

## DECISION

### MINOR VARIANCE / PERMISSION

Section 45 of the *Planning Act*

<b>Date of Decision:</b>	March 10, 2023
<b>File No(s):</b>	D08-02-23/A-00024
<b>Owner(s):</b>	Patricia Hardy-Gruson
<b>Location:</b>	475 & 477 Golden
<b>Ward:</b>	15 – Kitchissippi
<b>Legal Description:</b>	Lot 15 (East Golden Avenue), Registered Plan 235
<b>Zoning:</b>	R3R [2687] H (8.5)
<b>Zoning By-law:</b>	2008-250
<b>Hearing Date:</b>	March 1, 2023

### PURPOSE OF THE APPLICATION

- [1] The Owner has filed a Consent Application (D08-01-23/B-00031) which, if approved, will have the effect of creating two separate parcels of land for each half of the existing semi-detached dwelling. The existing walkway on one parcel will not be in conformity with the Zoning By-law.

### RELIEF REQUIRED

- [2] The Owner requires the Authority of the Committee for a Minor Variance from the Zoning By-law to permit the existing walkway to extend to the right-of-way on a lot measuring 8.81 metres in width, where a driveway is also provided, whereas the By-law states that a walkway may not extend to the right-of-way on a lot less than 10 metres in width where a driveway is provided.
- [3] The application indicates that the Property is the subject of the above noted Consent Application under the *Planning Act*.

### PUBLIC HEARING

- [4] The Panel Chair administered an oath to Arjan Soor, Agent for the Applicant, who confirmed that the statutory notice posting requirements were satisfied. In a presentation to the Committee Mr. Soor confirmed that because of the steps the walkway would not be used for parking.

[5] City Planner Margot Linker was also present.

**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 the minor variance "represents an existing situation".

[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 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.

[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.

[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 of 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.

*"John Blatherwick"*  
JOHN BLATHERWICK  
VICE-CHAIR

*"Stan Wilder"*  
STAN WILDER  
MEMBER

*"Heather MacLean"*  
HEATHER MACLEAN  
MEMBER

*"Bonnie Oakes Charron"*  
BONNIE OAKES CHARRON  
MEMBER

*"Michael Wildman"*  
MICHAEL WILDMAN  
MEMBER

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](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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