

DECISION
MINOR VARIANCE / PERMISSION

Date of Decision:	August 25, 2023
Panel:	2 - Suburban
File No(s):	D08-02-23/A-00169
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Owner(s)/Applicant(s):	Christina Stachulak-LeCorvec
Property Address:	1115 Blasdell Avenue
Ward:	13 – Rideau-Rockcliffe
Legal Description:	Lot 228, Registered Plan 298
Zoning:	R1PP
Zoning By-law:	2008-250
Hearing Date:	August 15, 2023, in person and by videoconference

APPLICANT PROPOSAL AND PURPOSE OF THE APPLICATION

- [1] The Owner wants to construct a second-storey addition onto the existing dwelling, as shown on plans filed with the Committee.

REQUESTED VARIANCE

- [2] The Owner/Applicant requires the Committee's authorization for minor variances from the Zoning By-law as follows:
- a) To permit a reduced front yard setback of 4.57 meters, whereas the Zoning By-law requires a minimum front yard setback of 6.0 metres.
 - b) To permit a reduced rear yard setback of 5.35 metres (20% of the lot depth), whereas the By-law states that the minimum required rear yard setback of 25% of the lot depth, in this case 6.67 metres.

PUBLIC HEARING

- [3] Don Brown, Agent for the Applicant and City Planner Cass Sclauzero were present.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED

Application Must Satisfy Statutory Four-Part Test

- [4] 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. 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

- [5] 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, tree information, revised plans, photo of the posted sign, and a sign posting declaration.
 - City Planning Report received August 10, 2023, with no concerns.
 - Rideau Valley Conservation Authority email dated August 9, 2023, with no objections.
 - Hydro Ottawa email dated August 14, 2023, with no concerns.
 - Ministry of Transportation email dated August 10, 2023, with no concerns.
 - Petition of Support, submitted by Don Brown , received August 13, 2023, with signatures of six area residents .
 - D. Carreto, email dated August 14, 2023, in support.

Effect of Submissions on Decision

- [6] The Committee considered all written submissions relating to the application in making its decision and granted the application.
- [7] Based on the evidence, the Committee is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.

- [8] The Committee notes that the City's Planning Report raises "no concerns" regarding the application, highlighting that: "The requested variance for a reduced front yard setback will regularize the existing legal non-complying front yard setback. The requested variance for a reduced rear yard setback and rear yard area will permit a rear yard setback that is 0.35 metres less than the existing legal non-conforming rear yard setback."
- [9] The Committee also notes that no evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.
- [10] Considering the circumstances, the Committee finds that, because the proposal fits well within the neighbourhood, 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.
- [11] 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.
- [12] 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.
- [13] 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.
- [14] 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 plans filed, Committee of Adjustment date stamped August 9, 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 **August 25, 2023**.

A handwritten signature in blue ink that reads "Michel Bellemare". The signature is written in a cursive style and is underlined with a single horizontal line.

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 **September 14, 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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