

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

Date of Decision:	February 10, 2023
File No(s):	D08-02-22/A-00342
Owner(s):	Ray Kuntz and Hélène Ouellette-Kuntz
Location:	4806 Mohrs Road
Ward:	5 West Carleton-March
Legal Description:	Lot 88 & Part of Lot 87, Concession 6, Registered Plan 81, Geographic Township of Fitzroy
Zoning:	V1H[710r]
Zoning By-law:	2008-250
Hearing Date:	February 1, 2023

PURPOSE OF THE APPLICATION

- [1] The Owners want to construct a detached garage to the west of the existing dwelling, as shown on plans filed with the Committee.

RELIEF REQUIRED

- [2] The Owners require the Authority of the Committee for Minor Variances from the Zoning By-law as follows:
- a) To permit a reduced setback from a watercourse (Mississippi River) of 27 metres for an accessory building, whereas the By-law requires a minimum setback from a watercourse of 30 metres.
 - b) To permit a reduced front yard setback of 3.5 metres for an accessory building, whereas the By-law requires a minimum front yard setback of 9 metres.
 - c) To permit an increased building height for an accessory building of 7.5 metres, whereas the By-law permits a maximum building height of 4.5 metres.
- [3] The application indicates that the Property is not the subject of any other current application under the *Planning Act*.

PUBLIC HEARING

- [4] The Panel Chair administered an oath to Ray Kuntz, one of the Owners of the Property, who confirmed that the statutory notice posting requirements were satisfied.
- [5] Luke Teeft, City Planner, was also present and stated he had no concerns with the application.
- [6] The Chair proposed that it was not necessary to require a notice on title to address slope stability as a condition of the approval of the requested variances, as had been requested in the City's Planning Report. The Committee agreed that this condition was not necessary or appropriate, noting that slope stability would be appropriately addressed through the permit processes of the conservation authority and the City's Building Code Services.
- [7] The other Owner, H el ene Ouellette-Kuntz, was also present.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED

- [8] The Committee considered all written and oral submissions relating to the application 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 application, highlighting that: "Though it is taller than the dwelling located on the neighbouring property, it is not out of place within the context of most other structures within the village. This is also in keeping with the intent of the Zoning By-Law for accessory structures to not overtake the primary dwelling in size. The applicant has also demonstrated a design that is in keeping with the architectural style of the existing dwelling".
- [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 integrates well with its surroundings, 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 the requested variances maintain the general intent and purpose of the Official Plan because the proposal respects the character of the neighbourhood.
- [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 on the property that is compatible with the neighbourhood.
- [16] Moreover, the Committee finds that the requested variances, both individually and cumulatively, 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, **subject to** the location and size of the proposed construction being in accordance with the revised plans filed, Committee of Adjustment date stamped January 26, 2022, as they relate to the requested variances.

"Fabian Poulin"
FABIAN POULIN
VICE-CHAIR

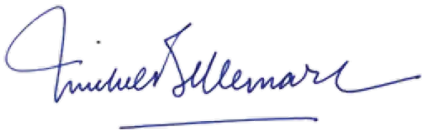
"Terence Otto"
TERENCE OTTO
MEMBER

"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 **February 10, 2023**.



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 **March 2, 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
City of Ottawa
Ottawa.ca/CommitteeofAdjustment
cofa@ottawa.ca
613-580-2436



Comité de dérogation
Ville d'Ottawa
Ottawa.ca/Comitedederogation
cded@ottawa.ca
613-580-2436