

**DECISION
PERMISSION**

Date of Decision:	September 15, 2023
Panel:	1 - Urban
File No(s):	D08-02-23/A-00152
Application:	Permission under section 45 of the <i>Planning Act</i>
Owner(s)/Applicant(s):	Louis Rozza
Property Address:	31 Gordon Street
Ward:	17 - Capital
Legal Description:	Part of Lot 5 (East Gordon Street), Registered Plan 33446
Zoning:	R3P [1474]
Zoning By-law:	2008-250
Hearing Date:	September 6, 2023, in person and by videoconference

APPLICANT'S PROPOSAL AND PURPOSE OF THE APPLICATION

- [1] The Owner wants to construct a second storey addition and new deck on the east side of the existing detached dwelling, as shown on plans filed with the Committee.

REQUESTED PERMISSION

- [2] The Owner/Applicant requires the Committee's permission to expand the existing legal non-complying single detached dwelling to permit the construction of a second-storey addition.

PUBLIC HEARING

- [3] At the scheduled hearing on August 16, 2023, the Committee considered an adjournment request from Murray Chown, Agent for the Applicant, for more time to revise the plans to address a neighbour's concerns.
- [4] With the concurrence of all parties, the application was adjourned to the hearing scheduled for September 6, 2023.

Oral Submissions Summary

[5] The Committee noted a recommendation in the City's Planning Report to amend the wording of the requested permission, as follows:

a) ~~To permit a corner side yard setback of 2.7 metres, whereas the By-law requires a minimum corner side yard setback of 3 metres.~~

b) ~~To permit a northerly interior side yard setback of 0.52 metres, whereas the By-law requires a minimum interior side yard setback of 1.8 metres.~~

The Owner requires the Committee's permission to expand the existing legal non-complying single detached dwelling to permit the construction of a second-storey addition.

[6] The application was amended accordingly.

[7] City Planner Margot Linker stated she had no concerns with the application.

[8] Mr. Chown and Simran Soor, also acting as Agent for the Applicant, were also present.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED, AS AMENDED

Application Must Satisfy Statutory Two-Part Test

[9] The Committee has the power to permit an extension of a legal non-conforming use under subsection 45(2) of the *Planning Act* based upon both the desirability for development of the property in question and the impact on the surrounding area.

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, plans, a tree information report, a photo of the posted sign, and a sign posting declaration.
- City Planning Report received August 10, 2023, requesting adjournment; received September 1, 2023, with no concerns.
- Rideau Valley Conservation Authority email dated August 10, 2023, with no objections; dated August 31, 2023, with no objections.

- Hydro Ottawa email dated August 16, 2023, with comments; dated September 1, 2023, with comments.
- Ministry of Transportation email dated August 10, 2023, with no comments.
- Ottawa International Airport Authority email dated August 16, 2023, with no comments.
- C. Lewis, neighbour, email dated August 16, 2023, with concerns; dated August 21, 2023 with comments.

Effect of Submissions on Decision

- [11] The Committee considered all written and oral submissions relating to the application in making its decision and granted the application.
- [12] Based on the evidence, the Committee is satisfied that the requested permission meets the two-fold test relating to desirability and impact.
- [13] The Committee notes that the City's Planning Report raises "no concerns" regarding the application, highlighting that: "the addition is utilizing the existing exterior wall locations of the legal non-complying building" and that no privacy concerns are anticipated.
- [14] The Committee further notes that no evidence was presented that the proposal would create any unacceptable impact on abutting properties or the neighbourhood in general.
- [15] Considering the circumstances, the Committee finds that, because the proposal fits well in the area, the requested permission 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.
- [16] Moreover, the Committee finds that the proposal will not create any unacceptable adverse impact on abutting properties or the neighbourhood in general.
- [17] THE COMMITTEE OF ADJUSTMENT therefore permits the requested expansion (enlargement or extension), **subject to** the proposed construction being in accordance with the revised plans filed, Committee of Adjustment date stamped August 24, 2023, as they relate to the requested permission.

"Ann M. Tremblay"
ANN M. TREMBLAY
CHAIR

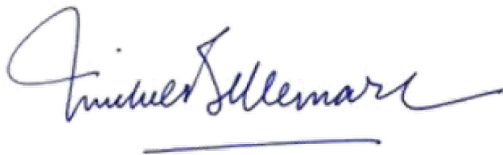
"John Blatherwick"
JOHN BLATHERWICK
MEMBER

Absent
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 **September 15, 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 **October 5, 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
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