

**DECISION**  
**MINOR VARIANCE / PERMISSION**

<b>Date of Decision:</b>	March 28, 2024
<b>Panel:</b>	1 - Urban
<b>File No.:</b>	D08-02-23/A-00294
<b>Application:</b>	Minor Variance under section 45 of the <i>Planning Act</i>
<b>Owner/Applicant:</b>	Clint Dulude
<b>Property Address:</b>	81 Spadina Avenue
<b>Ward:</b>	15 – Kitchissippi
<b>Legal Description:</b>	Part of Lots 18 and 19 (East Spadina Avenue), Registered Plan 92 ½
<b>Zoning:</b>	R4UB
<b>Zoning By-law:</b>	2008-250
<b>Hearing Date:</b>	March 20, 2024, in person and by videoconference

**APPLICANT’S PROPOSAL AND PURPOSE OF THE APPLICATION**

- [1] ~~The Owner wants to construct a two-storey coach house at the rear of their property. The existing detached garage will be demolished.~~
- [2] **The Owner wants to construct a two-storey structure with a coach house on the second floor and a garage to be reinstated on the first floor.**

**REQUESTED VARIANCES**

- [3] The Owner requires the Committee’s authorization for minor variances from the Zoning By-law as follows:
- a) To permit an increased southerly interior side yard setback of 1.2 metres, whereas the By-law requires an interior side yard setback of less than 1 metre or more than 4 metres.
  - b) To permit an increased driveway width of 4.87 metres, whereas the By-Law permits a maximum driveway width of 2.75 metres.

- c) To permit an increased rear yard setback of 4 metres, whereas the By-Law permits a maximum rear yard setback of 1 metre where the rear lot line abuts a travelled lane.
- d) To permit the construction of a shed style roof in Areas A, B or C on Schedule 1, whereas the By-law prohibits the construction of shed style roofs.
- e) To permit an increased building height of 6.1 metres, whereas the By-law permits a maximum building height of 3.6 metres.

## **PUBLIC HEARING**

### **Oral Submissions Summary**

- [4] The Chair noted that, based on the requested relief, the application should be amended as follows:

~~The Owner wants to construct a two-storey coach house at the rear of their property. The existing detached garage will be demolished.~~

**The Owner wants to construct a two-storey structure with a coach house on the second floor and a garage to be reinstated on the first floor.**

- [5] Alain Bisson, Agent for the Owner, confirmed that the suggested revised wording is accurate.

## **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 cover letter, plans, photo of the posted sign, and a sign posting declaration.

- City Planning Report received March 14, 2024, with no concerns; received February 2, 2024, requesting an adjournment.
- Rideau Valley Conservation Authority email received March 12, 2024, with no objections; received January 31, 2024, with no objections.
- Hydro Ottawa email received March 13, 2024, with no objections; received January 31, 2024 with no objections.
- Ministry of Transportation email received March 6, 2024; received February 5, 2024, with comments.
- Hintonburg Community Association email received March 18, 2024, with comments, received February 6, 2024, in support of an adjournment.

### **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, highlighting that "[t]he increased rear yard setback allows for a balcony projection off the second storey of the coach house, providing the coach house residents with additional, private outdoor amenity space". The report also highlights that "[a] reduction in the width of the asphalt area from 8.23 metres to 4.87 metres, where the remaining area of the provided rear yard will be surfaced with soft landscaping and an interlock walkway, is an improvement to the streetscape abutting the lane".
- [11] The Committee also notes that no compelling 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 they represent orderly development 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 plans filed, Committee of Adjustment date stamped March 13, 2024, as they relate to the requested variances.

*"Ann M. Tremblay"*  
ANN M. TREMBLAY  
CHAIR

*"John Blatherwick"*  
JOHN BLATHERWICK  
MEMBER

*Absent*  
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 **March 28, 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 **April 18, 2024**, 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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