

DECISION
MINOR VARIANCE / PERMISSION

Date of Decision:	June 16, 2023
File No(s):	D08-02-23/A-00104
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Owner(s)/Applicant(s):	Pamela Johnson Butler
Property Address:	23 Belgrave Road
Ward:	17 - Capital
Legal Description:	Lot 80 Registered Plan 4M-45
Zoning:	RITT
Zoning By-law:	2008-250
Hearing Date:	June 7, 2023

APPLICANT'S PROPOSAL AND PURPOSE OF THE APPLICATION

- [1] The Owner wants to construct a second-storey addition over an existing one-storey detached dwelling.

REQUESTED VARIANCE

- [2] The Owner requires the Committee's authorization for a minor variance from the Zoning By-law to permit an addition equal to 48 percent of the gross floor area of the existing dwelling (or 49.6 square metres), whereas the By-law permits a maximum gross floor area for an addition equal to 20 percent of the gross floor area of the building or 20 square metres, whichever is less.

PUBLIC HEARING

Oral Submissions Summary

- [1] Basma Alkhatib, City Planner, stated she had no concerns with the application.
- [2] The Committee also heard from Eric Lalande of the Rideau Valley Conservation Authority, who highlighted that the Conservation Authority had no concerns with the application and had issued a conditional permit for the proposed construction.
- [3] Pamela Johnson Butler, Applicant, provided an overview of the application.
- [4] Following the public hearing, the Committee reserved its decision.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED**Application Must Satisfy Statutory Four-Part Test**

- [3] 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

- [4] 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, streetscape character analysis, letter of permission from the Rideau Valley Conservation Authority, tree information, and a sign posting declaration.
- City Planning Report received June 1, 2023, with no concerns.
- Rideau Valley Conservation Authority email dated June 2, 2023, with no objections.
- Hydro Ottawa email dated May 31, 2023, with comments.
- Ministry of Transportation email dated May 24, 2023, with no comment.
- Form letters of support, received May 5, 2023, signed by 7 area residents.
- J. Dance, Old Ottawa East Community Association, email dated June 6, 2023, with no objection.
- P. Croal, neighbour, email dated May 31, 2023, opposed.
- M. Comfort and R. Cremonese, neighbour, email dated June 6, 2023, in support.
- L. O'Reilly, neighbour, email dated June 6, 2023, in support

Effect of Submissions on Decision

- [5] The Committee considered all written and oral submissions relating to the application in making its decision and granted the application.
- [6] Based on the evidence, the Committee is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.
- [7] The Committee notes that the City's Planning Report raises "no concerns" regarding the application, highlighting that the proposal received conditional approval from the Rideau Valley Conservation Authority and "is not expected to impact the control of flooding, pollution, erosion, or conservation of land."
- [8] Considering the circumstances, the Committee finds that, because the proposal fits well in the neighbourhood, 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.
- [9] 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 and will not affect flood flows.
- [10] 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 on the property that is compatible with the surrounding area.
- [11] 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.
- [12] 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 **May 11, 2023**, as they relate to the requested variance.

"Ann M. Tremblay"
ANN M. TREMBLAY
CHAIR

"John Blatherwick"
JOHN BLATHERWICK
MEMBER

"Simon Coakeley"
SIMON COAKELEY
MEMBER

"Arto Keklikia"
ARTO KEKLIKIA
MEMBER

"Sharon Lécuyer"
SHARON LÉCUYER
MEMBER

I certify this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa, dated **June 16, 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 **July 6, 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.

Committee of Adjustment
City of Ottawa
Ottawa.ca/CommitteeofAdjustment
cofa@ottawa.ca
613-580-2436



Comité de dérogation
Ville d'Ottawa
Ottawa.ca/Comitedederogation
cded@ottawa.ca
613-580-2436