

DECISION
MINOR VARIANCE / PERMISSION

Date of Decision	August 11, 2023
Panel:	1 - Urban
File No(s):	D08-02-23/A-00156
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Owner(s)/Applicant(s):	1963981 Ontario Incorporated
Property Address:	469 167 Gilmour Street
Ward:	14 - Somerset
Legal Description:	Part 56 (North Gilmour Street Lots) Registered Plan 15558
Zoning:	R4 UD
Zoning By-law:	2008-250
Hearing Date:	August 2, 2023, in person and by videoconference

APPLICANTS' PROPOSAL AND PURPOSE OF THE APPLICATION

- [1] The Owner wants to renovate the existing detached dwelling to rebuild the front porch entry with a second level, add a wheelchair accessible ramp, new entry stairs and landscaping to the front yard.

REQUESTED VARIANCE

- [2] The Applicant requires the Committee's authorization for a minor variance from the Zoning By-law to permit a projection of ~~2.45 metres for a two-storey porch in the front yard, in a heritage overlay area~~ **a projection of a porch and balcony into the front yard within a heritage overlay** whereas the By-law requires that projections are not permitted into the front yard in an area to which a heritage overlay overlaps, except in the case of a ramp used for handicap access.

PUBLIC HEARING

- [3] The Committee noted that amendments were required to application, relating to the Property Address, which should read **167** Gilmour and the wording for the variance be amended to:

The Applicant requires the Committee's authorization for a minor variance from the Zoning By-law to permit ~~a projection of 2.45 metres for a two-storey porch in the front yard, in a heritage overlay area~~ **a projection of a porch and balcony into the front yard within a heritage overlay** whereas the By-law requires that projections are not permitted into the front yard in an area to which a heritage overlay applies, except in the case of a ramp used for handicap access.

- [4] S. Sayah, Agent for the Applicant, agreed and the application was amended accordingly.
- [5] City Planner Margot Linker confirmed that the updated site plan received on August 1, 2023, satisfied previous concerns from the City's Forestry department.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED

Applications Must Satisfy Statutory Four-Part Test

- [6] 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

- [7] 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 cover letter, plans, tree information, photo of the posted sign, and a sign posting declaration.
 - City Planning Report received July 27, 2023, with no concerns.
 - Rideau Valley Conservation Authority email dated July 27, 2023, with no objections.
 - Hydro Ottawa email dated July 28, 2023, with no comments.
 - Ministry of Transportation email dated August 1, 2023, with no comments.
 - B. Young, neighbour, email dated July 26, 2023, in support.

Effect of Submissions on Decision

- [8] The Committee considered all written and oral submissions relating to the application in making its decision and granted the application.
- [9] Based on the evidence, the Committee is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.
- [10] The Committee notes that the City's Planning Report raises "no concerns" regarding the application, highlighting that "the proposed front yard projections are appropriately designed and located in a manner that is compatible with the existing building and character of the neighbourhood".
- [11] The Committee also notes that no evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.
- [12] 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.
- [13] 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 preserves the existing streetscape.
- [14] 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.
- [15] 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.

THE COMMITTEE OF ADJUSTMENT therefore authorizes the requested variance, **subject to** the location and size of the proposed construction being in accordance with the elevation plans filed, Committee of Adjustment date stamped June 28, 2023, and the site plan filed, Committee of Adjustment date stamped August 1, 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 Keklikian"
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 **August 11, 2023**



Matthew Garnett
Deputy 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 31, 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