

**DECISION  
MINOR VARIANCE**

<b>Date of Decision:</b>	September 27, 2024
<b>Panel:</b>	3 - Rural
<b>File No.:</b>	D08-02-24/A-00173
<b>Application:</b>	Minor Variance under section 45 of the <i>Planning Act</i>
<b>Applicant:</b>	Valecraft Homes (2019) Ltd
<b>Property Address:</b>	1126 Cope Drive
<b>Ward:</b>	6 - Stittsville
<b>Legal Description:</b>	Pt of Block 41, Plan 4M-1740
<b>Zoning:</b>	R3Z [2920]
<b>Zoning By-law:</b>	2008-250
<b>Heard:</b>	September 17, 2024, in person and by videoconference

**APPLICANT'S PROPOSAL AND PURPOSE OF THE APPLICATION**

- [1] The Applicant has constructed a block of five townhomes. One of the townhouse units has a driveway that does not meet the requirements of the Zoning By-law.

**REQUESTED VARIANCE**

- [2] The Applicant requires the Committee's authorization for a minor variance from the Zoning By-law to permit the area of a driveway to occupy 60 percent of the front yard, whereas the By-law requires that the area of the driveway may not exceed 50 percent of the area of the yard in which it is located.
- [3] The subject property is not the subject of any other current application under the *Planning Act*.

**PUBLIC HEARING**

- [4] On August 6, 2024, the hearing of the application was adjourned to August 20, 2024, at the request of City Planner Elizabeth King, to allow the Applicant time to consult with Planning Staff. On August 20, 2024, the hearing of the application was further adjourned to September 3, 2024, at the request of Danny Page, Agent for the Applicant, for additional consultation. On September 3, 2024, the Committee further adjourned the application to September 17, 2024, to allow City Planning staff time to review a revised site plan.

## Oral Submissions Summary

- [5] Alex Beckett, Agent for the Applicant, and City Planner Elizabeth King 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 a cover letter, plans, photo of the posted sign, and a sign posting declaration.
  - City Planning Report received September 11, 2024, with no concerns; received August 28, 2024, with no concerns; received August 14, 2024, with some concerns; received August 1, 2024, with some concerns.
  - Rideau Valley Conservation Authority email received September 16, 2024, with no objections; received August 29, 2024, with no objections; received August 19, 2024, with no objections; received August 2, 2024, with no objections.
  - Hydro Ottawa email received September 16, 2024, with no comments; received August 2, 2024, with comments.
  - Ontario Ministry of Transportation email received September 9, 2024, with no comments; received August 13, 2024, with no comments.

### 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: "Staff received a revised site plan on September 3, 2024, and Right-of-Way Management Staff reviewed and support the revised site plan that shows the 6-metre setback from the intersection, in compliance with the Private Approach By-law. Staff have no further concerns with the proposal."
- [12] The Committee also notes that no 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 site plan filed, Committee of Adjustment date stamped September 3, 2024, as it relates to the requested variance.

*Terence Otto*  
TERENCE OTTO  
VICE-CHAIR

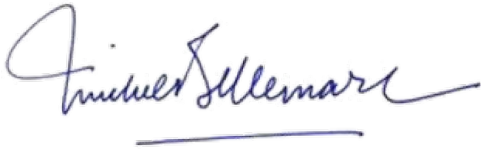
*Gary Duncan*  
GARY DUNCAN  
MEMBER

*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 **September 27, 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 **October 17, 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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