



COMMITTEE OF ADJUSTMENT OF THE CITY OF OTTAWA

DECISION MINOR VARIANCE / PERMISSION (Section 45 of the *Planning Act*)

File No.: D08-02-2022/A-00213
Owner(s): Matthews Steeves and Katherine Steeves
Location: 1982 Arch Street
Ward: 18
Legal Description: Part Lot 623, Registered Plan 643
Zoning: R100
Zoning By-law: 2008-250

Notice was given and a Public Hearing was held on **September 7, 2022**, as required by the *Planning Act*.

PURPOSE OF THE APPLICATION:

The Owners want to demolish the existing detached garage and construct a new attached garage and carport on the north side of the existing dwelling, as shown on plans filed with the Committee.

RELIEF REQUIRED:

The Owner requires the Authority of the Committee for the following Minor Variance from the Zoning By-law to permit a reduced total interior side yard setback of 1.92 metres and a northerly interior side yard setback of 0.69 metres, whereas the By-law requires a minimum ~~combined side yard setback is a total of 3 metres with one no less than 1.2 metres~~ **total side yard setback of 3.0 metres with one yard no less than 1.2 metres.**

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

PUBLIC HEARING:

The Chair administered an oath to Katherine Steeves, one of the Owners of the property, who confirmed that the statutory notice posting requirements were satisfied. Also in attendance was Matthew Steeves, the other Owner of the property.

The Committee noted that requested variance should be amended to read as follows:

The Owner requires the Authority of the Committee for the following Minor Variance from the Zoning By-law to permit a reduced total interior side yard setback of 1.92 metres and a northerly interior side yard setback of 0.69 metres, whereas the By-law requires a minimum ~~combined side yard setback is a total of 3 metres with one no less than 1.2 metres~~ **total side yard setback of 3.0 metres with one yard no less than 1.2 metres.**

It was also noted that the zoning designation for the subject property should read **R10**.

With the concurrence of Mr. Steeves, the application was amended accordingly.

When questioned by the Committee, Mr. Steeves confirmed that the proposed garage would be located in approximately the same location as the existing detached garage on the property and would respect required clearances to existing overhead electrical supply lines. In recognition of an existing service easement over the property, Mr. Steeves agreed to provide the Committee with written approval from Hydro Ottawa to proceed with the proposed construction.

Also in attendance was Siobhan Kelly of the City's Planning Real Estate and Economic Development Department, who indicated that she had no concerns with the application.

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 "no concerns" with the application, highlighting that: "Based on a review of available aerial imagery for Arch Street, it is apparent that existing properties between Wingate Drive and Weston Drive feature smaller side yard setbacks on one side of the dwelling, which is consistent with the requested relief. Staff is satisfied that the variance is minor as it will not result in adverse impacts to the streetscape or adjacent properties."

Considering the circumstances, the Committee finds that, because the proposal fits well within its context, the requested variance is, from a planning and public interest point of view, desirable for the appropriate 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 character of the neighbourhood, 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 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, noting that the rear yard is enclosed by a fence that will preserve the privacy of neighbours.

The Committee therefore authorizes the requested variance, **subject to** the location and size of the proposed construction being in accordance with the plans filed and 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 **October 6, 2022**, delivered by email at cofa@ottawa.ca and/or by mail or courier to the following address:

Secretary-Treasurer, Committee of Adjustment,
101 CentrepoinTE Drive, 4th 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.

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°: D08-02-2022/A-00213
Owner(s) / Propriétaire(s): Matthews Steeves and Katherine Steeves
Location / Emplacement: 1982 Arch

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

Nous, soussignés, souscrivons à la décision et aux motifs rendus par le Comité de dérogation.

“Ann M. Tremblay”

**ANN M. TREMBLAY
CHAIR / PRÉSIDENTE**

“Kathleen Willis”

**KATHLEEN WILLIS
MEMBER / MEMBRE**

“Scott Hindle”

**SCOTT HINDLE
MEMBER / MEMBRE**

“Colin White”

**COLIN WHITE
MEMBER / MEMBRE**


“Julia Markovich”

**JULIA MARKOVICH
MEMBER / MEMBRE**

I certify that this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa.

Je certifie que 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
September 16, 2022 / 16 septembre 2022


Michel Bellemare
Secretary-Treasurer / Secrétaire-trésorier