

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

Date of Decision:	December 16, 2022
File No(s):	D08-02-22/A-00278 & D08-02-22/A-00303
Owner(s):	Trevor Timpson & Devon Anderson
Location:	30 Ember Glow Court
Ward:	6 – Stittsville
Legal Description:	Lot 12, Registered Plan 683, Geographic Township of Goulburn
Zoning:	R1D
Zoning By-law:	2008-250
Hearing Date:	December 7, 2022

PURPOSE OF THE APPLICATIONS

- [1] The Owners have filed a Consent Application (D08-01-22/B-00259) which, if approved, will have the effect of creating two separate parcels of land. It is proposed to demolish the existing detached dwelling and garage to construct two new detached dwellings, with one on each of the newly created parcels. The proposed parcels will not be in conformity with the requirements of the Zoning By-law.

REQUESTED VARIANCES

- [2] The Owners require authorization from the Committee for the following Minor Variances from the Zoning By-law:
- [3] A-00278: 30A Ember Glow Court, Part 1, (proposed detached dwelling)
- a) To permit a reduced lot width of 16.06 metres, whereas the Zoning By-law requires a minimum lot width of 20 metres.
- [4] A-00303: 30 Ember Glow Court, Part 2, (proposed detached dwelling)
- b) To permit a reduced lot width of 16.06 metres, whereas the Zoning By-law requires a minimum lot width of 20 metres.

- [5] The applications indicate that the Property is the subject of the above noted Consent Application under the *Planning Act*.

PUBLIC HEARING

- [6] The Panel Chair administered an oath to Gord Scott, Agent for the Applicant, who confirmed that the statutory notice posting requirements were satisfied.
- [7] Also in attendance were Mike and Heather Watson, residents of 32 Ember Glow Court who expressed their concerns with flooding issues on the subject property and the timeline for construction of the new dwellings. The Committee confirmed that a grading and drainage plan would be a condition of severance and Mr. Scott advised that construction of the new dwellings would begin in the spring of 2023.

DECISION AND REASONS OF THE COMMITTEE: APPLICATIONS GRANTED

- [8] The Committee considered any written and oral submissions relating to the applications in making its Decision.
- [9] 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.
- [10] Based on the evidence, the Committee is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.
- [11] The Committee notes that the City's Planning Report raises "no concerns" regarding the applications, and highlights that "[t]he size and shape of the resulting lots are suitable for the proposed residential use and the lots will front onto an established municipal road with municipal services."
- [12] The Committee also notes that no evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.
- [13] Considering the circumstances, the Committee finds that, because the proposal fits well in the area, the requested variances are, 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.
- [14] The Committee also finds that, because the proposal respects the character of the neighbourhood, the requested variances maintain the general intent and purpose of the Official Plan.

- [15] In addition, the Committee finds that the requested variances maintain 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.
- [16] Moreover, the Committee finds that the requested variances are minor because they will not create any unacceptable adverse impact on abutting properties or the neighbourhood in general.
- [17] THE COMMITTEE OF ADJUSTMENT therefore authorizes the requested variances.

"Fabian Poulin"
FABIAN POULIN
VICE-CHAIR

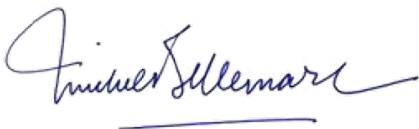
"Terence Otto"
TERENCE OTTO
MEMBER

"Steven Lewis"
STEVEN LEWIS
MEMBER

"Martin Vervoort"
MARTIN VERVOORT
MEMBER

"Jocelyn Chandler"
JOCELYN CHANDLER
MEMBER

I certify this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa, dated **December 16, 2022**.



Michel Bellemare
Secretary-Treasurer

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 **January 5, 2023**, 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 Ontario Land Tribunal 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 the applicant, the Minister or a specified person or public body that has an interest in the matter may appeal the decision to the Ontario Land Tribunal. A “specified person” does not include an individual or a community association.

There are no provisions for the Committee of Adjustment or the Ontario Land Tribunal 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.

Ce document est également offert en français.

Committee of Adjustment
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