

**DECISION**  
**MINOR VARIANCE / PERMISSION**

<b>Date of Decision:</b>	June 16, 2023
<b>File No(s):</b>	D08-02-23/A-00102
<b>Application:</b>	Minor Variance under section 45 of the <i>Planning Act</i>
<b>Owner(s)/Applicant(s):</b>	Raynald Lavigne and Francine Perras
<b>Property Address:</b>	5198 Piperville Road
<b>Ward:</b>	20 – Osgoode
<b>Legal Description:</b>	Part of Lot 11, Concession 8 (Ottawa Front), Geographic Township of Cumberland
<b>Zoning:</b>	RU
<b>Zoning By-law:</b>	2008-250
<b>Hearing Date:</b>	June 6, 2023

**APPLICANTS' PROPOSAL AND PURPOSE OF THE APPLICATION**

- [1] The Owners want to construct an accessory structure (detached storage garage) on the west side of the detached dwelling, as shown on the plans filed with the Committee. The existing shed would be demolished.

**REQUESTED VARIANCES**

- [2] The Owners/Applicants require the Committee's authorization for minor variances from the Zoning By-law as follows:
- a) To permit a reduced interior side yard setback of 1.68 metres, whereas the By-law requires a minimum interior side yard setback of 5 metres.
  - b) To permit a reduced setback from a watercourse of 15.4 metres, whereas the By-law requires a minimum 30 metres setback from a watercourse.

**PUBLIC HEARING**

**Oral Submissions Summary**

- [3] Prior to the hearing, the Committee received the City's Planning Report suggesting that the applicants may want to seek an adjournment for additional time to consult with Hydro One.

- [4] At the onset of the hearing, the Acting Panel Chair called forward City Planner Luke Teeft, who expressed that Hydro One may have concerns regarding the construction of the garage within close proximity to the neighbouring hydro corridor.
- [5] The Committee also heard from Francine Perras, one of the applicants, who requested that the Committee proceed to hear the application. The Committee agreed, noting that Hydro One had been notified and had not commented on the application. The application was then stepped down to be recalled later in the agenda.
- [6] The Acting Panel Chair administered an oath to Ms. Perras, who confirmed that the statutory notice posting requirements were satisfied. Ms. Perras appeared along with Raynald Lavigne, the other Applicant.
- [7] Mr. Teeft reiterated his concerns with the proposal's proximity to the Hydro One corridor and noted additional concerns regarding limited vehicle access to the rear yard due to the septic bed's location.
- [8] Mr. Lavigne and Ms. Perras responded to the concerns raised by Mr. Teeft, highlighting that there was enough space to accommodate vehicular access to the rear yard without impacting the septic bed or encroaching onto Hydro One lands.
- [9] Following the public hearing, the Committee reserved its decision.

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

**Application Must Satisfy Statutory Four-Part Test:**

- [10] 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**

- [11] 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 cover letter, plans, slope study, south nation conservation authority permit, and a document highlighting the pre-consultations undertaken prior to the application.
  - City Planning Report received June 2, 2023, with concerns.

- City Forestry Services email dated May 26, 2023, with no comments.
- South Nation Conservation Authority email dated June 1, 2023, with no objections.
- Hydro Ottawa email dated May 31, 2023, with no comments.

### **Effect of Submissions on Decision**

- [12] The Committee considered all written and oral submissions relating to the application in making its decision and granted the application.
- [13] Based on the evidence, the Committee is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.
- [14] The Committee notes that the City's Planning Report raises "concerns" regarding the application specifically relating to potential concerns from Hydro One. However, the report also highlights that "Staff are satisfied that the requested Minor Variance meets the four tests as outlined in Section 45 (1) of the *Planning Act*."
- [15] The Committee also notes that no evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.
- [16] 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.
- [17] 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.
- [18] 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 that is compatible with the surrounding area.
- [19] 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.
- [20] THE COMMITTEE OF ADJUSTMENT therefore authorizes the requested variances, **subject to** the location and size of the proposed construction being in accordance with the site plan filed, Committee of Adjustment date stamped April 24, 2023, as they relate to the requested variances.

*Absent*  
WILLIAM HUNTER  
VICE-CHAIR

*"Terence Otto"*  
TERENCE OTTO  
MEMBER

*"Beth Henderson"*  
BETH HENDERSON  
MEMBER

*"Martin Vervoort"*  
MARTIN VERVOORT  
ACTING PANEL 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 **June 16, 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 **July 6, 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**  
City of Ottawa  
[Ottawa.ca/CommitteeofAdjustment](http://Ottawa.ca/CommitteeofAdjustment)  
[cofa@ottawa.ca](mailto:cofa@ottawa.ca)  
613-580-2436



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Ville d'Ottawa  
[Ottawa.ca/Comitedederogation](http://Ottawa.ca/Comitedederogation)  
[cded@ottawa.ca](mailto:cded@ottawa.ca)  
613-580-2436