

**DECISION
MINOR VARIANCE AND PERMISSION**

Date of Decision:	February 28, 2025
Panel:	3 - Rural
File No.:	D08-02-24/A-00291
Application:	Minor Variance and Permission under section 45 of the <i>Planning Act</i>
Applicant:	Rackal Ghattas
Property Address:	2610B River Road
Ward:	20 - Osgoode
Legal Description:	Part of Lot 21, Concession 1, Geographic Township of Osgoode
Zoning:	RR8
Zoning By-law:	2008-250
Hearing Date:	February 18, 2025, in person and by videoconference

APPLICANT'S PROPOSAL AND PURPOSE OF THE APPLICATION

- [1] The Applicant wants to demolish and replace the existing detached dwelling and deck, as shown on the plans filed with the Committee. The owner of the abutting property, known municipally as 2620A River Road, has filed consent and minor variance applications (D08-01-24/B-00243 & D08-02-24/A-00292) to convey a portion of their property to 2610B River Road.

REQUESTED PERMISSION

- [2] The Applicant seeks the Permission of the Committee to enlarge or extend a building and deck that are legally non-conforming.

REQUESTED VARIANCE

- [3] The Applicant also seeks the Committee's authorization for a minor variance from the Zoning By-law to permit a reduced lot area of 440 square metres, whereas the By-law requires a minimum lot area of 8,000 square metres.

- [4] The property is not the subject of any other current application under the *Planning Act*.

PUBLIC HEARING

- [5] At the scheduled hearing on January 14, 2025, the Committee adjourned the proceeding to allow the Applicant time to consult with Ottawa Septic System Office.

Oral Submissions Summary

- [6] Arjan Soor and Murray Chown, agents for the Applicant, and City Planner Luke Teeft were present.
- [7] 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 for a Variance and Two-Part Test for a Permission

- [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. The Committee also has the power to permit an extension of a legal non-conforming use under subsection 45(2) of the *Planning Act* based upon both the desirability for development of the property in question and the impact on the surrounding area.

Evidence

- [9] Evidence considered by the Committee included all 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, photo of the posted sign, and a sign posting declaration.
 - City Planning Report received February 12, 2025, with no concerns; received January 9, 2025, with concerns.

- Rideau Valley Conservation Authority email received February 13, 2025, with no objections; received January 9, 2025, with no objections.
- Ottawa Septic System Office email received February 13, 2025, with no objections; received January 9, 2025, requesting an adjournment.
- Hydro Ottawa email dated February 5, 2025, with no comments; received January 13, 2025, with no comments.
- Ontario Ministry of Transportation email received February 12, 2025; received December 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*. and that the requested permission meets the two-fold test relating to desirability and impact.
- [12] The Committee notes that the City’s Planning Report raises “no concerns” regarding the application.
- [13] The Committee also notes that no evidence was presented that the variance would result in any unacceptable adverse impact on neighbouring properties and no evidence was presented that the proposal would create any unacceptable impact on abutting properties or the neighbourhood in general.
- [14] Considering the circumstances, the Committee finds that, because the proposal fits well in the area, the requested variance and permission 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.
- [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] The Committee also finds that the requested permission and variance will not create any unacceptable adverse impact on abutting properties or the neighbourhood in general, and that the variance is therefore minor.

[18] **THE COMMITTEE OF ADJUSTMENT ORDERS** that the application is granted and the extension or enlargement of the dwelling and deck is permitted, and the variance to the Zoning By-law is authorized.

Absent
TERENCE OTTO
VICE-CHAIR

"Gary Duncan"
GARY DUNCAN
MEMBER

"Beth Henderson"
BETH HENDERSON
MEMBER

"Martin Vervoort"
MARTIN VERVOORT
ACTING PANEL CHAIR

"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 **February 28, 2025**

"Michel Bellemare"
MICHEL BELLEMARE
SECRETARY-TREASURER

NOTICE OF RIGHT TO APPEAL

To appeal this decision to the Ontario Land Tribunal (OLT), a completed appeal form and the filing fee must be submitted via one of the below options and must be received no later than **3:00 p.m. on March 20, 2025**.

- **OLT E-FILE SERVICE** – An appeal can be filed online through the [E-File Portal](#) . First-time users will need to register for a My Ontario Account. Select [Ottawa (City): Committee of Adjustment] as the Approval Authority. To complete the appeal, fill in all the required fields and provide the filing fee by credit card.
- **BY EMAIL** - Appeal packages can be submitted by email to cofa@ottawa.ca. The appeal form is available on the OLT website at [Forms | Ontario Land Tribunal](#). Please indicate on the appeal form that payment will be made by credit card.
- **IN PERSON** – Appeal packages can be delivered to the Secretary-Treasurer, Committee of Adjustment, 101 CentrepoinTE Drive, 4th floor, Ottawa, Ontario, K2G 5K7. The appeal form is available on the OLT website at [Forms | Ontario Land Tribunal](#). In person 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.

Please note only one of the above options needs to be completed. If your preferred method of appeal is not available at the time of filing, the appeal must be filed with one of the other two options.

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.

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.

If you have any questions about the appeal process, please visit [File an Appeal | Ontario Land Tribunal](#)

Ce document est également offert en français.

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