

DECISION
MINOR VARIANCE / PERMISSION

Date of Decision:	January 26, 2024
Panel:	3 - Rural
File No.:	D08-02-23/A-00242
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Owners/Applicants:	Rocky and Micaela Galla
Property Address:	7393 Rideau Valley Drive
Ward:	21 – Rideau-Jock
Legal Description:	Part of Lot 25, Concession 2, Geographic Township of North Gower
Zoning:	RR10
Zoning By-law:	2008-250
Hearing Date:	January 16, 2024, in person and by videoconference

APPLICANTS' PROPOSAL AND PURPOSE OF THE APPLICATION

- [1] The Owners want to construct an addition on the west side (front) of the existing dwelling and demolish a portion on the east side (rear) of the existing dwelling, as shown on plans filed with the Committee.

REQUESTED VARIANCES

- [2] The Owners require the Committee's authorization for minor variances from the Zoning By-law as follows:
- a) To permit a building to be located 26.51 metres from the normal high-water mark of the Rideau River, whereas the By-law states, in part, that no building or structure shall be located closer than 30 metres from the normal high-water mark of any watercourse or water body.
 - b) To permit a deck to be located 25.29 metres from the normal high-water mark of the Rideau River, whereas the By-law states, in part, that no building or structure shall be located closer than 30 metres from the normal high-water mark of any watercourse or water body.

- c) To permit an addition with a floor area of 49.61 square metres, whereas the By-law states, in part, that an addition to a building in an area subject to a floodplain overlay must not exceed 20 square metres.

The application indicates that the existing dwelling is located 23.87 metres from the Rideau River.

PUBLIC HEARING

- [3] Laura Hands, Agent for the Applicants, and City Planner Luke Teeft were present.
- [4] There were no objections to granting this unopposed application as part of the Panel's fast-track consent agenda.

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, sign posting declaration and the following letters of support:
 - E. Schmidt, neighbour, letter dated December 12, 2023, in support.
 - P. and M. Couvenbergh, neighbours, letter dated December 11, 2023, in support.
 - B. Love, neighbour, letter dated December 5, 2023, in support.
 - City Planning Report received January 11, 2024, with no concerns.
 - Rideau Valley Conservation Authority and Ottawa Septic System Office email received January 12, 2024, with no objections.
 - Hydro Ottawa email received December 21, 2023, with no comments.

- Ministry of Transportation email received December 18, 2023, with no comments.
- Parks Canada email received December 19, 2023, with no objections.

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 variances meet 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, "[t]he entire property is located within the floodplain of the Rideau River. As a result, it is impossible to build a new dwelling outside of the floodplain. The proposed dwelling improves upon the existing setback."
- [10] The Committee also notes that no evidence was presented that the requested variances 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 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.
- [12] 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 neighbourhood.
- [13] In addition, the Committee finds that the requested variances maintain the general intent and purpose of the Zoning By-law because the variances represent orderly development that is compatible with the surrounding area.
- [14] 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.
- [15] 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 December 1, 2023, and the elevations filed, Committee of Adjustment date stamped September 29, 2023, as they relate 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 **JANUARY 26, 2024**.



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 **FEBRUARY 15, 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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