

DECISION
MINOR VARIANCE / PERMISSION

Date of Decision:	April 14, 2023
File No(s):	D08-02-23/A-00048
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Owner(s)/Applicant(s):	Adam and April Mills
Property Address:	629 Windermere Avenue
Ward:	7 - Bay
Legal Description:	Lot 556, Registered Plan M-29
Zoning:	R1O
Zoning By-law:	2008-250
Hearing Date:	April 5, 2023

APPLICANTS' PROPOSAL AND PURPOSE OF THE APPLICATION

- [1] The Owners want to construct a new one-storey addition and covered porch at the front of the existing detached dwelling, as shown on plans filed with the Committee.

REQUESTED VARIANCE

- [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 4.4 metres, whereas By-law requires a minimum front yard setback 6 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 Caleb Miller, Agent for the Owners, who confirmed that the statutory notice posting requirements were satisfied.

Oral Submissions Summary

- [5] Mr. Miller appeared along with Murray Chown, also acting as Agent for the Owners, and provided an overview of the application and responded to questions from the Committee. Referring to a letter of concern submitted by an area resident regarding the accuracy of the contextual information provided in support of the

application, Mr. Chown acknowledged that measurements taken from the City's interactive mapping tool ("geoOttawa") are not reliable but were provided to give the Committee a sense of the streetscape and the number of properties that do not comply with the required front yard setback. Mr. Chown confirmed that the dimensions shown on the survey plan submitted with the application are accurate.

[6] City Planner Samantha Gatchene was also present.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED

Application Must Satisfy Statutory Four-Part Test

[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.

Evidence

[8] Evidence considered by the Committee included any oral submissions made at the hearing, as highlighted above, and the following written submissions held on file with the Secretary-Treasurer and available from the Committee Coordinator upon request:

- Application and supporting documents including a planning rationale, plans, and tree information
- City Planning Report, received March 31, 2023, with no concerns
- Rideau Valley Conservation Authority, dated March 24, 2023, with no objections
- Hydro Ottawa, dated March 29, 2023, with no comments
- Ministry of Transportation, March 23, 2023, with no concerns
- Evie Couloufis Gray, email dated March 31, 2023, adjournment request
- Evie Couloufis Gray, email dated April 3, 2023, with concerns

Effect of Submissions on Decision

[9] The Committee considered all written and oral submissions relating to the application in making its decision and granted the application.

[10] Based on the evidence, the Committee is satisfied that the requested variance meets 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. The report highlights that: "Based on a review of the aerial imagery, it is apparent that the front yard setbacks of existing developments along Windermere Avenue vary between 3.8 m and 8.6 m, which is consistent with the requested relief. The proposed front yard setback would result in a portion of the building façade being located closer to street and not the entire building frontage".
- [12] The Committee also notes that no evidence was presented that the variance would result in any unacceptable adverse impact on neighbouring properties.
- [13] 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.
- [14] 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.
- [15] In addition, the Committee finds that the requested variance maintains the general intent and purpose of the Zoning By-law because the proposal provides appropriate separation from the street and space for soft landscaping and contributes to a consistent built form along Windermere Avenue.
- [16] 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.
- [17] 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 February 22, 2023, 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

"Julia Markovich"
JULIA MARKOVICH
MEMBER

I certify this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa, dated **April 14, 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 **May 4, 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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