

**DECISION**  
**MINOR VARIANCE / PERMISSION**

<b>Date of Decision:</b>	February 16, 2024
<b>Panel:</b>	3 - Rural
<b>File No(s):</b>	D08-02-24/A-00001
<b>Application:</b>	Minor Variance under section 45 of the <i>Planning Act</i>
<b>Owner(s)/Applicant(s):</b>	Shane and Nellie Ottens
<b>Property Address:</b>	157 Timber Lane
<b>Ward:</b>	5 – West Carleton-March
<b>Legal Description:</b>	Part of Lot D Concession Gore, Geographic Township of Fitzroy
<b>Zoning:</b>	RR14 [660r]
<b>Zoning By-law:</b>	2008-250
<b>Hearing Date:</b>	February 16, 2024, in person and by videoconference

**APPLICANTS' PROPOSAL AND PURPOSE OF THE APPLICATION**

- [1] The Owners want to construct a new dwelling and detached garage on their property, as shown on plans filed with the Committee. The existing dwelling detached garage and accessory structure will be demolished.

**REQUESTED VARIANCE**

- [2] The Owners/Applicants require the Committee's authorization for a minor variance from the Zoning By-law to permit a building or structure to be located 25.37 metres from the normal highwater mark, whereas the By-law states, that no building or structure shall be located closer than 30 metres from the normal highwater mark of any watercourse or water body.

**PUBLIC HEARING**

**Oral Submissions Summary**

- [3] Nellie Ottens, one of the Owners of the subject Property, confirmed that in preparation for filing their application they obtained a current up-to-date survey and a slope stability assessment. She further confirmed that development will be outside the limit of hazard lands identified in the slope stability assessment. Mrs. Ottens explained that while they did remove overgrown vegetation, they were

Careful to leave the root systems intact so there was no impact on the slope stability.

[4] City Planner Luke Teeft stated no concerns with the application.

## **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 a cover letter, plans, tree information, email communications with the Mississippi Valley Conservation Authority, a slope stability assessment, a photo of the posted sign, and a sign posting declaration.
- City Planning Report received February 1, 2024, with no concerns.
- Mississippi Valley Conservation Authority email received January 30, 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.
- A. Hobden, neighbour, email received February 5, 2024, with comments.

### **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 variance meets 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 “the proposed dwelling, though located within the 30-metre setback from the normal high-water mark, improves upon the setback of the existing dwelling”.
- [10] The Committee also notes that no evidence was presented that the variance 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 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.
- [12] 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.
- [13] 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.
- [14] 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.
- [15] THE COMMITTEE OF ADJUSTMENT therefore authorizes the requested variance, **subject to** the location and size of the proposed construction being in accordance with the plans filed, Committee of Adjustment date stamped January 5, 2024, as they relate to the requested variance.

*“William Hunter”*  
WILLIAM HUNTER  
VICE-CHAIR

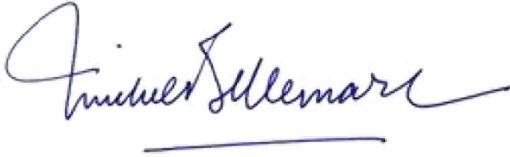
*Absent*  
TERENCE OTTO  
MEMBER

*“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](mailto:cofa@ottawa.ca) and/or by mail or courier to the following address:

Secretary-Treasurer, Committee of Adjustment,  
101 CentrepoinTE Drive, 4<sup>th</sup> 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](mailto: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**  
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