

DECISION
MINOR VARIANCE / PERMISSION

Date of Decision:	August 30, 2024
Panel:	1 - Urban
File No.:	D08-02-24/A-00152
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Applicant:	1514947 Ontario Inc.
Property Address:	1500 Thomas Argue
Ward:	5 – West Carleton – March
Legal Description:	Part of Lots 13 and 14, Concession 3, Geographic Township of Huntley
Zoning:	T1B
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 subdivide the property into two separate parcels of land to create one new lot for an existing building fronting onto Huisson Road.

REQUESTED VARIANCES

- [2] The Applicant requires the Committee's authorization for minor variances from the Zoning By-law as follows:
- a) To permit a minimum setback between buildings on the same lot of 6.28 metres, whereas the By-law requires a minimum distance between buildings on the same lot of 10.0 metres.
 - b) To permit a reduced minimum setback from a lot line for an accessory building of 5.53 metres, whereas the By-law requires a minimum setback from a lot line for an accessory building of 12.0 metres.
 - c) To permit frontage on a private street, whereas the By-law requires no development unless the land abuts an improved public street for a distance of at least 3.0 metres.
 - d) To permit frontage on a private street, whereas the By-law requires no severance of land unless the severed and retained land each abut to a street.

PUBLIC HEARING

- [3] On August 6, 2024, the hearing of the application was adjourned to August 20, 2024, at the request of Miranda Virginillo and Greg Winters, Agents for the Applicant, to allow time to consult with the Applicant regarding the City's requested conditions of provisional consent for the associated severance application.

Oral Submissions Summary

- [4] M. Virginillo, G. Winters 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, parcel abstract, photo of the posted sign, and a sign posting declaration.
 - City Planning Report received August 15, 2024, with no concerns; received August 1, 2024, with no concerns.
 - Ontario Ministry of Transportation email received August 13, 2024.
 - A. Horra, resident, email received August 5, 2024, with comments.
 - Hydro Ottawa email received August 2, 2024, with no comments.
 - Mississippi Valley Conservation Authority email received July 30, 2024, with comments.
 - Hydro One email received July 24, 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 setback reductions for the structures on site are deemed acceptable.” The report also highlights that “the structures are already existing”.
- [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 June 6, 2024, as it relates to the requested variances.

Terence Otto
TERENCE OTTO
VICE-CHAIR

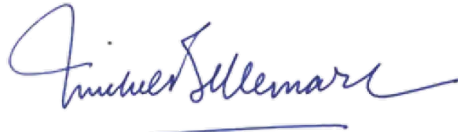
Beth Henderson
BETH HENDERSON
MEMBER

Martin Vervoort
MARTIN VERVOORT
MEMBER

Gary Duncan
GARY DUNCAN
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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