

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

<b>Date of Decision:</b>	October 13, 2023
<b>Panel:</b>	2 - Suburban
<b>File No.:</b>	D08-02-23/A-00218
<b>Application:</b>	Minor Variance under section 45 of the <i>Planning Act</i>
<b>Owners/Applicants:</b>	Robert & Christine Lander
<b>Property Address:</b>	121 James Cummings Avenue
<b>Ward:</b>	7 – Bay
<b>Legal Description:</b>	Part of Lot 11, Concession 1 (Ottawa Front) Geographic Township of Nepean
<b>Zoning:</b>	R1E
<b>Zoning By-law:</b>	2008-250
<b>Hearing Date:</b>	October 3, 2023, in person and by videoconference

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

- [1] The Owners want to construct a two-storey detached dwelling with a septic system, as shown on plans filed with the application.

**REQUESTED VARIANCE**

- [2] The Owner requires the Committee's authorization for minor variances from the Zoning By-law as follows:
- a) To permit a reduced setback for a septic system from the normal high-water mark of a watercourse or waterbody (Ottawa River) of 15 metres, whereas the By-law requires a minimum setback for any building or structure to the normal high-water mark of any watercourse or waterbody of 30 metres.
  - b) To permit a garage to be set back equal to the portion of a porch projection not located within the required front yard setback, and 3.05 metres closer to the front lot line than the principal entrance of the dwelling, whereas the By-law states that a garage may not be more than 0.6 metres closer to the front lot line than the principal entrance of the dwelling or the portion of a porch projection not located within the required front yard setback.

The application indicates that the property is not the subject of any other current application under the *Planning Act*.

## **PUBLIC HEARING**

[3] Scott Hayward, Agent for the Applicant, was present.

## **DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED**

### **Application(s) Must Satisfy Statutory Four-Part Test**

[4] 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**

[5] 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 plans, Rideau Valley Conservation Authority development and septic permits, tree information, photo of the posted sign, and a sign posting declaration.
- City Planning Report received September 28, 2023, with no concerns.
- Rideau Valley Conservation Authority email dated September 27, 2023, with no objections.
- Ministry of Transportation email dated September 21, 2023, with no comments.

### **Effect of Submissions on Decision**

- [6] The Committee considered all written and oral submissions relating to the application in making its decision and granted the application.
- [7] Based on the evidence, the Committee is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*
- [8] The Committee notes that the City's Planning Report raises "no concerns" regarding the application.

- [9] The Committee also notes that no evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.
- [10] Considering the circumstances, the Committee finds that, because 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.
- [11] 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.
- [12] 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 surrounding area.
- [13] 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.
- [14] 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 1, 2023.

*"Fabian Poulin"*  
FABIAN POULIN  
VICE-CHAIR

*"Jay Baltz"*  
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 **OCTOBER 13, 2023**.



Matthew Garnett  
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 **November 2, 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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