

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

Date of Decision:	November 25, 2022
File No(s):	D08-02-22/A-00297
Owner(s):	James Reekie & Jacqueline Lalonde-Reekie
Location:	821 Tewin Circle
Ward:	19 - Cumberland
Legal Description:	Lot 57, Plan 4M-1610, Geographic Township of Cumberland
Zoning:	R3Z
Zoning By-law:	2008-250
Hearing Date:	November 16, 2022

PURPOSE OF THE APPLICATION

- [1] The Owners want to construct a deck at the rear of their existing dwelling, as shown on plans filed with the Committee.

RELIEF REQUIRED

- [2] The Owners require the Authority of the Committee for a Minor Variance from the Zoning By-law to permit a deck that is 1.73 metres above grade to project 2.73 metres into the rear yard, whereas the By-law states that a deck higher than 0.6 metres above adjacent grade may project a maximum of 2.0 metres into a required 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 Acting Panel Chair administered an oath to James Reekie, one of the Owners of the Property, who confirmed that the statutory notice posting requirements were satisfied.
- [5] Also in attendance was Stephan Kukkonen of the City's Planning, Real Estate and

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 variances meet 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 report highlights that: "The intent of the maximum permitted projection provision is to ensure appropriate privacy for the abutting properties. In this case, Staff are of the opinion that the requested variance to increase the maximum permitted projection from 2.0 metres to 2.73 metres is minimal and will not affect the privacy of the neighbouring 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 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.
- [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 of the property that is compatible with the surrounding area.
- [14] 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.
- [15] THE COMMITTEE OF ADJUSTMENT 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 October 17, 2022, and the elevations filed, Committee of Adjustment date stamped October 11, 2022, as they relate to the requested variance.

Absent
FABIAN POULIN
VICE-CHAIR

"Terence Otto"
TERENCE OTTO
MEMBER

"Steven Lewis"
STEVEN LEWIS
MEMBER

"Martin Vervoort"
MARTIN VERVOORT
MEMBER

"Jocelyn Chandler"
JOCELYN CHANDLER
ACTING PANEL CHAIR

I certify this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa, dated **November 25, 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 15, 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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