

**DECISION
MINOR VARIANCE**

Date of Decision: August 15, 2025
Panel: 3 - Rural
File No.: D08-02-25/A-00170
Application: Minor Variance under section 45 of the *Planning Act*
Applicant: M. Steele
Property Address: 5328 Kilby Lane
Ward: 20 - Osgoode
Legal Description: Part of Lot 8, Concession 1 and Block 13, Registered Plan 4M-367, Geographic Township of Osgoode
Zoning: RR9
Zoning By-law: 2008-250
Heard: August 5, 2025, in person and by videoconference

APPLICANT'S PROPOSAL AND PURPOSE OF THE APPLICATION

- [1] The Applicant wants to construct a one-storey, detached dwelling, as shown on plans filed with the Committee. The existing dwelling and detached garage will be demolished.

REQUESTED VARIANCES

- [2] The Applicant seeks the Committee's authorization for the following minor variances from the Zoning By-law:
- a) To permit a dwelling to be setback 25.13 metres from the normal high-water mark of a watercourse or waterbody (Rideau River), whereas the By-law requires that no building or structure shall be located closer than 30 metres from the normal high-water mark of any watercourse or waterbody.
 - b) To permit a deck to be setback 18.7 metres from the normal high-water mark of a watercourse or waterbody (Rideau River), whereas the By-law requires that no building or structure shall be located closer than 30 metres from the normal high-water mark of any watercourse or waterbody.

- c) To permit a septic system to be setback 14.2 metres from the normal high-water mark of a watercourse or waterbody (Rideau River), whereas the By-law requires that no building or structure shall be located closer than 30 metres from the normal high-water mark of any watercourse or waterbody.
 - d) To permit a lap pool to be setback 27.1 metres from the normal high-water mark of a watercourse or waterbody (Rideau River), whereas the By-law requires that no building or structure shall be located closer than 30 metres from the normal high-water mark of any watercourse or waterbody.
- [3] The property is not the subject of any other current application under the *Planning Act*.

PUBLIC HEARING

Oral Submissions Summary

- [4] M. Steele, the Applicant, provided a brief overview of the application. She confirmed her agreement with City's requested condition of approval.
- [5] City Planner Elizabeth King had no concerns with the application.

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 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

- [7] 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, retaining wall documentation, photo of the posted sign, and a sign posting declaration.
 - City Planning Report received July 30, 2025, with no concerns.

- Rideau Valley Conservation Authority email dated August 1, 2025, with no objections.
- Hydro Ottawa email dated July 25, 2025, with no comments.
- Ontario Ministry of Transportation email dated July 25, 2025, with no comments.
- Resident, email dated August 2, 2025, with concerns.

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 variances meet 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.
- [11] The Committee also notes that no compelling evidence was presented that the variances 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 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.
- [13] 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.
- [14] 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.
- [15] 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.
- [16] **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 July 9, 2025, as they relate to the requested variances.
 - The condition set out in Appendix A to this decision.

"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 **August 15, 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 September 4, 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.

Committee of Adjustment
City of Ottawa
Ottawa.ca/CommitteeofAdjustment
cofa@ottawa.ca
613-580-2436



Comité de dérogation
Ville d'Ottawa
Ottawa.ca/Comitedederogation
cded@ottawa.ca
613-580-2436

APPENDIX A

1. That the Owner/Applicant(s) provide a planting plan, prepared to the satisfaction of the **Manager of Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate**, showing additional vegetation between the development and the watercourse prior to the issuance of a Building Permit.