

**DECISION
MINOR VARIANCE**

Date of Decision:	August 30, 2024
Panel:	2 - Suburban
File No.:	D08-02-24/A-00197
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Applicant:	Karine Lortie
Property Address:	2019 Kings Grove Crescent
Ward:	11 – Beacon Hill-Cyrville
Legal Description:	Lot 483 Registered Plan 828
Zoning:	R1WW[637]
Zoning By-law:	2008-250
Heard:	August 20, 2024, in person and by videoconference

APPLICANT’S PROPOSAL AND PURPOSE OF THE APPLICATION

- [1] The Applicant wants to construct a one-storey addition containing living space and an attached garage, as shown on plans filed with the Committee. The existing garage and shed will be demolished.

REQUESTED VARIANCES

- [2] The Applicant requires the Committee’s authorization for minor variances from the Zoning By-law as follows:
- a) To permit a reduced corner side yard setback of 4.61 metres, whereas the By-law requires a minimum corner side yard setback of 5 metres.
 - b) To permit a reduced rear yard setback of 15.2.% of the lot depth or 4.68 metres, whereas the By-law requires a minimum rear yard setback of 28% of the lot depth, or 8.62 metres.
 - c) To permit a reduced rear yard area of 17.1% of the lot area or 118.42 square metres, whereas the By-law requires a minimum rear yard area of 25% of the lot area, or 172.81 square metres.

- d) **To permit an accessory structure 0.3 metres from a lot line, whereas the By-law requires a minimum setback of 1.2 metres for accessory structures abutting a corner side lot line.**
- e) To permit an increased garage projection from a principal entrance of 1.52 metres, whereas the By-law permits a maximum garage projection from a principal entrance of 0.6 metres.
- f) To permit a reduced garage setback from the front edge of a porch of 0 metres, whereas the By-law requires a minimum garage setback from the edge of a porch of 0.6 metres.

PUBLIC HEARING

Oral Submissions Summary

- [3] Paul Robinson, Agent for the Applicant, agreed to the following amendment to variance (d), as proposed in the City's Planning Report, to recognize that the existing deck is considered part of an accessory structure:
 - d) To permit an **accessory structure** ~~increased deck projection of 94% of the yard depth and~~ 0.3 metres from a lot line, whereas the By-law ~~permits a maximum deck projection of 50% of the yard depth and 1 metre to a lot line.~~ **requires a minimum setback of 1.2 metres for accessory structures abutting a corner side lot line.**
- [4] Mr. Robinson highlighted that the abutting neighbour was in support of the application.
- [5] City Planner Penelope Horn advised that the City had no concerns with the application.

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, photo of the posted sign, and a sign posting declaration.
 - City Planning Report received August 15, 2024, with no concerns.
 - Rideau Valley Conservation Authority email received August 19, 2024, with no objections.
 - Hydro Ottawa email received August 19, 2024, with comments.
 - Ontario Ministry of Transportation email received August 13, 2024, with no comments.
 - M. Foster, neighbour, email received August 8, 2024, in support.

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.
- [11] The Committee also notes that no 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 neighbourhood.
- [14] In addition, the Committee finds that the requested variances maintain the general intent and purpose of the Zoning By-law because the variances represent 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 July 22, 2024, as they relate to the requested variances.

Fabian Poulin
FABIAN POULIN
VICE-CHAIR

Declared Interest
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 **August 30, 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 **September 19, 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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