

DECISION
MINOR VARIANCE / PERMISSION

Date of Decision:	December 22, 2023
Panel:	2 - Suburban
File No(s):	D08-02-22/A-00131
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Owner(s)/Applicant(s):	Robb Chapman and Julia Chiasson
Property Address:	250 Alfred Street
Ward:	12 – Rideau-Vanier
Legal Description:	Lot D, Registered Plan 225
Zoning:	R4UA
Zoning By-law:	2008-250
Hearing Date:	December 22, 2023, in person and by videoconference

APPLICANTS' PROPOSAL AND PURPOSE OF THE APPLICATION

- [1] The Owners want to construct a new two-storey garage addition with a loft, as shown on plans filed with the Committee. The existing garage will be demolished.

REQUESTED VARIANCE:

- [2] The Owners require the Committee's authorization for a minor variance from the Zoning By-law to permit a reduced rear yard setback of 1.88 metres (6.1% of the lot depth), whereas the By-law states that the minimum required rear yard setback is 25% of the lot depth (7.7 metres) but may not be less than 6 metres and not exceed 7.5 metres.

PUBLIC HEARING

- [3] At the scheduled hearing on July 6, 2022, the Committee adjourned the application to allow the Applicant time to amend their application and apply for an additional minor variance.

Oral Submissions Summary

- [4] David Stone, Agent for the Applicants, provided a slide presentation, a copy of which is on file with the Secretary-Treasurer and available from the Committee Coordinator upon request.
- [5] In response to questions from the Committee, Mr. Stone stated that the structure is intended for personal use and storage, and confirmed there would be no commercial use of the property. He confirmed two feet of clearance between the side of the structure and the chain link fence on the property line for access to the proposed greenery.
- [6] City Planner Jerrica Gilbert confirmed no concerns with the application.
- [7] Mr. Stone also confirmed that a green wall and green roof is included to mitigate any impact on neighbouring properties.
- [8] Following the public hearing, the Committee reserved its decision.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED

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 cover letter, tree information report, plans, photo of the posted sign, and a sign posting declaration.
 - City Planning Report received December 7, 2023, with no concerns; received July 4, 2022, with objections and requesting adjournment.
 - Rideau Valley Conservation Authority email received December 7, 2023, with no concerns; received May 19, 2022, with no concerns.

- Hydro Ottawa email received December 6, 2023, with no concerns; received June 22, 2022, with no concerns.
- Trans-Northern Pipelines Inc. email received June 22, 2022, with no concerns.
- City Right-of-Way email received June 29, 2022, with no concerns.

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 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 development appears compatible with the surrounding neighbourhood, which is characterized by oversized dwellings and low- to mid-rise apartments." The report also states that "although it is understood that this is not the owner's expressed intent, Planning staff want to emphasize again that a metal fabrication shop is not an appropriate land use for this site and the proposed addition would exceed the floor area maximums for a home-based business should it be used for that purpose."
- [14] The Committee also notes that no evidence was presented that the requested variance would result in any unacceptable adverse impact on neighbouring properties.
- [15] Considering the circumstances, the Committee finds that 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.
- [16] 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.
- [17] 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.
- [18] Moreover, the Committee finds that the requested variance, both individually and cumulatively, is minor because it will not create any unacceptable adverse impact on abutting properties or the neighbourhood in general.
- [19] 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 November 6, 2023, and the elevations filed, Committee of Adjustment date stamped November 6, 2023, as they relate to the requested variances.

"Fabian Poulin"
FABIAN POULIN
VICE-CHAIR

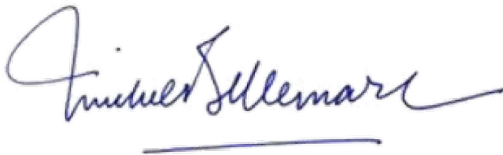
"Jay Baltz"
JAY BALTZ
MEMBER

"George Barrett"
GEORGE BARRETT
MEMBER

"Heather MacLean"
HEATHER MACLEAN
MEMBER

"Julianne Wright"
JULIANNE WRIGHT
MEMBER

I certify this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa, dated **December 22, 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 **January 11, 2024**, 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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