

**DECISION  
MINOR VARIANCE**

<b>Date of Decision:</b>	November 14, 2023
<b>Panel:</b>	2 - Suburban
<b>File No(s):</b>	D08-02-23/A-00225
<b>Application:</b>	Minor Variance under section 45 of the <i>Planning Act</i>
<b>Owner(s)/Applicant(s):</b>	Délice Mugabo and Darryl Leroux
<b>Property Address:</b>	1819 Arizona Avenue
<b>Ward:</b>	18 – Alta Vista
<b>Legal Description:</b>	Lot 156 Registered Pan 763
<b>Zoning:</b>	R10 [623]
<b>Zoning By-law:</b>	2008-250
<b>Hearing Date:</b>	November 14, 2023, in person and by videoconference

**APPLICANTS' PROPOSAL AND PURPOSE OF THE APPLICATION**

- [1] The Owners want to construct a one-storey sunroom addition on the west side of the existing dwelling, as shown on plans filed with the Committee.
- [2] At its hearing on October 17, 2023, the Committee adjourned this application to allow the Applicants time to amend their application and apply for an additional minor variance.

**REQUESTED VARIANCES**

- [3] The Applicants require the Committee's authorization for minor variances from the Zoning By-law as follows:
  - a) To permit a reduced rear yard setback of 4.06 metres, or 13.3 % of the lot depth, whereas the By-law requires a minimum rear yard setback of 25% of the lot depth, or 7.5 metres.
  - b) To permit a reduced rear yard area of 66.75 square metres, or 13% of the lot area, whereas the By-law requires a minimum rear yard area of 25% of lot area, or 125 square metres.

## **PUBLIC HEARING**

### **Oral Submissions Summary**

- [4] The Committee noted that the zoning of the property is R10 [623].
- [5] Bryan Sim, acting as Agent for the Applicants and City Planner Justin Grift were present.

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

### **Application 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 a cover letter, plans, a tree information report, a photo of the posted sign, and a sign posting declaration.
  - City Planning Report received November 8, 2023, with no concerns.
  - Rideau Valley Conservation Authority email received November 10, 2023, with no objections.
  - Hydro Ottawa email received November 8, 2023, with no comments.

### **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, stating that "[c]onsidering that the addition is set to

replace the footprint of the existing deck, staff is of the opinion the proposed variances are minor and will not result in undue impacts.”

- [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 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.
- [13] The Committee also finds that the requested variances maintain the general intent and purpose of the Official Plan because the proposal respects the character of the neighbourhood.
- [14] 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 on the property that is compatible with the surrounding area.
- [15] 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.
- [16] THE COMMITTEE OF ADJUSTMENT therefore authorizes the requested variances, **subject to** the location and size of the proposed construction being in accordance with the revised site plan filed, Committee of Adjustment date stamped October 17, 2023, and the elevations filed, Committee of Adjustment date stamped September 13, 2023, as they relate to the requested variances.

*“Fabian Poulin”*  
FABIAN POULIN  
VICE-CHAIR

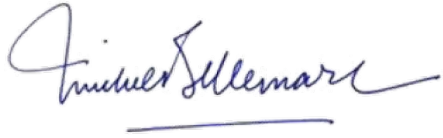
*“Jay Baltz”*  
JAY BALTZ  
MEMBER

*“George Barrett”*  
GEORGE BARRETT  
MEMBER

*“Heather MacLean”*  
HEATHER MACLEAN  
MEMBER

*Absent*  
JULIANNE WRIGHT  
MEMBER

I certify this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa, dated **November 24, 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 **December 14, 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**  
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