

**DECISION**  
**MINOR VARIANCE / PERMISSION**

<b>Date of Decision:</b>	April 14, 2023
<b>File No(s):</b>	D08-02-23/A-00057
<b>Application:</b>	Permission under section 45 of the <i>Planning Act</i>
<b>Owner(s)/Applicant(s):</b>	Drew MacInnis
<b>Property Address:</b>	350A Winston Avenue
<b>Ward:</b>	15 - Kitchissippi
<b>Legal Description:</b>	Part 3 of Lot 12 (West Winston Avenue), Registered Plan 179 (Formerly Township of Nepean)
<b>Zoning:</b>	R3S
<b>Zoning By-law:</b>	2008-250
<b>Hearing Date:</b>	April 5, 2023

**APPLICANT(S)' PROPOSAL AND PURPOSE OF THE APPLICATION(S)**

- [1] The Owner wants to construct a new 4.3 metre x 4.9 metre, single storey addition in the rear yard of the existing townhouse dwelling, as shown on plans filed with the Committee.

**REQUESTED PERMISSION**

- [2] The Owner requires the Permission of the Committee to expand the existing townhouse dwelling that appears to be a legal non-conforming use in the R3S zone, to permit the construction of a single storey rear yard addition.

**PUBLIC HEARING**

- [3] The Panel Chair administered an oath to Cory Dubeau, Agent for the Applicant, who confirmed that the statutory notice posting requirements were satisfied.

**Oral Submissions Summary**

- [1] Mr. Dubeau provided a slide presentation, a copy of which is on file with the Secretary-Treasurer and available from the Committee Coordinator upon request. He provided a brief overview of the application and responded to questions from the Committee, confirming that the existing structure will remain as a single-family dwelling.

- [4] City Planner Margot Linker summarized the history of the subject property. She highlighted that, in 1991, the residential zone was R5(0.5), which permitted a townhouse. A minor variance application was granted at the time to authorize two additional units for the existing family dwelling. A building permit was issued in 1993 and, in 1994, a severance application was granted. In 2008, the City rezoned the subject property to R3L, prohibiting townhouses and creating a legal non-conforming use. The property has since been rezoned to R3S which continues to prohibit a townhouse use. Ms. Linker noted she considered both desirability and impact on the surrounding area in concluding that she has no concerns with the requested permission application.

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

### **Application Must Satisfy Two-Part Test**

- [5] The Committee has the power to permit an enlargement or extension of a legal non-conforming use under subsection 45(2) of the *Planning Act* based upon both the desirability for development of the property in question and the impact on the surrounding area.

### **Evidence**

- [6] Evidence considered by the Committee included all 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 cover letter, 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 comments.
- Tim Gray, email dated March 30, 2023, with concerns.

### **Effect of Submissions on Decision**

- [7] The Committee considered all written and oral submissions relating to the application in making its decision and granted the application.
- [8] Based on the evidence, the Committee is satisfied that the requested permission meets the two-fold test relating to desirability and impact.
- [9] The Committee notes that the City's Planning Report raises "no concerns" regarding the application, highlighting that: "The proposed rear yard setback appears to be approximately 24 per cent of the lot depth (6.45 metres), providing

sufficient rear yard area for soft landscaping to plant new and protect existing trees. There appears to be some examples of shallow rear yards within the vicinity of the subject site, including the property to the immediate north as well as a few properties on Winston Avenue closer to Madison Avenue. The proposed addition will be located where a rear-facing deck exists currently and will not have windows facing abutting properties to the north and south, and staff do not anticipate additional privacy concerns of the one-storey addition for the properties to the west.”

- [10] The Committee also notes that no cogent evidence was presented that the proposal would create any unacceptable adverse impact on abutting properties or the neighbourhood in general.
- [11] Considering the circumstances, the Committee finds that, because the proposal fits well within the area, the requested permission is, from a planning and public interest point of view, desirable for the appropriate use of the land, building or structure on the property, and relative to the neighbouring lands.
- [12] The Committee also finds that the proposal will not create any unacceptable adverse impact on abutting properties or the neighbourhood in general.
- [13] THE COMMITTEE OF ADJUSTMENT therefore permits the enlargement or extension of the building, **subject to** the proposed construction being in accordance with the plans filed, Committee of Adjustment date stamped March 9, 2023, as they relate to the requested permission.

*“John Blatherwick”*  
JOHN BLATHERWICK  
VICE-CHAIR

*“Stan Wilder”*  
STAN WILDER  
MEMBER

*“Heather MacLean”*  
HEATHER MACLEAN  
MEMBER

Absent  
BONNIE OAKES CHARRON  
MEMBER

Absent  
MICHAEL WILDMAN  
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](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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