

DECISION
MINOR VARIANCE / PERMISSION

Date of Decision:	December 22, 2023
Panel:	2 - Suburban
File No(s):	D08-02-23/A-00254
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Owner(s)/Applicant(s):	Greg Carter
Property Address:	4120i Riverside Drive
Ward:	10 – Gloucester-Southgate
Legal Description:	Lot 6, Concession 1
Zoning:	EP3 and EP3[362] H (10.7) S219
Zoning By-law:	2008-250
Hearing Date:	December 12, 2023, in person and by videoconference

APPLICANT’S PROPOSAL AND PURPOSE OF THE APPLICATION

- [1] The Owner wants to construct a new detached garage, as shown on the plans filed with the application. The existing garage will be demolished.

REQUESTED VARIANCES

- [2] The Owner/Applicant requires the Committee’s authorization for minor variances from the Zoning By-law as follows:
- a) To permit an increased building height of 7.25 metres for an accessory structure, whereas the By-Law permits a maximum height of 6 metres for an accessory structure.
 - b) To permit an aggregate floor area for all accessory buildings of 278.4 square metres, whereas the By-Law permits a maximum aggregate floor area for all accessory buildings of 55 square metres.

PUBLIC HEARING

Oral Submissions Summary

- [3] Greg Carter, the Applicant, provided a slide presentation, a copy of which is on file with the Secretary-Treasurer and available from the Committee Coordinator upon request.
- [4] In response to questions from the Committee, Mr. Carter confirmed that the existing trees would remain, and that the proposed garage would not be visible from the public road. Mr. Carter further stated that the size of the structure was necessary to provide adequate space for tractor parking and personal use.
- [5] City Planner Justin Grift noted the City's concerns with the application, highlighting that the proposed unit is twice the size of the dwelling and would become the predominant structure which does not follow the intent of the Zoning By-Law, nor is considered minor. Mr. Grift also noted that the size of the garage was not compliant with other accessory structures on Riverside Drive.
- [6] Mr. Grift further confirmed that if the zoning designation for the property is changed to residential there would be no change to the permitted size for an accessory structure. He also confirmed if the garage was attached to the principal building the variance for height would not be required.
- [7] The Committee also heard oral submissions from the following individuals:
- D. Allen, resident, noted that the properties along 4120 Riverside Drive were not visible from the public road and stated that the community was in support of the application.
 - M. McCullough, resident, stated that he was in favour of the application.
- [8] Following the public hearing, the Committee reserved its decision.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION REFUSED

Application Must Satisfy Statutory Four-Part Test

- [9] 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

[10] 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, email correspondence with Forestry and Zoning By-Law, letter of support from Uplands on the Rideau Association, zoning abstract, photo of the posted sign, and a sign posting declaration.
- City Planning Report received December 7, 2023, with concerns.
- Rideau Valley Conservation Authority email received December 7, 2023, with no concerns.
- Hydro Ottawa email received December 6, 2023, with no concerns.
- Y. Yang, resident, email received December 11, 2023, in support.
- M. McCullough, President, Uplands on the Rideau Association, email received December 11, 2023, in support.
- L. and J. Giriunas, residents, email received December 12, 2023, in support.

Effect of Submissions on Decision

[11] The Committee considered all written and oral submissions relating to the application in making its decision.

[12] Based on the evidence, the Committee is not satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.

[13] The Committee notes that the City's Planning Report has "some concerns" regarding proposed variance (a) and "recommends refusal" of proposed variance (b). The report highlights that "the increased height may have adverse impacts on the neighbour at 4120 H Riverside Drive with windows shown on the north elevations and that the accessory building will become the predominant feature on the lot." The report further highlights that "the discrepancy between the principal and proposed accessory structure is not minor in nature."

[14] Considering the circumstances, the Committee finds that, because the proposed accessory building would become the dominant structure on the property and not fit well in the neighbourhood, the Committee finds that, from a planning and public interest point of view, the requested variances are not desirable for the appropriate development or use of the land, building or structure on the property, and relative

to the neighbouring lands. The Committee also finds that the requested variances are not minor because, cumulatively, they would create an unacceptable adverse impact on the neighbourhood in general.

[15] Failing two of the four statutory requirements, the Committee is unable to grant the application.

[16] THE COMMITTEE OF ADJUSTMENT therefore does not authorize the requested variances.

"Fabian Poulin"
FABIAN POULIN
VICE-CHAIR

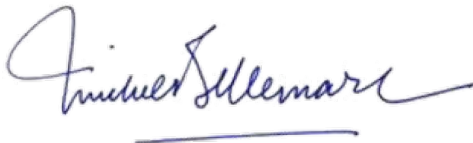
"Jay Baltz"
JAY BALTZ
MEMBER

"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 **December 22, 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 **January 11, 2024**, 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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