

DECISION
MINOR VARIANCE / PERMISSION

Date of Decision:	June 16, 2023
File No(s):	D08-02-23/A-00096
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Owner(s)/Applicant(s):	David Ewing and Victoria Orsborne
Property Address:	504 Westminster Avenue
Ward:	7 - Bay
Legal Description:	Lot 505, Plan M-29
Zoning:	R1O
Zoning By-law:	2008-250
Hearing Date:	June 6, 2023

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

- [1] The Owners want to construct a carport on the south side of the existing detached dwelling on their property.

REQUESTED VARIANCE(S)

- [2] The Owners/Applicants require the Committee's authorization for minor variances from the Zoning By-law as follows:
- a) To permit a reduced (southerly) interior side yard setback of **0.8** metres, whereas the By-law requires a minimum interior side yard setback of 1.2 m on one side.
 - b) To permit a reduced total interior side yard setback of **2.3** metres, whereas the By-law requires a total interior side yard setback of 3.0 metres.

PUBLIC HEARING

Oral Submissions Summary

- [3] Christine McCuaig and Arjan Soor, Agents for the Owners, were present.
- [4] The Committee noted that, as indicated in the Planning Report, the requested variances should be amended to delete the strikethroughs and add the bolded text:

- a) To permit a reduced (southerly) interior side yard setback of ~~0.6~~ **0.8** metres, whereas the By-law requires a minimum interior side yard setback of 1.2 metres on one side.
- b) To permit a reduced total interior side yard setback of ~~2.4~~ **2.3** metres, whereas the By-law requires a total interior side yard setback of 3.0 metres.

- [5] With the concurrence of Mr. Soor, the application was amended accordingly.
- [6] Mr. Soor provided a slide presentation that included photographs, architectural plans, lot fabric information, and 3D renderings, a copy of which is on file with the Secretary-Treasurer and available from the Committee Coordinator upon request. He highlighted that the proposal is similar to the existing condition on the neighbouring property and that despite the reduced side yard setback there is sufficient space between the two dwellings.
- [7] In response to questions from the Committee, Mr. Soor confirmed that a gate is proposed as part of the carport and that it complies with the Zoning By-law. He also noted that an enclosed garage was preferred, however due to conditions of the subject property and existing utility post, there was no alternative options for shelter and protection. Mr. Soor further confirmed that no additional structures are being proposed.
- [8] City Planner Samantha Gatchene was also present and confirmed that she had no concerns with the application and further that the proposal is appropriate and will not have any adverse impacts.
- [9] Following the public hearing, the Committee reserved its decision.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED AS AMENDED

Application Must Satisfy Statutory Four-Part Test

- [10] 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

- [11] 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 planning rationale, plans, tree information, photo of the posted sign, and a sign posting declaration.
- City Planning Report received May 31, 2023, with no concerns.
- Rideau Valley Conservation Authority email dated May 31, 2023, with no objections.
- Hydro Ottawa email dated May 31, 2023, with comments.
- W. Crompton, area resident, email dated June 4, 2023, in support.

Effect of Submissions on Decision

- [12] The Committee considered all written and oral submissions relating to the application in making its decision and granted the application.
- [13] Based on the evidence, the Committee is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.
- [14] The Committee notes that the City's Planning Report raises "no concerns" regarding the application, highlighting that: "[t]he variances maintain the intent of the Zoning By-law as it provides appropriate separation between the abutting properties and contributes to a consistent built form along the street. Staff is satisfied that the variance is minor as it will not result in adverse impacts to the streetscape or adjacent properties."
- [15] The Committee also notes that cogent no evidence was presented that the requested variances would result in any unacceptable adverse impact on neighbouring properties.
- [16] 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.
- [17] The Committee also finds that, because the proposal aligns with the character of the area, with the carport and front porch addition enhancing the home's streetscape appearance in a contextual manner, the requested variances maintain the general intent and purpose of the Official Plan.
- [18] 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 and will also be adequately spaced out compared to other homes along Westminster Avenue as 0.6-metre interior side yard setbacks are common in the area.

[19] Moreover, the Committee finds that the requested variances are minor because they will not create any unacceptable adverse impact on abutting properties or the neighbourhood in general.

[20] 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 26, 2023, as they relate to the requested variances.

"Fabian Poulin"
FABIAN POULIN
VICE-CHAIR

"Jay Baltz"
JAY BALTZ
MEMBER

"George Barrett"
GEORGE BARRETT
MEMBER

"Heather MacLean"
HEATHER MACLEAN
MEMBER

"Julianne Wright"
JULIANNE WRIGHT
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