

DECISION
MINOR VARIANCE / PERMISSION

Date of Decision:	March 15, 2024
Panel:	1 - Urban
File No.:	D08-02-24/A-00015
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Owners/Applicants:	Mila Smithies and Simon Frank
Property Address:	169 Clemow Avenue
Ward:	17 - Capital
Legal Description:	Lot 41, Registered Plan M-8
Zoning:	R1MM H (10)
Zoning By-law:	2008-250
Hearing Date:	March 6, 2024, in person and by videoconference

APPLICANTS' PROPOSAL AND PURPOSE OF THE APPLICATION

- [1] The Owners want to construct a one-storey addition at the rear of the existing dwelling to accommodate access to the rear yard, a mudroom and a pantry, as shown on the plans filed with the application.

REQUESTED VARIANCE

- [2] The Owners/Applicants require the Committee's authorization for a minor variance from the Zoning By-law to permit a reduced rear yard setback of 27.8% of the lot depth or 9.35 metres, whereas the By-law requires a minimum rear yard setback of 30% of the lot depth or 10.06 metres in this case.

PUBLIC HEARING

Oral Submissions Summary

- [3] There were no objections to granting this unopposed application as part of the Panel's fast-track consent agenda.
- [4] Mario Poulin, Agent for the Applicant, was present.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED

Application(s) 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, photo of the posted sign, and a sign posting declaration.
 - City Planning Report received March 1, 2024, with no concerns.
 - Rideau Valley Conservation Authority email received March 1, 2024, with no concerns.
 - Hydro Ottawa email received February 27, 2024, with no concerns.
 - Ministry of Transportation email received March 1, 2024, with no objections.

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 variance meets 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 subject addition to the rear portion of the home will only be constructed on a portion of the home and will not extend further into the rear yard than the existing rear-most wall of the dwelling".
- [10] The Committee also notes that no evidence was presented that the variance 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 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 neighborhood.
- [13] In addition, the Committee finds that the requested variance maintains the general intent and purpose of the Zoning By-law because the variance represents orderly development 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 impact on abutting properties or the neighbourhood in general.
- [15] THE COMMITTEE OF ADJUSTMENT therefore authorizes the requested variance, **subject to** the location and size of the proposed construction being in accordance with the plan filed, Committee of Adjustment date stamped February 7, 2024, as they relate to the requested variance.

"Jay Baltz"
JAY BALTZ
ACTING PANEL CHAIR

"John Blatherwick"
JOHN BLATHERWICK
MEMBER

"Julianne Wright"
JULIANNE WRIGHT
MEMBER

"Arto Keklikian"
ARTO KEKLIKIAN
MEMBER

"Sharon Lécuyer"
SHARON LÉCUYER
MEMBER

Absent
ANN M. TREMBLAY
CHAIR

Absent
SIMON COAKELEY
MEMBER

I certify this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa, dated **March 15, 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 4, 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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