

DECISION
MINOR VARIANCE / PERMISSION

Date of Decision:	April 12, 2024
Panel:	3 - Rural
File No.:	D08-02-24/A-00029 & D08-02-24/A-00030
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Owner/Applicant:	T & L Carroll Holdings Inc
Property Address:	3160 Carp Road
Ward:	5 – West Carleton-March
Legal Description:	Part of Lots 11 & 12, Concession 2, Geographic Township of Huntley
Zoning:	RC9
Zoning By-law:	2008-250
Hearing Date:	April 2, 2024, in person and by videoconference

APPLICANT’S PROPOSAL AND PURPOSE OF THE APPLICATIONS

- [1] The Owner wants to subdivide their vacant property into two separate parcels of land, as shown on plans filed with the applications. One new lot will be developed for commercial/industrial use and the other lot will be used for a future subdivision.

REQUESTED VARIANCES

- [2] The Owner/Applicant requires the Committee’s authorization for minor variances from the Zoning By-law as follows:

A-00029: 3112 Carp Road

- a) To permit a lot to developed that abuts an improved public street for 0.0 metres, whereas the By-law states that no person shall develop or otherwise use any lot unless that land abuts an improved public street for at least for at least 3.0 metres.
- b) To permit the severance of land that abuts an improved public street for 0.0 metres, whereas the By-law states that no person shall sever any land unless the severed and retained land each abut to a street.

- c) To permit the southeastern lot line to be considered the front lot line, whereas the By-law states, in part, that the front lot line is the lot line that abuts a street for the shortest distance.

A-00030: 3160 Carp Road

- d) To permit a reduced lot width of 26.0 metres, whereas the By-law requires a minimum lot width of 30.0 metres.

PUBLIC HEARING

Oral Submissions Summary

- [3] Bridget Alchawa, Agent for the Applicant, confirmed she had consulted with an adjacent property owner to discuss their concerns. In response to questions from the Committee, Ms. Alchawa confirmed that the location of the easement would be the future entrance to the proposed subdivision.
- [4] City Planner, Luke Teeft was also in attendance.

DECISION AND REASONS OF THE COMMITTEE: APPLICATIONS GRANTED

Applications 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:
- Applications and supporting documents, including cover letter, hydrogeological report, land transfers, parcel registry, plans, a photo of the posted sign, and a sign posting declaration.
 - City Planning Report received March 26, 2024, with no concerns.
 - Mississippi Valley Conservation Authority email received March 26, 2024, with no objections.

- Hydro Ottawa email received March 26, 2024, with no comments.
- Ottawa MacDonald-Cartier International Airport Authority email received March 20, 2024, with no comments.
- Ontario Ministry of Transportation email received March 22, 2024, with no comments.
- S. and B. Burke, residents, email received March 28, 2024, with concerns.

Effect of Submissions on Decision

- [7] The Committee considered all written and oral submissions relating to the applications in making its decision and granted the applications.
- [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 applications, highlighting that "[t]he requested minor variances recognize the unique circumstances of the severed parcel having a 30cm reserve imposed upon it. The lot otherwise conforms to the requirements of the Zoning By-law for the RC9 zone."
- [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 neighbourhood.
- [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.

"William Hunter"
WILLIAM HUNTER
VICE-CHAIR

"Terence Otto"
TERENCE OTTO
MEMBER

"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 **April 12, 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 2, 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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