

DECISION
MINOR VARIANCE / PERMISSION

Date of Decision:	August 30, 2024
Panel:	1 - Urban
File No.:	D08-02-24/A-00105
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Applicant:	Lynn Oliver
Property Address:	2822 Bart's Lane
Ward:	21 – Rideau-Jock
Legal Description:	Part of Lot 4, Concession Broken Front, Geographic Township of Marlborough
Zoning:	RU
Zoning By-law:	2008-250
Heard:	August 20, 2024, in person and by videoconference

APPLICANT'S PROPOSAL AND PURPOSE OF THE APPLICATION

- [1] The Applicant wants to construct an addition on the west side of the existing dwelling on the property.

REQUESTED VARIANCES

- [2] The Applicant requires the Committee's authorization for minor variances from the Zoning By-law as follows:
- a) To permit an addition with a gross floor area of 12.06 square metres or 25.5 percent of gross floor area of the existing dwelling whereas the By-law permits an addition that does not exceed an amount equal to 20 percent of the gross floor area of the building or 20 meters square, whichever is less.
 - b) To permit a building to be located 7 metres from the normal high-water mark of a watercourse or waterbody (Rideau 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 watercolour or water body.
- [3] The subject property is not the subject of any other current application under the *Planning Act*.

PUBLIC HEARING

Oral Submissions Summary

- [4] Devon Roy, Agent for the Applicant and City Planner Luke Teeft were present.
- [5] There were no objections to granting this unopposed application as part of the Panel's fast-track consent agenda.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED

Application(s) Must Satisfy Statutory Four-Part Test

- [6] 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

- [7] 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, sewage septic permit, Rideau Valley Conservation Authority's letter of permission, photo of the posted sign, and a sign posting declaration.
 - City Planning Report received August 15, 2024, with no concerns.
 - Rideau Valley Conservation Authority email received August 19, 2024, with comments.
 - Ontario Ministry of Transportation email received August 13, 2024, with no comments.

Effect of Submissions on Decision

- [8] The Committee considered all written and oral submissions relating to the application in making its decision and granted the application.
- [9] Based on the evidence, the Committee is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.

- [10] The Committee notes that the City's Planning Report raises "no concerns" regarding the application, highlighting that "the addition does not reduce the existing setback and is being built with flood mitigation measures".
- [11] The Committee also notes that no evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.
- [12] 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.
- [13] 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.
- [14] 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 that is compatible with the surrounding area.
- [15] 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.
- [16] 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 July 17, 2024, 2024, and the elevations filed, Committee of Adjustment date stamped June 26, 2024, as they relate to the requested variances.

Terence Otto
TERENCE OTTO
VICE-CHAIR

Beth Henderson
BETH HENDERSON
MEMBER

Gary Duncan
GARY DUNCAN
MEMBER

Martin Vervoort
MARTIN VERVOORT
MEMBER

Absent
JOCELYN CHANDLER
MEMBER

I certify this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa, dated **August 30, 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 **September 19, 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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