

**DECISION  
MINOR VARIANCE**

<b>Date of Decision:</b>	August 25, 2023
<b>Panel:</b>	3 - Rural
<b>File No(s):</b>	D08-02-23/A-00161
<b>Application:</b>	Minor Variance
<b>Owner(s)/Applicant(s):</b>	Kimberley Hazen and Scott Dopking
<b>Property Address:</b>	119 McConnell Lane
<b>Ward:</b>	5 – West Carleton-March
<b>Legal Description:</b>	Lot 68, Registered Plan 417
<b>Zoning:</b>	V1H [350r]
<b>Zoning By-law:</b>	2008-250
<b>Hearing Date:</b>	August 25, 2023, in person and by videoconference

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

- [1] The Owners want to construct an accessory structure (detached garage) at the front of the existing detached dwelling, as shown on the plans filed with the Committee.

**REQUESTED VARIANCES**

- [2] The Owners require the Committee's authorization for minor variances from the Zoning By-law as follows:
- a) To permit an increased building height for an accessory structure of 5.28 metres, whereas the By-law permits a maximum building height for an accessory structure of 4.5 metres.
  - b) To permit a reduced front yard setback of 5.54 metres, whereas the By-law requires a minimum front yard setback of 9 metres.

**PUBLIC HEARING****Oral Submissions Summary**

- [3] Kimberley Hazen, Agent for the Applicants, provided a slide presentation, a copy of which is on file with the Secretary-Treasurer and available from the Committee Coordinator upon request. Ms. Hazen provided an overview of the application and responded to questions from the Committee.

- [4] City Planner Luke Teeft was also present and confirmed that he had no concerns with the application

## **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 a cover letter, plans, a photo of the posted sign, and a sign posting declaration.
- City Planning Report received August 10, 2023, with no concerns.
- Mississippi Valley Conservation Authority email dated August 8, 2023, with no concerns.
- Hydro Ottawa email dated August 15, 2023, with no comments.
- Ministry of Transportation email dated August 10, 2023, with no comments.
- L. Dee, resident, email dated August 10, 2023, with concerns.
- L. Dunkley, resident, email dated August 14, 2023, with concerns.
- L. Dupuis, resident, email dated August 14, 2023, with concerns.

### **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 variances meet all four requirements under subsection 45(1) of the *Planning Act*.

- [9] The Committee notes that the City’s Planning Report raises “no concerns” regarding the application, highlighting that, “the structure is slightly taller than the permitted 4.5 metres but does not overshadow the house due to the dwelling being located uphill.”
- [10] The Committee also notes that no compelling evidence was presented that the variances 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 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.
- [12] 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 Village.
- [13] 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.
- [14] 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.
- [15] 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 June 6, 2023.

*Absent*  
WILLIAM HUNTER  
VICE-CHAIR

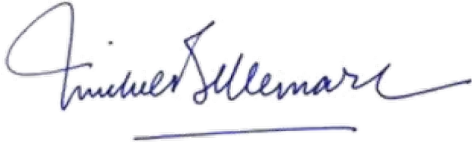
*“Terence Otto”*  
TERENCE OTTO  
MEMBER

*“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](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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