

DECISION
MINOR VARIANCE / PERMISSION

Date of Decision:	September 13, 2024
Panel:	2 - Suburban
File No.:	D08-02-24/A-00185
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Applicants:	Anthony and Susan McDonald
Property Address:	2181 Quinn Crescent
Ward:	18 – Alta Vista
Legal Description:	Lot 18, Registered Plan 712
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 an addition to expand the existing single attached garage to create a two-car attached garage, with two electric charging stations and storage area, as shown on the plans filed with the application. The existing shed 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 total interior side yard setback of 2.82 metres, with the north side being 2.2 metres and the south side being 0.6 metres, whereas the By-law requires a minimum total side yard setback of **3.6 metres** ~~3.5 metres~~, with one yard no less than 1.2 metres.
 - ~~b) To permit a reduced interior (south) side yard setback of 0.6 metres, whereas the by-law requires a minimum side yard setback of 1.2 metres.~~
- [3] The property is not the subject of any other current application under the *Planning Act*.

PUBLIC HEARING

Oral Submissions Summary

- [4] Chris Szymanogicz, Agent for the Applicants provided an overview of the application and responded to questions from the Committee. Mr. Szymanogicz confirmed that the garage could accommodate parking for two cars with storage located in the rear of the garage.
- [5] The Panel Chair noted that, as highlighted in the Planning Report, variance (b) could be deleted, and variance (a) should be amended as follows:
- a) To permit a reduced total interior side yard setback of 2.82 metres, with the north side being 2.2 metres and the south side being 0.6 metres whereas the By-law requires a minimum total side yard setback of **3.6 metres** ~~3.5 metres~~, with one yard no less than 1.2 metres.
 - b) ~~To permit a reduced interior (south) side yard setback of 0.6 metres, whereas the by-law requires a minimum side yard setback of 1.2 metres.~~
- [6] City Planner Elizabeth King expressed concerns regarding the reduced southerly side yard setback as it would prevent external access to the rear yard. She also highlighted that access along the north side of the property was impeded due to the placement of the air conditioner and an above grade deck. Ms. King did acknowledge the revised plans which added rear yard access through the interior of the proposed garage.
- [7] The Committee also heard oral submissions from the following individuals:
- R. Ogoniek, resident, highlighted concerns regarding snow sliding off the roof of the subject property into his side yard and relating to ongoing grading and drainage and stormwater management.
 - A. McDonald, Applicant, highlighted that new icebreakers were installed to address the problem of snow sliding off his roof. He added that he was unaware of any stormwater management or drainage issues.
- [8] Following the public hearing, the Committee reserved its decision.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION REFUSED

Application(s) Must Satisfy Statutory Four-Part Test

- [9] 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

[10] 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 28, 2024, with some concerns.
- Rideau Valley Conservation Authority email received August 29, 2024, with no comments.
- R. Ogoniek, resident email received August 29, 2024, with concerns.
- A. Boucher, resident, email received September 2, 2024, with comments.
- Petition signed by four area residents in support and by seven area residents with concerns, received by email September 2, 2024.
- Elizabeth, resident, email received September 2, 2024, in support.

Effect of Submissions on Decision

[11] The Committee considered all written and oral submissions relating to the application in making its decision and refused the application.

[12] Based on the evidence, the Committee is not satisfied that the requested variance meets all four requirements under subsection 45(1) of the *Planning Act*.

[13] The Committee notes that the City's Planning Report raises "some concerns" regarding the application, highlighting that, "access to the rear yard is not entirely possible from the northern interior side yard (setback of 2.2 metres) due to the placement of an air conditioner and a deck 0.8 metres above grade, which will restrict rear yard access from the front yard".

[14] Based on the circumstances, the Committee finds that, from a planning and public interest point of view, the requested variance is not desirable for the appropriate development or use of the land, building or structure on the property, and relative to the neighbouring lands, concluding that an alternative design could be achieved that is more sensitive to the abutting neighbour and the neighbourhood as a whole.

[15] In addition, the Committee finds that the requested variance does not maintain the general intent and purpose of the Zoning By-law, which is to ensure adequate space between the dwelling and the lot line.

[16] Failing two of the four statutory tests, the Committee is unable to grant the application.

[17] THE COMMITTEE OF ADJUSTMENT therefore does not authorize the requested variance.

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.

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