

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

<b>Date of Decision:</b>	July 28, 2023
<b>Panel:</b>	1 - Urban
<b>File No(s):</b>	D08-02-23/A-00041
<b>Application:</b>	Minor Variance under section 45 of the <i>Planning Act</i>
<b>Owner(s)/Applicant(s):</b>	Mark Klyman
<b>Property Address:</b>	318 Patricia
<b>Ward:</b>	15 - Kitchissippi
<b>Legal Description:</b>	Part of Lot 32, Concession 1 (Ottawa Front), Geographic Township of Nepean
<b>Zoning:</b>	R3N [499]
<b>Zoning By-law:</b>	2008-250
<b>Hearing Date:</b>	July 19, 2023, in person and by videoconference

**APPLICANT'S PROPOSAL AND PURPOSE OF THE APPLICATION**

- [1] At the April 19, 2023, hearing, the Committee adjourned the application for the Applicant to provide a survey of the property. The Owner has submitted the material and now wants to proceed with the application.
- [2] The Owner wants to construct a porch at the rear of the existing dwelling, as shown on plans filed with the Committee.

**REQUESTED VARIANCES**

- [3] The Owner/Applicant requires the Committee's authorization for minor variances from the Zoning By-law as follows:
  - a) To permit a reduced rear yard setback of 11.56% of the lot depth, or 3.7 metres, whereas the By-law states that the minimum required rear yard setback is 28% of the lot depth but may not be less than 6 metres and need not exceed 8.4 metres.
  - b) To permit a reduced rear yard area of 12% of the total lot area or in this case 56.6 square metres, whereas the By-law requires the rear yard to comprise 25% of the total lot area or 122.5 square metres.

## **PUBLIC HEARING**

- [4] At the hearing on April 19, 2023, The Committee adjourned the application for the applicant to provide a survey of the property. Mark Klyman, Owner of the subject property, agreed with the adjournment. With the concurrence of all parties, the application was adjourned sine die.

### **Oral Submissions Summary**

- [5] Basma Alkhatib, City Planner, stated no concerns with the application.
- [6] Mr. Klyman was also present.

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

### **Application(s) Must Satisfy Statutory Four-Part Test:**

- [7] 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**

- [8] 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, a photo of the posted sign and a sign posting declaration.
  - City Planning Report received April 14, 2023, with no concerns; received July 14, 2023, with no concerns.
  - Rideau Valley Conservation Authority email dated April 17, 2023, with no objections; dated July 11, 2023 with no objections.
  - Hydro Ottawa email dated April 11, 2023, with no comments; dated July 14, 2023 with no comments.
  - Ministry of Transportation email dated April 5, 2023, with no comments; dated July 6, 2023 with no comments.
  - T. Gray, resident, email dated April 17, 2023, with comments.

- L Clements and K. C. McPhee, email dated April 14, 2023, in support.

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

- [9] The Committee considered all written and oral submissions relating to the application in making its decision and granted the application.
- [10] Based on the evidence, the Committee is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.
- [11] The Committee notes that the City's Planning Report raises "no concerns" regarding the application, highlighting that no adverse impacts are anticipated from the proposal.
- [12] The Committee also notes that no evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.
- [13] 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.
- [14] The Committee also finds that the requested variances maintain the general intent and purpose of the Official Plan because the proposal maintains the character of the neighbourhood.
- [15] 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 that is compatible with the surrounding area.
- [16] 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.
- [17] 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 March 14, 2023, as they relate to the requested variances.

*"Ann M. Tremblay"*  
ANN M. TREMBLAY  
CHAIR

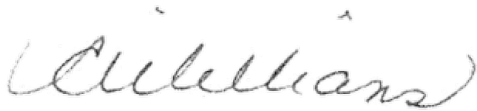
*"John Blatherwick"*  
JOHN BLATHERWICK  
MEMBER

*"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 28, 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](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**  
City of Ottawa  
[Ottawa.ca/CommitteeofAdjustment](http://Ottawa.ca/CommitteeofAdjustment)  
[cofa@ottawa.ca](mailto:cofa@ottawa.ca)  
613-580-2436



**Comité de dérogation**  
Ville d'Ottawa  
[Ottawa.ca/Comitedederogation](http://Ottawa.ca/Comitedederogation)  
[cded@ottawa.ca](mailto:cded@ottawa.ca)  
613-580-2436