

**DECISION  
MINOR VARIANCE**

|                           |                                                                  |
|---------------------------|------------------------------------------------------------------|
| <b>Date of Decision:</b>  | April 25, 2025                                                   |
| <b>Panel:</b>             | 3 - Rural                                                        |
| <b>File No.:</b>          | D08-02-25/A-00056                                                |
| <b>Application:</b>       | Minor Variances under section 45 of the <i>Planning Act</i>      |
| <b>Applicant:</b>         | Peter and Julie McDonald                                         |
| <b>Property Address:</b>  | 1034 Southwick Drive                                             |
| <b>Ward:</b>              | 21 - Rideau-Jock                                                 |
| <b>Legal Description:</b> | Part of Lot 11, Concession A, Geographic Township of North Gower |
| <b>Zoning:</b>            | RR1                                                              |
| <b>Zoning By-law:</b>     | 2008-250                                                         |
| <b>Heard:</b>             | April 15, 2025, in person and by videoconference                 |

**APPLICANTS' PROPOSAL AND PURPOSE OF THE APPLICATION**

- [1] The Applicants want to demolish the existing dwelling and rebuild a new dwelling with an expanded footprint, including a one-storey addition on the west side and a deck and covered porch on the east side of the dwelling, as shown on the plans filed with the application.

**REQUESTED VARIANCES**

- [2] The Applicants seek the Committee's authorization for the following minor variances from the Zoning By-law:
- a) To permit a reduced setback for a covered porch from the normal high-water mark of a watercourse or waterbody (Rideau River) of 25.97 metres, whereas the By-law requires a minimum setback for any building or structure to the normal high-water mark of any watercourse or waterbody of 30 metres.
  - b) To permit a reduced setback for a deck from the normal high-water mark of a watercourse or waterbody (Rideau River) of 23 metres, whereas the By-law

requires a minimum setback for any building or structure to the normal high-water mark of any watercourse or waterbody of 30 metres.

## **PUBLIC HEARING**

### **Oral Submissions Summary**

- [3] Charlene Zandebelt, agent for the Applicant, provided an overview of the application and responded to questions from the Committee.
- [4] City Planner Luke Teeft advised that, prior to the hearing, the concerns outlined in his Planning Report regarding the space available on the lot for a future replacement septic system, as well as proposed planting within the watercourse setback, had been addressed through discussions with the Applicant and the provision of a planting plan. He indicated that the City therefore no longer had any concerns with the application.

## **DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED**

### **Application(s) Must Satisfy Statutory Four-Part Test**

- [5] The Committee has the power to authorize minor variances 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 variances are minor, are 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 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 April 10, 2025, with some concerns.
  - Rideau Valley Conservation Authority email dated April 10, 2025, with no objections.
  - Rideau Valley Septic Office email dated April 10, 2025, with no objections.

- Hydro Ottawa email dated April 4, 2025, 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 the oral submission of City Planner Luke Teeft that the City has no concerns with the application.
- [10] Additionally, the Committee 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 proposal represents 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 ORDERS** that the application is granted and the variances to the Zoning By-law are authorized, subject to the location and size of the proposed construction being in accordance with the plans filed, Committee of Adjustment date stamped March 20, 2025, as they relate to the requested variances.

*Absent*  
TERENCE OTTO  
VICE-CHAIR

*"Gary Duncan"*  
GARY DUNCAN  
MEMBER

*"Beth Henderson"*  
BETH HENDERSON  
MEMBER

*Absent*  
MARTIN VERVOORT  
MEMBER

*"Jocelyn Chandler"*  
JOCELYN CHANDLER  
ACTING PANEL CHAIR

*"Simon Coakeley"*  
SIMON COAKELEY  
MEMBER

I certify this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa, dated **April 25, 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 May 15, 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](mailto: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, 4<sup>th</sup> 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.*

**Committee of Adjustment**  
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