

**DECISION  
MINOR VARIANCE / PERMISSION**

<b>Date of Decision:</b>	March 29, 2024
<b>Panel:</b>	3 - Rural
<b>File No(s):</b>	D08-02-24/A-00026
<b>Application:</b>	Minor Variance under section 45 of the <i>Planning Act</i>
<b>Owner(s)/Applicant(s):</b>	Jon Ritchie and Kristie Ritchie
<b>Property Address:</b>	5532 Lion Street
<b>Ward:</b>	20 – Osgoode
<b>Legal Description:</b>	Lot 75, Registered Plan 393
<b>Zoning:</b>	V11
<b>Zoning By-law:</b>	2008-250
<b>Hearing Date:</b>	March 19, 2024, in person and by videoconference

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

- [1] The Owners want to construct a one-storey addition at the northeast side of the existing dwelling, including an attached garage, as shown on plans filed with the application.

**REQUESTED VARIANCE**

- [2] The Owners/Applicants require the Committee's authorization for a minor variance from the Zoning By-law to permit an increased lot coverage of 21.62% (129.65 square metres), whereas the By-law permits a maximum lot coverage of 15% of the total lot area (89.96 square metres).

**PUBLIC HEARING**

**Oral Submissions Summary**

- [3] Jeff Hurdis, Agent for the Applicant, responded to concerns raised in the City's Planning Report regarding the location of the well, which was not identified on the plans filed. He explained that the well is located within the footprint of the dwelling. He also noted that a septic permit had been obtained from the Ottawa Septic System Office.
- [4] City Planner Luke Teeft confirmed that the City's concerns had been addressed.

## 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 cover letter, plans, photo of the posted sign, and a sign posting declaration.
- City Planning Report received March 14, 2024, with concerns.
- South Nation Conservation Authority email received March 8, 2024, with no objections.
- City Forestry Services email received March 8, 2024, with comments.
- Hydro Ottawa email received March 13, 2024, with no comments.
- D. Jones, resident, email received March 12, 2024, in support.

### 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" with the requested variance, highlighting that "the addition will be setback from the main dwelling, and meets all other zoning provisions for the V11 zone." The Committee further notes that the City's initial concerns regarding the location of the well and the status of the septic system have been addressed.
- [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 impact 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 site plan and elevation drawings filed, Committee of Adjustment date stamped February 16, 2024, as they relate to the requested variance.

*Absent*  
WILLIAM HUNTER  
VICE-CHAIR

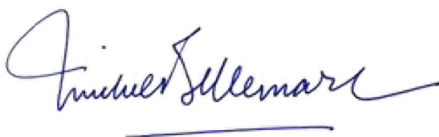
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TERENCE OTTO  
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*"Beth Henderson"*  
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MEMBER

*"Martin Vervoort"*  
MARTIN VERVOORT  
ACTING PANEL CHAIR

*"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 29, 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 18, 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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