

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

<b>Date of Decision:</b>	May 12, 2023
<b>File No(s):</b>	D08-02-23/A-00026
<b>Application:</b>	Minor Variance under section 45 of the <i>Planning Act</i>
<b>Owner(s)/Applicant(s):</b>	Frans Vereyken
<b>Property Address:</b>	1021 Brookfield Road East
<b>Ward:</b>	17 – Capital
<b>Legal Description:</b>	Part of Lot 8, Registered Plan No. 559
<b>Zoning:</b>	R3A
<b>Zoning By-law:</b>	2008-250
<b>Hearing Date:</b>	May 3, 2023

**APPLICANTS' PROPOSAL AND PURPOSE OF THE APPLICATION**

- [1] The Owner wants to construct a two-storey addition with attached garage, as shown on plans filed with the application.

**REQUESTED VARIANCES**

- [2] The Owner requires the Authority of the Committee for Minor Variances from the Zoning By-law as follows:
- a) ~~To permit an attached garage to project 2.7 metres closer to the lot line than the required setback from the principal entrance whereas the By-law requires that a garage may not be more than 0.6 metres closer to the lot line than the principal entrance.~~
  - b) To permit a reduced rear yard setback of 8.2 metres, whereas the By-law requires a minimum rear yard setback of 8.79 metres.
  - c) To permit a reduced corner side yard setback of 3 metres, whereas the By-law requires a minimum corner side yard setback of 4.5 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 Frans Vereyken, Applicant, who confirmed that the statutory notice posting requirements were satisfied.
- [5] City Planner Basma Alkhatib was also present.

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

### **Application Must Satisfy Statutory Four-Part Test**

- [6] 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**

- [7] 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 Report, received April 28, 2023, with no concerns
  - Rideau Valley Conservation Authority, email dated April 27, 2023, with no objections
  - Hydro Ottawa, email dated April 27, 2023, with no concerns

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

- [8] The Committee considered all written and oral submissions relating to the application in making its decision and granted the application.
- [9] Based on the evidence, the Committee is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.
- [10] The Committee notes that the City's Planning Report raises "no concerns" regarding the application. The report indicates that the requested variances for reduced corner side yard and rear yard setbacks will "align the proposed structure with the west neighbour which will maintain the urban pattern and will not impact the surrounding context." The report also acknowledges the Applicant's efforts to

respond to concerns raised, highlighting that he “collaborated and updated his plans to meet the Zoning By-law intentions by setting back the garage by 0.6 metres from the principal entrance and this minor variance is not required anymore.”

- [11] The Committee also notes that no evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.
- [12] 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.
- [13] The Committee also finds that because the proposal respects the character of the neighbourhood, the requested variances maintain the general intent and purpose of the Official Plan.
- [14] 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 neighbourhood.
- [15] 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.
- [16] THE COMMITTEE OF ADJUSTMENT therefore authorizes the requested variances, **subject to** the location and size of the proposed construction being in accordance with the revised site plan filed, Committee of Adjustment date stamped April 27, 2023, and the revised elevations filed, Committee of Adjustment date stamped May 2, 2023, as they relate to the requested variances.

Absent  
JOHN BLATHERWICK  
VICE-CHAIR

*“Stan Wilder”*  
STAN WILDER  
MEMBER

Absent  
HEATHER MACLEAN  
MEMBER

*“Steven Lewis”*  
STEVEN LEWIS  
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](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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