

DECISION
MINOR VARIANCE / PERMISSION

Date of Decision:	May 12, 2023
File No(s):	D08-02-23/A-00047
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Owner(s)/Applicant(s):	Benjamin and Elizabeth Williams
Property Address:	36 Brighton Avenue
Ward:	17 - Capital
Legal Description:	Part of Lot 30, Registered Plan 96962
Zoning:	R2R [1474]
Zoning By-law:	2008-250
Hearing Date:	May 3, 2023

APPLICANTS' PROPOSAL AND PURPOSE OF THE APPLICATION

- [1] The Owners want to construct a new one-storey addition on the west side of their existing detached dwelling, as shown on plans filed with the Committee.
- [2] On April 5, 2023, the Committee adjourned the application because the public notification sign had not been posted as per the requirements of the *Planning Act*.

REQUESTED VARIANCES

- [3] The Owners require the Authority of the Committee for the following Minor Variances from the Zoning By-law:
 - a) To permit a reduced total interior side yard setback of 1.76 metres, whereas the By-Law requires a total minimum interior side yard setback of 1.8 metres.
 - b) To permit a reduced rear yard setback of 6.32 metres, whereas the By-Law requires a minimum rear yard setback of 7.41 metres.
- [4] The application indicates that the Property is not the subject of any other current application under the *Planning Act*.

PUBLIC HEARING

- [5] The Panel Chair administered an oath to Benjamin Williams, one of the Applicants, who confirmed that the statutory notice posting requirements were satisfied.

Oral Submissions Summary

- [6] City Planner Margot Linker was also present.
- [7] The Panel Chair noted the letter of support filed by an area resident.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED

Application Must Satisfy Statutory Four-Part Test

- [8] 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

- [9] 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 cover letter, plans, and tree information.
 - City Planning Reports, received April 28 and March 31, 2023, with no concerns
 - Rideau Valley Conservation Authority, emails dated April 27 and March 24, 2023, with no objections
 - Hydro Ottawa, emails dated April 27 and March 29, 2023, with no concerns
 - Paul Bouzanis and Diane Tucker, 32A Brighton Avenue, email dated April 22, 2023, in support

Effect of Submissions on Decision

- [10] The Committee considered all written and oral submissions relating to the application in making its decision and granted the application.
- [11] Based on the evidence, the Committee 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. The report highlights that the "proposed addition will

align with the existing building's rear yard setback, as well as with the setback of the building immediately north of the subject site.”

- [13] The Committee also notes that no evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.
- [14] Considering the circumstances, 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 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.
- [16] In addition, 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 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 plans filed, Committee of Adjustment date stamped February 24, 2023, as they relate to the requested variances.

Absent
JOHN BLATHERWICK
VICE-CHAIR

“Stan Wilder”
STAN WILDER
MEMBER

“Steven Lewis”
STEVEN LEWIS
MEMBER

Absent
HEATHER MACLEAN
MEMBER

“Michael Wildman”
MICHAEL WILDMAN
ACTING CHAIR

I certify this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa, dated **May 12, 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 **June 1, 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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