

DECISION
MINOR VARIANCE / PERMISSION

Date of Decision:	May 10, 2024
Panel:	3 - Rural
File No.:	D08-02-24/A-00051
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Owners/Applicants:	Nicholas and Lisa Wilson
Property Address:	6410 Deer Valley Crescent
Ward:	20 - Osgoode
Legal Description:	Lot 27 Registered Plan 4M-1314, Geographic Township of Osgoode
Zoning:	RR2 [18r]
Zoning By-law:	2008-250
Heard:	April 30, 2024, in person and by videoconference

APPLICANTS' PROPOSAL AND PURPOSE OF THE APPLICATION

- [1] The Owners want to construct a new two storey detached dwelling, as shown on plans filed with the Committee.

REQUESTED VARIANCES

- [2] The Owners/Applicants require the Committee's authorization for minor variances from the Zoning By-law as follows:
- a) To permit part of the building and structure to be located 1.58 metres from the top of the bank of any watercourse or water body, whereas the By-law states that no part of the building and structure shall be closer than 15 metres from the top of the bank of any watercourse or waterbody.
 - b) To permit a part of the building and structure to be located 4.25 metres from the normal high-water mark of any watercourse or waterbody, whereas the By-law states that no part of the building and structure shall be located closer than 30 metres from the normal high-water mark of any watercourse or waterbody.

PUBLIC HEARING

Oral Submissions Summary

- [3] At the hearing, Chris Jalkotzy, Agent for the Applicants, responded to the Committee's questions, explaining that the topography and the landscaping would remain, and the ditch would not be altered.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED

Application(s) Must Satisfy Statutory Four-Part Test

- [4] 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

- [5] 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, correspondence with Mississippi Valley Conservation Authority, correspondence with City staff, plans, tree planting plan, photo of the posted sign, and a sign posting declaration.
 - City Planning Report received April 25, 2024, with no concerns.
 - Mississippi Valley Conservation Authority email received April 24, 2024, with no objections.
 - Hydro Ottawa email received April 23, 2024, with no comments.
 - Ontario Ministry of Transportation, email received April 18, 2024, with no comments.
 - Franck and Wendy Lahaie, residents, email received April 19, 2024, with comments.

Effect of Submissions on Decision

- [6] The Committee considered all written and oral submissions relating to the application in making its decision and granted the application.
- [7] Based on the evidence, the Committee is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.

- [8] The Committee notes that the City's Planning Report raises "no concerns" regarding the application, highlighting that "the context for the watercourse is unique". The report also highlights that "while staff consider the feature a watercourse and not a swale, it functions in a similar manner to a swale and therefore reduced setbacks are appropriate".
- [9] The Committee also notes that no evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.
- [10] 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.
- [11] The Committee also finds that the requested variances maintain the general intent and purpose of the Official Plan because the proposal respects the character of the neighbourhood.
- [12] 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 area.
- [13] 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.
- [14] 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 March 11, 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

"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 **May 10, 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 30, 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.

Committee of Adjustment
City of Ottawa
Ottawa.ca/CommitteeofAdjustment
cofa@ottawa.ca
613-580-2436



Comité de dérogation
Ville d'Ottawa
Ottawa.ca/Comitedederogation
cded@ottawa.ca
613-580-2436