

DECISION
MINOR VARIANCE / PERMISSION

Date of Decision:	August 16, 2024
Panel:	3 - Rural
File No.:	D08-02-24/A-00137
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Applicants:	Aman Dhaliwal and Rajvarinder Kaur Dhaliwal
Property Address:	7084 Mason Street
Ward:	20 - Osgoode
Legal Description:	Part of Lot 1, Concession 5, Geographic Township of Osgoode
Zoning:	V11
Zoning By-law:	2008-250
Heard:	August 6, 2024, in person and by videoconference

APPLICANTS' PROPOSAL AND PURPOSE OF THE APPLICATION

- [1] The Applicants want to construct a detached dwelling, as shown on plans filed with the Committee.

REQUESTED VARIANCE

- [2] The Applicants require the Committee's authorization for a minor variance from the Zoning By-law law to permit an increased lot coverage of 26%, whereas the By-law permits a maximum lot coverage of 15%.
- [3] The subject property is not the subject of any other current application under the *Planning Act*.

PUBLIC HEARING

- [4] On July 2, 2024, the hearing of the application was adjourned to July 16, then further adjourned to August 6, 2024, at the request of Christine McCuaig, Agent for the Applicants, to allow the Applicants additional time to consult with South Nation Conservation Authority and the Ottawa Septic System Office regarding septic and well plans.

Oral Submissions Summary

- [5] Christine McCuaig, Agent for the Applicants, and City Planner Luke Teeft were present.
- [6] 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 Must Satisfy Statutory Four-Part Test

- [7] 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

- [8] 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, Septic design plan, well location plan, photo of the posted sign, and a sign posting declaration.
 - City Planning Report received July 26, 2024, with no concerns; received July 11, 2024, with no concerns; received June 26, 2024, with no concerns.
 - South National Conservation Authority email received July 30, 2024, with no comments; received June 26, 2024, with comments; received July 12, 2024, with comments.
 - Ottawa Septic System Office email received June 26, 2024, with comments.
 - Hydro Ottawa email received August 2, 2024, with no comments; received June 28, 2024, with no comments.
 - K. Fleury, resident, email received July 15, 2024, in opposition.
 - F. Fanous, resident, email received June 20, 2024, in support.

Effect of Submissions on Decision

- [9] The Committee considered all written and oral submissions relating to the application in making its decision and granted the application.
- [10] Based on the evidence, the Committee is satisfied that the requested variance meets all four requirements under subsection 45(1) of the *Planning Act*.
- [11] The Committee notes that the City's Planning Report raises "no concerns" regarding the application, highlighting that "the proposal improves upon the front yard setback of the previous home".
- [12] The Committee also notes that no compelling evidence was presented that the variance would result in any unacceptable adverse impact on neighbouring properties.
- [13] 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.
- [14] 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.
- [15] 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.
- [16] 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.
- [17] 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 May 28, 2024, as they relate to the requested variance.

Terence Otto
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 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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