

**DECISION
MINOR VARIANCE / PERMISSION**

Date of Decision:	September 15, 2023
Panel:	3 - Rural
File No.:	D08-02-22/A-00204
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Owners/Applicants:	Steven Clemenhagen and Jason Tomkins
Property Address:	790 Bayview Drive
Ward:	5 – West Carleton-March
Legal Description:	Lot 40, Registered Plan 424, Torbolton
Zoning:	V1H [350r]
Zoning By-law:	2008-250
Hearing Date:	September 5, 2023, in person and by videoconference

APPLICANTS' PROPOSAL AND PURPOSE OF THE APPLICATION

- [1] The Owners want to construct a new detached dwelling, as shown on plans filed with the Committee.
- [2] At the hearing on August 17, 2022, the Committee adjourned the application to allow the Applicants time to identify additional variances and to revise their plans. The Applicants now want to proceed with the application.

REQUESTED VARIANCE

- [3] The Owners/Applicants require the Committee's authorization for a minor variance from the Zoning By-law to permit a dwelling to be located 19.9 metres from the normal high-water mark of the Ottawa River, whereas the By-Law states, in part, that no building or structure shall be located closer than 30 metres from the normal high-water mark of any watercourse or water body.

PUBLIC HEARING

Oral Submissions Summary

- [4] Tracy Zander, Agent for the Applicants and City Planner Jack Graham were present.

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, geotechnical study, tree information , and a sign posting declaration.
 - City Planning Reports received September 1, 2023, with no concerns, and August 10, 2022, requesting an adjournment.
 - Mississippi Valley Conservation Authority emails dated August 25, 2023, with no objections, and August 12, 2022, with objections.
 - Hydro Ottawa emails dated September 1, 2023 and August 10, 2022, with no comment.
 - Ottawa International Airport Authority email dated August 22, 2023, with no comment.

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 variance meets 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 applicant has reduced the footprint of the proposal and is no longer requesting a variance for lot coverage. The report also highlights that, with the submission of a planting plan, the application has met the naturalization requirements of the Official Plan.

- [10] The Committee also notes that no evidence was presented that the variance 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 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.
- [12] The Committee also finds that, because the proposal respects the character of the neighbourhood, the requested variance maintains the general intent and purpose of the Official Plan.
- [13] 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 that is compatible with the surrounding area.
- [14] 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.
- [15] THE COMMITTEE OF ADJUSTMENT therefore authorizes the requested variance, **subject to** the location and size of the proposed construction being in accordance with the plans filed, Committee of Adjustment date stamped August 2, 2023, as they relate to the requested variance.

"William Hunter"
WILLIAM HUNTER
VICE-CHAIR

"Terence Otto"
TERENCE OTTO
MEMBER

Absent
BETH HENDERSON
MEMBER

"Martin Vervoort"
MARTIN VERVOORT
MEMBER

Declared Interest
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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