



COMMITTEE OF ADJUSTMENT

REPORT N° AMÉ-20-66-R

Date received	29/09/2020
Date of meeting	21/10/2020
Submitted by	Nicolas Denis
Subject	Consent – Lot enlargement
File Number	D-10-902
Owners	Leslie Mennie & Andrea Mennie
Applicant	Leslie Mennie
Civic Address	3241 Old Highway 17 Street
Legal Description	Part of Lot 7, Concession 1 (O.S.), Part 1 on Reference Plan 50R-10069

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, Rural – Unstable Slope (RU-ss) Zone and Rural – floodplain – unstable Slope (RU-FP-ss) Zone.

Services :

Municipal Water: No

Municipal Sewer: No

Road Access: Old Highway 17

An appeal may be made to the LPAT if no decision is made within 90 days (27/12/2020).

2) **PURPOSE :**

The owner has requested consent in order to enlarge a neighbouring property. A small portion of land is proposed to be severed from the property described as Part of lot 7, Concession 1 (O.S.), Part 1 on Reference Plan 50R-10069 (3241 Old Highway 17) in order to enlarge the property 3217 Old Highway 17, as illustrated in the keymap below. This would provide the enlarged parcel with a larger waterfront on the Ottawa River.

3) **CONSENT REQUESTED :**

	Frontage	Depth	Area
(A) Severed parcel	Irregular shape	Irregular shape	430 m²
(B) Retained parcel	92.81 m	215.12 m	1.34 ha
(C) Enlarged parcel	105.90 m	198.14 m	0.74 ha

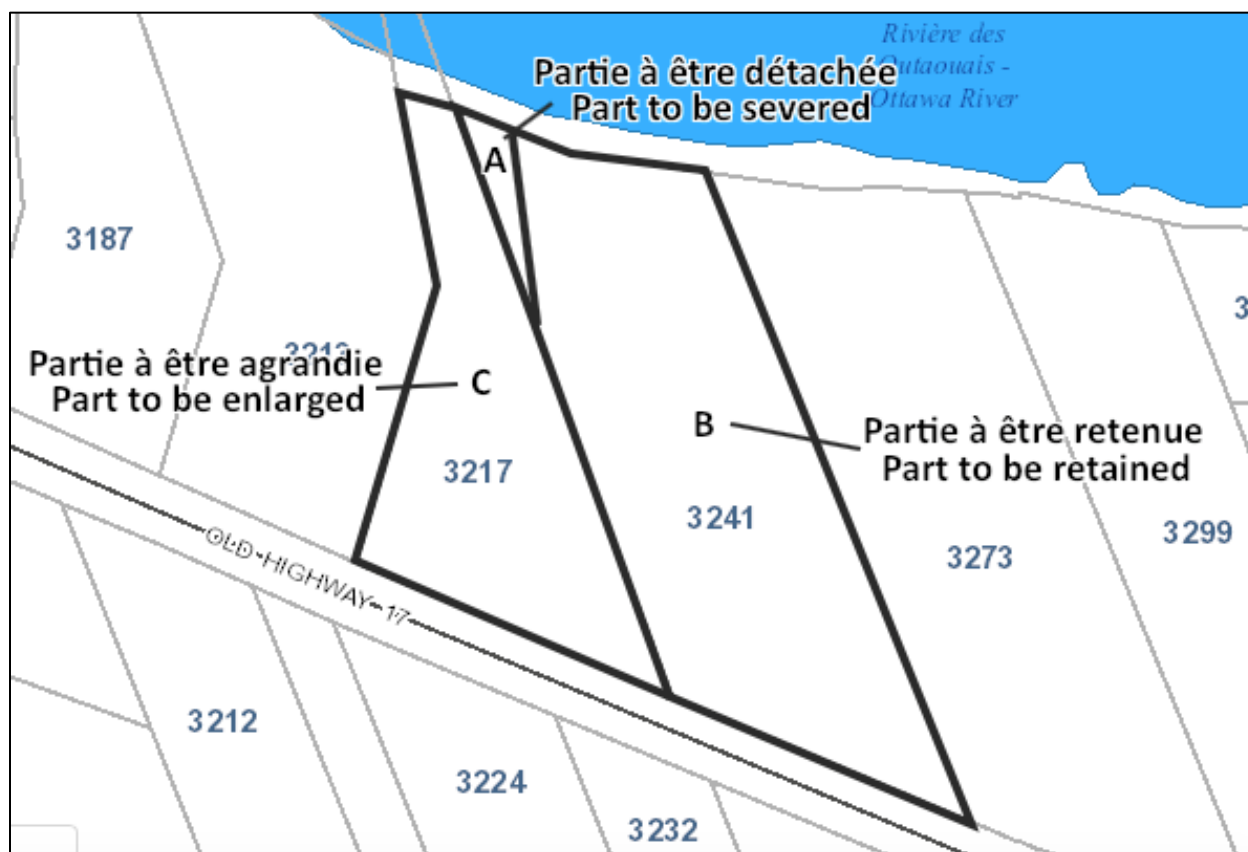


Figure 1 (Keymap)

4) **CONDITIONS AND COMMENTS RECEIVED :**

Finance :

No comments.

