

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

<b>Date of Decision:</b>	June 28, 2024
<b>Panel:</b>	2 - Suburban
<b>File No.:</b>	D08-02-24/A-00130
<b>Application:</b>	Minor Variance under section 45 of the <i>Planning Act</i>
<b>Applicants:</b>	Tara Chapman and Aaron Fruck
<b>Property Address:</b>	150 Billings Avenue
<b>Ward:</b>	18 – Alta Vista
<b>Legal Description:</b>	Part of Lots 168 & 169, Registered Plan 129
<b>Zoning:</b>	R1GG
<b>Zoning By-law:</b>	2008-250
<b>Heard:</b>	June 18, 2024, in person and by videoconference

**APPLICANTS' PROPOSAL AND PURPOSE OF THE APPLICATION**

- [1] The Applicants want to construct an addition with a rooftop terrace at the rear of the existing dwelling, as shown on plans filed with the Committee.

**REQUESTED VARIANCE**

- [2] The Applicants require the Committee's authorization for a minor variance from the Zoning By-law to permit a rooftop terrace to be setback of 0 metres from the exterior walls of the building, whereas the By-law requires a minimum setback of 1.5 metres from any exterior wall of the building when a roof-top terrace is not located on the roof of the uppermost storey and meets or exceeds an area equivalent to 25% of the gross floor area of the storey it is adjacent and most equal in height to.
- [3] The subject property is not the subject of any other current application under the *Planning Act*.

**PUBLIC HEARING**

**Oral Submissions Summary**

- [4] Justin Georges, Agent for the Applicants, and City Planner Penelope Horn were present.

- [5] There were no objections to granting this unopposed application as part of the Panel's fast-track consent agenda.

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

### **Application(s) 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, tree information report, parcel abstract, photo of the posted sign, and a sign posting declaration.
  - City Planning Report received June 13, 2024, with no concerns.
  - Rideau Valley Conservation Authority email received June 12, 2024, with no objections.
  - Hydro Ottawa email received June 17, 2024, with comments.

### **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 variance meets 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: "the intent of the rooftop terrace provisions is to ensure privacy for neighbouring properties. The Applicant has proposed privacy screens along the deck that abuts the interior lot lines, which will mitigate privacy concerns."
- [11] The Committee also notes that no evidence was presented that the variance 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 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.
- [13] 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.
- [14] 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 that is compatible with the surrounding area.
- [15] Moreover, the Committee finds that the requested variance is minor because it will not create any unacceptable adverse impact on abutting properties or the neighbourhood in general.
- [16] THE COMMITTEE OF ADJUSTMENT therefore authorizes the requested variance, **subject to** the location and size of the proposed construction being in accordance with the plans filed, Committee of Adjustment date stamped May 21, 2024, as they relate to the requested variance.

*Fabian Poulin*  
FABIAN POULIN  
VICE-CHAIR

*Jay Baltz*  
JAY BALTZ  
MEMBER

*George Barrett*  
GEORGE BARRETT  
MEMBER

*Heather MacLean*  
HEATHER MACLEAN  
MEMBER

Absent  
JULIANNE WRIGHT  
MEMBER

I certify this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa, dated **June 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 **July 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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