

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

<b>Date of Decision:</b>	September 15, 2023
<b>Panel:</b>	2 - Suburban
<b>File No(s):</b>	D08-02-22/A-00136
<b>Application:</b>	Minor Variance under section 45 of the <i>Planning Act</i>
<b>Owner(s)/Applicant(s):</b>	Randy and Janet Bell
<b>Property Address:</b>	48 Ryeburn Drive
<b>Ward:</b>	22 – Gloucester-South Nepean
<b>Legal Description:</b>	Lot 19, Registered Plan 657
<b>Zoning:</b>	R1AA
<b>Zoning By-law:</b>	2008-250
<b>Hearing Date:</b>	September 5, 2023, in person and by videoconference

**APPLICANTS' PROPOSAL AND PURPOSE OF THE APPLICATION**

- [1] The Owners want to construct a two-car garage in the same location as the existing carport, which will be demolished, as shown on plans filed with the Committee.

**REQUESTED VARIANCES**

- [2] The Owners require the Committee's authorization for minor variances from the Zoning By-law as follows:
- a) To permit a reduced southerly interior side yard setback of 0.91 metres, whereas the By-law requires a minimum side yard setback of 3 **metres**.
  - b) To permit a reduced front yard setback of 3.5 metres, whereas the By-law requires a minimum front yard setback of 5 metres.

**PUBLIC HEARING**

- [3] Prior to the hearing on October 19, 2022, the Committee received an adjournment request from the City's Planning Real Estate and Economic Development Department, to allow time for a Cultural Heritage Impact Statement to be prepared. With the concurrence of all parties, the application was adjourned *sine die*.

### Oral Submissions Summary

- [4] Randy Bell, Applicant, confirmed an amendment to the wording of variance a) to permit a reduced southerly interior side yard setback of 0.91 metres, whereas the By-law requires a minimum side yard setback of 3 **metres**.
- [5] The application was amended accordingly.
- [6] City Planner Cass Sclauzero was also present.

### 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 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, authorization form of second owner, plans, TIR, letter of support from neighbours, photo of the posted sign, and a sign posting declaration.
  - City Planning Report received August 30, 2023, with no concerns; revised Report received August 30, 2023, with no concerns; received October 14, 2022, requesting adjournment.
  - Rideau Valley Conservation Authority email dated September 1, 2023, with no objections; dated October 12, 2022, with no objections.
  - Hydro Ottawa email dated September 1, 2023, with no objections; dated October 12, 2022, with no objections.
  - Ottawa International Airport Authority email dated August 23, 2023, with no comments; dated October 11, 2022, with no comments.
  - Ministry of Transportation email dated October 5, 2022, with no comments.

- Right-of-Way Department email dated October 12, 2022, with comments.
- Trans-Northern Pipelines email dated October 4, 2022, 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 variances meet all four requirements under subsection 45(1) of the *Planning Act*.
- [11] The Committee notes that the City's Planning Report raises "no concerns" regarding the application and confirms that "the application will regularize the legal non-complying front yard setback".
- [12] The Committee also notes that no evidence was presented that the variances 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 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.
- [14] The Committee also finds that the requested variances maintain the general intent and purpose of the Official Plan because the proposal respects the character of the area.
- [15] 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.
- [16] 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.
- [17] THE COMMITTEE OF ADJUSTMENT therefore authorizes the requested variances, **subject to** the location and size of the proposed construction being in accordance with the site plan filed, Committee of Adjustment date stamped September 2, 2022, and the elevations filed, Committee of Adjustment date stamped August 2, 2022, as they relate to the requested variances.

*"Fabian Poulin"*  
FABIAN POULIN  
VICE-CHAIR

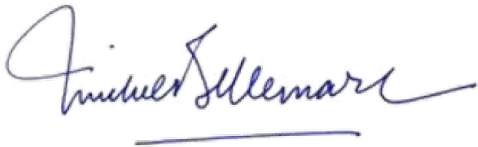
*Absent*  
JAY BALTZ  
MEMBER

*"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 **September 15, 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 **October 5, 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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