Protective Services :

No comments.

Community Services :

No comments.

Construction :

No comments.

Infrastructure Services :

No comments.

United Counties of Prescott and Russell :

See attached document.

South Nation Conservation :

See attached document.

Planning Services :

On September 29th 2020, Mr. Mennie submitted a complete consent application in order to enlarge a neighbouring property. A small portion of land is proposed to be severed from the property described as Part of lot 7, Concession 1 (O.S.), Part 1 on Reference Plan 50R-10069 (3241 Old Highway 17) in order to enlarge the property 3217 Old Highway 17.

The owner of the enlarged parcel would like to obtain a portion of Mr. Mennie's property in order to have additional waterfront access along the Ottawa River. The current irregular shape of his property does not allow him to have a reasonable and practical access to the River. The owner has no intentions of altering the shoreline or building accessory structures on this portion of his property. The proposed severed parcel will remain in its current state. This application only seeks to alter the position of the shared property line.

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. In addition, the subject property is located within the Ottawa River "Floodplain" according to Schedule "C" of the same Official Plan. The current residential uses on the property are permitted.

Also, the subject property is located within a "*Rural (RU) zone, Rural – Unstable Slope (RU-ss) Zone and a Rural – Floodplain – Unstable Slope (RU-FP-ss) Zone*" according to schedule "A" of the City of Clarence-Rockland Zoning By-law 2016-10. The current residential uses on the property are permitted.

The application was deemed complete on September 29th, 2020. A notice of public meeting was sent to different agencies and to the property owners within 60 meters of the subject property on September 30th, 2020. A sign has also been posted on the property.

The proposed consent conforms to the Official Plan of the United Counties of Prescott and Russell, the City of Clarence-Rockland Zoning By-law 2016-10 and to the Provincial Policy statement.

5) **DEPARTMENTAL RECOMMENDATION :**

THAT the Committee of Adjustment approve the consent application submitted by Leslie Mennie, file number D-10-902, concerning the property described as 3241 Old Highway 17, subject to the following conditions:

1. That the applicant provide to the City of Clarence-Rockland one original paper copy of a registered Reference Plan (plan of survey) that identifies the severance D-10-902 as approved by the Committee, as well as one copy to be submitted electronically in PDF and DWG format directly to the United Counties of Prescott and Russell and to the City of Clarence-Rockland.

2. That the Applicant(s) provide to the Approval Authority of the City of Clarence-Rockland the following:

- (a) A copy of the legal description of the severed land and the deed or instrument conveying the severed land to the owner of the abutting property to the West known municipally as 3217 Old Highway 17, so that no new lot is being created, in accordance with paragraph (b) below;

- (b) A Certificate of Official attached to the deed/transfer required by paragraph (a) above containing the following endorsement:

"The lands to be severed are for the purpose of a lot addition only to the abutting lands owned by *(insert name)* described as PIN *(insert property identification number)* being Part(s) *(insert numbers)* on Plan *(insert plan number)*, not for the creation of a new lot, and any subsequent transfer, charge or other transaction involving the lands to be severed shall be subject to compliance with Section 50(3) or Section 50(5) of the Planning Act, as applicable. Neither the lands to be severed nor the abutting lands are to be transferred, charged or otherwise re-conveyed in the future without the other parcel unless a further consent is obtained. The Owner shall cause the lands to be severed to be consolidated on title with the abutting lands and for this condition to be entered on the parcel register for the consolidated parcel as a restriction."

(c) An Undertaking from a solicitor authorized to practice law in the Province of Ontario, and in good standing with the Law Society of Upper Canada, as follows:

1. "In consideration of, and notwithstanding the issuance of the Certificate under Section 50(12) of the Planning Act in respect of the subject Application for Consent, I undertake on behalf of the Owner, within 10 days of the registration on title of the transfer document containing the endorsement set out in the Certificate of Official issued by the Committee of Adjustment, to file an Application to Consolidate Parcels including the severed land (Part of PIN *insert number*) and the abutting land (PIN *insert number*). This PIN consolidation is intended to reinforce the Planning Act stipulation in the condition outlined above that both parcels have merged on Title and cannot be conveyed separately in the future. I further undertake to forward a copy of the registered Application to Consolidate Parcels and a copy of the Consolidated Parcel abstract page(s) to the Committee office within 21 days of the registration of the Application to Consolidate Parcels".
3. That any mortgage on the property be discharged from any lands being severed and for any lands to be added to a lot with a mortgage, and that the solicitor provide an undertaking in writing that this condition will be fulfilled.
4. That the landowner provides South Nation Conservation with the following written undertaking: "I acknowledge that the proposed property lines are a minimum distance of three metres from all existing private sewage systems".
5. That the applicant provide to the Approval Authority of the City of Clarence-Rockland a Transfer/Deed of land conveying the severed land for use for the issuance of a Certificate of Consent.
6. That each condition be fulfilled and that the Consent Approval Authority of the City of Clarence-Rockland be notified in writing within one (1) year of the date of the Decision by the departments and/or agencies having imposed the said conditions.