

DECISION
MINOR VARIANCE / PERMISSION

Date of Decision:	September 29, 2023
Panel:	3 - Rural
File No(s):	D08-02-23/A-00185
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Owner(s)/Applicant(s):	Tamim Payman
Property Address:	2523 Manse Road
Ward:	Ward 2 - Orléans West-Innes
Legal Description:	Part of Lot 15, Concession 1 (Old Survey) Geographic Township of Cumberland
Zoning:	V1E
Zoning By-law:	2008-250
Hearing Date:	September 19, 2023, in person and by videoconference

APPLICANT'S PROPOSAL AND PURPOSE OF THE APPLICATION

- [1] The Owner wants to construct a new two-storey detached dwelling on their property, as shown on the plans filed with the Committee. The existing dwelling will be demolished.

REQUESTED VARIANCE

- [2] The Owner/Applicant requires the Committee's authorization for minor variances from the Zoning By-law as follows:
- a) To permit part of the sewage system to be located 7.94 metres from the top of the bank of the Ottawa River, whereas the By-law requires that any part of the building or structure, including any part of a sewage system to be 15 metres from the top of the bank of any watercourse or waterbody.
 - b) To permit part of the dwelling and part of the sewage system to be located 19.93 metres from the normal high-water mark of the Ottawa River, whereas the By-law requires that any part of the building or structure, including any part of a sewage system to be 30 metres from the normal high-water mark of any watercourse or waterbody.

- [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] Prior to the hearing, the Committee received the City's Planning Report requesting an adjournment to allow time for the Applicant to submit a planting plan showing the naturalization between the structure and the watercourse.
- [5] City Planner Jack Graham confirmed that the planting plan had been received and that the municipality had no further concerns with the application.
- [6] Christoph Jalkotzy provided a slide presentation, a copy of which is on file with the Secretary-Treasurer and available from the Committee Coordinator upon request.
- [7] Member J. Chandler, referring to a statement in the submission materials prepared by Mr. Jalkotzy, stated that, in her opinion, the intent of the watercourse setback requirements of the Zoning By law relates to water quality and environmental protection.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED

Application Must Satisfy Statutory Four-Part Test

- [8] 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

- [9] 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, tree information, parcel register, slope stability memo, photo of the posted sign, and a sign posting declaration.
 - City Planning Report received September 15, 2023, requesting adjournment.

- Rideau Valley Conservation Authority email dated September 13, 2023, with no objections.
- Hydro Ottawa email dated September 19, 2023, with no comments.

Effect of Submissions on Decision

- [10] The Committee considered all written and oral submissions relating to the application in making its decision and granted the application.
- [11] Based on the evidence, the Committee is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.
- [12] The Committee notes that the City's Planning Report requests an adjournment of the application. The report also highlights that "the minimum front yard setback for the V1E Zone is 7 m. The proposal is for the front yard setback to be at 7.17 metres from the front lot line, effectively as far as possible away from the watercourse".
- [13] The Committee also notes that no evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.
- [14] 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.
- [15] 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.
- [16] 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 the surrounding area.
- [17] 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.
- [18] 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 July 28, 2023, as it relates 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 **SEPTEMBER 29, 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 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.

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