



**COMMITTEE OF ADJUSTMENT
OF THE CITY OF OTTAWA**

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

File No.: D08-02-22/A-00271
Owner(s): Fred and Catherine Kingston
Location: 189 Carleton Avenue
Ward: 15- Kitchissippi
Legal Description: Part Lot 17, Registered 219
Zoning: R2D [2159]
Zoning By-law: 2008-250

Notice was given and a Public Hearing was held on **October 19, 2022**, as required by the *Planning Act*.

PURPOSE OF THE APPLICATION:

The Owners want to construct a two-storey detached dwelling, as shown on plans filed with the Committee. The existing detached dwelling will be demolished.

RELIEF REQUIRED:

The Owners require the Authority of the Committee for a Minor Variance from the Zoning By-law

- a) To permit a reduced lot width of 10.15 metres, whereas the By-law requires a minimum lot width of 15 meters.
- b) To permit a reduced lot area of 308.7 square metres, whereas the By-law requires a minimum lot area of 450 square metres
- c) To permit a reduced rear yard area of 76.2 square metres, whereas the By-law requires a minimum rear yard area of 77.2 square metres.
- d) To permit a reduced rear yard setback of 7.56 metres whereas the By-law requires a minimum rear yard setback of 8.53 metres.

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 Richard White, Agent for the Applicants, who confirmed that the statutory notice posting requirements were satisfied. Catherine Kingston, one of the Owners of the Property, was also in attendance.

The Committee also heard from Heather Pearl, representing the Champlain Park Community Association. Ms. Pearl expressed that while the association initially had concerns with the requested reduced rear yard setback and areas variances, given the nature of the design, the proposed dwelling would integrate well within the existing neighbourhood.

Margot Linker of the City's Planning, Real Estate and Economic Development Department was also in attendance.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED

The Committee considered any written and oral submissions relating to the application in making its Decision, including the expression of support from the Champlain Park Community Association.

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 variances meet all four requirements under subsection 45(1) of the *Planning Act*.

The Committee notes that the City's Planning Report raises "no concerns" regarding the application, highlighting that: "Staff have no concerns with the requested reduced lot width or lot area to introduce a new single-detached dwelling on the subject site. The reduced lot width and lot area are existing conditions on the subject site, as the site is currently occupied by a single detached dwelling which demonstrates that with respect to the site context, a single detached dwelling can appropriately be accommodated on the subject site."

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 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 variances maintain the general intent and purpose of the Official Plan. 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. 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.

The Committee therefore authorizes the requested variances, **subject to** the location and size of the proposed construction being in accordance with the revised site plan filed, Committee of Adjustment date stamped October 12, 2022, and the elevation plans filed, Committee of Adjustment date stamped September 21, 2022, as they relate to the requested variances.

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 **November 17, 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°: D08-02-22/A-00271
Owner(s) / Propriétaire(s): Fred and Catherine Kingston
Location / Emplacement: 189 Carleton Avenue

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.

“John Blatherwick”

**JOHN BLATHERWICK
VICE-CHAIR / VICE-PRÉSIDENT**

“Stan Wilder”

**STAN WILDER
MEMBER / MEMBRE**

“Heather MacLean”

**HEATHER MACLEAN
MEMBER / MEMBRE**

Absent / Absente

**BONNIE OAKES CHARRON
MEMBER / MEMBRE**


“Michael Wildman”

**MICHAEL WILDMAN
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
October 28, 2022 / 28 octobre 2022


Michel Bellemare
Secretary-Treasurer / Secrétaire-trésorier