

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

<b>Date of Decision:</b>	October 13, 2023
<b>Panel:</b>	1 - Urban
<b>File No(s):</b>	D08-02-23/A-0021
<b>Application:</b>	Minor Variance Permission under section 45 of the <i>Planning Act</i>
<b>Owner(s)/Applicant(s):</b>	James Colizza
<b>Property Address:</b>	141 Carruthers Avenue
<b>Ward:</b>	15 – Kitchissippi
<b>Legal Description:</b>	Part of Lot 19 and Part of Lot G (East Carruthers Avenue)
<b>Zoning:</b>	R4UD
<b>Zoning By-law:</b>	2008-250
<b>Hearing Date:</b>	October 4, 2023, in person and by videoconference

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

- [1] The Owner wants to construct an addition and a covered porch at the front of the existing semi-detached dwelling, as shown on plans filed with the application. The existing covered porch will be demolished.

**REQUESTED VARIANCES**

- [2] The Owner/Applicant require the Committee’s authorization for minor variances from the Zoning By-law as follows:
- a. To permit a reduced front yard setback of 0.35 metres, whereas the By-law requires a minimum front yard setback of 2.2 metres.
  - b. To permit a reduced side yard setback of 0 metres (South side), whereas the By-law requires a minimum side yard setback of 1.2 metres.
  - c. To permit the principal entrance to face the side lot line, whereas the By-law requires at least one principal entrance on a semi-detached dwelling to face the street.

- d. To permit a covered porch to project 1.85 metres and to within 0.35 metres of the front lot line, whereas the By-law permits a covered porch to project 2 metres, but no closer than 1 metre from any lot line.

## **PUBLIC HEARING**

### **Oral Submissions Summary**

- [3] James Colizza provided an overview of the application and responded to questions from the Committee.
- [4] City Planner Margot Linker was also present.

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

### **Application Must Satisfy Statutory Four-Part Test**

- [5] 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**

- [6] 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, a photo of the posted sign, and a sign posting declaration.
  - City Planning Report received September 28, 2023, with no concerns.
  - Rideau Valley Conservation Authority email dated September 29, 2023, with no objections.
  - Ministry of Transportation email dated September 21, 2023, with no concerns.
  - L. Malow, President, Mechanicsville Community Association email dated October 3, 2023, with no concerns.

### Effect of Submissions on Decision

- [7] The Committee considered all written and oral submissions relating to the application in making its decision and granted the application.
- [8] Based on the evidence, the Committee is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.
- [9] The Committee notes that the City's Planning Report raises "no concerns" regarding the application. The report highlights that "staff believe that the character of the local streetscape as well as the principal entrance relationship with the public realm will be maintained."
- [10] The Committee also notes that no evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.
- [11] 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.
- [12] 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.
- [13] 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.
- [14] 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.
- [15] 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 August 31, 2023, as they relate to the requested variances.

Absent  
ANN M. TREMBLAY  
CHAIR

*"John Blatherwick"*  
JOHN BLATHERWICK  
ACTING CHAIR

Absent  
SIMON COAKELEY  
MEMBER

*"Arto Keklikian"*  
ARTO KEKLIKIA  
MEMBER

*"Sharon Lécuyer"*  
SHARON LÉCUYER  
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 **October 13, 2023**.



Matthew Garnett  
Acting 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 **November 2, 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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