

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

<b>Date of Decision:</b>	February 10, 2023
<b>File No(s):</b>	D08-02-22/A-00339
<b>Owner(s):</b>	Matthew Pamenter & Aqsa Malik
<b>Location:</b>	509 Roosevelt Avenue
<b>Ward:</b>	15-Kitchissippi
<b>Legal Description:</b>	Part of Lot 20, Registered Plan 235
<b>Zoning:</b>	R3R [2687] H(8.5)
<b>Zoning By-law:</b>	2008-250
<b>Hearing Date:</b>	February 1, 2023

**PURPOSE OF THE APPLICATION**

- [1] The Owners wants to construct a carport on the existing two-storey dwelling, as shown on the plans filled with committee.

**RELIEF REQUIRED**

- [2] The Owners require the Authority of the Committee for Minor Variances from the Zoning By-law as follows:
- a) To permit a reduced southernly interior side yard setback of  $\varnothing$  **0.02** metres, whereas the Bylaw requires a minimum interior side yard setback 1.5 m.
  - b) To permit the driveway to extend to the interior side lot with no landscaped strip, whereas the Bylaw requires any driveway, other than a shared driveway, must be separated from any interior side lot line by a landscaped strip not less than 0.15m in width.
  - c) To permit an increased driveway width of 3.6 metres, whereas the Bylaw requires a maximum driveway width of 3 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 Matthew Pamerter, one of the Owners , who confirmed that the statutory notice posting requirements were satisfied.
- [5] The Committee noted a discrepancy in the southerly side yard setback dimension as it appeared on the survey and on the site plan. Referring to the dimension shown on the survey, variance (a) should be amended as follows:
  - a) To permit a reduced southernly interior side yard setback of  $\theta$  **0.02** metres, whereas the Bylaw requires a minimum interior side yard setback 1.5 m.
- [6] With the concurrence of Mr. Pamerter, the application was amended accordingly
- [7] City Planner Margot Linker was also present.

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

- [8] The Committee considered all written and oral submissions relating to the application in making its Decision.
- [9] 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.
- [10] Based on the evidence, the Committee is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.
- [11] The Committee notes that the City's Planning Report raises "no concerns" regarding the application, highlighting that: "Staff have no concerns with the variances to permit an increased driveway width and no landscaped strip between the driveway and the interior side lot line as it appears they are legal non-complying and that these minor variances were applied for in an abundance of caution." The report also highlights that "[t]he proposed carport appears to be supported by beams rather than a solid wall, which mitigates concerns related to maintenance as this can be done from the interior."
- [12] The Committee also notes that no evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.
- [1] Considering the circumstances, the Committee finds that, because the proposal fits well in the neighbourhood, 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.

- [2] 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.
- [3] 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 neighbourhood.
- [4] 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.
- [5] 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 January 4, 2023, as they relate to the requested variances.

*"John Blatherwick"*  
JOHN BLATHERWICK  
VICE-CHAIR

Absent  
STAN WILDER  
MEMBER

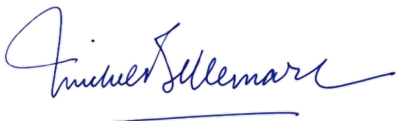
*"Heather MacLean"*  
HEATHER MACLEAN  
MEMBER

*"Bonnie Oakes Charron"*  
BONNIE OAKES CHARRON  
MEMBER

Absent  
MICHAEL WILDMAN  
MEMBER

*"Colin White"*  
COLIN WHITE  
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](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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