

DECISION
MINOR VARIANCE / PERMISSION

Date of Decision:	September 29, 2023
Panel:	3 - Rural
File No(s):	D08-02-23/A-00206
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Owners/Applicants:	Mario and Kathy Emond
Property Address:	95 Martin Street
Ward:	Ward 21 – Rideau-Jock
Legal Description:	Part 1 Plan of Unit 37 Index Plan D-12
Zoning:	V1C
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 an attached garage on the east side of the existing detached dwelling, as shown on plans filed with the Committee.

REQUESTED VARIANCE

- [2] The Owners/Applicants require the Committee's authorization for a minor variance from the Zoning By-law to permit a reduced rear yard setback of 3 metres, whereas the By-law requires a minimum rear yard setback of 3 metres.
- [3] The Application also indicates that the Property is not the subject of any other current application under the *Planning Act*.

PUBLIC HEARING

- [4] Mario Emond, one of the Applicants 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, photo of the posted sign, and a sign posting declaration.
 - City Planning Report received September 14, 2023, with no concerns.
 - Rideau Valley Authority email dated September 13, 2023, with no objections.
 - Hydro Ottawa email dated September 19, 2023, with no comments.
 - J. D. Green email dated September 19, 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 "applicant has argued that the rear yard of the building is functionally the side yard, and as such falls well within the minimum interior side yard setback distance of 1 metre. This conforms to the existing layout of multiple other properties in the area. It is also in keeping with the intention of the Zoning By-Law in that the new addition does not infringe on the rear yard of any neighbouring property."
- [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 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.

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 18, 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**.



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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