

DECISION
MINOR VARIANCE / PERMISSION

Date of Decision:	December 22, 2023
Panel:	1 - Urban
File No(s):	D08-02-23/A-00261
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Owner(s)/Applicant(s):	Ian McNeil
Property Address:	82 Third Avenue
Ward:	17 – Capital
Legal Description:	Part of Lot 28 (South Third Avenue) Registered Plan 35085
Zoning:	R3Q[1474]
Zoning By-law:	2008-250
Hearing Date:	December 13, 2023, in person and by videoconference

APPLICANT’S PROPOSAL AND PURPOSE OF THE APPLICATION

- [1] The Owner wants to convert the existing 1.5 storey accessory building located in the rear yard to a coach house.

REQUESTED VARIANCE

- [2] The Owner/Applicant requires the Committee’s authorization for a minor variance from the Zoning By-law to permit an increased building height for a coach house of 4.816 metres, whereas the By-law permits a maximum building height of 3.6 metres for a coach house.

PUBLIC HEARING

Oral Submissions Summary

- [3] Nickolas Semanyk, Agent for the Applicant, responded to questions from the Committee, highlighting that no changes were proposed to the footprint or height of the existing structure, and that he had no objection to a condition tying approval of the variance to the life of the building. In response to concerns expressed by the Committee regarding the completeness of the application and the plans presented, Mr. Semanyk explained that detailed construction drawings had not been prepared and acknowledged the risk to his client if the proposal could not satisfy the

requirements of the Ontario Building Code or if the need for an additional variance was identified through the building permit process.

- [4] City Planner Margot Linker noted that the City's Building Code Services Branch had commented on this minor variance application and identified no concerns.

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 a cover letter, plans, tree information, a photo of the posted sign, and a sign posting declaration.
- City Planning Report received December 7, 2023, with no concerns.
- Rideau Valley/ Conservation Authority email dated December 7, 2023, with no objections.
- Hydro Ottawa email dated December 6, 2023, with comments.
- R. Gudziunas-Mankowski, neighbour, email dated December 12, 2023, with 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, highlighting that "the structure exists today as a detached garage and staff understand that the envelope will not be changing, so it

does not appear that there will be massing impacts on the surrounding properties or resulting loss of vegetation.”

- [10] The Committee also notes that no compelling evidence was presented that the variance would result in any unacceptable adverse impacts on neighbouring properties.
- [11] Considering the circumstances, the Committee finds that, because the proposal fits well in the area, 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.
- [12] 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.
- [13] 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.
- [14] Moreover, the Committee finds that the requested variance is minor because it will not create any unacceptable adverse impacts on abutting properties or the neighbourhood in general.
- [15] THE COMMITTEE OF ADJUSTMENT therefore authorizes the requested variances subject to the relief applying to the existing structure to the rear of the dwelling known municipally as 82 Third Avenue, and being restricted to the life of this structure only.

“Ann M. Tremblay”
ANN M. TREMBLAY
CHAIR

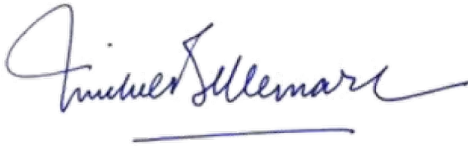
“John Blatherwick”
JOHN BLATHERWICK
MEMBER

“Simon Coakeley”
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 **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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