

DECISION
MINOR VARIANCE / PERMISSION

Date of Decision:	August 25, 2023
Panel:	3 - Rural
File No(s):	D08-02-22/A-00308
Application:	Minor Variance
Owner(s)/Applicant(s):	Jacob Eades and Kasey Turner
Property Address:	248 Old Quarry Road
Ward:	5 – West Carleton-March
Legal Description:	Lot 2, Registered Plan 658, Geographic Township of Torbolton
Zoning:	RR15[343r]
Zoning By-law:	2008-250
Hearing Date:	August 15, 2023, in person and by videoconference

APPLICANT’S PROPOSAL AND PURPOSE OF THE APPLICATION

[1] The Owners want to construct a detached dwelling on vacant land.

REQUESTED VARIANCES

- [2] The Owners require the Authority of the Committee for Minor Variances from the Zoning By-law as follows:
- a. To permit a reduced setback to the normal highwater mark of a watercourse or waterbody (Ottawa River) of 15 metres at the closest point (septic system), whereas the By-law requires a minimum setback of 30 metres to the normal highwater mark of any watercourse or waterbody.
 - b. To permit a reduced setback on the top of bank of a watercourse or waterbody (drainage ditch) of 5 metres at the closest point (septic system), whereas the By-law requires a minimum setback of 15 metres to the top of bank of any watercourse or waterbody.

PUBLIC HEARING

- [3] At its scheduled hearing on December 7, 2022, the Committee adjourned this application *sine die* at the request of the City's Planning Services, to allow the Owners additional time to submit an Environmental Impact Statement, a slope stability report, and a planting plan.

Oral Submissions Summary

- [4] At the renewed hearing on August 15, 2023, Jacob Eades, one of the Owners of the property, explained that all required documents and plans had been submitted to the City and the Mississippi Valley Conservation Authority.
- [5] City Planner Jack Graham confirmed that all concerns had been addressed.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED

Application(s) Must Satisfy Statutory Four-Part Test

- [6] 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

- [7] 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 a cover letter, Environmental Impact Study (EIS), plans, planting plans, slope stability report, and a sign posting declaration.
 - City Planning Report received August 10, 2023, with no concerns; received December 2, 2022, with concerns.
 - Mississippi Valley Conservation Authority email received August 8, 2023, with no objections; received November 29, 2022, with no objections.
 - Hydro Ottawa email received August 15, 2023, with no comments; received November 29, 2022, with no comments.
 - Ministry of Transportation email received August 10, 2023, with no comments.

Effect of Submissions on Decision

- [8] The Committee considered all written and oral submissions relating to the application in making its decision and granted the application.
- [9] Based on the evidence, the Committee is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.
- [10] The Committee notes that the City's Planning Report raises "no concerns" with the application, highlighting that, "as this is a small lot that faces several physical constraints, it would qualify for being granted an exception to the normal watercourse setback requirements. The MVCA has noted the same issues and has provided comments stating that approval will be in conjunction with municipal planning approvals."
- [11] The Committee also notes that no evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.
- [12] 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.
- [13] 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.
- [14] 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.
- [15] 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.
- [16] 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 received June 19, 2023, as it relates to the requested variances.

Absent
WILLIAM HUNTER
VICE-CHAIR

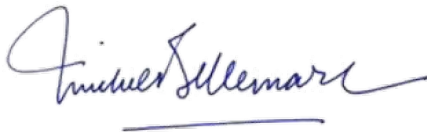
“Terence Otto”
TERENCE OTTO
MEMBER

“Beth Henderson”
BETH HENDERSON
MEMBER

“Martin Vervoort”
MARTIN VERVOORT
ACTING VICE-CHAIR

Absent
JOCELYN CHANDLER
MEMBER

I certify this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa, dated **August 25, 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 **September 14, 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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