

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

<b>Date of Decision:</b>	July 14, 2023
<b>Panel:</b>	3 - Rural
<b>File No(s):</b>	D08-02-23/A-00097
<b>Application:</b>	Minor Variance under section 45 of the <i>Planning Act</i>
<b>Owner(s)/Applicant(s):</b>	Sal Piamonte
<b>Property Address:</b>	2857 Birchgrove Road
<b>Ward:</b>	19 – Orléans South-Navan
<b>Legal Description:</b>	Part of lot 6, Concession 1, Geographic Township of Cumberland
<b>Zoning:</b>	RU
<b>Zoning By-law:</b>	2008-250
<b>Hearing Date:</b>	July 4, 2023, in person and by videoconference

**APPLICANT'S PROPOSAL AND PURPOSE OF THE APPLICATION**

- [1] The Owner wants to build an accessory structure (agricultural storage building) within a floodplain, as shown on the plans filed with the Committee.
- [2] At the scheduled hearing on June 6, 2023, the Committee adjourned the application to allow the Owner time to revise their application to include an existing grain silo.

**REQUESTED VARIANCE**

- [3] The Owner requires the Committee's authorization for a minor variance from the Zoning By-law to permit an accessory structure with a gross floor area of 442 square metres and a 93 square metre grain silo to be constructed in a floodplain, whereas the By-law prohibits accessory structures greater than 50 square metres in gross floor area within the floodplain.

**PUBLIC HEARING**

**Oral Submissions Summary**

- [4] Jacob Bolduc, Agent for the Applicant, provided a brief slide presentation, a copy of which is on file with the Secretary-Treasurer and available from the Committee

Coordinator upon request. He noted that the lot coverage of the new accessory structure would not be significant and explained, with reference to photographs, that it would be used for drying and winter storage for an agroforestry use (willow tree farm). He explained that soil within the floodplain is ideal for willow tree growth, and highlighted that the Rideau Valley Conservation Authority raised no objection to the application.

- [5] The Committee also heard from Sal Piamonte, Owner of the property, who provided more detail about willow tree farm operations, highlighting their storage requirements and various uses, including soil remediation and erosion treatment.
- [6] City Planner Luke Teeft summarized the concerns outlined in his Planning Report.

## **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 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 a planning rationale, plans, a photo of the posted sign, and a sign posting declaration.
  - City Planning Report received June 28, 2023, with concerns; received June 2, 2023, with concerns
  - Rideau Valley Conservation Authority email dated June 30, 2023, with no objections; dated June 2, 2023, with no objections
  - Hydro Ottawa email dated June 27, 2023, with no comments; dated May 31, 2023, with no comments

### **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 "concerns" regarding the application, highlighting that, "the concern with [the size of the accessory structure] is due to the large amount of rooftop runoff and potential interference with floodwater flow at ground level". However, the Report also indicates that "staff will defer to the Conservation Authority for guidance on this issue," and the Committee notes that an email received from the Rideau Valley Conservation Authority raises no objections to the application.
- [12] The Committee also notes that no evidence was presented that the requested 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, because the proposal is compatible with the existing rural and agricultural character of the area and contributes to a diversity of uses that support the community.
- [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 on the property that is compatible with the surrounding area.
- [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 April 28, 2023, as they relate to the requested variance.

*"William Hunter"*  
WILLIAM HUNTER  
VICE-CHAIR

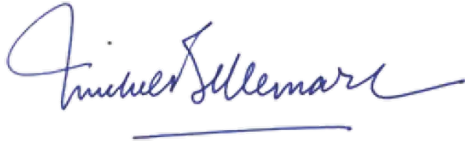
*"Terence Otto"*  
TERENCE OTTO  
MEMBER

*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 **July 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 **August 3, 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**  
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