

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

<b>Date of Decision:</b>	April 26, 2024
<b>Panel:</b>	3 - Rural
<b>File No.:</b>	D08-02-23/A-00146
<b>Application:</b>	Minor Variance under section 45 of the <i>Planning Act</i>
<b>Owners/Applicants:</b>	Jackson and Blair Vance
<b>Property Address:</b>	5030 MacHardy Road
<b>Ward:</b>	5 – West Carleton-March
<b>Legal Description:</b>	Part of Lots 23 & 24, Concession 5, Geographic Township of Fitzroy
<b>Zoning:</b>	RU & EP3
<b>Zoning By-law:</b>	2008-250
<b>Hearing Date:</b>	April 16, 2024, in person and by videoconference

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

- [1] The Owners/Applicants want to build a detached dwelling on their property, as shown on the plans filed with the Committee.
- [2] At the scheduled hearing on August 1, 2023, the Committee adjourned the application to allow the Applicants time to address the concerns raised by the City Planner. The Applicants subsequently revised their application.

**REQUESTED VARIANCE**

- [3] The Owners/Applicants require the Committee's authorization for a minor variance from the Zoning By-law to permit a reduced setback for the proposed dwelling from a mineral aggregate reserve zone (MR) of 110 metres, whereas the By-law requires a dwelling setback of a minimum of 150 metres from a mineral aggregate reserve zone.

**PUBLIC HEARING**

- [4] Tracy Zander, Agent for the Applicants, and City Planner Luke Teeft were present.
- [5] There were no objections to granting this unopposed application as part of the Panel's fast-track consent agenda.

## 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, environmental impact statement, mineral resource impact assessment, plans, photo of the posted sign, and a sign posting declaration.
  - City Planning Report received April 10, 2024, with no concerns; received July 28, 2023, requesting an adjournment.
  - Mississippi Valley Conservation Authority email received April 9, 2024, with no objections; received July 25, 2023, with no objections.
  - Hydro Ottawa email received April 9, 2024, with no comments; received July 28, 2023, with no comments.

### 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 variance meets all four requirements under subsection 45(1) of the *Planning Act*.
- [10] The Committee notes that the City's Planning Report raises "no concerns" regarding the application. The report highlighted that the "proposed dwelling will not negatively impact potential extraction operations and will itself not be negatively impacted by noise-generating activities".

- [11] The Committee also notes that no evidence was presented that the variance 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 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.
- [13] 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 neighborhood.
- [14] In addition, the Committee finds that the requested variance maintains the general intent and purpose of the Zoning By-law because the variances represent orderly development that is compatible with the surrounding area.
- [15] 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.
- [16] 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 March 12, 2024, as they relate to the requested variance.

*"William Hunter"*  
WILLIAM HUNTER  
VICE-CHAIR

*"Arto Keklikian"*  
ARTO KEKLIKIAN  
MEMBER

*"Beth Henderson"*  
BETH HENDERSON  
MEMBER

*"Martin Vervoort"*  
MARTIN VERVOORT  
MEMBER

*"Heather MacLean"*  
HEATHER MACLEAN  
MEMBER

*Absent*  
TERRY OTTO  
MEMBER

*Absent*  
JOCELYN CHANDLER  
MEMBER

I certify this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa, dated **APRIL 26, 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 **MAY 16, 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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