

DECISION
MINOR VARIANCE / PERMISSION

Date of Decision:	September 15, 2023
Panel:	3 - Rural
File No.:	D08-02-23/A-00176
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Owners/Applicants:	Mireille Longpré St-Louis and Denis St-Louis
Property Address:	5707 Rockdale Road
Ward:	20 - Osgoode
Legal Description:	Part of W ½ of Lot 25, Concession 6 Geographic Township of Cumberland
Zoning:	VM
Zoning By-law:	2008-250
Hearing Date:	September 5, 2023, in person and by videoconference

APPLICANTS' PROPOSAL AND PURPOSE OF THE APPLICATIONS

- [1] The Owners want to construct an addition and attached garaged on the north side of the existing detached dwelling, as shown plans filed with the Committee.

REQUESTED VARIANCE

- [2] The Owners/Applicants require the Committee's authorization for Minor Variances from the Zoning By-law as follows:
- a) To permit an increased front yard setback of 12 metres, whereas the By-law permits a maximum front yard setback of 3 metres.
 - b) To permit a reduced building height of 5.0 meters, whereas the By-law requires minimum building height of 6.7 metres.

PUBLIC HEARING

Oral Submissions Summary

- [3] Mireille Longpré St-Louis, one of the Applicants and City Planner Jack Graham were present.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED**Applications Must Satisfy Statutory Four-Part Test**

- [4] 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. The Committee has the power to permit an extension of a legal non-conforming use under subsection 45(2) of the Planning Act based upon both the desirability for development of the property in question and the impact on the surrounding area.

Evidence

- [5] 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, elevations, photo of the posted sign, and a sign posting declaration.
 - City Planning Report received August 31, 2023, with no concerns.
 - South Nation Conservation Authority email dated August 24, 2023, with no objections.
 - Hydro Ottawa email dated September 1, 2023, with no comments.
 - Ottawa International Airport Authority email dated August 22, 2023, with no comment

Effect of Submissions on Decision

- [6] The Committee considered all written and oral submissions relating to the application in making its decision and granted the application.
- [7] Based on the evidence, the Committee is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.
- [8] The Committee notes that the City's Planning Report raises "no concerns" regarding the application, highlighting that the "applicant is seeking these variances to permit an addition that is consistent with the existing use of the site and the surrounding area

- [9] The Committee also notes that no evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.
- [10] 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.
- [11] The Committee also finds that because the proposal respects the character of the neighbourhood, the requested variances maintain the general intent and purpose of the Official Plan.
- [12] In addition, the Committee finds that the requested variances maintain the general intent and purpose of the Zoning By-law because they represent orderly development on the property that is compatible with the surrounding area.
- [13] 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.
- [14] THE COMMITTEE OF ADJUSTMENT therefore authorizes the requested variances, subject to the location and size of the proposed construction being in accordance with the site plan filed, Committee of Adjustment date stamped August 3, 2023, and the elevations filed, Committee of Adjustment date stamped August 8, 2023, as they relate to the requested variances.

"William Hunter"
WILLIAM HUNTER
VICE-CHAIR

"Terence Otto"
TERENCE OTTO
MEMBER

Absent
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 **SEPTEMBER 15, 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 **OCTOBER 5, 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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