

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

Date of Decision: March 24, 2023
File No(s): D08-02-23/A-00025
Owner(s): Hans Fracke & Kirsten Cole
Location: 1326 Johnston Drive
Ward: 20 - Osgoode
Legal Description: Lot 7, Registered Plan 4M-389
Zoning: v11
Zoning By-law: 2008-250
Hearing Date: March 15, 2023

PURPOSE OF THE APPLICATION

- [1] The Owners want to construct an addition at the front of the 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 front yard setback of 6.4 metres, whereas the By-law requires a minimum front yard setback of 7.5 metres.
- [3] The application indicates that the Property is subject to the above noted Consent Applications under the *Planning Act*.

PUBLIC HEARING

- [4] The Panel Chair administered an oath to Hans Fracke, one of the Owners of the property, who confirmed that the statutory notice posting requirements were satisfied.
- [5] City Planner Jack Graham was also present, who stated no concerns with the application.

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 property sits on a bulbed corner of Johnston Drive. As such, the distance from the house to the edge of the right-of-way parcel is much shorter than the neighbouring properties. However, the distance to the centreline of the roadway is in keeping with the neighbouring 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, because the proposal respects the character of the neighbourhood, the requested variance maintains the general intent and purpose of the Official Plan.
- [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, **subject to** the location and size of the proposed construction being in accordance with the site plan filed, Committee of Adjustment date stamped February 7, 2023, as it relates to the requested variance.

"Fabian Poulin"
FABIAN POULIN
VICE-CHAIR

"Terence Otto"
TERENCE OTTO
MEMBER

"Steven Lewis"
STEVEN LEWIS
MEMBER

"Martin Vervoort"
MARTIN VERVOORT
MEMBER

Absent
JOCELYN CHANDLER
MEMBER

I certify this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa, dated **March 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 **April 13, 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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