

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

<b>Date of Decision:</b>	March 10, 2023
<b>File No(s):</b>	D08-02-23/A-00022
<b>Owner(s):</b>	Linda Martin
<b>Location:</b>	3854 Armitage Avenue
<b>Ward:</b>	5 – West Carleton-March
<b>Legal Description:</b>	Part of Lot 10, Concession. 7, Geographic Township of Torbolton
<b>Zoning:</b>	RR17 [343r]
<b>Zoning By-law:</b>	2008-250
<b>Hearing Date:</b>	March 1, 2023

**PURPOSE OF THE APPLICATION**

- [1] The Owner wants to construct a new detached dwelling and septic system. The existing dwelling will be demolished.

**RELIEF REQUIRED**

- [2] The Owner requires the Authority of the Committee for Minor Variance from the Zoning By-law to permit a septic system to be located 20 metres from the normal high-water mark of a watercourse or waterbody (Ottawa River), whereas the By-law requires that no part of a sewage system be located closer than 30 metres from the normal high-water mark of any watercourse or waterbody.
- [3] The application indicates that the Property is not the subject of any other current application under the *Planning Act*.

**PUBLIC HEARING**

- [4] Prior to the hearing, the Committee received an adjournment request from City Planner Jack Graham, requesting that the applicant provide an Environmental Impact Statement (EIS), a Tree Conservation Report and a Tree Planting Plan.
- [5] At the outset of the hearing, the Acting Panel Chair called forward Mr. Graham to speak to his adjournment request. Mr. Graham explained that the submissions

request would help to ensure that the ecological function of the site is restored and enhanced, which is a requirement of the Official Plan where a reduced setback from a watercourse is proposed.

- [6] The Committee also heard from Tracy Zander, Agent for the Owner, who requested that the Committee proceed to hear the application. She submitted that an EIS would have no impact on plans for the redevelopment of the site. She also noted that a permit had been issued for the new dwelling and septic system by the Mississippi Valley Conservation Authority. The Committee agreed to step the application down to be recalled later in the public hearing.
- [7] Upon recall, the Acting Panel Chair administered an oath to Linda Martin, Owner of the property, who confirmed that the statutory notice posting requirements were satisfied.
- [8] The Committee also heard from Brittany Moy of the Mississippi Valley Conservation Authority, who indicated she had no concerns with the application and confirmed that a permit had been issued.
- [9] To address the concerns raised by Mr. Graham, the Committee recommended that the applicant prepare and implement a Tree Planting Plan to enhance the ecological function of the site, though it was agreed that this would not be a condition of the approval of the application. Ms. Zander agreed and expressed her support for the recommendation.

#### **DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED**

- [10] The Committee considered all written and oral submissions relating to the application in making its Decision.
- [11] 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.
- [12] Based on the evidence, the Committee is satisfied that the requested variance meets all four requirements under subsection 45(1) of the *Planning Act*.
- [13] The Committee notes that the City's Planning Report raises "minor concerns" with the application, highlighting that, "while it is not ideal that the septic bed lies within the required 30m watercourse setback, the site's constraints do not allow for significant repositioning of the septic bed that would result in a more suitable placement."
- [14] The Committee also notes that no evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.

- [15] 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.
- [16] The Committee also finds that, because the proposal respects the character of the neighbourhood, the requested variance maintains the general intent and purpose of the Official Plan.
- [17] 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.
- [18] 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.
- [19] THE COMMITTEE OF ADJUSTMENT therefore authorizes the requested variance, **subject to** the location and size of the proposed construction being in accordance with the site plan filed, Committee of Adjustment date stamped January 23, 2023, as they relate to the requested variances.

Absent  
FABIAN POULIN  
VICE-CHAIR

Absent  
TERENCE OTTO  
MEMBER

*"Steven Lewis"*  
STEVEN LEWIS  
MEMBER

*"Martin Vervoort"*  
MARTIN VERVOORT  
ACTING CHAIR

*"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 **March 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 30, 2023**, delivered by email at [cofa@ottawa.ca](mailto:cofa@ottawa.ca) and/or by mail or courier to the following address:

Secretary-Treasurer, Committee of Adjustment,  
101 Centrepointe Drive, 4<sup>th</sup> 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](mailto: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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