

DECISION
MINOR VARIANCE / PERMISSION

Date of Decision:	May 10, 2024
Panel:	2 - Suburban
File No.:	D08-02-24/A-00071
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Owner/Applicant:	Clint Millar-Langlois
Property Address:	1419 Mulligan Street
Ward:	22 – Riverside South–Findlay Creek
Legal Description:	Part of Lot 15 Concession 1 (Rideau Front), Geographic Township of Gloucester
Zoning:	R1AA
Zoning By-law:	2008-250
Heard:	April 30, 2024, in person and by videoconference

APPLICANT’S PROPOSAL AND PURPOSE OF THE APPLICATION

- [1] The Owner wants to construct an accessory structure (workshop) on their property, 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 an increased building height of 5.49 metres for an accessory structure, whereas the By-law permits a maximum building height of 3.6 metres.
 - b) To permit an increased floor area for an accessory structure of 81.31 square metres, whereas the By-law permits a maximum cumulative floor area 55 square metres.
 - ~~c) To permit a reduced setback from an interior side lot line of 1.5 metres, whereas the By-law requires a minimum setback from an interior side lot line equal to the setback of the principal building or, in this case, 3 metres.~~

PUBLIC HEARING

Oral Submissions Summary

- [3] Clint Miller Langlois, Applicant, provided an overview of the application and responded to questions from the Committee.
- [4] City Planner Samantha Gatchene, responding to the Committee's questions, confirmed that the requested variance (c) is not required. She explained that the Zoning By-law requires accessory structures in rear yards to be set back 0.6 metres from all lot lines, and the proposed setback of 1.5 metres from the interior side lot line therefore exceeds the minimum requirement.
- [5] The Committee also heard oral submissions from L. Kathmann, neighbour, who expressed concerns regarding the size of the proposed building and its visual impact on her property, as well as noise and other impacts related to the use of the workshop, including water drainage. Ms. Kathmann proposed that the structure be relocated toward the interior of the lot to reduce its impact on the enjoyment of her property.
- [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, tree information, photo of the posted sign, and a sign posting declaration.
 - City Planning Report received April 25, 2024, with no concerns.
 - Rideau Valley Conservation Authority email received April 29, 2024, with no objections.

- Hydro Ottawa email received April 23, 2024, with no comments.
- Ottawa International Airport Authority email received April 16, 2024, with comments.
- Ontario Ministry of Transportation email received April 16, 2024, with no comments.
- L. Kathmann, resident, email received April 26, 2024, with concerns.
- P. Kathmann, resident, email received April 26, 2024, in support.
- W. McBain, resident, email received April 29, 2024, in support.
- J. Durrell, resident, email received April 29, 2024, in support.

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 Committee 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 raises "no concerns" regarding the application. The evidence revealed that "the accessory structure would have massing that is compatible with the abutting properties."
- [12] The Committee also notes that no compelling evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.
- [13] 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.
- [14] 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 neighborhood.
- [15] In addition, the Committee finds that the requested variances maintain the general intent and purpose of the Zoning By-law because the proposed accessory structure represents orderly development and that does not detract from the principal dwelling and is compatible with the surrounding area.

[16] 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.

[17] 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 27, 2024, as they relate to the requested variances.

"Jay Baltz"
JAY BALTZ
ACTING PANEL CHAIR

Absent
FABIAN POULIN
VICE-CHAIR

"George Barrett"
GEORGE BARRETT
MEMBER

"Heather MacLean"
HEATHER MACLEAN
MEMBER

"Julianne Wright"
JULIANNE WRIGHT
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.

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