

DECISION
MINOR VARIANCE / PERMISSION

Date of Decision:	July 29, 2023
Panel:	1 - Urban
File No.:	D08-02-23/A-00148
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Owners/Applicants:	Ross Firla and Amna Khan
Property Address:	77 James Street
Ward:	14 - Somerset
Legal Description:	Part of Lot 31 (North James Street), Registered Plan 27904
Zoning:	R4UD
Zoning By-law:	2008-250
Hearing Date:	July 19, 2023, in person and by videoconference

APPLICANT(S)' PROPOSAL AND PURPOSE OF THE APPLICATION

- [1] The Owners want to construct a one-storey addition at the rear of the existing dwelling. The existing garage will be demolished.

REQUESTED VARIANCES AND PERMISSIONS

- [2] The Owners/Applicants require the Committee's authorization for minor variances from the Zoning By-law as follows:

A-00148: 77 James

- a) To permit a reduced rear yard setback of 5.7 metres, whereas the By-law requires a minimum rear yard setback of 9.9 metres.
- b) To permit an addition to be set back 0.7 metres from the westerly side property line, whereas the By-law requires that additions to a building located in the Heritage Overlay be in the rear yard and be set back at least 0.6 metres greater than the existing side wall of the building from a side property line, or in this case an interior side yard setback of 1.2 metres.

- c) To permit a reduced rear yard area of 49.5 square metres or 17.2% of the lot depth, whereas the By-law requires a minimum rear yard area of 72.2 square metres or 25% of the lot depth.

PUBLIC HEARING

- [3] Mr. Adam Jodoin, Agent for the Applicant, and City Planner Margot Linker were present at the hearing. Ms. Linker stated she had no concerns with the application.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED

Application Must Satisfy Statutory Four-Part

- [4] 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

- [5] 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 and planning rationale, plans, photo of the posted sign and a sign posting declaration.
 - City Planning Report received July 13 2023, with no concerns.
 - Rideau Valley/South Nation/Mississippi Valley Conservation Authority email dated July 11, 2023, with no objections.
 - Hydro Ottawa email dated July 13 2023, with no concerns.

Effect of Submissions on Decision

- [6] The Committee considered all written and oral submissions relating to the application in making its decision and granted the application.
- [7] Based on the evidence, the Committee is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.
- [8] The Committee notes that the City's Planning Report raises no concerns regarding the application.

- [9] The Committee also notes that no evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.
- [10] 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.
- [11] 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.
- [12] 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.
- [13] 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.
- [14] 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 and Committee of Adjustment date-stamped June 19, 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 Keklikian"
ARTO KEKLIKIAN
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 July 29, 2023



Cheryl Williams
Acting 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 **August 17, 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