

**DECISION
MINOR VARIANCE**

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| Date of Decision: | June 14, 2024 |
| Panel: | 3 - Rural |
| File No.: | D08-02-24/A-00111 |
| Application: | Minor Variance under section 45 of the <i>Planning Act</i> |
| Owner/Applicant: | Foster's Custom Farming Inc. |
| Property Address: | 3390 Borrisokane Road |
| Ward: | 3 – Barrhaven West |
| Legal Description: | Part of Lots 12 and 13, Concession 4, Geographic Township of Nepean |
| Zoning: | DR |
| Zoning By-law: | 2008-250 |
| Heard: | June 4, 2024, in person and by videoconference |

APPLICANT'S PROPOSAL AND PURPOSE OF THE APPLICATION

- [1] The Applicant is currently constructing an accessory building (storage barn) on the property, as shown on plans filed with the Committee.

REQUESTED VARIANCE

- [2] The Applicant requires the Committee's authorization for a minor variance from the Zoning By-law to permit an accessory building with a gross floor area of 59.5 square metres within the flood plain overlay, whereas the By-law permits an accessory building located within the flood plain overlay to have a maximum gross floor area of 50 square metres.
- [3] The application indicates that the property is not the subject of any other current application under the *Planning Act*.

PUBLIC HEARING

Oral Submissions Summary

- [4] Mel Foster, Agent for the Applicant, and City Planner Elizabeth King 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 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 a cover letter, plans, photo of the posted sign, and a sign posting declaration.
- City Planning Report received May 30, 2024, with no concerns.
- Rideau Valley Conservation Authority email received May 30, 2024, with no objections.
- Hydro Ottawa email received May 30, 2024, with no comments.
- Building Code Services Order to Comply received May 17, 2024.
- City Forestry Services email received May 27, 2024, with 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 variance meets 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, "[a]n increase of 9.5 [square] metres is minor, considering the proposed structure and the use of land."
- [11] The Committee also notes that no evidence was presented that the variance 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 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.
- [13] 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.
- [14] 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 on the property that is compatible with the surrounding area.
- [15] 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.
- [16] 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 February 22, 2024, as they relate to the requested variance.

"William Hunter"
WILLIAM HUNTER
VICE-CHAIR

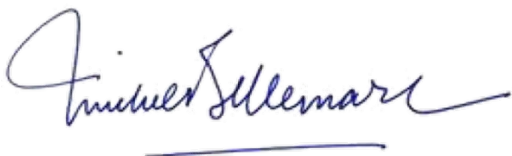
"Terence Otto"
TERENCE OTTO
MEMBER

"Beth Henderson"
BETH HENDERSON
MEMBER

"Martin Vervoort"
MARTIN VERVOORT
MEMBER

Declared Interest
JOCELYN CHANDLER
MEMBER

I certify this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa, dated **June 14, 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 **July 4, 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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