



## COMMITTEE OF ADJUSTMENT OF THE CITY OF OTTAWA

### DECISION MINOR VARIANCE PERMISSION

(Section 45 of the *Planning Act*)

<b>File No.:</b>	D08-02-22/A-00212
<b>Owner(s):</b>	Gordon & Lucille McFadden and Devyn & Travis McFadden
<b>Location:</b>	4181 Trim Road
<b>Ward:</b>	19 - Cumberland
<b>Legal Description:</b>	Lot 14, Concession 8, Former Township of Cumberland
<b>Zoning:</b>	AG
<b>Zoning By-law:</b>	2008-250

Notice was given and a public hearing was held on **August 17, 2022**, as required by the *Planning Act*.

#### **PURPOSE OF THE APPLICATION:**

The Owners want to construct a new barn and manure storage, as shown on plans filed with the Committee. The existing barn, silos, manure pit, accessory buildings and detached dwelling will remain on the property.

#### **RELIEF REQUIRED:**

The Owners require the Authority of the Committee for a Minor Variance from the By-law to permit a reduced setback for a new livestock barn and manure storage to an existing dwelling (3902 Trim Road) of 127.9 metres, whereas the By-Law states that the development of a new livestock operation must comply with the minimum distance separation formulae, which in this case is 192 metres, applied between a livestock operation and another land use.

The application indicates that the Property is not the subject of any other current application under the *Planning Act*.

#### **PUBLIC HEARING:**

The Panel Chair administered an oath to Lucille McFadden, one of the Owners of the Property, who confirmed that the statutory notice posting requirements were satisfied.

Also in attendance was Sean Harrigan of the City's Planning, Real Estate and Economic Development Department. Mr. Harrigan summarized the concerns outlined in his written report on file, noting that the department would prefer to see the proposed location for the livestock barn and manure storage shifted farther from the road, increasing the setback to any existing dwellings.

In response to Mr. Harrigan's suggested location, Ms. McFadden explained that the proposed location of the new new barn and manure storage was ideal from an agricultural operations standpoint. It was noted that, for either location, both outside the building envelope of the previous barn, would result in the same loss of farmland.

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

The Committee considered any written and oral submissions relating to the application in making its Decision.

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.

Based on the evidence, the Committee is satisfied that the requested variance meets all four requirements under subsection 45(1) of the *Planning Act*.

The Committee notes that the City's Planning Report raises "concerns" with the application, highlighting that: "[t]he department acknowledges that the existing barns, silos, manure pit, and secondary structures which are necessary for the new livestock facility's operational capabilities significantly limits location options for a new livestock facility."

The Committee also notes that no evidence was presented that the requested variance would result in any unacceptable adverse impact on neighbouring properties.

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. The Committee also finds that, because the proposal respects the rural character of the area and will allow the existing agricultural operation to continue on the subject property, the requested variance maintains the general intent and purpose of the Official Plan. 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 on the property that is compatible with the surrounding area. 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.

The Committee therefore authorizes the requested variance, **subject to** the location and size of the proposed construction being in accordance with the site plan filed, Committee of Adjustment date-stamped July 19, 2022.

**NOTICE OF RIGHT TO APPEAL:**

To appeal this decision to the Ontario Land Tribunal (OLT), a completed appeal form along with payment must be received by the Secretary-Treasurer of the Committee of Adjustment by **September 15, 2022**, delivered by email at [cofa@ottawa.ca](mailto:cofa@ottawa.ca) and/or by mail or courier to the following address:

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 <https://olt.gov.on.ca/>. The OLT has established a filing fee of \$400.00 per type of application with an additional filing fee of \$25.00 for each secondary application. 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. If you have any questions about the appeal process, please contact the Committee of Adjustment office by calling 613-580-2436 or by email at [cofa@ottawa.ca](mailto:cofa@ottawa.ca).

Only individuals, corporations and public bodies may appeal Decisions in respect of applications for consent to the OLT. A notice of appeal may not be filed by an unincorporated association or group. However, a Notice of Appeal may be filed in the name of an individual who is a Member of the Association or group on its behalf.

Please note that there are no provisions for the Committee of Adjustment or the OLT 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.

**DECISION SIGNATURE PAGE****PAGE DE SIGNATURE DE LA DÉCISION**

**File No. / Dossier n°:** D08-02-22/A-00212  
**Owner(s) / Propriétaire(s):** Gordon & Lucille McFadden and Devyn & Travis McFadden  
**Location / Emplacement:** 4181 Trim Road

We, the undersigned, concur in the decision and reasons of the Committee of Adjustment.

Nous, soussignés, souscrivons à la décision et à la justification ci-devant rendues par le Comité de dérogation.

***“Fabian Poulin”***

**FABIAN POULIN  
VICE-CHAIR / VICE-PRÉSIDENT**

Absent/ Absent

**TERENCE OTTO  
MEMBER / MEMBRE**

***“Martin Vervoort”***

**MARTIN VERVOORT  
MEMBER / MEMBRE**

***“Steven Lewis”***

**STEVEN LEWIS  
MEMBER / MEMBRE**

Absent / Absente

**JOCELYN CHANDLER  
MEMBER / MEMBRE**

This is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa.

Celle-ci est une copie conforme de la décision rendue par le Comité de dérogation de la Ville d'Ottawa.



**Date of Decision / Date de la décision  
August 26, 2022 / 26 août 2022**

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**Michel Bellemare  
Secretary-Treasurer / Secrétaire-trésorier**