

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

Date of Decision: February 10, 2023
File No(s): D08-02-22/A-00184
Owner(s): Hutoxi Noble
Location: 26 Evergreen Drive
Ward: 8-College
Legal Description: Lot 452, Plan 406391
Zoning: R1F
Zoning By-law: 2008-250
Hearing Date: February 1, 2023

PURPOSE OF THE APPLICATION

- [1] The Owner wants to renovate his existing detached dwelling which includes the construction of a second storey secondary dwelling unit, 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 3.98 metres, whereas the By-law requires a minimum rear yard setback of 5.9 metres.
 - b) To permit a reduced rear yard area of 20.6% or 143.3 square metres, whereas the By-law requires a minimum rear yard area of 25% of the lot area or, in this case, 180.4 square metres.
- [3] The application indicates that the Property is not the subject of any other current application under the *Planning Act*.

PUBLIC HEARING

- [4] The Panel Chair administered an oath to Anthony Wielemaker, Agent for the Applicant, who confirmed that the statutory notice posting requirements were satisfied. Mr. Wielemaker confirmed that there are several two-storey dwellings in the neighbourhood.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED

- [5] The Committee considered all written and oral submissions relating to the application in making its Decision.
- [6] 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.
- [7] Based on the evidence, the Committee is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.
- [8] The Committee notes that the City's Planning Report raises "no concerns" regarding the application, highlighting that "[t]he proposed rear yard is still a functional yard and the proposed addition has no impact to any trees on the property."
- [9] The Committee also notes that, no evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.
- [10] 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 development or use of the land, building or structure on the property, and relative to the neighbouring lands.
- [11] The Committee also finds that the requested variances maintain the general intent and purpose of the Official Plan, because the proposal respects the character of the neighbourhood and contributes to the variety of housing options within the General Urban Area.
- [12] 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 on the property that is compatible with the surrounding area.
- [13] Moreover, the Committee finds that the requested variances, both individually and cumulatively, are minor because they will not create any unacceptable adverse impact on abutting properties or the neighbourhood in general.

[14] THE COMMITTEE OF ADJUSTMENT therefore authorizes the requested variances, **subject to** the location and size of the proposed construction being in accordance with the revised plans filed, Committee of Adjustment date stamped December 19, 2022, as they relate to the requested variances.

"Ann M. Tremblay"
ANN M. TREMBLAY
CHAIR

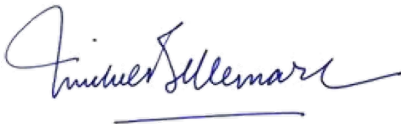
Absent
KATHLEEN WILLIS
MEMBER

"Scott Hindle"
SCOTT HINDLE
MEMBER

"Colin White"
COLIN WHITE
MEMBER

"Julia Markovich"
JULIA MARKOVICH
MEMBER

I certify this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa, dated **February 10, 2023**.



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 **March 2, 2023**, 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 the applicant, the Minister or a specified person or public body that has an interest in the matter may appeal the decision to the Ontario Land Tribunal. A “specified person” does not include an individual or a community association.

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
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