

DECISION
MINOR VARIANCE / PERMISSION

| | |
|-------------------------------|---|
| Date of Decision: | May 10, 2024 |
| Panel: | 1 - Urban |
| File No(s): | D08-02-24/A-00020 |
| Application: | Minor Variance under section 45 of the <i>Planning Act</i> |
| Owner(s)/Applicant(s): | Patrick Larkin and Jo-Anne Lalonde |
| Property Address: | 1756 Scott Street |
| Ward: | 15 – Kitchissippi |
| Legal Description: | Part of Lot 10, South Scott Street Lots and Part of Lots B & C, Registered Plan 145 |
| Zoning: | R1MM |
| Zoning By-law: | 2008-250 |
| Heard: | May 1, 2024, in person and by videoconference |

APPLICANTS' PROPOSAL AND PURPOSE OF THE APPLICATION

- [1] The Owners want to construct a two-storey addition containing two additional dwelling units at the rear yard of the existing detached dwelling, as shown on plans filed with the Committee. The existing deck, stairs, and shed will be demolished.
- [2] At the hearing on March 6, 2024, the Committee adjourned the permission application to allow the applicant time to resubmit as a minor variance application. The Applicants subsequently submitted a revised application.

REQUESTED VARIANCES:

- [3] The Applicants require the Committee's authorization for minor variances from the Zoning By-law as follows:
 - a) To permit a reduced rear yard setback of 4.0 metres, whereas the By-law requires a minimum rear yard setback of 6.2 metres.
 - b) To permit a reduced rear yard area of 18.2% of the lot area (33.04 square metres) whereas the By-law requires a minimum rear yard area of 25% of the lot area (45.1 square metres).

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

PUBLIC HEARING

Oral Submissions Summary

- [5] Ryan Poulton, acting as Agent for the Applicants, confirmed that that the east windows were removed from the proposal to address concerns regarding privacy and overlook. In response to questions from the Committee, Mr. Poulton highlighted that the subject site and the surrounding properties have legal non-conforming rights as the area was developed prior to the City's Zoning By-law and varied in lot size as well as setbacks.
- [6] Mr. Poulton confirmed that the subject lot will not have access to the right-of-way to the rear of the subject property. As well, Mr. Poulton noted that the construction of the addition will not preclude the use of the shared driveway between subject lot and 1758 Scott Street.
- [7] City Planner Margot Linker confirmed that the right-of-way is privately owned and that access to the interior side yard would be more appropriate from Scott Street.
- [8] Following the public hearing, the Committee reserved its decision.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED

Application Must Satisfy Statutory Four-Part Test

- [9] 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

- [10] 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 report, photo of the posted sign, and a sign posting declaration.

- City Planning Report received April 24, 2024, with some concerns; received April 30, 2024, with some concerns; received March 1, 2024, with some concerns.
- Rideau Valley Conservation Authority email received April 29, 2024, with no objections; received March 1, 2024, with no objections.
- Hydro Ottawa email received April 23, 2024, with no comments; received February 27, 2024, with no comments.
- E. Stephenson, resident, email received April 30, 2024, in opposition; email received March 5, 2024, in opposition.
- A. Lowrey, resident, email received April 30, 2024, with concerns; email received March 5, 2024, with concerns.
- Ontario Ministry of Transportation email received March 1, 2024, with no comments.
- D. Goodyear, resident, email received February 28, 2024, in support.

Effect of Submissions on Decision

- [11] The Committee considered all written and oral submissions relating to the application in making its decision and granted the application.
- [12] Based on the evidence, the majority of the Committee (Member Coakeley dissenting) is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.
- [13] The Committee notes that the City's Planning Report raises "some concerns" regarding the application, highlighting that "[it] appears that there is a defined contiguous rear wall pattern along this section of Scott Street, which the proposed rear yard setback and area will deviate from."
- [14] The majority of the Committee also notes that no evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.
- [15] Considering the circumstances, the majority of 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.
- [16] The majority of 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.

- [17] In addition, the majority of the Committee finds that the requested variances maintain the general intent and purpose of the Zoning By-law because the proposal represents orderly development that is compatible with the surrounding area.
- [18] Moreover, the majority of 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.
- [19] 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 25, 2024, as they relate to the requested variances.

"Ann M. Tremblay"
ANN M. TREMBLAY
CHAIR

Absent
JOHN BLATHERWICK
MEMBER

Dissenting
SIMON COAKELEY
MEMBER

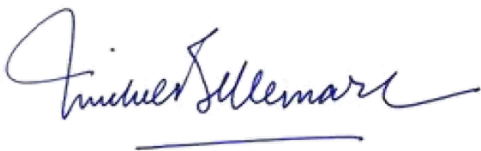
"Arto Keklikian"
ARTO KEKLIKIAN
MEMBER

Absent
SHARON LÉCUYER
MEMBER

"Julianne Wright"
JULIANNE WRIGHT
MEMBER

"Heather MacLean"
HEATHER MACLEAN
MEMBER

I certify this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa, dated **May 10, 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 **May 30, 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.

Committee of Adjustment
City of Ottawa
Ottawa.ca/CommitteeofAdjustment
cofa@ottawa.ca
613-580-2436



Comité de dérogation
Ville d'Ottawa
Ottawa.ca/Comitedederogation
cded@ottawa.ca
613-580-2436