

DECISION
MINOR VARIANCE / PERMISSION

Date of Decision:	May 24, 2024
Panel:	2 - Suburban
File No(s):	D08-02-24/A-00097
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Owners/Applicants:	Emma Tibbo and Sam Tiller
Property Address:	1872 Arizona Avenue
Ward:	18 – Alta Vista
Legal Description:	Lot 85, Registered Plan 763
Zoning:	R1O [623]
Zoning By-law:	2008-250
Heard:	May 14, 2024, in person and by videoconference

APPLICANT’S PROPOSAL AND PURPOSE OF THE APPLICATION

- [1] The Owners/Applicants want to construct a one-storey addition at the rear of the existing dwelling, as shown on the plans filed with the application.

REQUESTED VARIANCES

- [2] 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 7.86 metres (20.85% of the lot depth), whereas the By-law requires a rear yard setback of 11.32 metres (30% of the lot depth).
 - b) To permit a reduced rear yard area of 288 square metres (24% of the lot area), whereas the By-law requires a rear yard area of 298 square metres (25% of the lot area).

PUBLIC HEARING

Oral Submissions Summary

- [3] Christopher J. Mulholland, Agent for the Applicant, provided an overview of the application and responded to questions from the Committee. He highlighted that the requested variances correspond to the irregular shape of the lot and

summarized his efforts to work with the City's Forestry staff to address tree planting requirements.

- [4] Mr. Mulholland also responded to drainage concerns raised by residents, noting that grading and drainage will be addressed through the building permit process.
- [5] Following the public hearing, the Committee reserved its decision.

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, photo of the posted sign, and a sign posting declaration.
 - City Planning Report received May 9, 2024, with no concerns.
 - Rideau Valley Conservation Authority email received May 8, 2024, with no objections.
 - Ontario Ministry of Transportation email received April 30, 2024, with no comments.
 - J. and J. Krzyzanowski email received May 12, 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 variances meet 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 proposal "aligns with the current low-rise built form of the neighborhood," and that the rear yard setback and area "maintains amenity space and conserves privacy for abutting properties, as intended by the Zoning By-Law."
- [11] The Committee also notes that no compelling evidence was presented that the variances 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 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.
- [13] 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 neighborhood.
- [14] 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 that is compatible with the surrounding area.
- [15] 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.
- [16] 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 April 16, 2024, as they relate to the requested variances.

"Fabian Poulin"
FABIAN POULIN
VICE-CHAIR

"Jay Baltz"
JAY BALTZ
MEMBER

"George Barrett"
GEORGE BARRETT
MEMBER

"Heather MacLean"
HEATHER MACLEAN
MEMBER

"Julianne Wright"
JULIANNE WRIGHT
MEMBER

I certify this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa, dated **MAY 24, 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 **JUNE 13, 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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