

**DECISION
MINOR VARIANCE / PERMISSION**

| | |
|-------------------------------|--|
| Date of Decision: | February 16, 2024 |
| Panel: | 3 - Rural |
| File No(s): | D08-02-23/A-00300 |
| Application: | Minor Variance under section 45 of the <i>Planning Act</i> |
| Owner(s)/Applicant(s): | Michael Brennan |
| Property Address: | 6118 James Bell Drive |
| Ward: | 21 – Rideau-Jock |
| Legal Description: | Lot 28, Registered Plan 480, former Geographic Township of North Gower |
| Zoning: | RR10 |
| Zoning By-law: | 2008-250 |
| Hearing Date: | February 6, 2024, in person and by videoconference |

APPLICANT’S PROPOSAL AND PURPOSE OF THE APPLICATION

- [1] The Owner wants to construct an addition at the rear of the existing dwelling, as shown on the plans filed with the application.

REQUESTED VARIANCE

- [2] The Owner/Applicant requires the Committee’s authorization for a minor variance from the Zoning By-law to permit an increased lot coverage of 19.75% whereas the By-law permits a maximum lot coverage of 15%.

PUBLIC HEARING

Oral Submissions Summary

- [3] Mike Brennan, Owner of the subject property, and Matthew North, representing the Applicant, provided an overview of the application and responded to questions from the Committee.
- [4] City Planner Stephan Kukkonen confirmed that the accessory structure should have been included in the calculation of the increased lot coverage. He further advised that Official Plan policies require 800 square metres of undeveloped land for new development to be able to accommodate a septic system replacement in case of failure, which is not met in the application.

- [5] Mr. North confirmed that the existing shed is to be demolished and therefore was not included in the calculation for the requested variance, He further confirmed that a new septic system will be accommodated on site based on permits obtained from the Rideau Valley Conservation Authority and the City of Ottawa.
- [6] In response to questions from the Committee, Mr. Brennan confirmed that the existing shed on site is damaged and will be demolished.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED

Application Must Satisfy Statutory Four-Part Test:

- [7] 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

- [8] 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, plans, a slope stability assessment, a septic design brief, a rideau valley conservation authority permit, email communications with City staff, photo of the posted sign, and a sign posting declaration.
 - City Planning Report received February 1, 2024, with concerns.
 - Rideau Valley Conservation Authority email received January 31, 2024, with no objections.
 - Hydro Ottawa email received January 30, 2024, with no comments.
 - Ministry of Transportation email received February 2, 2024, with no comments.

Effect of Submissions on Decision

- [9] The Committee considered all written and oral submissions relating to the application in making its decision and granted the application.
- [10] Based on the evidence, the Committee is satisfied that the requested variance meets all four requirements under subsection 45(1) of the *Planning Act*.

- [11] The Committee notes that the City's Planning Report raises "concerns" regarding the application, highlighting that "the lack of undeveloped area onsite is already insufficient and will be lessened as a result of the new addition."
- [12] The Committee also notes that no evidence was presented that the variance would result in any unacceptable adverse impact on neighbouring properties.
- [13] 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.
- [14] 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 neighbourhood.
- [15] In addition, the Committee finds that the requested variance maintains 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.
- [16] Moreover, the Committee finds that the requested variance is minor because it will not create any unacceptable adverse impacts on abutting properties or the neighbourhood in general.
- [17] THE COMMITTEE OF ADJUSTMENT therefore authorizes the requested variance, **subject to** the location and size of the proposed construction being in accordance with the site plan filed, Committee of Adjustment date stamped December 14, 2023, as it relates to the requested variance.

"William Hunter"
WILLIAM HUNTER
VICE-CHAIR

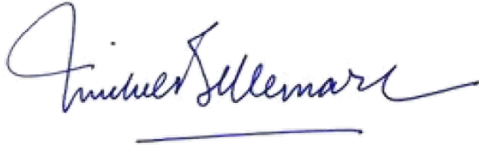
Absent
TERENCE OTTO
MEMBER

"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 **February 16, 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 **March 7, 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.

Committee of Adjustment
City of Ottawa
Ottawa.ca/CommitteeofAdjustment
cofa@ottawa.ca
613-580-2436



Comité de dérogation
Ville d'Ottawa
Ottawa.ca/Comitedederogation
cded@ottawa.ca
613-580-2436