

DECISION
MINOR VARIANCE / PERMISSION

Date of Decision:	June 16, 2023
File No(s):	D08-02-23/A-00101
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Owner(s)/Applicant(s):	Yang Liu and Ran Hao
Property Address:	3954 Shirley Avenue
Ward:	22 - Riverside South-Findlay Creek
Legal Description:	Part of Lot 15 Concession 1 (Rideau Front) former Geographic Township of Gloucester
Zoning:	R1AA
Zoning By-law:	2008-250
Hearing Date:	June 6, 2023

APPLICANT(S)' PROPOSAL AND PURPOSE OF THE APPLICATION(S)

- [1] The Owners want to construct a new detached dwelling, as shown on plans filed with the Committee. The existing dwelling will be demolished.

REQUESTED VARIANCE(S)

- [2] The Owners/Applicants require the Committee's authorization for a minor variance from the Zoning By-law to permit a building or structure to be located 21.07 metres from the normal high-water mark of the Rideau River, whereas the By-law states, that no building or structure shall be located closer than 30 metres from the normal high-water mark of any watercourse or water body.

PUBLIC HEARING

Oral Submissions Summary

- [3] Yang Liu, one of the Owners of the property, Amjd Shendi and Paul Robinson, both representing the Owners, were present.
- [4] Mr. Robinson responded to questions from the Committee, confirming that although the requested variance is measured from the neighbouring property, which is the closest point of the normal high-water mark despite being on the neighboring property.

- [5] City Planner Siobhan Kelly was also present and concurred with Mr. Robinson's assessment.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED

Application Must Satisfy Statutory Four-Part Test

- [6] 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

- [7] Evidence considered by the Committee included all 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 cover letter, plans, tree information, planting plan, Environmental Impact Study, Slope Stability Assessment, photo of the posted sign, and a sign posting declaration.
 - City Planning Report received June 1, 2023, with no concerns.
 - Rideau Valley Conservation Authority email dated May 31, 2023, with no objections.
 - Hydro Ottawa email dated May 31, 2023, with comments.

Effect of Submissions on Decision

- [8] The Committee considered all written and oral submissions relating to the application in making its decision and granted the application.
- [9] Based on the evidence, the Committee is satisfied that the requested variance meets all four requirements under subsection 45(1) of the *Planning Act*.
- [10] The Committee notes that the City's Planning Report raises "no concerns" regarding the application, highlighting that "the development will not disturb any new areas along the shoreline, and it will not directly impact the significant natural heritage features onsite." The report also highlights that "the reduced setback is desirable as it improves the existing setback".

- [11] The Committee also notes that no evidence was presented that the requested variance would result in any unacceptable adverse impact on neighbouring properties.
- [12] 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.
- [13] The Committee also finds that the requested variance maintains the general intent and purpose of the Official Plan, because the proposal will improve the existing setback and is comparable to existing setbacks in the surrounding context.
- [14] 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 on the property that is compatible with the neighbourhood.
- [15] 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.
- [16] 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 May 2, 2023, as they relate to the requested variance.

"Fabian Poulin"
FABIAN POULIN
VICE-CHAIR

"Jay Baltz"
JAY BALTZ
MEMBER

"George Barrett"
GEORGE BARRETT
MEMBER

"Heather MacLean"
HEATHER MACLEAN
MEMBER

"Julianne Wright"
JULIANNE WRIGHT
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 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.

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