

DECISION
MINOR VARIANCE / PERMISSION

Date of Decision:	June 30, 2023
Panel:	3 - Rural
File No(s):	D08-02-23/A-00112
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Owner(s)/Applicant(s):	A & G Olender Holdings Ltd.
Property Address:	4 Campbell Reid Court
Ward:	5 – West Carleton-March
Legal Description:	Part of Lot 15, Concession 3, Geographic Township of March
Zoning:	RU
Zoning By-law:	2008-250
Hearing Date:	June 20, 2023, in person and by videoconference

APPLICANT'S PROPOSAL AND PURPOSE OF THE APPLICATION

- [1] The Owner wants to construct a new a veterinarian facility at the rear of the existing dwelling. The facility will be accessed from Dunrobin Road. The existing dwellings and accessory structures will remain.

REQUESTED VARIANCES

- [2] The Owner requires the Committee's authorization for the minor variances from the Zoning By-law as follows:
- a) To permit a reduced lot area of 7,917 square metres, whereas the By-law requires a minimum lot area of 8,000 square metres.
 - b) To permit a reduced lot width of 25.84 metres, whereas the By-law requires a minimum lot width of 50 metres.
- [3] The application indicates that the property is the subject of a Site Plan Control Application (D07-12-22-0140) under the *Planning Act*.

PUBLIC HEARING

- [4] Prior to the hearing, the Committee received an adjournment request from the City's Planning, Real Estate and Economic Development Department as the

Application does not meet the current intent of the Official Plan, with anticipated amendments expected to address the issue.

- [5] The Committee also heard from Paul Robinson, Agent for the Applicant, who requested that the Committee hear the application without delay. The Committee refused the City's adjournment request and agreed to hear the application.

Oral Submissions Summary

- [6] Mr. Robinson provided a slide presentation, a copy of which is on file with the Secretary-Treasurer and available from the Committee Coordinator upon request.
- [7] City Planner Jack Graham stated that any concerns related to the current policies and the removal of the Future Overlays policies on the subject property would alleviate any concerns.
- [8] Robin Van de Lande, City Planner, advised that amendments to the Official Plan were expected to be approved by the City's Planning and Housing Committee and Council in the third quarter of 2023.
- [9] B. Firestone and A. Olender, also representing the Applicant, were also present.
- [10] Following the public hearing, the Committee reserved its decision.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED

Application Must Satisfy Statutory Four-Part Test

- [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.

Evidence

- [12] 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, City Council Motion report, Environmental Impact Statement and sign posting declaration.
 - City Planning Report, received June 15, 2023, requesting an adjournment.

- Mississippi Valley Conservation Authority email dated June 13, 2023, with no objections.
- Rideau Valley Conservation Authority email dated June 20, 2023, with no objections.
- Hydro Ottawa email dated June 14, 2023, with comments.
- Ministry of Transportation email dated June 12, 2023, with no comments.
- C. and D. McQueen, neighbours, email dated June 16, 2023, with comments.

Effect of Submissions on Decision

- [13] The Committee considered all written and oral submissions relating to the application in making its decision and granted the application.
- [14] Based on the evidence, the Committee is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.
- [15] The Committee notes that the City's Planning Report requests an adjournment regarding the application, highlighting that Official Plan amendments have yet to be approved by Council, and therefore City staff cannot support the application.
- [16] The Committee also notes that no evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.
- [17] 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.
- [18] The Committee also finds that, because the proposal respects the character of the area, the requested variances maintain the general intent and purpose of the Official Plan.
- [19] 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 surrounding area.
- [20] 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.

"William Hunter"
WILLIAM HUNTER
VICE-CHAIR

"Terence Otto"
TERENCE OTTO
MEMBER

Absent
BETH HENDERSON
MEMBER

"Martin Vervoort"
MARTIN VERVOORT
MEMBER

Absent
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 30, 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 20, 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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