

DECISION
MINOR VARIANCE / PERMISSION

Date of Decision:	January 26, 2024
Panel:	3 - Rural
File Nos.:	D08-02-23/A-00277 & D08-02-23/A-00278
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Owners/Applicants:	Wafaa and Ghassan Abou-Akrouche
Property Address:	5536 Downey Road
Ward:	20 – Osgoode
Legal Description:	Part of Lot 30, Concession 2RF, Geographic Township of Osgoode
Zoning:	RU
Zoning By-law:	2008-250
Hearing Date:	January 16, 2024, in person and by videoconference

APPLICANTS' PROPOSAL AND PURPOSE OF THE APPLICATIONS

- [1] The Owners want to subdivide their property into three separate parcels of land to create two new lots for future residential development.

REQUESTED VARIANCES

- [2] The Owners require the Committee's authorization for minor variances from the Zoning By-law as follows:

A-00277: 5500 Downey Road, Part 1 on Sketch, future residential development:

- a) To permit a reduced separation distance of ~~406 metres~~ **151 metres** from an existing livestock facility to a proposed building envelope, whereas the By-law states that new development must comply with the minimum distance formula, in this case, requiring a minimum distance separation of 182 metres to the existing livestock facility.

A-00278: 5510 Downey Road, Part 2 on Sketch, future residential development:

- b) ~~To permit a reduced separation distance of 135 metres from an existing livestock facility to a proposed lot line, whereas the By-law states that new development must comply with the minimum distance formula, in this case, requiring a minimum distance separation of 182 metres.~~

PUBLIC HEARING

- [3] On December 12, 2023, further to the City's request and with the Agent concurring, the Committee adjourned the hearing to January 16, 2024, to allow time for the Agent to address concerns raised by the City's Planning Services and to revise the proposed lot configuration and the environmental impact statement accordingly.

Oral Submissions Summary

- [4] Arjan Soor, Agent for the Applicants, responded to questions from the Committee and confirmed the need to amend the applications in accordance with the revised sketch that addressed the concerns the City had with the original proposal. Specifically, increasing the size of both proposed lots to be greater than 1 hectare, as recommended by Planning Services. He explained that with the lots over 1 hectare in size, the minimum distance separation calculations could be taken from a 0.5 hectare development envelope rather than the proposed lot line. With this change, variance (b) could be deleted and variance (a) would be moving closer to conformity with the Zoning By-law and could be amended as follows:

To permit a reduced separation distance of ~~106 metres~~ **151 metres** from an existing livestock facility to a proposed building envelope, whereas the By-law states that new development must comply with the minimum distance formula, in this case, requiring a minimum distance separation of 182 metres to the existing livestock facility.

- [5] City Planner Stephan Kukkonen was also present.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED AS AMENDED

Applications 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:

- Applications and supporting documents, including cover letter, plans, parcel register, revised cover letter, sketch and environmental impact statement, photo of the posted sign, and a sign posting declaration.
- City Planning Report received January 11, 2024, with no concerns; received December 7, 2023, requesting adjournment.
- Rideau Valley Conservation Authority and Ottawa Septic System Office email received January 12, 2024, with no objections; received December 6, 2023, with no objections.
- Hydro Ottawa email received December 21, 2023, with no comments; received December 6, 2023, with no comments.
- Forestry Services email received December 14, 2023, with no concerns; received November 27, 2023, with no concerns.
- Hydro One email received December 5, 2023, with no concerns.
- Ministry of Transportation email received December 18, 2023, with no comments.

Effect of Submissions on Decision

- [8] The Committee considered all written and oral submissions relating to the applications in making its decision and granted the applications.
- [9] Based on the evidence, the Committee is satisfied that the requested variance meets all four requirements under subsection 45(1) of the *Planning Act*.
- [10] The Committee notes that the City's Planning Report raises "no concerns" regarding the applications.
- [11] The Committee also notes that no evidence was presented that the variance 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 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.
- [13] The Committee also finds that the requested variance maintains the general intent and purpose of the Official Plan because the proposal respects the character of the neighborhood.
- [14] In addition, the Committee finds that the requested variance maintains the general intent and purpose of the Zoning By-law because the variance represents orderly development that is compatible with the surrounding area.

[15] 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.

c) THE COMMITTEE OF ADJUSTMENT therefore authorizes 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 **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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