

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

Date of Decision: November 10, 2022
File No.: D08-02-22/A-00293
Owner(s): Michel and Susan Dagenais
Location: 449 Westminster Avenue
Ward: 15 - Kitchissippi
Legal Description: Lot 368 and Part of Lot 367, Registered Plan M-29
Zoning: R1O
Zoning By-law: 2008-250
Hearing Date: November 2, 2022

PURPOSE OF THE APPLICATION

- [1] The Owners are proposing to renovate the existing one storey detached dwelling, including expanding the covered porch in the rear yard, as shown on the plans filed with Committee.

RELIEF REQUIRED

- [2] The Owners require the Authority of the Committee for a Minor Variance from the Zoning By-law to permit the covered porch to project 3.1 metres into the rear yard, whereas the By-law states that a covered porch may project a maximum of 2.0 metres into a rear yard.
- [3] The application indicates that the property is not the subject of any other current application under the *Planning Act*.

PUBLIC HEARING

- [4] The Chair administered an oath to Michel Dagenais, one of the Owners of the property, who confirmed that the statutory notice posting requirements were satisfied.
- [5] The Chair referred Mr. Dagenais to a letter submitted by Hydro Ottawa that identified necessary alterations to a relocated garage on the property, to comply with required offset clearances from existing overhead lines. Mr. Dagenais

explained that he was in contact with Hydro Ottawa and was aware of their requirements.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED

- [6] The Committee considered any written and oral submissions relating to the application in making its Decision.
- [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 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.
- [8] Based on the evidence, the Committee is satisfied that the requested variance meets all four requirements under subsection 45(1) of the *Planning Act*.
- [9] The Committee notes that the City's Planning Report raises "no concerns" regarding the application. The evidence revealed that "the portion of balcony proposed to be extended is appropriately located at the interior of the subject property, distant from the interior side lot lines and adjacent residential properties".
- [10] The Committee also notes that no evidence was presented that the variance would result in any unacceptable adverse impact on neighbouring properties.
- [11] Considering the circumstances, the Committee finds that, because the proposal fits well in the neighbourhood, 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.
- [12] 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.
- [13] 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 neighbourhood.
- [14] Moreover, the Committee also finds that the requested variance is minor because it will not create any unacceptable adverse impact on abutting properties or the neighbourhood in general.
- [15] THE COMMITTEE OF ADJUSTMENT therefore authorizes the requested variance, **subject to:**

1. The location and size of the proposed construction being in accordance with the plans filed, Committee of Adjustment date stamped October 7, 2022, as they relate to the requested variance.
2. The structures on site being in compliance with the requirements of Hydro Ottawa for clearances from overhead lines.

"John Blatherwick"
JOHN BLATHERWICK
VICE-CHAIR

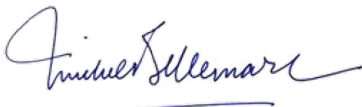
"Stan Wilder"
STAN WILDER
MEMBER

"Heather MacLean"
HEATHER MACLEAN
MEMBER

"Bonnie Oakes Charron"
BONNIE OAKES CHARRON
MEMBER

"Michael Wildman"
MICHAEL WILDMAN
MEMBER

I certify this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa, dated **November 10, 2022**.



Michel Bellemare
Secretary-Treasurer

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 **December 1, 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 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. 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 Ontario Land Tribunal. 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.

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.

Ce document est également offert en français.

Committee of Adjustment | Comité de dérogation

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