

DECISION
MINOR VARIANCE / PERMISSION

Date of Decision:	September 29, 2023
Panel:	3 - Rural
File No.:	D08-02-23/A-00200
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Owners/Applicants:	Tracy and Mark Peterkins
Property Address:	2490 B River
Ward:	20 - Osgoode
Legal Description:	Part of Lot 19 Concession 1, Geographic Township of Osgoode
Zoning:	RR8
Zoning By-law:	2008-250
Hearing Date:	September 19, 2023, in person and by videoconference

APPLICANTS' PROPOSAL AND PURPOSE OF THE APPLICATION

- [1] The Owners want to construct a new dwelling and accessory structure (detached garage) on their property, as shown on plans filed with the Committee. The existing dwelling will be demolished.

REQUESTED VARIANCE

- [2] The Owners/Applicants require the Committee's authorization for a minor variance from the Zoning By-law as follows to permit a detached dwelling and accessory structure (detached garage) on a lot that does not abut an improved public street, whereas the By-law states no person shall develop or otherwise use any lot unless that land abuts an improved public street for a distance of at least 3.0 metres.
- [3] The Application also indicates that the Property is not the subject of any other current application under the *Planning Act*.

PUBLIC HEARING

Oral Submissions Summary

- [4] Zuzana Keslerova, Agent for the Applicants, Tracy and Mark Peterkins, and City Planner Luke Teeft were present.

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, plans, sign posting declaration and photo of the posted sign.
 - City Planning Report received September 14, 2023, with no concerns.
 - Rideau Valley Conservation Authority email dated September 13, 2023, with no objections/objections.
 - Hydro Ottawa email dated September 19, 2023, with no comments.
 - City Forestry Services email dated September 8, 2023, with no concerns.
 - D. Lister email dated September 13, 2023, in support.
 - J. and S. Oesterle email dated September 18, 2023, in support.
 - K. and J. Smith email dated September 18, 2023, in support.

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 "no concerns" regarding the application, highlighting that "The proposed new buildings improve upon the watercourse setback of the existing structure in conformity with the Official Plan. Though the dwelling is larger and the entire property is located within a floodplain, the design features adequate waterproofing of the crawlspace that will negate the increased footprint."
- [10] The Committee also notes that no 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, because the proposal respects the character of the neighbourhood, the requested variance maintains the general intent and purpose of the Official Plan.
- [13] In addition, the Committee finds that the requested variance maintains the general intent and purpose of the Zoning By-law because it represents orderly development on the property that is compatible with the surrounding area.
- [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 plans filed, Committee of Adjustment date stamped August 16, 2023, ,as they relate to the requested variance.

"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 **September 29, 2023**.

A handwritten signature in blue ink that reads "Michel Bellemare". The signature is fluid and cursive, with a horizontal line underneath the name.

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 19, 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