

DECISION
MINOR VARIANCE / PERMISSION

Date of Decision:	July 18, 2023
Panel:	3 - Rural
File No(s):	D08-02-23/A-00135
Application:	Minor Variance
Owner(s)/Applicant(s):	Daniel Lavigne & Wendy McColgan
Property Address:	710 Coast Circle
Ward:	21 – Rideau-Jock
Legal Description:	Lot 60, Registered Plan 4M-1657
Zoning:	V1C[870r] S404
Zoning By-law:	2008-250
Hearing Date:	July 18, 2023, in person and by videoconference

APPLICANTS' PROPOSAL AND PURPOSE OF THE APPLICATION

- [1] The Owners want to construct a deck at the rear of their existing dwelling, as shown on plans filed with the Committee.

REQUESTED VARIANCES

- [2] The Owners require the Authority of the Committee for a minor variance from the Zoning By-law to permit a reduced setback of 0 metres for an accessory structure in the rear yard whereas the By-law requires a minimum setback for an accessory structure of 0.60 metres in the rear yard.

PUBLIC HEARING

Oral Submissions Summary

- [3] Daniel Lavigne, the Agent and Applicant, provided an overview of the application and highlighted that the neighbours had no concerns with the application. He further confirmed that the deck allowed for easy access to the swale and there were no obstructions or alteration to the grade of the property.

- [4] City Planner Luke Teeft confirmed that the gazebo situated on the deck meets all requirements under the Zoning By-law, and that concerns regarding the swale on the property had been addressed.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED

Application Must Satisfy Statutory Four-Part Test

- [5] 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

- [6] 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 cover letter, site plan, elevations, survey report, a photo of the posted sign, and a sign posting declaration.
 - City Planning Report received July 14, 2023, with some concerns.
 - Rideau Valley Conservation Authority email dated July 12, 2023, with no objections.
 - Hydro Ottawa email dated July 13, 2023, with no comments.
 - Ministry of Transportation email dated July 6, 2023, with no comments.

Effect of Submissions on Decision

- [7] The Committee considered all written and oral submissions relating to the application in making its decision and granted the application.
- [8] Based on the evidence, the Committee is satisfied that the requested variance meets all four requirements under subsection 45(1) of the *Planning Act*.
- [9] The Committee notes that the City's Planning Report raises "some concerns" regarding the application. Staff note that there "may be some privacy concerns resulting from having the deck directly abutting the fence at the rear of the property."

- [10] The Committee also notes that no compelling evidence was presented that the variance would result in any unacceptable adverse impact on neighbouring properties.
- [11] 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.
- [12] The Committee also finds that the requested variance maintains the general intent and purpose of the Official Plan because the proposal respects the character of the neighbourhood.
- [13] 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.
- [14] 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.
- [15] 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 9, 2023, and the elevations filed, Committee of Adjustment date stamped June 26, 2023, as they relate to the requested variances.

"William Hunter"
WILLIAM HUNTER
VICE-CHAIR

"Terence Otto"
TERENCE OTTO
MEMBER

"Beth Henderson"
BETH HENDERSON
MEMBER

"Martin Vervoort"
MARTIN VERVOORT
MEMBER

"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 **July 28, 2023**.



Cheryl Williams
Acting 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 17, 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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