

DECISION
MINOR VARIANCE

Date of Decision:	April 17, 2026	
Panel:	3 - Rural	
File:	D08-02-26/A-00024	
Applications:	Minor Variance under section 45 of the <i>Planning Act</i>	
Applicants:	M. McMann and P. Archambeault	
Property Address:	190 Archie Street	
Ward:	5 - West Carleton-March	
Legal Description	Lot 3, Registered Plan 4M-673	
Zoning By-law:	2008-250	2026-50
Zoning	V1H [615r]	V1H [615r]
Heard:	April 7, 2026, in person and by videoconference	

APPLICANTS' PROPOSAL AND PURPOSE OF THE APPLICATION

- [1] The Applicants constructed an extension to the attached garage that does not comply with zoning regulations, as shown on plans filed with the Committee.

REQUESTED VARIANCES

- [2] The Applicants request that the Committee authorize minor variances from the Zoning By-law:
- a) To permit a reduced (southeast) interior side yard setback of 0.22 metres, whereas the By-law requires a minimum interior side yard setback of 3 metres.
 - b) To permit an eave to project 1 metre but not closer than 0 metres to a lot line, whereas the By-law permits eaves to project 1 metre but not closer than 0.3 metres to a lot line.

- [3] The property is not the subject of any other current application under the *Planning Act*.
- [4] For the purposes of the transition and continuation provisions of Zoning By-law 2026-50, these applications were deemed to be complete on March 6, 2026.

PUBLIC HEARING

Oral Submissions Summary

- [5] Tim Eisner, agent for the Applicants, and City Planner Wendy Yang were in attendance.
- [6] 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

- [7] 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

Evidence

- [8] 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 a cover letter, plans, tree information, a letter of support from adjacent neighbours, photo of the posted sign, and a sign posting declaration.
 - City Planning Report received April 2, 2026, with no concerns.
 - Mississippi Valley Conservation Authority email dated April 1, 2026, with no objections.
 - Ottawa Septic System Office email dated March 30, 2026, with no objections.
 - Hydro Ottawa email dated April 2, 2026, with no comments.

- Building Code Services email dated March 30, 2026, with comments.

Effect of Submissions on Decision

- [9] The Committee considered all written and oral submissions relating to the application in making its decision and granted the application.
- [10] Based on the evidence, the Committee is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.
- [11] The Committee notes that the City's Planning Report raises "no concerns" regarding the application.
- [12] The Committee also notes that no evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.
- [13] Additionally, the Committee notes that the application seeks to legalize, after the fact, an already-built structure that does not comply with zoning regulations. The Committee does not condone the practice of building first and asking for permission later. An owner who does so runs the risk, like any other applicant, of having their application denied. The additional risk if the Committee refuses to authorize a minor variance for an already-built, non-compliant structure could be the requirement to either bring it into compliance or remove it, regardless of any cost or hardship to the owner. However, whether the proposal has already been built does not factor into the Committee's decision, either negatively or favourably. The Committee must consider each application on its merits, based on the evidence and according to the four-part statutory test. The *Planning Act* does not set out a fifth test as to whether an owner has contravened municipal regulations relating to construction. Instead, it is the City's exclusive role to address construction-related concerns and enforce its own by-laws. The Committee has no jurisdiction over such matters.
- [14] 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.
- [15] 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.
- [16] 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.
- [17] Moreover, the Committee finds that the requested variances are minor because they will not create any unacceptable adverse impact on abutting properties or the neighbourhood in general.

[18] **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 construction complying with the plans filed with the Committee of Adjustment on March 4, 2026, as they relate to the requested variances.

"Terence Otto"
TERENCE OTTO
VICE-CHAIR

"Gary Duncan"
GARY DUNCAN
MEMBER

"Beth Henderson"
BETH HENDERSON
MEMBER

"Martin Vervoort"
MARTIN VERVOORT
ACTING PANEL CHAIR

Declared Interest
JOCELYN CHANDLER
MEMBER

I certify this is a true copy of the decision of the Ottawa Committee of Adjustment, dated **April 17, 2026**.

"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 7, 2026**.

- **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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