

**DECISION
MINOR VARIANCE / PERMISSION**

Date of Decision:	September 29, 2023
Panel:	1 - Urban
File No(s):	D08-02-23/A-00172
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Owner(s)/Applicant(s):	Nicola Benton
Property Address:	9 Morris Street
Ward:	17 - Capital
Legal Description:	Part of Lots 19 & 39 Registered Plan 44
Zoning:	R3P [1474]
Zoning By-law:	2008-250
Hearing Date:	September 20, 2023, in person and by videoconference

APPLICANT'S PROPOSAL AND PURPOSE OF THE APPLICATION

- [1] The Owner wants to construct a two-storey addition and front facing garage on the east side of the existing detached dwelling, as shown on plans filed with the Committee.
- [2] The Committee of Adjustment adjourned the scheduled hearing of this application on August 16 to allow the Applicant to revise the plans and requested variances.

REQUESTED VARIANCES

- [3] The Owner/Applicant requires the Committee's authorization for minor variances from the Zoning By-law as follows:
 - a) To permit a reduced total interior side yard of ~~4.54~~ **1.21** metres, with the south side yard being 0.21 metres and the north side yard side being ~~4.30~~ 1 metre, whereas the By-law requires a total interior side yard of 1.8 metres with no side yard less than 0.6 metres.
 - b) To permit an increased front yard setback of ~~5.27~~ **4.52** metres, whereas the By-law permits a maximum front yard setback of 3.75 metres.

- c) To permit a front facing attached garage, whereas the By-law does not permit a front facing attached garage based on the conclusions of a streetscape character analysis.

PUBLIC HEARING

Oral Submissions Summary

- [4] Chris Jalkotzy, Agent for the Applicant, provided an overview of the application and responded to questions from the Committee.
- [5] The Panel Chair noted that, according to the City's Planning Report and based on the revised plans filed, the application should be amended as follows:
 - a) To permit a reduced total interior side yard of ~~4.54~~ **1.21** metres, with the south side yard being 0.21 metres and the north side yard side being ~~4.30~~ 1 metre, whereas the By-law requires a total interior side yard of 1.8 metres with no side yard less than 0.6 metres.
 - b) To permit an increased front yard setback of ~~5.27~~ **4.52** metres, whereas the By-law permits a maximum front yard setback of 3.75 metres.
- [6] The Committee also heard oral submissions from L. Moya, neighbour, who raised concerns regarding potential impacts of the proposed addition, including the loss of sunlight and privacy, and property damage related to construction.
- [7] City Planner Margot Linker stated concerns with the front-facing attached garage as it is not a feature of the dominant character of the streetscape.
- [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 a cover letter, plans, a tree information report, a parcel register, a streetscape character analysis, communications with neighbours, a photo of the posted sign, and a sign posting declaration.
- City Planning Report received August 11, 2023, with concerns; received September 14, 2023, with concerns.
- Rideau Valley Conservation Authority email dated August 10, 2023, with no objections; dated September 14, 2023, with no objections.
- Hydro Ottawa email dated August 16, 2023, with comments; dated September 20, 2023, with comments.
- Ministry of Transportation email dated August 10, 2023, with no comments.
- A. Bichon, neighbour, email dated August 11, 2023, with concerns.

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 Committee is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.
- [13] The Committee notes the City's concern that the front-facing attached garage does not reflect the dominant streetscape character. The Committee also notes that no compelling evidence was presented that the variances would result in any unacceptable adverse impact on adjacent properties or the neighbourhood in general.
- [14] 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.
- [15] 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.
- [16] 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 neighbourhood.

[17] 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.

[18] THE COMMITTEE OF ADJUSTMENT therefore authorizes the requested variances, **subject to** the location and size of the proposed construction being in accordance with the revised plan filed, Committee of Adjustment date stamped August 17, 2023, as they relate to the requested variances.

"Ann M. Tremblay"
ANN M. TREMBLAY
CHAIR

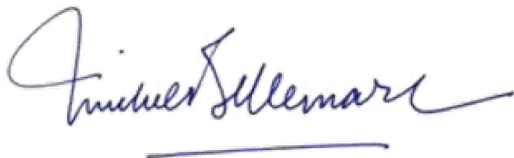
Absent
JOHN BLATHERWICK
MEMBER

"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 **September 29, 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 **October 19, 2023**, 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
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