

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

Date of Decision: February 10, 2023
File No(s): D08-02-22/A-00338
Owner(s): Tatyana Nychyperovych
Location: 531 Lakehurst Road
Ward: 13 - Rideau-Rockcliffe
Legal Description: Lot 7 and Part of Devonshire Road (Closed by Judge's Order), Registered Plan 4M-61
Zoning: R1B [1259]
Zoning By-law: 2009-164, 2015-228, 2020-288, 2021-111, 2022-103
Hearing Date: February 1, 2023

PURPOSE OF THE APPLICATION

- [1] The Owner wants to construct a second storey addition at the rear of the existing dwelling, as shown on plans filed with the Committee.

RELIEF REQUIRED

- [2] The Owner requires authorization from the Committee for Minor Variances from the Zoning By-law as follows:
- a) To permit an increased lot coverage of 33%, whereas the By-law permits a maximum lot coverage of 30%.
 - b) To permit an increased floor space index of 0.4033, whereas the By-law [Urban Exception 1259] permits a maximum floor space index of 0.375.
 - c) To permit a reduced rear yard setback of 4.21 metres, whereas the By-law requires a minimum rear yard setback of 12 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 Houry Avedissian, Agent for the Applicant, who confirmed that the statutory notice posting requirements were satisfied.

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.
- [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 following conditions:
1. Prior to the issuance of a building permit, the Owner(s) shall provide evidence to the satisfaction of the General Manager of the Central Branch within the

Planning, Real Estate, and Economic Development Department, or his/her designate that the illegal hardscaping in the front yard has been removed and soft landscaping has been reinstated. The Zoning Plans Examiner require confirmation from the Planner that evidence has been provided.

2. Prior to the issuance of a building permit, the Owner/Applicant(s) shall enter into a new easement agreement with the City of Ottawa, at the expense of the Owner/Applicant (s) and to the satisfaction of the General Manager of the Central Branch within the Planning, Real Estate, Economic Development Department, or his/her designate. The easement agreement is to be registered on Title to the property. The Zoning Plan Examiner requires a copy of the Agreement and written confirmation from City Legal Services that it has been registered on title.

[15] And **subject to** the location and size of the proposed construction being generally in accordance with the plans filed, Committee of Adjustment date stamped December 20, 2022, as they relate to the requested variances.

"Ann M. Tremblay"
ANN M. TREMBLAY
CHAIR

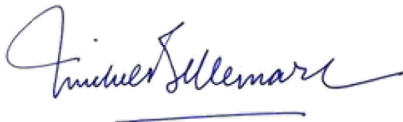
Absent
KATHLEEN WILLIS
MEMBER

"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
City of Ottawa
Ottawa.ca/CommitteeofAdjustment
cofa@ottawa.ca
613-580-2436



Comité de dérogation
Ville d'Ottawa
Ottawa.ca/Comitedederogation
cded@ottawa.ca
613-580-2436