

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

Date of Decision:	November 10, 2022
File No.:	D08-02-22/A-00214
Owner(s):	Gaye Souchen
Location:	11 Thomas Street
Ward:	13-Rideau-Rockcliffe
Legal Description:	Lot 4, Registered Plan 17
Zoning:	R4UD[900]
Zoning By-law:	2008-250
Hearing Date:	November 2, 2022

PURPOSE OF THE APPLICATION

- [1] The Owner wants to construct a three-storey addition at the rear of the existing dwelling to accommodate an elevator and connect the dwelling to an existing single-storey detached garage located in the rear yard, as shown on plans filed with the Committee.

RELIEF REQUIRED

- [2] The Owner requires the Authority of the Committee for Minor Variances from the Zoning By-law as follows:
- a) To permit a reduced rear yard setback of 0.65 metres (3.1% of the lot depth), whereas the By-law states that the minimum required rear yard setback is 5.25 metres (25% of the lot depth)
 - b) To permit a reduced rear yard area of 8.49 square metres (3.1% of the lot area), whereas the By-law requires a minimum rear yard area of 68.89 square meters (25% of the lot area).
- [3] The application indicates that the Property is not the subject of any other current application under the *Planning Act*.

PUBLIC HEARING

- [4] Prior to the hearing, the Committee received an adjournment request from Eric Lalande of the Rideau Valley Conservation Authority (RVCA), seeking additional time for the Owner to address potential floodplain issues on the property.
- [5] At the hearing, the Committee heard from Mr. Lalande, who reiterated his request for adjournment. He explained that, since it is common practice for the Committee to tie its approval of minor variance applications to the plans filed, there was a risk to the applicant that any future requirement to amend the plans to provide appropriate floodproofing could necessitate a new application to the Committee.
- [6] John Smit, Agent for the Owner, objected to the adjournment request. He noted that RVCA approval would be required for the issuance of a building permit and, while he anticipated that floodproofing would not present an issue due to the location of the proposed addition on the lot, he acknowledged the risk to his client should revisions be necessary. He also noted that detailed design plans had not yet been prepared. Mr. Smit therefore requested that the Committee hear the application and proposed that any forthcoming approval be conditional upon the size and location of the proposed construction being as shown on the plans filed, as well as the Owner obtaining written permission from the RVCA. It was also noted that the final design for the proposal would be subject to further input from City staff through the heritage permit application process.
- [7] Mr. Lalande indicated that he was satisfied that RVCA approval would be required prior to the issuance of a building permit, and that the risk in proceeding rested with the Owner.
- [8] The Committee also heard from John Doran, the Owner's spouse, who also expressed his opposition to an adjournment.
- [9] The Committee therefore agreed to hear the application, which was stepped down to be recalled later in the hearing.
- [10] Upon recall, the Chair administered an oath to Mr. Doran, who confirmed that the statutory notice posting requirements were satisfied.
- [11] The Committee heard a presentation from Mr. Smit, who addressed the merits of the application with reference to a location plan, a plan of survey and a site plan, as well as streetscape photographs and renderings showing the proposed addition.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED

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

- [13] 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.
- [14] Based on the evidence, the Committee is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.
- [15] The Committee notes that the City's Planning Report raises "no concerns" regarding the application, highlighting that the need for relief is triggered by conversion of the existing detached garage to an attached garage. The Planning Report concludes that, "the requested variances for reduced rear yard setback and rear yard area will therefore have no new impact on the surrounding properties as the location of the garage is an existing condition."
- [16] The Committee also notes that no evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.
- [17] Considering the circumstances, the Committee finds that, because the proposal fits well in the neighbourhood and maintains the existing streetscape condition, 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.
- [18] 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.
- [19] 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 neighbourhood, and because it preserves the existing open space available at the rear of the property.
- [20] Moreover, the Committee finds that the requested variances, both individually and cumulatively, are minor because they will not create any unacceptable adverse impacts on abutting properties or the neighbourhood in general.
- [21] THE COMMITTEE OF ADJUSTMENT therefore authorizes the requested variances, **subject to:**
1. The location and size of the proposed construction being in accordance with the plans filed, Committee of Adjustment date stamped October 6, 2022.
 2. The Owner obtaining the approval of the Rideau Valley Conservation Authority.

"John Blatherwick"
JOHN BLATHERWICK
VICE-CHAIR

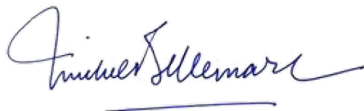
"Stan Wilder"
STAN WILDER
MEMBER

"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**.

A handwritten signature in blue ink, reading "Michel Bellemare", with a horizontal line underneath.

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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