

**DECISION
MINOR VARIANCE / PERMISSION**

Date of Decision:	August 25, 2023
Panel:	3 - Rural
File No(s):	D08-02-23/A-00168
Application:	Minor Variance
Owner(s)/Applicant(s):	Zeinab Feneich
Property Address:	995 Rotary Way
Ward:	22 – Riverside South – Findlay Creek
Legal Description:	Part of Block 78 Plan 4M-1492
Zoning:	R3Z
Zoning By-law:	2008-250
Hearing Date:	August 15, 2023, in person and by videoconference

APPLICANT’S PROPOSAL AND PURPOSE OF THE APPLICATION

- [1] The Owner has constructed a shed in the rear yard that does not conform to the requirements of the Zoning By-law.

REQUESTED VARIANCE

- [2] The Owner/Applicant requires the Committee’s authorization for a Minor Variance from the Zoning By-law to permit a reduced setback for an accessory structure of 0.26 metres from the lot line, whereas the By-law requires a minimum setback for an accessory structure of 0.6 metres from a lot line.

PUBLIC HEARING

Oral Submissions Summary

- [3] Mohamad Salame, Agent for the Applicant, was present and responded to questions from the Committee.
- [4] The Committee also heard oral submissions from H. Farhat, who raised concerns regarding the accuracy of the dimension of the requested variance, the proximity of the overhang of the structure to the lot line, and the location of the posted sign.

[5] City Planner Luke Teeft explained that concerns relating to the precise location of the shed and encroachments onto the City right-of-way had been addressed, and that he had no further concerns with the application.

[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 a cover letter, plans, a photo of the posted sign and a sign posting declaration.
- City Planning Report received August 10, 2023, with some concerns.
- South Nation Conservation Authority email dated July 28, 2023 with no objections.
- Hydro Ottawa email dated August 15, 2023, with comments.
- Ministry of Transportation email dated August 10, 2023, with no comments.
- N. and R. Lavoie, residents, email dated August 8, 2023, in support of application.

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 variance meets all four requirements under subsection 45(1) of the *Planning Act*.

[11] The Committee notes that no compelling evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring

properties, and that the abutting neighbours provided a written submission in support of the application.

- [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 area.
- [14] 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.
- [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 site plan filed, Committee of Adjustment date stamped July 10, 2023.

Absent
WILLIAM HUNTER
VICE-CHAIR

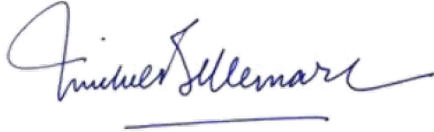
"Terence Otto"
TERENCE OTTO
MEMBER

"Beth Henderson"
BETH HENDERSON
MEMBER

"Martin Vervoort"
MARTIN VERVOORT
ACTING PANEL CHAIR

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 **August 25, 2023**.



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 **September 14, 2023**, 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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