

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

Date of Decision:	March 10, 2023
File No(s):	D08-02-23/A-00014
Owner(s):	Louise Levonian & Howard Clysdale
Location:	68 Waverley Street
Ward:	14 – Somerset
Legal Description:	Part of Lot 64, Registered Plan 15558 (South Waverley Street)
Zoning:	R4UC [478]
Zoning By-law:	2008-250
Hearing Date:	March 1, 2023

PURPOSE OF THE APPLICATION

- [1] The Owners want to construct a two-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 Minor Variances from the Zoning By-law as follows:
- a) To permit a reduced rear yard setback of 7.09 metres, whereas the By-law requires a minimum rear yard setback of 9.06 metres.
 - b) To permit a reduced rear yard area of 23% of the lot area or 64.8 square metres, whereas the By-law requires a minimum rear yard area of 25% of the lot area or, in this case, 69 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 Kenneth Gibson, Agent for the Applicant, who confirmed that the statutory notice posting requirements were satisfied.
- [5] Peggy Gibson, also acting as Agent for the Applicant, confirmed that the addition was designed with no windows facing the neighbours. She also confirmed that she had consulted with the owners at 66 Waverley on several occasions.
- [6] Kevin Reid, representing the owners of 66 Waverley Street, requested that a shadow study be conducted to provide the neighbours with information and the impact the addition would have on their backyard.
- [7] The Committee advised that a shadow study was not required for this type of application.
- [8] City Planner Margot Linker highlighted that building heights of up to 11 metres are permitted in the zone and do not require a shadow study. She confirmed that the proposed addition was only 6.6 metres in height.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED

- [9] The Committee considered all written and oral submissions relating to the application in making its Decision.
- [10] 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.
- [11] Based on the evidence, the majority of the Committee (Member Oakes Charron dissenting) is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.
- [12] The Committee notes that the City's Planning Report raises "no concerns" regarding the application, highlighting that "it appears that there is sufficient area for outdoor amenity, soft landscaping, and protection of existing trees".
- [13] The majority of the Committee finds that no compelling evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.
- [14] Considering the circumstances, the majority of 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.

- [15] The majority of 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.
- [16] In addition, the majority of 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.
- [17] Moreover, the majority of 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.
- [18] THE COMMITTEE OF ADJUSTMENT therefore authorizes the requested variances, **subject to** the location and size of the proposed construction being in accordance with the site plan filed, Committee of Adjustment date stamped February 6, 2023, as they relate to the requested variances.

"John Blatherwick"
JOHN BLATHERWICK
VICE-CHAIR

"Stan Wilder"
STAN WILDER
MEMBER

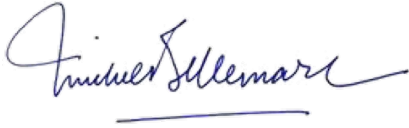
"Heather MacLean"
HEATHER MACLEAN
MEMBER

Dissent
BONNIE OAKES CHARRON
MEMBER

"Michael Wildman"
MICHAEL WILDMAN
MEMBER

Member B. Oakes Charron dissents, finding that an adjournment would be appropriate to allow time for a shadow study to be conducted.

I certify this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa, dated **March 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 30, 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.

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