

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

<b>Date of Decision:</b>	March 15, 2024
<b>Panel:</b>	3 - Rural
<b>File No(s):</b>	D08-02-23/A-00298
<b>Application:</b>	Minor Variance under section 45 of the <i>Planning Act</i>
<b>Owner(s)/Applicant(s):</b>	Richard Carroll and Karen Bruce
<b>Property Address:</b>	3984 Carroll Side Road
<b>Ward:</b>	5 – West Carleton-March
<b>Legal Description:</b>	Part of the Northeast Half of Lot 17, Concession 11, West Carleton
<b>Zoning:</b>	EP3, <b>EP2[709r]</b>
<b>Zoning By-law:</b>	2008-250
<b>Hearing Date:</b>	March 5, 2024, in person and by videoconference

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

- [1] The Owners want to renovate the coach house located on their property.
- [2] At its hearing on February 6, 2024, the Committee adjourned this application to allow the Applicants time to obtain a permit from the Ottawa Septic Systems Office.

**REQUESTED VARIANCES**

- [3] The Owners/Applicants require the Committee's authorization for minor variances from the Zoning By-law as follows:
  - a) To permit separate well and separate septic systems for the coach house and principal dwelling, whereas the By-law requires a shared well or septic system for the coach house and principal dwelling.
  - b) To permit a reduced front yard setback of 5 metres, whereas the By-law requires a minimum front yard setback of 10 metres.

**PUBLIC HEARING**

**Oral Submissions Summary**

- [4] City Planner Stephan Kukkonen recommended refusal of the application, advising that the proposal does not comply with Official Plan policy, which states that a coach house and a principal dwelling must share either septic or well services. Mr. Kukkonen confirmed that if the proposed coach house was connected to the existing well, staff would have no concerns.
- [5] In response to questions from the Committee, Richard Carroll, the Owner/Applicant, confirmed that a prior Zoning By-law Amendment had permitted two dwellings on the property on a temporary basis, prior to the introduction of the coach house zoning provisions, and that the condition of the second dwelling did not warrant demolition as it could be used for rental housing.
- [6] Following the public hearing, the Committee reserved its decision.

## **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 cover letter, plans, a septic permit, a photo of the posted sign, and a sign posting declaration.
  - Mississippi Valley Conservation Authority email received January 30, 2024, with no objections; received February 27, 2024, with no objections.
  - Hydro Ottawa email received January 30, 2024, with no comments; received February 27, 2024, with no comments.
  - City Planning Report received February 1, 2024, recommending refusal; received March 1, 2024, recommending refusal.
  - Ministry of Transportation email received February 2, 2024, with no comments; received March 1, 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 majority of the Committee (Member T. Otto dissenting for reasons noted below) is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.
- [11] The Committee notes that the City's Planning Report "recommends refusal" of the application, highlighting that, "the current servicing arrangement does not technically meet the intent of the Official Plan and therefore cannot meet the four tests." However, the majority notes that the Provincial Policy Statement and the City's Official Plan generally promote discreet intensification and a range of housing options, including coach houses, and are satisfied that, given the unique circumstances, it is appropriate to preserve the existing coach house and associated private services in this instance.
- [12] The majority of the Committee also notes that no evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.
- [13] Considering the circumstances, the majority of the Committee finds that, because the proposal preserves existing housing stock, 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.
- [14] The majority of the Committee also finds that the requested variances maintain the general intent and purpose of the Official Plan the proposal respects the character of the neighbourhood and contributes to the range of available housing options in the area.
- [15] In addition, the majority of the Committee finds that the requested variances maintain the general intent and purpose of the Zoning By-law the proposal represents orderly development on the property that is compatible with the surrounding areas.
- [16] Moreover, the majority of 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.
- [17] Member T. Otto dissents, finding that the application does not meet the intent of the Zoning By-law, both as it relates to shared services for coach houses and its original intent that two dwellings would exist on the property on a temporary basis only.

[18] THE COMMITTEE OF ADJUSTMENT therefore authorizes the requested variances, **subject to** the variances applying to the existing coach house and being restricted to the life of this building only.

*"William Hunter"*  
WILLIAM HUNTER  
VICE-CHAIR

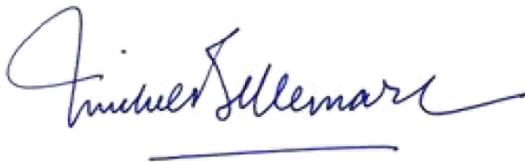
*Dissent*  
TERENCE OTTO  
MEMBER

*"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 **March 15, 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 **April 4, 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**  
City of Ottawa  
[Ottawa.ca/CommitteeofAdjustment](http://Ottawa.ca/CommitteeofAdjustment)  
[cofa@ottawa.ca](mailto:cofa@ottawa.ca)  
613-580-2436



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Ville d'Ottawa  
[Ottawa.ca/Comitedederogation](http://Ottawa.ca/Comitedederogation)  
[cded@ottawa.ca](mailto:cded@ottawa.ca)  
613-580-2436