

DECISION
MINOR VARIANCE / PERMISSION

Date of Decision:	February 16, 2024
Panel:	1 - Urban
File No(s):	D08-02-23/A-00306
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Owner(s)/Applicant(s):	Timothy Asmis and Vanessa Gruben
Property Address:	288 Clemow Avenue
Ward:	17 - Capital
Legal Description:	Lot 71 (South Clemow Avenue), Registered Plan M-11
Zoning:	R1MM H(10)
Zoning By-law:	2008-250
Hearing Date:	February 7, 2024, in person and by videoconference

APPLICANTS' PROPOSAL AND PURPOSE OF THE APPLICATION

- [1] The Owners want to construct a single storey addition at the rear of the existing dwelling, as shown on the plans filed with the application.

REQUESTED VARIANCES

- [2] The Owners require the Committee's authorization for minor variances from the Zoning By-law as follows:
- a) To permit a reduced rear yard setback of 21.4% of the lot depth, or in this case, 7.2 metres, whereas the By-law requires a minimum rear yard setback of 30% of the lot depth or 10.06 metres.
 - b) To permit a reduced rear yard area of 21.4% of the lot area, or in this case, 109.7 square metres, whereas the By-law requires a minimum rear yard area of 25% of the lot area or 127.8 square metres.
 - c) To permit a reduced distance of 0.6 metres from the accessory structure to the dwelling, whereas the By-law requires a minimum distance of 1.2 metres from an accessory structure to any other building located on the same lot.

- [3] The application indicates that the Property is not the subject of any other current application under the *Planning Act*.

PUBLIC HEARING

- [4] Arjan Soor and Ryan Poulton, both acting as Agents for the Applicants, were present.
- [5] City Planner Margot Linker confirmed that the proposed rooftop patio conforms with the requirements of the Zoning By-law.
- [6] There were no objections to granting this unopposed application as part of the Panel's fast-track agenda.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED

Application Must Satisfy Statutory Four-Part Test

- [7] 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

- [8] 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, photo of the posted sign and a sign posting declaration.
 - City Planning Report received February 1, 2024, with no concerns.
 - Rideau Valley Conservation Authority email received January 31, 2024, with no objections.
 - Hydro Ottawa email received January 30, 2024, with comments.
 - Ministry of Transportation email received February 5, 2024, with no comments.

Effect of Submissions on Decision

- [9] The Committee considered all written and oral submissions relating to the application in making its decision and granted the application.
- [10] Based on the evidence, the Committee is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.
- [11] The Committee notes that the City's Planning Report raises "no concerns" regarding the application, highlighting that "Staff are of opinion the proposed variances are minor and will not result in a significant change within the rear yard".
- [12] The Committee also notes that no evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.
- [13] 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.
- [14] 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.
- [15] 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.
- [16] Moreover, the Committee finds that the requested variances are minor because they will not create any unacceptable adverse impact on abutting properties or the neighbourhood in general.
- [17] THE COMMITTEE OF ADJUSTMENT therefore authorizes the requested variances, **subject to** the location and size of the proposed construction being in accordance with the plans filed, Committee of Adjustment date stamped **December 18, 2023**, as they relate to the requested variances.

"Ann M. Tremblay"
ANN M. TREMBLAY
CHAIR

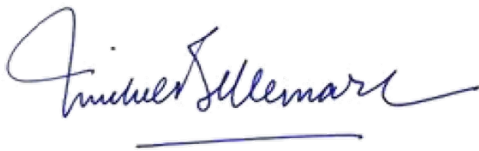
"John Blatherwick"
JOHN BLATHERWICK
MEMBER

Absent
SIMON COAKELEY
MEMBER

Absent
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 **February 16, 2024**.



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 **March 7, 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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