

DECISION
MINOR VARIANCE / PERMISSION

Date of Decision:	June 16, 2023
File No(s):	D08-02-23/A-00080
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Owner(s)/Applicant(s):	George Georgopoulos
Property Address:	660 O'Connor Street
Ward:	17 - Capital
Legal Description:	Part of Lot 2, Reg. Plan No. 33446
Zoning:	R3Q[1474]
Zoning By-law:	2008-250
Hearing Date:	June 7, 2023

APPLICANTS' PROPOSAL AND PURPOSE OF THE APPLICATION

- [1] The Owner wants to construct a secondary dwelling unit in the basement of the existing dwelling, as shown on plans filed with the Committee.

REQUESTED VARIANCES

- [2] The Owner requires the Committee's authorization for Minor Variances from the Zoning By-law as follows:
- a) To permit a reduced rear yard setback of 5.86 metres, whereas the By-law requires a minimum rear yard setback of 8.05 metres.
 - b) To permit a reduced parking space width of 2.35 metres, whereas the By-law requires a minimum parking space width of 2.6 metres.
 - c) To permit a reduced rear yard area of 54.12 square metres or 13% of the lot depth, whereas the By-law requires a minimum rear yard area of 62 square metres or 30% of the lot depth.
 - d) To permit a reduced driveway width to 2.35 metres, whereas the By-law requires a minimum driveway width of 2.6 metres.
- [3] The application indicates that the Property is not the subject of any other current application under the *Planning Act*.

PUBLIC HEARING

Oral Submissions Summary

- [4] The Committee heard oral submissions from M. Rutherford, a neighbour, who questioned which trees on and around the property would be protected and whether the addition of a secondary dwelling unit would qualify as infill development under City policy.
- [5] In response, Nickolas Semanyk, agent for the Applicant, confirmed that the Tree Information Report on file only identified protected trees on the property.
- [6] Nancy Young, City Infill Forester, explained that privately-owned trees with trunks under 30 centimetres in diameter are not protected under the Tree Protection By-law.
- [7] City Planner Margot Linker confirmed that the proposal would qualify as infill development due to the increase in the number of units on the property.
- [8] At the invitation of the Panel Chair, Mr. Semanyk provided a concluding summary of the application and proposed renovations to the existing dwelling.
- [9] City Planner Basma Alkhatib was also present.
- [10] Following the public hearing, the Committee reserved its decision.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED

Application Must Satisfy Statutory Four-Part Test:

- [11] 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

- [12] 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, tree information report, declaration of tree co-ownership, 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.
- S. Lia and T. McCarthy, neighbours, email dated May 29, 2023, in support.

Effect of Submissions on Decision

- [13] The Committee considered all written and oral submissions relating to the application in making its decision and granted the application.
- [14] Based on the evidence, the Committee is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.
- [15] The Committee notes that the City's Planning Report raises "no concerns" regarding the application, highlighting that the proposal "is aligned with the urban pattern context and [will] have a minimal impact on the surrounding [area]."
- [16] The Committee also notes that no evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.
- [17] Considering the circumstances, the Committee finds that, because the proposal fits well in the neighbourhood, 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.
- [18] The Committee also finds that the requested variances maintain the general intent and purpose of the Official Plan because the proposal respects the character of the neighbourhood.
- [19] 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.
- [20] 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.
- [21] 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 **April 5, 2023**, as they relate to the requested variances.

"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.

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