

DECISION
MINOR VARIANCE / PERMISSION

Date of Decision:	June 30, 2023
Panel:	3 - Rural
File No(s):	D08-02-23/A-00095
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Owner(s)/Applicant(s):	12908824 Canada Inc.
Property Address:	5541 Doyle Road
Ward:	20 – Osgoode
Legal Description:	Part of Lot 20, Concession 1, Geographic Township of Osgoode
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 an addition at the back of the existing greenhouse, as shown on plans filed with the Committee.

REQUESTED VARIANCE

- [2] The Owner/Applicant requires the Committee's authorization for a minor variance from the Zoning By-law to permit an increased lot coverage of 40% ~~30%~~ whereas the By-law permits a maximum lot coverage of 20%.

PUBLIC HEARING

Oral Submissions Summary

- [3] At the hearing on June 6, 2023, the Committee agreed to adjourn the application to allow for revised plans to address the concerns raised by City's Planning Report.
- [4] C. Turansky and B. Miller, both representing the Applicant, were also present.
- [5] The application was adjourned to June 20, 2023.
- [6] The Committee noted that an amendment to the application to reflect a reduced requested variance as follows:

The Owner/Applicant requires the Committee's authorization for a minor variance from the Zoning By-law to permit an increased lot coverage of 40% ~~30%~~ whereas the By-law permits a maximum lot coverage of 20%.

- [7] The application was amended accordingly.
- [8] Christine McCuaig, agent for the Applicant, provided a slide presentation, a copy of which is on file with the Secretary-Treasurer and available from the Committee Coordinator upon request.
- [9] City Planner Jack Graham stated some concerns with the application due to the scale of the requested variance.
- [10] Following the public hearing, the Committee reserved its decision.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED AS AMENDED

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, a planning rationale, plans, and sign posting declaration.
 - City Planning Report received June 1, with concerns; received June 15, 2023, with some concerns.
 - Rideau Valley Conservation Authority email dated June 2, 2023, with no objections; dated June 20, 2023, with no objections.
 - Hydro Ottawa email dated May 31, 2023, with no comments.
 - City Forestry email dated May 26, 2023, with no objections.
 - H and J. Doyle email dated May 29, 2023, with concerns.

- P. Leonard, A. Stuhec and A. Stuhec-Leonard email, dated June 1, 2023, with comments; 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 raises "some concerns" regarding the application, highlighting that "this expansion may not meet the test of appropriate development for the property given the scale of the use."
- [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 neighbourhood, 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 that is compatible with the surrounding area.
- [20] 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.
- [21] 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 June 14, 2023, as it relates to the requested variance.

"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.

Committee of Adjustment
City of Ottawa
Ottawa.ca/CommitteeofAdjustment
cofa@ottawa.ca
613-580-2436



Comité de dérogation
Ville d'Ottawa
Ottawa.ca/Comitedederogation
cded@ottawa.ca
613-580-2436