

**DECISION
MINOR VARIANCE**

Date of Decision:	September 13, 2024
Panel:	1 - Urban
File No.:	D08-02-24/A-00193 D08-02-24/A-00202
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Applicants:	James Ketcheson and Elyse Pratt Johnson
Property Address:	45 Bower Street
Ward:	17 - Capital
Legal Description:	Lot 42, Registered Plan 171815
Zoning:	R1TT
Zoning By-law:	2008-250
Heard:	September 4, 2024, in person and by videoconference

APPLICANTS' PROPOSAL AND PURPOSE OF THE APPLICATION

- [1] The Applicants wants to replace the existing roof to provide an accessible third floor on the existing detached dwelling.

REQUESTED VARIANCE

- [2] The Applicants require the Committee's authorization for a minor variance from the Zoning By-law to permit an increased building height of 9.75 metres, whereas the By-law permits a maximum building height of 8.5 metres.

PUBLIC HEARING

Oral Submissions Summary

- [3] Leila Emmrys, Agent for the Applicant, provided an overview of the application. She advised that they did extensive consultation with the neighbours and received positive feedback. She further advised, in response to concerns received from the public, that the setback for the front porch, side yard and second story addition were existing conditions and that the City's Forestry Services confirmed that a Tree Information Report was not required as no trees would be affected by the proposed addition.

- [4] The Committee confirmed that the file number for the application should be amended to **D08-024-24/A-00202**.
- [5] City Planner Margot Linker was present.

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 August 28, 2024, with no concerns.
 - Rideau Valley Conservation Authority email received August 29, 2024, with no objections.
 - Hydro Ottawa email received September 3, 2024, with no objections.
 - Old Ottawa East Community Association email received September 3, 2024, opposed.

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 City staff "do not anticipate massing or privacy issues as a result of this addition". The report also highlights that "[t]he

addition is also stepped back from the existing covered porch and front façade, which minimizes impacts on the public realm”.

- [11] The Committee also notes that no compelling 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 July 29, 2024, as they relate to the requested variance.

Ann M. Tremblay
ANN M. TREMBLAY
CHAIR

John Blatherwick
JOHN BLATHERWICK
MEMBER

Arto Keklikian
ARTO KEKLIKIAN
MEMBER

Absent
SIMON COAKELEY
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 13, 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 **October 3, 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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