

**DECISION
MINOR VARIANCE**

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| Date of Decision: | May 24, 2024 |
| Panel: | 3 - Rural |
| File No.: | D08-02-23/A-00296 |
| Application: | Minor Variance under section 45 of the <i>Planning Act</i> |
| Owner/Applicant: | KASF Reality Holdings Corp |
| Property Address: | 1929 8th Line Road |
| Ward: | 20 - Osgoode |
| Legal Description: | Part of Lot 12, Concession 8, Geographic Township of Osgoode, being Parts 1 to 3 on Plan 4R-18176 |
| Zoning: | RU and O1O |
| Zoning By-law: | 2008-250 |
| Heard: | June 4, 2024, in person and by videoconference |

APPLICANT'S PROPOSAL AND PURPOSE OF THE APPLICATION:

- [1] The Applicant wants to subdivide their property into three separate parcels of land. The existing dwelling, unoccupied livestock facility and accessory buildings will remain on one parcel, and the other two newly created parcels will be vacant.
- [2] On February 6, 2024, the hearing of the application was adjourned to allow the Applicant time to revise the proposal. The Applicant subsequently submitted revised documents.

REQUESTED VARIANCE

- [3] The Applicant requires the Committee's authorization for a minor variance from the Zoning By-law as follows:

A-00296: 8225 Forest Green Crescent (vacant)

- a) To permit a reduced Minimum Distance Separation setback of 68 metres, whereas the Zoning By-law requires a Minimum Distance Separation setback of 138 metres between the 0.5 hectare building area on this vacant parcel and the existing unoccupied livestock facility.

PUBLIC HEARING

Oral Submissions Summary

- [4] Ryan Poulton, Agent for the Applicant, provided a slide presentation, a copy of which is on file with the Secretary-Treasurer and available from the Committee Coordinator upon request.
- [5] City Planner Luke Teeft addressed his concerns with the application, highlighting that the proposal represents significant reductions from the required Minimum Distance Separation (MDS) setback.
- [6] In response to questions from the Committee, Mr. Poulton clarified that the MDS setback was calculated in accordance with Provincial guidelines, which require the setback to be measured to a 0.5-hectare building envelope on the severed lot. He explained, however, that the Environmental Impact Statement (EIS) recommended a smaller building envelope, the closest point of which would be located 103 metres from the unoccupied livestock facility. Mr. Poulton submitted that the recommendations of the EIS should be implemented through a Development Agreement with the City, which would ensure that the actual setback will be at least 103 metres, notwithstanding the requested reduction to 68 metres. He also confirmed that the vacant severed lot will have 75 metres of frontage along Forest Green Crescent, and the retained lands will have 56 metres of frontage along Forest Green Crescent.
- [7] Mr. Teeft requested that, in addition to the conditions requested in his Planning Report for the accompanying consent applications (D08-01-23/B-00323 and D08-01-23/B-00324), the Committee also require the Owner to enter into a Development Agreement with the City to implement the recommendations of the EIS.
- [8] Following the public hearing, the Committee reserved its decision.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED

Application Must Satisfy Statutory Four-Part Test

- [9] 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

- [10] 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, EIS, MDS calculations, photo of the posted sign, and a sign posting declaration.
- City Planning Report received May 30, 2024, with some concerns; received February 1, 2024, requesting adjournment.
- South Nation Conservation email received May 30, 2024, with no objections; received February 2, 2024, with no objections.
- Hydro Ottawa email received May 30, 2024, with no comments; received January 30, 2024, with no comments.
- Ontario Ministry of Transportation email received February 2, 2024, with no comments.
- J. Danby McDonald, resident, email received February 6, 2024, with concerns.

Effect of Submissions on Decision

- [11] The Committee considered all written and oral submissions relating to the application in making its decision and granted the application.
- [12] Based on the evidence, the Committee is satisfied that the requested variance meets all four requirements under subsection 45(1) of the *Planning Act*.
- [13] The Committee notes that the City's Planning Report raises "some concerns" regarding the application, highlighting that "[t]he requested setback is 68 metres to the building envelope, whereas the MDS calculation recommends 138 metres." However, the report also notes that, "Staff are satisfied that the requested minor variance meets the "four tests". The Committee also notes that the actual setback between any future development on the proposed vacant parcel and the existing unoccupied livestock facility will be at least 103 metres.
- [14] Additionally, the Committee notes that no evidence was presented that the variance would result in any unacceptable adverse impact on neighbouring properties.
- [15] 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.
- [16] 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 rural area.

- [17] 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 areas.
- [18] 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.
- [19] THE COMMITTEE OF ADJUSTMENT therefore authorizes the requested variance.

"William Hunter"
WILLIAM HUNTER
VICE-CHAIR

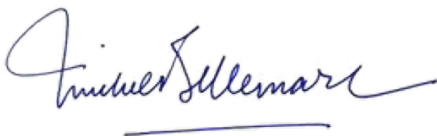
"Terence Otto"
TERENCE OTTO
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"Beth Henderson"
BETH HENDERSON
MEMBER

"Martin Vervoort"
MARTIN VERVOORT
MEMBER

"Jocelyn Chandler"
JOCELYN CHANDLER
MEMBER

I certify this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa, dated **June 14, 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 **July 4, 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
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