



**COMMITTEE OF ADJUSTMENT
OF THE CITY OF OTTAWA**

**DECISION
MINOR VARIANCE / PERMISSION**
(Section 45 of the *Planning Act*)

File No.:	D08-02-22/A-00251
Owner(s):	W. A. Spratt & Sons Limited
Location:	4740 High Road
Ward:	20 - Osgoode
Legal Description:	Part of Lots 22 and 23, Concession 3 (Rideau Front) Gloucester
Zoning:	ME1 [1r]-h & O1A[451r]
Zoning By-law:	2008-250

Notice was given and a Public Hearing was held on **September 21, 2022**, as required by the *Planning Act*.

PURPOSE OF THE APPLICATION:

The Owner has filed a Consent Application (D08-01-22/B-00266) which, if approved, will have the effect of creating two separate parcels of land. The proposed parcel will not be in conformity with the requirements of the Zoning By-law.

RELIEF REQUIRED:

The Owner requires the Authority of the Committee for a Minor Variance from the Zoning By-law to permit a reduced frontage on a public street of 0 metres, whereas the By-law requires a minimum frontage on a public street of 3 metres.

It should be noted that the application indicates that the severed portion will be accessed by way of easement over the retained land.

The application indicates that the Property is the subject of the above noted Consent Application under the *Planning Act*.

PUBLIC HEARING:

The Panel Chair administered an oath to David Renfroe, acting as Agent for the Applicant, who confirmed that the statutory notice posting requirements were satisfied.

Ted Fobert, one of the Owners of the property, sought clarification that payment of cash-in-lieu of parkland would be based on rural land. He further indicated that if the fees are based on rural lands, they will withdraw their request to change the wording of condition 4 set out in the report from the City's Planning, Real Estate and Economic Development Department (PRED). Sean Harrigan from department (PRED), confirmed that the calculation of for cash in lieu of parkland would be based on rural lands.

Also in attendance was Jaime Posen, also acting as Agent for the Applicant, who requested that the condition relating to the minor variance, set out in the report from PRED, be amended to read:

The Minor Variance approval for Part 1 on Plan 4R-31376 is tied to plan "Sketch Illustrating Parcels Per Pins 04328-0124, 04328-0264 and 04328-1835 Being Part of Lots 22 and 23, Concession 3 (Rideau Front), Geographical Township of Gloucester, City of Ottawa", dated August 27, 2021, revised September 16, 2022, prepared by Annis, O'Sullivan, Vollebakk LTD.

Ursula Melinz, also acting as Agent for the Applicant, confirmed that the change to the condition would tie the variance to the severed lands.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED

The Committee considered any written and oral submissions relating to the application in making its Decision.

The Committee has the power to authorize a minor variance from the provisions of the Zoning By-law if, in its opinion, the application meets all four requirements under subsection 45(1) of the *Planning Act*. It requires consideration of whether the variance is minor, is desirable for the appropriate development or use of the land, building or structure, and whether the general intent and purpose of the Official Plan and the Zoning By-law are maintained.

Based on the evidence, the Committee is satisfied that the requested variance meets all four requirements under subsection 45(1) of the *Planning Act*.

The Committee notes that the City's planning report raises "no concerns" regarding the application, highlighting that "the potential impact is minor in nature, helps facilitate future desirable development, maintains the general intent of the Official Plan through preservation of the rural character, and maintains the general intent of the Zoning By-law by ensuring development does not occur without appropriate access to a municipal road".

The Committee also notes that no evidence was presented that the variance would result in any unacceptable adverse impact on neighbouring properties.

Considering the circumstances, the Committee finds that, because the proposal fits well in the area, the requested variance is, from a planning and public interest point of view,

desirable for the appropriate development or use of the land, building or structure on the property, and relative to the neighbouring lands. The Committee also finds that, because the proposal respects the character of the area, the requested variance maintains the general intent and purpose of the Official Plan. In addition, the Committee finds that the requested variance maintains the general intent and purpose of the Zoning By-law because the proposal represents orderly development of the property that is compatible with the surrounding area. Moreover, the Committee finds that the requested variance is minor because it will not create any unacceptable adverse impact on abutting properties or the neighbourhood in general.

The Committee therefore authorizes the requested variance, **subject to** Part 1 of Plan 4R-31376 being tied to plan "Sketch Illustrating Parcels Per Pins 04328-0124, 04328-0264 and 04328-1835 Being Part of Lots 22 and 23, Concession 3 (Rideau Front), Geographical Township of Gloucester, City of Ottawa", dated August 27, 2021, revised September 16, 2022, prepared by Annis, O'Sullivan, Vollebekk LTD.

NOTICE OF RIGHT TO APPEAL:

To appeal this decision to the Ontario Land Tribunal (OLT), a completed appeal form along with payment must be received by the Secretary-Treasurer of the Committee of Adjustment by **October 20, 2022**, delivered by email at cofa@ottawa.ca and/or by mail or courier to the following address:

Secretary-Treasurer, Committee of Adjustment,
101 CentrepoinTE Drive, 4th floor, Ottawa, Ontario, K2G 5K7

The Appeal Form is available on the OLT website at <https://olt.gov.on.ca/>. The OLT has established a filing fee of \$400.00 per type of application with an additional filing fee of \$25.00 for each secondary application. Payment can be made by certified cheque or money order made payable to the Ontario Minister of Finance, or by credit card. Please indicate on the Appeal Form if you wish to pay by credit card. If you have any questions about the appeal process, please contact the Committee of Adjustment office by calling 613-580-2436 or by email at cofa@ottawa.ca.

Only individuals, corporations and public bodies may appeal Decisions in respect of applications for consent to the OLT. A notice of appeal may not be filed by an unincorporated association or group. However, a Notice of Appeal may be filed in the name of an individual who is a Member of the Association or group on its behalf.

Please note that there are no provisions for the Committee of Adjustment or the OLT to extend the statutory deadline to file an appeal. If the deadline is not met, the OLT does not have the authority to hold a hearing to consider your appeal.

**DECISION SIGNATURE PAGE
PAGE DE SIGNATURE DE LA DÉCISION**

File No. / Dossier n°: D08-02-22/A-00251
Owner(s) / Propriétaire(s): W. A. Spratt & Sons Limited
Location / Emplacement: 4740 High Road

We, the undersigned, concur in the decision and the reasons set out by the Committee of Adjustment.

Nous, soussignés, souscrivons à la décision et aux motifs rendus par le Comité de dérogation.

"Fabian Poulin"

**FABIAN POULIN
VICE-CHAIR / VICE-PRÉSIDENT**

"Terence Otto"

**TERENCE OTTO
MEMBER / MEMBRE**

"Steven Lewis"

**STEVEN LEWIS
MEMBER / MEMBRE**

"Martin Vervoort"

**MARTIN VERVOORT
MEMBER / MEMBRE**

"Jocelyn Chandler"

**JOCELYN CHANDLER
MEMBER / MEMBRE**

I certify that this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa.

Je certifie que celle-ci est une copie conforme de la décision rendue par le Comité de dérogation de la Ville d'Ottawa.

**Date of Decision / Date de la décision
September 29, 2022 / 29 septembre 2022**



**Michel Bellemare
Secretary-Treasurer / Secrétaire-trésorier**