

DECISION MINOR VARIANCE

Date of Decision:	May 30, 2025
Panel:	2 - Suburban
File No.:	D08-02-25/A-00091
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Applicants:	M. and J. Van Dalen
Property Address:	121 James Cummings Avenue
Ward:	7 - Bay
Legal Description:	Part of Lot 11 Concession 1 (Ottawa Front) Geographic Township of Nepean, Part of the Bed of Ottawa River
Zoning:	R1E
Zoning By-law:	2008-250
Heard:	May 20, 2025, in person and by videoconference

APPLICANTS' PROPOSAL AND PURPOSE OF THE APPLICATION

- [1] The Applicants want to construct a new one-storey detached dwelling, as shown on plans filed with the Committee.

REQUESTED VARIANCE

- [2] The Applicants seek the Committee's authorization for a minor variance from the Zoning By-law to permit a reduced front yard setback of 6 metres, whereas the By-law requires a minimum front yard setback of 7.5 metres.
- [3] The property is not the subject of any other current application under the *Planning Act*.

PUBLIC HEARING

- [4] Prior to the hearing on May 20, 2025, the Committee received an adjournment request from the Rideau Valley Conservation Authority (RVCA) to allow time for the Applicant to file a revised site plan that shows the floodplain.
- [5] With no objections heard, the application was adjourned to allow time for the Applicant to file a revised site plan.

Oral Submissions Summary

- [6] Timothy Beed, agent for the Applicants, provided an overview of the application and explained that the floodplain is located near the northwest corner of the building. He confirmed that a revised site plan had been provided to the RVCA.
- [7] In response to questions from the Committee, Mr. Beed confirmed that the driveway width would be 6 metres.
- [8] City Planner Elizabeth King stated she had no concerns with the application.
- [9] Following the public hearing, the Committee reserved its decision.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED

Application Must Satisfy Statutory Four-Part Test

- [10] 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

- [11] 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, tree planting plan, photo of the posted sign, and a sign posting declaration.
- City Planning Report received May 29, 2025, with no concerns; revised and received May 16, 2025, with no concerns; received May 14, 2025, requesting an adjournment.
- Rideau Valley Conservation Authority email received June 3, 2025, with no objections; received May 29, 2025, requesting an adjournment; received May 16, 2025, requesting an adjournment
- Hydro Ottawa email received May 26, 2025, with comments; received May 7, 2025.

- Ontario Ministry of Transportation email received April 29, 2025, with no comments.

Effect of Submissions on Decision

- [12] The Committee considered all written and oral submissions relating to the application in making its decision and granted the application.
- [13] Based on the evidence, the Committee is satisfied that the requested variance meets all four requirements under subsection 45(1) of the *Planning Act*.
- [14] The Committee notes that the City's Planning Report raises "no concerns" regarding the application.
- [15] The Committee also notes that no evidence was presented that the variance would result in any unacceptable adverse impact on neighbouring properties.
- [16] 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.
- [17] 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.
- [18] 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.
- [19] 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.
- [20] **THE COMMITTEE OF ADJUSTMENT ORDERS** that the application is granted and the variance to the Zoning By-law is authorized, **subject to** the location and size of the proposed construction being in accordance with the plans filed, Committee of Adjustment date stamped April 9, 2025, as they relate to the requested variance.

"Fabian Poulin"
FABIAN POULIN
VICE-CHAIR

Absent
JAY BALTZ
MEMBER

"George Barrett"
GEORGE BARRETT
MEMBER

"Heather MacLean"
HEATHER MACLEAN
MEMBER

"Julianne Wright"
JULIANNE WRIGHT
MEMBER

I certify this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa, dated **June 13, 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 July 3, 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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