

DECISION
MINOR VARIANCE / PERMISSION

Date of Decision:	September 13, 2024
Panel:	2 - Suburban
File No.:	D08-02-24/A-00193
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Applicants:	Ravi Tangudu and Lisa Connolly Tangudu
Property Address:	1494 Kilborn Avenue
Ward:	18 – Alta Vista
Legal Description:	Lot 60, Registered Plan No. 639
Zoning:	R1K
Zoning By-law:	2008-250
Heard:	September 3, 2024, in person and by videoconference

APPLICANTS' PROPOSAL AND PURPOSE OF THE APPLICATION

- [1] The Applicants want to construct a new two-storey, detached dwelling on their property, as shown on plans filed with the Committee. The existing dwelling will be demolished.

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 front yard setback of 3.16 metres, whereas the By-law requires a minimum front yard setback of 5.55 metres.
 - b) To permit a reduced interior side yard setback of 0.91 metres, whereas the By-law requires a minimum interior side yard setback of 2.4 metres.
 - c) To permit a driveway located between the front wall of the dwelling and the street, whereas the By-law does not permit a driveway to be located between the front wall of a residential use building and the street.
 - d) To permit reduced aggregated soft landscaping of 38% in the front yard, whereas the By-law requires a minimum of 40% of aggregated soft landscaping in the front yard.
- [3] The subject property is not the subject of any other current application under the *Planning Act*.

PUBLIC HEARING

Oral Submissions Summary

- [4] Ravi Tangudu and Lisa Tangudu, Applicants and City Planner Penelope Horn were present.
- [5] There were no objections to granting this unopposed application as part of the Panel's fast-track consent agenda.

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 report, photo of the posted sign, and a sign posting declaration.
 - City Planning Report received August 29, 2024, with no concerns.
 - Rideau Valley Conservation Authority email received August 29, 2024, with no 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 "[t]he intent of the interior side yard setback is to ensure that access to the rear of a building is maintained. In the proposed design, the 1.2 metre and 0.9 metre interior side yard setback will allow access to the rear yard." The report also highlights that "[t]he soft landscaping

proposed represents a decrease of 2 percent from the requirement, staff do not anticipate any negative impacts as a result of this reduction”.

- [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 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 July 15, 2024, as they relate to the requested variances.

Fabian Poulin
FABIAN POULIN
VICE-CHAIR

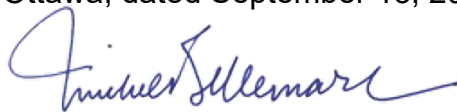
Absent
JAY BALTZ
MEMBER

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 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.

Committee of Adjustment
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