

DECISION
MINOR VARIANCE / PERMISSION

Date of Decision:	November 10, 2023
Panel:	1 - Urban
File No.:	D08-02-23/A-00238
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Owner/Applicant:	Salim Rashid
Property Address:	272 Powell Avenue
Ward:	17 - Capital
Legal Description:	Lot 93, Registered Plan 4M-20
Zoning:	R3P
Zoning By-law:	2008-250
Hearing Date:	November 1, 2023, in person and by videoconference

APPLICANT'S PROPOSAL AND PURPOSE OF THE APPLICATION

- [1] At the hearing on May 3, 2023, the Committee approved a minor variance for reduced rear yard setback. It has since been determined that an additional minor variance was required, and the Owner is now reapplying.
- [2] The Owner wants to construct a one-storey sunroom addition to the rear of the existing dwelling, as shown on plans filed with the Committee.

REQUESTED VARIANCE

- [3] The Owner/Applicant requires the Committee's authorization for a minor variance from the Zoning By-law to permit a reduced rear yard area of 18.92%, in this case 69.65 square metres, whereas the By-law requires a minimum rear yard area of 25% of the lot area (92.05 square metres).

PUBLIC HEARING

Oral Submissions Summary

- [4] Mario Poulin, Agent for the Applicant, was present.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED

Application Must Satisfy Statutory Four-Part Test

- [5] 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

- [6] 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, photo of the posted sign, and a sign posting declaration.
- City Planning Report received October 26, 2023, with no concerns.
- Rideau Valley Conservation Authority email received October 25, 2023, with no objections.
- Hydro Ottawa email received October 24, 2023, with no concerns.
- Ministry of Transportation email received October 31, 2023, with no concerns.

Effect of Submissions on Decision

- [7] The Committee considered all written and oral submissions relating to the application in making its decision and granted the application.
- [8] Based on the evidence, the Committee is satisfied that the requested variance meets all four requirements under subsection 45(1) of the *Planning Act*
- [9] The Committee notes that the City's Planning Report raises "no concerns" regarding the application, highlighting that "the requested reduction to the rear yard area is a natural result to the rear yard setback reduction that was granted by the Committee of Adjustment on May 9, 2023".
- [10] The Committee also notes that no evidence was presented that the variance would result in any unacceptable adverse impact on neighbouring properties.

- [11] Considering the circumstances, the Committee finds that, because the proposal fits well in the area, 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.
- [12] 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 neighborhood.
- [13] In addition, the Committee finds that the requested variance maintains the general intent and purpose of the Zoning By-law because the variances represent orderly development that is compatible with surrounding area.
- [14] Moreover, the Committee finds that the requested is minor because they will not create any unacceptable adverse impact on abutting properties or the neighbourhood in general.
- [15] THE COMMITTEE OF ADJUSTMENT therefore authorizes the requested variance, subject to the location and size of the proposed construction being in accordance with the site plan filed, Committee of Adjustment date stamped September 26, 2023, as it relates to the requested variance.

"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 **NOVEMBER 10, 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 **NOVEMBER 30, 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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