

**DECISION  
PERMISSION**

<b>Date of Decision:</b>	October 13, 2023
<b>Panel:</b>	3 - Rural
<b>File No(s):</b>	D08-02-22/A-00226
<b>Application:</b>	Permission under section 45 of the <i>Planning Act</i>
<b>Owner(s)/Applicant(s):</b>	Martin and Josee Desjardins
<b>Property Address:</b>	4616 Donnelly Drive
<b>Ward:</b>	21 – Rideau-Rock
<b>Legal Description:</b>	Lot 28, Concession 1
<b>Zoning:</b>	RU
<b>Zoning By-law:</b>	2008-250
<b>Hearing Date:</b>	October 3, 2023, in person and by videoconference

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

- [1] The Owner wants to replace the existing garage with a new garage, as shown on plans filed with the application.

**REQUESTED PERMISSION**

- [2] The Owners require the Permission of the Committee to reconstruct a garage that is legal non-conforming in the RU zone.

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

- [3] Martin Desjardins and Josee Desjardins, Owners of the subject property, and City Planner Luke Teeft were present.

**DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED****Application Must Satisfy Two-Part Test:**

- [4] 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, a photo of the posted sign, and a sign posting declaration.
  - City Planning Report received September 29, 2023, with no concerns.
  - Rideau Valley Conservation Authority email dated September 29, 2023, with no objections.
  - Hydro One email dated September 28, 2023, with no comments.
  - Ministry of Transportation email dated September 21, 2023, with no comments.

### 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 permission meets the two-fold test relating to desirability and impact.
- [8] The Committee notes that the City's Planning Report raises "no concerns" regarding the application.
- [9] The Committee further notes that no evidence was presented that the proposal would create any unacceptable impact on abutting properties or the neighbourhood in general.
- [10] Considering the circumstances, the Committee finds that, because the proposal fits well in the area, the requested permission is, from a planning and public interest point of view, desirable for the appropriate use of the land, building or structure on the property, and relative to the neighbouring lands.
- [11] The Committee also finds that the proposal will not create any unacceptable adverse impact on abutting properties or the neighbourhood in general.
- [12] THE COMMITTEE OF ADJUSTMENT therefore permits the expanded use, **subject to** the proposed construction being in accordance with the plans filed, Committee of Adjustment date stamped **September 5, 2023**, as they relate to the requested permission.

*"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 **October 13, 2023**



Matthew Garnett  
Acting 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 **November 2, 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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