

DECISION
MINOR VARIANCE / PERMISSION

Date of Decision:	August 25, 2023
Panel:	1 - Urban
File No(s):	D08-02-23/A-00170
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Owner(s)/Applicant(s):	Bridget Mallon
Property Address:	185 Hinton Ave North
Ward:	15 - Kitchissippi
Legal Description:	Part of Lots 1383 and 1385, Registered Plan 157
Zoning:	R4UB
Zoning By-law:	2008-250
Hearing Date:	August 16, 2023, in person and by videoconference

APPLICANT'S PROPOSAL AND PURPOSE OF THE APPLICATION

- [1] The Owner wants to rebuild the detached garage and add a coach house to the second floor, in the rear yard, as shown on the plans filed with the Committee.

REQUESTED VARIANCE

- [2] The Owner/Applicant requires the Committee's authorization for a Minor Variance from the Zoning By-law to permit an increased building height for a coach house of 6.1 metres, whereas the By-law permits a maximum building height of 3.6 metres for a coach house.

PUBLIC HEARING

Oral Submissions Summary

- [3] Jay Lim, agent for the Applicant, provided an overview of the application and responded to questions from the Committee.
- [4] In response to questions from the Committee, Mr. Lim confirmed that the intent of the proposal is to reinstate the detached garage in the same location as the previous garage, while adding a second storey coach house. He also confirmed that public consultation was undertaken with letters of support received from neighbours. He advised that the applicant had undertaken their own shadow studies to address concerns from neighbours to the north.

- [5] Bridget Mallon, Owner of the subject property, stated that the proposed coach house would be rented to a long-term tenant.
- [6] City Planner Basma Alkhatib stated no concerns with the application. She also confirmed that a shadow study is not requested as part of a Minor Variance application.
- [7] The Committee also heard oral submissions from the following individuals:
- G. McConnell, neighbour, stated concerns regarding loss of sunlight and lack of consultation with the neighbours to the north.
- [8] Following the public hearing, the Committee reserved its decision.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION REFUSED

Application Must Satisfy Statutory Four-Part Test:

- [9] 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

- [10] 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, a planning rationale, plans, tree information, a photo of the posted sign, and a sign posting declaration.
 - City Planning Report received August 11, 2023, with no concerns.
 - Rideau Valley Conservation Authority email dated August 10, 2023, with no objections.
 - Hydro Ottawa email dated August 16, 2023, with comments.
 - Ministry of Transportation email dated August 10, 2023, with no concerns.
 - G. McConnell, A. Jesmer, P. Chea, P. Mui and R. Mendoza, neighbours, email dated August 11, 2023, with concerns.

Effect of Submissions on Decision

- [11] The Committee considered all written and oral submissions relating to the application in making its decision and refused the application.
- [12] Based on the evidence, the Committee is not satisfied that the requested variance meets all four requirements under subsection 45(1) of the *Planning Act*.
- [13] The Committee notes that the City's Planning Report raises "no concerns" regarding the application, highlighting that the scale of the coach house does not negatively affect abutting properties, that the proposal does not impact the tree canopy and that the privacy of adjoining properties is maintained.
- [14] Considering the circumstances, the Committee finds that the, because the proposal does not fit well in the area, the requested variance is, from a planning and public interest point of view, not desirable for the appropriate development or use of the land, building or structure on the property, and relative to the neighbouring lands.
- [15] The Committee also finds that the requested variance is not minor because it will create an unacceptable adverse impact on abutting properties and the neighbourhood in general.
- [16] Failing two of the four statutory requirements, the application is refused.
- [17] THE COMMITTEE OF ADJUSTMENT therefore does not authorize the requested variance.

"Simon Coakeley"
SIMON COAKELEY
ACTING VICE-CHAIR

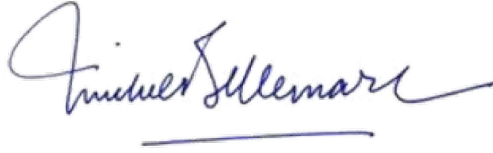
"John Blatherwick"
JOHN BLATHERWICK
MEMBER

"Ann M. Tremblay"
ANN M. TREMBLAY
MEMBER

"Arto Keklikian"
ARTO KEKLIKIAN
MEMBER

"Sharon Lecuyer"
SHARON LECUYER
MEMBER

I certify this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa, dated **August 25, 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 **September 14, 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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