

**DECISION  
MINOR VARIANCE**

<b>Date of Decision:</b>	August 30, 2024
<b>Panel:</b>	2 - Suburban
<b>File No.:</b>	D08-02-24/A-00172
<b>Application:</b>	Minor Variance under section 45 of the <i>Planning Act</i>
<b>Applicant:</b>	Krikor Kichian
<b>Property Address:</b>	1 Sunny Brae Avenue
<b>Ward:</b>	7 – Bay
<b>Legal Description:</b>	Lot 15, Registered Plan 466
<b>Zoning:</b>	R1E
<b>Zoning By-law:</b>	2008-250
<b>Heard:</b>	August 20, 2024, in person and by videoconference

**APPLICANT’S PROPOSAL AND PURPOSE OF THE APPLICATION**

- [1] The Applicant is constructing a detached dwelling and wants to construct a detached garage and other accessory buildings on the property, as shown on plans filed with the Committee.

**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 rear yard setback of 29% of the lot depth or 12.95 metres for a detached dwelling, whereas the By-law requires a minimum rear yard setback of 30% of the lot depth or 13.27 metres.
  - b) To permit an increased cumulative floor area of 69.9 square metres for all accessory buildings, whereas the By-law permits a maximum cumulative floor area for all accessory buildings of 50% of the yard in which they are located, with a maximum cumulative floor area of 55 square metres.
  - c) To permit an entrance to a garage to be 6 metres closer to the side lot line than the principal entrance to the dwelling, whereas the By-law requires an entrance to a garage to be set back at least 0.6 metres further from the lot line than the principal entrance to the dwelling.

- d) To permit an increased driveway width in the corner side yard of 7.8 metres, whereas the By-law permits a maximum driveway width of 6 metres.

## **PUBLIC HEARING**

### **Oral Submissions Summary**

- [3] Chris Jalkotzy, Agent for the Applicant, provided a slide presentation, a copy of which is on file with the Secretary-Treasurer and available from the Committee Coordinator upon request. He highlighted that the proposed garage would be in line with the existing garage on the abutting lot and that a reduced rear yard setback was only required for one corner of the dwelling, and the balance of the rear yard would comply with the by-law.
- [4] Mr. Jalkotzy responded to a question from the Committee regarding the proposed increased driveway width, explaining that additional width was required to provide adequate space for the turning radius of an average-sized vehicle to access the garage doors, which would be located to the west side of the driveway.
- [5] City Planner Penelope Horn indicated she had no comments on the application.
- [6] 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**

- [7] 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**

- [8] 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, and a sign posting declaration.
  - City Planning Report received August 16, 2024, with no concerns; received August 15, 2024, with some concerns.

- Rideau Valley Conservation Authority email received August 19, 2024, with no objections.
- Hydro Ottawa email received August 19, 2024, with no concerns.
- Ontario Ministry of Transportation email received August 13, 2024, with no comments.
- A. Hill, neighbour, email received August 7, 2024, in support.

### **Effect of Submissions on Decision**

- [9] The Committee considered all written and oral submissions relating to the application in making its decision and granted the application.
- [10] Based on the evidence, the majority of the Committee (Member J. Wright dissenting, in part) is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.
- [11] The majority of the Committee notes that the City's Planning Report raises "no concerns" regarding the application, highlighting that the reduced rear setback "will have minimal impact on amenity area in the rear yard" and the increased aggregated building area for accessory structures is "mitigated by having them in separate yards." Regarding the garage and driveway, the report states that "[t]he variance to the maximum driveway width accommodates the turning radius into the garage, allowing the garage entrance to be screened from the front lot line by the dwelling and reducing the profile of the garage from the corner lot line."
- [12] The majority of the Committee also notes that no evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.
- [13] Considering the circumstances, the majority of 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.
- [14] The majority of 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.
- [15] In addition, the majority of 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.

[16] Moreover, the majority of 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.

[17] THE COMMITTEE OF ADJUSTMENT therefore authorizes the requested variances, **subject to** the location and size of the proposed construction being in accordance with the site plan filed, Committee of Adjustment date stamped June 27, 2024 and July 11, 2024, and the elevations filed, Committee of Adjustment date stamped June 27, 2024, as they relate to the requested variances.

[18] Member J. Wright dissents on variance (d), finding that the increased driveway width is not desirable from a planning and public interest point of view, does not maintain the general intent and purpose of the Zoning By-law, and is not minor.

*Fabian Poulin*  
FABIAN POULIN  
VICE-CHAIR

*Jay Baltz*  
JAY BALTZ  
MEMBER

*George Barrett*  
GEORGE BARRETT  
MEMBER

*Heather MacLean*  
HEATHER MACLEAN  
MEMBER

*Julianne Wright*  
(with noted dissent)  
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](mailto:cofa@ottawa.ca) and/or by mail or courier to the following address:

Secretary-Treasurer, Committee of Adjustment,  
101 Centrepointhe Drive, 4<sup>th</sup> 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](mailto: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**  
City of Ottawa  
[Ottawa.ca/CommitteeofAdjustment](http://Ottawa.ca/CommitteeofAdjustment)  
[cofa@ottawa.ca](mailto:cofa@ottawa.ca)  
613-580-2436



**Comité de dérogation**  
Ville d'Ottawa  
[Ottawa.ca/Comitedederogation](http://Ottawa.ca/Comitedederogation)  
[cded@ottawa.ca](mailto:cded@ottawa.ca)  
613-580-2436