

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

|                           |                                      |
|---------------------------|--------------------------------------|
| <b>Date of Decision:</b>  | January 20, 2023                     |
| <b>File No(s):</b>        | D08-02-22/A-00302                    |
| <b>Owner(s):</b>          | Andrea Coucopoulos & Lama Abi Khaled |
| <b>Location:</b>          | 2364 Haddington Crescent             |
| <b>Ward:</b>              | 18 - Alta Vista                      |
| <b>Legal Description:</b> | Lot 229, Registered Plan 843         |
| <b>Zoning:</b>            | R1K                                  |
| <b>Zoning By-law:</b>     | 2008-250                             |
| <b>Hearing Date:</b>      | January 11, 2023                     |

**PURPOSE OF THE APPLICATION**

- [1] The Owner wants to construct a second-storey addition over the existing two car garage, as shown on plans filed with the Committee.

**RELIEF REQUIRED**

- [2] The Owner requires the Authority of the Committee for Minor Variance from the Zoning By-law to permit a reduced total interior side yard setback of **3 2.76** metres, whereas the By-law requires a minimum total interior side yard setback of 3.6 metres.
- [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 Siobhan Kelly of the City's Planning, Real Estate and Economic Development Department, on the basis that a discrepancy had been identified between the survey and the site plan filed with the application, and that greater relief was required.
- [5] At the outset of the Hearing, the Chair called Ms. Kelly forward. Ms. Kelly explained that the total interior side yard setback was identified on the survey as

2.76 metres, whereas a reduced setback of 3 metres had been requested. She also confirmed that the intent of the application was to regularize an existing condition.

- [6] The Committee also heard from Ewald Zieger, Agent for the Owners, who explained that he had prepared the site plan and measured the total interior side yard setback himself, and the error was only identified later, after the survey was finalized.
- [7] The Chair noted that, while amendments that increase the extent of the relief requested would typically require the recirculation of public notice, in this case, the setback in question corresponds to an existing condition and the purpose and effect of the application was therefore clear. The Committee agreed that the variance could be amended without further notice, and the application was stepped down to be recalled later in the public hearing.
- [8] Upon recall, the Chair administered an oath to Mr. Zieger, who confirmed that the statutory notice posting requirements were satisfied.
- [9] The Committee noted that the requested variance should be amended to read as follows:

The Owner requires the Authority of the Committee for Minor Variance from the Zoning By-law to permit a reduced total interior side yard setback of **3 2.76** metres, whereas the By-law requires a minimum total interior side yard setback of 3.6 metres.

- [10] With all parties in concurrence, the application was amended accordingly.

**DECISION AND REASONS OF THE COMMITTEE:      APPLICATION GRANTED  
AS AMENDED**

- [11] The Committee considered any written and oral submissions relating to the application in making its Decision.
- [12] 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.
- [13] Based on the evidence, the Committee is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.
- [14] The Committee also notes that no cogent evidence was presented that the requested variance would result in any unacceptable adverse impact on neighbouring properties.

- [15] 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.
- [16] 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.
- [17] In addition, the Committee finds that the requested variance maintains the general intent and purpose of the Zoning By-law because the proposal builds on the footprint of the existing garage and maintains the existing setbacks, and there represents orderly development on the property that is compatible with the surrounding area.
- [18] 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.
- [19] THE COMMITTEE OF ADJUSTMENT therefore authorizes the requested variance, **subject to** the location and size of the proposed construction being in accordance with the elevations filed, Committee of Adjustment date stamped December 2, 2022, as they relate to the requested variance.

*"Ann M. Tremblay"*  
ANN M. TREMBLAY  
CHAIR

*"Kathleen Willis"*  
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 **January 20, 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 **February 9, 2023** delivered by email at [cofa@ottawa.ca](mailto:cofa@ottawa.ca) and/or by mail or courier to the following address:

Secretary-Treasurer, Committee of Adjustment,  
101 CentrepoinTE Drive, 4<sup>th</sup> 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](mailto: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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