

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

<b>Date of Decision:</b>	February 24, 2023
<b>File No(s):</b>	D08-02-22/A-00343
<b>Owner(s):</b>	Gordon Robertson & Kim Johnston
<b>Location:</b>	15 Lotta Avenue
<b>Ward:</b>	8 – College
<b>Legal Description:</b>	Lots 1380, 1381, 1382 and 1383 and Part of Lane at Rear, North Lotta Avenue, Plan 375
<b>Zoning:</b>	R1FF (632)
<b>Zoning By-law:</b>	2008-250
<b>Hearing Date:</b>	February 15, 2023

**PURPOSE OF THE APPLICATION**

- [1] The Owners want to construct a one-storey addition at the rear of their existing detached 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 reduced rear yard setback of 6.79 metres, whereas the Zoning B-law requires a rear yard setback of 8.10 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 Gordon Robertson, one of the Owners of the property, who confirmed that the statutory notice posting requirements were satisfied. Kim Johnston, the other Owner, was also present.
- [5] Nancy Wilson of the City View Community Association highlighted support for the proposal as it would only affect a small portion of the lot.

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

- [6] The Committee considered all 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 variance meets 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, highlighting that "there is still an adequate buffer between the subject and adjacent property and it would not have significant impacts on other adjacent 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 the requested variance maintains 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.
- [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 on 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 plans filed, Committee of Adjustment date stamped December 5, 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

Absent  
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 24, 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 16, 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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