

DECISION
MINOR VARIANCE / PERMISSION

Date of Decision:	April 14, 2023
File No(s):	D08-02-23/A-000046
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Owner(s)/Applicant(s):	Ottawa Catholic School Board
Property Address:	4140 Kelly Farm Drive
Ward:	22 - Riverside South
Legal Description:	Block 147 registered Plan 4M-1273
Zoning:	I1E H(15)
Zoning By-law:	2008-250
Hearing Date:	April 5, 2023

APPLICANTS' PROPOSAL AND PURPOSE OF THE APPLICATION

- [1] The Owner wants to construct a new one-storey elementary school, as shown on plans filed with the Committee.

REQUESTED VARIANCE

- [2] The Owner requires the Authority of the Committee for a Minor Variance from the Zoning By-law to permit a reduced front yard setback of 3.6 metres, whereas the Bylaw requires a minimum front yard setback of 6 metres.
- [3] The application indicates that the property is the subject of a Site Plan Control Application (D07-12-22-0146) under the *Planning Act*.

PUBLIC HEARING

- [4] The Panel Chair administered an oath to Isabel Richer, Agent for the Owner, who confirmed that the statutory notice posting requirements were satisfied.

Oral Submissions Summary

- [5] The Chair noted that, as identified in the City's Planning Report, the zoning designation for the property should read I1E H(15).
- [6] City Planner Siobhan Kelly was also present.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED**Application Must Satisfy Statutory Four-Part Test**

- [7] 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.

Evidence

- [8] Evidence considered by the Committee included any oral submissions made at the hearing, as highlighted above, and the following written submissions held on file with the Secretary-Treasurer and available from the Committee Coordinator upon request:

- Application and supporting documents, including a planning rationale, plans, and tree information
- City Planning Report, received March 31, 2023, with no concerns
- South Nation Conservation Authority, March 29, 2023, with no objections
- City Transportation Engineering Services, March 31, 2023, with no concerns
- Ministry of Transportation, March 23, 2023, with no concerns
- Hydro Ottawa, March 29, 2023, with no concerns
- Caroline Martin, email dated April 4, 2023, opposed

Effect of Submissions on Decision

- [9] The Committee considered all written and oral submissions relating to the application in making its decision and granted the application.
- [10] Based on the evidence, the Committee is satisfied that the requested variance meets 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. The report highlights that, "only a portion of the school will be set back 3.6 metres from the front lot line (i.e., 23% of the front façade) and the remainder exceeds the required 6.0 metre setback."
- [12] The Committee also notes that no evidence was presented that the variance 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 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.
- [14] The Committee also finds that the requested variance maintains the general intent and purpose of the Official Plan, which provides direction that school design shall make efficient use of land by minimizing setbacks, where possible.
- [15] 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 that establishes a consistent built form along the street, accommodates front yard soft landscaping, and ensures appropriate separation from the street.
- [16] 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.
- [17] THE COMMITTEE OF ADJUSTMENT therefore authorizes the requested variance, **subject to** the location and size of the proposed construction being in accordance with the plans filed, Committee of Adjustment date stamped February 27, 2023, as they relate to the requested variance.

"Ann M. Tremblay"
ANN M. TREMBLAY
CHAIR

"Kathleen Willis"
KATHLEEN WILLIS
MEMBER

"Scott Hindle"
SCOTT HINDLE
MEMBER

"Colin White"
COLIN WHITE
MEMBER

"Julia Markovich"
JULIA MARKOVICH
MEMBER

I certify this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa, dated **April 14, 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 **May 4, 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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