on Schedule “A” of the Official Plan of the United Counties of Prescott and Russell. The subject property is situated within an Intake Protection Zone, is adjacent to a Floodplain, a Provincially Significant Wetland, an Area of Natural and Scientific Interest, and the Ottawa River, which is designated as Fish Habitat, and contains a Sensitive Slope. These

features are identified on Schedules B and C of the Official Plan of the United Counties of Prescott and Russell. No Environmental Impact Study or Slope Stability Study were submitted to support the application.

The property is located on a Primary Artery (County Road 17). The policy 1 of section 3.3.3 of the Official Plan of the United Counties states that: "Lot creation by consent for residential purposes with direct access to a primary artery is not permitted with the exception of a residence surplus to a farming operation as a result of farm consolidation." The proposed severance does not conform to the Official Plan of the United Counties of Prescott and Russell.

The Provincial Policy Statement 2020, section 1.6.8.1 states that: "Planning authorities shall plan for and protect corridors and rights-of-way for infrastructure, including transportation, transit and electricity generation facilities and transmission systems to meet current and projected needs." Section 1.6.8.3 states that: "Planning authorities shall not permit development in planned corridors that could preclude or negatively affect the use of the corridor for the purpose(s) for which it was identified." These policies provide the direction for the policy 3.3.3.1 of the Official Plan of the United Counties of Prescott and Russell. Therefore, the proposed severance does not conform to the Provincial Policy Statement.

The subject property is included within the Rural (RU) zone according to Schedule A of the City of Clarence-Rockland's Zoning By-Law No. 2016-10. However, the special exception zone RU-42, which permits a Restaurant, excluding the use of a fast-food restaurant, a Public hall, an Apartment, accessory to a restaurant use, and Food production (limited to a catering establishment) is listed as subsection 13.1.3 (pp) in the Zoning By-law. The proposed severed and retained parcels meet the minimum zoning by-law requirements for lot area, however, map F of the Zoning By-law 2016-10 indicates a minimum lot frontage of 200 metres for all properties having access to a Primary Artery (County Road 17). The proposed lot frontage of 63m is insufficient to meet this requirement. The sketch submitted by the applicants does not indicate the distance of the existing buildings, well, or septic system to the proposed property line, therefore the conformity of the setbacks to the zoning requirements cannot be verified.

The proposed consent does not conform to the Zoning by-law 2016-10, to the Official Plan of the United Counties of Prescott and Russell or to the Provincial Policy Statement.

A Planning Rationale was prepared in support of this application. The Planning Rationale is included as an attachment to this report. The Planning Rationale submitted by the agent for the property owners

does not provide any justification for why the Committee should approve the severance with regards to the policies of the Official Plan of the United Counties or the Provincial Policy Statement 2020. No consideration is given in the Planning Rationale for the compatibility of the proposal with the adjacent commercial use, the potential traffic safety concerns, the long-term protection of this important transportation corridor, or to the environmental constraints on and adjacent to the subject property.

Planning Staff recommends the refusal of this severance request. Should the Committee wish to provide further consideration to the proposal, the following plans and reports should be required and approved by the appropriate agencies prior to making a decision as to the approval or refusal of the request:

- Slope Stability Analysis
- Hydrogeological Study/Water Assessment Report & Terrain Analysis
- Environmental Impact Study addressing the Fish Habitat, ANSI, and PSW
- Traffic Impact Study
- Survey plan of the property indicating the grade elevations and delineation of the flood protection level and indicating the distances from the well, septic system, and existing buildings and structures to the proposed property lines
- Revised Planning Rationale with analysis of compatibility, traffic safety, environmental constraints, and all relevant policies of the Official Plan of the United Counties of Prescott and Russell, including sections 3.3.3, 5.5.1, 5.5.3, 5.5.7, 5.5.9, 5.5.10, 6.6 and 7.4.2.

5) **DEPARTMENTAL RECOMMENDATION :**

THAT the Committee of Adjustment refuse the consent application submitted by Marc Daigneault for 2606406 Ontario Inc, file number D-10-890, concerning the property described as 9370 County Road 17, because it does not conform to the Zoning By-law, to the Official Plan of the United Counties of Prescott and Russell, or to the Provincial Policy Statement.