

DECISION
MINOR VARIANCE / PERMISSION

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| Date of Decision: | March 15, 2024 |
| Panel: | 3 - Rural |
| File No(s): | D08-01-24/A-00018 |
| Application: | Minor Variance under section 45 of the <i>Planning Act</i> |
| Owner(s)/Applicant(s): | Tyler Baigent |
| Property Address: | 4408 Tranquility Lane |
| Ward: | 5 – West Carleton-March |
| Legal Description: | Lot 17, Registered Plan 690 |
| Zoning: | RR17[343r] |
| Zoning By-law: | 2008-250 |
| Hearing Date: | March 5, 2024, in person and by videoconference |

APPLICANT’S PROPOSAL AND PURPOSE OF THE APPLICATION:

- [1] The Owner wants to construct a two-storey addition on the east side of the existing detached dwelling, as shown on plans filed with the Committee.

REQUESTED VARIANCES:

- [2] The Owner/Applicant requires the Committee’s authorization for minor variances from the Zoning By-law as follows:
- a) To permit a building to be located 25.10 metres from the normal high-water mark of a watercourse or waterbody (Buckham’s Bay), 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 building to be located 6.8 metres from the top of bank of a watercourse or waterbody, whereas the By-law states, in part, that no building or structure shall be located closer than 15 metres from the top of bank of any watercourse or water body.
 - c) To permit an addition within 30 metres of a watercourse measuring 167 square metres in floor area and located closer than the principal building

to the water, whereas the By-law [exception 343r] permits additions with a maximum floor area of 24 square metres within 30 metres of a watercourse, as long as it is no closer than the principal building to water.

- d) To permit a deck with a walking surface higher than 0.6 metres above adjacent grade to project a maximum of 4.91 metres from a principal building located within the 30-metre watercourse setback, whereas the By-law [exception 343r] permits a deck to project a maximum of 3.0 metres from the principal building located within the 30-metre setback.

PUBLIC HEARING

Oral Submissions Summary

- [3] Jessica D'Aoust, Agent for the Applicant, addressed concerns raised by the City, noting that a planting plan was submitted to demonstrate that the proposal will enhance the ecological function of the site, as well as a slope stability analysis, and that these were deemed to be satisfactory. In response to the City's remaining concern that the proposed addition encroaches closer to the water, Ms. D'Aoust clarified that an existing deck projection would remain the closest point to the water, however, the proposed cantilevered addition would provide additional living space without impacting ground level conditions, while also ensuring there is sufficient space available in the front yard for a new septic system.
- [4] City Planner Stephan Kukkonen submitted that the cantilevered addition technically moves the principal building closer to the water, contrary to a strict interpretation of Official Plan policy, though he acknowledged that it was unlikely to have a significant impact.
- [5] Tyler Baigent, the Owner/Applicant, was also present.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED

Application 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:

- Application and supporting documents, including cover letter, plans, slope stability analysis, rain garden and planting plan, letters of support, photo of the posted sign, and a sign posting declaration.
- Mississippi Valley Conservation Authority email received February 27, 2024, with no objections.
- Hydro Ottawa email received February 27, 2024, with no comments.
- City Planning Report received March 1, 2024, with some concerns.
- Ministry of Transportation email received March 1, 2024, with no comments.
- S. McCue Nyles, resident, letter in support received March 1, 2024.
- K. and S. Daniels, residents, letter in support received March 1, 2024.
- R. Jonik, resident, letter in support received March 1, 2024.
- R. Alexander, resident, letter in support received March 1, 2024.
- A. DiMilio, resident, letter in support received March 1, 2024.

Effect of Submissions on Decision

- [8] The Committee considered all written and oral submissions relating to the application in making its decision and granted the application.
- [9] Based on the evidence, the Committee is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.
- [10] The Committee notes that the City's Planning Report raises "some concerns" regarding the application, highlighting that "the proposal does not fully contemplate the policy requirements as the cantilevered portion will project closer to the surface water feature[...]" However, the report also acknowledges that, "it is unlikely to have a great impact on the conditions of the site." In addition, the report highlights that, "the applicant has provided a great consideration to ensure the ecological function of the site is maintained and enhanced as a result of the proposed development."
- [11] The Committee also notes that no evidence was presented that the variances 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 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.

- [13] The Committee also finds that the requested variances maintain the general intent and purpose of the Official Plan because the proposal enhances the ecological function of the site.
- [14] In addition, the Committee finds that the requested variances maintain 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 areas.
- [15] 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.
- [16] THE COMMITTEE OF ADJUSTMENT therefore authorizes the requested variances, **subject to** the location and size of the proposed construction being in accordance with the plans filed, Committee of Adjustment date stamped January 31, 2024, as they relate to the requested variances.

"William Hunter"
WILLIAM HUNTER
VICE-CHAIR

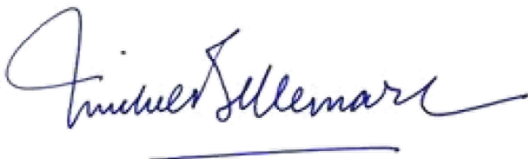
"Terence Otto"
TERENCE OTTO
MEMBER

"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 **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 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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