

**DECISION**  
**MINOR VARIANCE / PERMISSION**

<b>Date of Decision:</b>	August 16, 2024, 2024
<b>Panel:</b>	3 - Rural
<b>File No:</b>	D08-02-24/A-00175
<b>Application:</b>	Minor Variance under section 45 of the <i>Planning Act</i>
<b>Applicants:</b>	Loraine Hogg and Allen Wharry
<b>Property Address:</b>	8597 Franktown Road
<b>Ward:</b>	21 – Rideau-Jock
<b>Legal Description:</b>	Part of Lot 1, Plan 4M-360, Geographic Township of Goulbourn
<b>Zoning:</b>	RR2 [197r]
<b>Zoning By-law:</b>	2008-250
<b>Heard:</b>	August 6, 2024, in person and by videoconference

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

- [1] The Applicants want to subdivide their property into three separate parcels of land to create two new lots for residential development.

**REQUESTED VARIANCE**

- [2] The Applicants require the Committee's authorization for a minor variance from the Zoning By-law to permit a reduced minimum distance separation of 134 metres from an existing livestock facility to the proposed lot line (27 Skeel Court), whereas the Zoning By-law requires a minimum distance separation of 185 metres.
- [3] The subject property is not the subject of any other current application under the *Planning Act*.

**PUBLIC HEARING**

- [4] At the outset of the hearing, the Committee called the Applicant's Agent forward to determine if an adjournment of the applications would be necessary to confirm that the septic system does not cross the proposed property lines. Jordan Jackson, Agent for the Applicants, and City Planner, Luke Teeft, both confirmed that the conditions requested in the City's report would address the septic system and confirm that it does not cross the property line.
- [5] The Committee agreed to hear the applications without delay.

### **Oral Submissions Summary**

- [6] Ms. Jackson provided a slide presentation, a copy of which is on file with the Secretary-Treasurer and available from the Committee Coordinator upon request. She highlighted concerns with the imposition of a Mineral Resource Impact Assessment report as a condition of approval, as she indicated that the assessment was already filed with the applications. She further requested that an Environmental Impact Study as a condition of approval be removed as the development envelopes had been provided within a 30 metres setback from any watercourse.
- [7] Mr. Teeft confirmed that a condition requiring a Mineral Resource Impact Assessment would be required due to the sand and gravel overlay in close proximity to the proposed parcels. He further confirmed that he would be agreeable to the condition for an Environmental Impact Study not being imposed.

### **DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED**

#### **Application Must Satisfy Statutory Four-Part Test**

- [8] 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**

- [9] 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 1, 2024, with no concerns.
  - Rideau Valley Conservation Authority email received August 2, 2024, with comments.
  - Hydro Ottawa email received August 2, 2024, with no concerns.
  - Hydro One email received July 24, 2024, with no comments.

### Effect of Submissions on Decision

- [10] The Committee considered all written and oral submissions relating to the application in making its decision and granted the application.
- [11] Based on the evidence, the Committee is satisfied that the requested variance meets all four requirements under subsection 45(1) of the *Planning Act*.
- [12] The Committee notes that the City's Planning Report raises "no concerns" regarding the application highlighting that "the requested variance to the Minimum Distance Separation (MDS) setback has been deemed acceptable".
- [13] The Committee also notes that no evidence was presented that the variance would result in any unacceptable adverse impact on neighbouring properties.
- [14] 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.
- [15] The Committee also finds that the requested variance maintains the general intent and purpose of the Official Plan because the proposal respects the character of the neighbourhood.
- [16] 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.
- [17] 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.
- [18] THE COMMITTEE OF ADJUSTMENT therefore authorizes the requested variance.

TERENCE OTTO  
VICE-CHAIR

*Gary Duncan*  
GARY DUNCAN  
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 **August 16, 2024**.



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 **September 5, 2024**, 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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