

**DECISION
MINOR VARIANCE**

Date of Decision:	October 11, 2024
Panel:	3 - Rural
File No.:	D08-02-24/A-00228
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Applicant:	Carp Partnership Inc.
Property Address:	458 Donald B Munro Drive
Ward:	5 – West Carleton-March
Legal Description:	Lots 94, 96, and 97, Part of Lots 95, 102, and 145, Registered Plan 218
Zoning:	VM S244
Zoning By-law:	2008-250
Heard:	October 1, 2024, in person and by videoconference

APPLICANT’S PROPOSAL AND PURPOSE OF THE APPLICATION

- [1] The Applicant wants to subdivide their property into two separate parcels of land to create one new lot, as shown on the plans filed with the application. The existing buildings, underground detached garage, and parking lot will remain.

REQUESTED VARIANCES

- [2] The Applicant requires the Committee’s authorization for minor variances from the Zoning By-law as follows:

A-00228: 107 Falldown Lane, Parts 1 & 2 on Draft 4R-Plan:

- a) To permit an increased front yard setback of 13.89 metres, whereas the By-law permits a maximum front yard setback of 3 metres.
- b) To permit an increased corner yard setback of 10.12 metres, whereas the By-law permits a maximum corner yard setback of 4.5 metres.

PUBLIC HEARING

Oral Submissions Summary

- [3] Miranda Virginillo, Agent for the Applicant, asked that the Committee not impose the City's requested condition of a development agreement, registered on title, warning of environmental noise and vibrations. Ms. Virginillo, along with Greg Winters, also acting as Agent for the Applicant, explained that the purpose of the application is to reestablish lots that had once been independent but had merged on title. Mr. Winters confirmed that no new development is proposed and that the existing buildings are commercial and not considered sensitive uses.
- [4] City Planner Luke Teeft stated that the City was agreeable to withdrawing the condition.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED

Application Must Satisfy Statutory Four-Part Test

- [5] 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

- [6] 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 register, photo of the posted sign, and a sign posting declaration.
 - City Planning Report received September 25, 2024, with no concerns.
 - Mississippi Valley Conservation Authority email received September 27, 2024, with no objections.
 - Hydro Ottawa email received September 27, 2024, with no comments.
 - Hydro One email received September 25, 2024, with no comments.

Effect of Submissions on Decision

- [7] The Committee considered all written and oral submissions relating to the application in making its decision and granted the application.
- [8] Based on the evidence, the Committee is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.
- [9] The Committee notes that the City's Planning Report raises "no concerns" regarding the application.
- [10] The Committee also notes that no evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.
- [11] 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.
- [12] 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.
- [13] In addition, the Committee finds that the requested variances maintain the general intent and purpose of the Zoning By-law because the variances represent orderly development that is compatible with the surrounding area.
- [14] 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.
- [15] THE COMMITTEE OF ADJUSTMENT therefore authorizes the requested variances.

"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 **October 11, 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 31, 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.

Committee of Adjustment
City of Ottawa
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