

**DECISION  
MINOR VARIANCE**

<b>Date of Decision:</b>	September 27, 2024
<b>Panel:</b>	1 - Urban
<b>File No.:</b>	D08-02-24/A-00218
<b>Application:</b>	Minor Variance under section 45 of the <i>Planning Act</i>
<b>Applicant:</b>	JBPA Developments
<b>Property Address:</b>	100 Glebe Avenue
<b>Ward:</b>	17 – Capital
<b>Legal Description:</b>	Lot 29, Registered Plan 76125
<b>Zoning:</b>	R3G
<b>Zoning By-law:</b>	2008-250
<b>Heard:</b>	September 18, 2024, in person and by videoconference

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

- [1] The Applicant want to construct a new two-storey detached garage on their property, with storage or personal amenity space on the second floor, as shown on plans filed with the application. The existing garage 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 an increased accessory building height of 5.63 metres, whereas the By-law permits a maximum accessory building height of 3.6 metres.
  - b) To permit an increased accessory building size of 102 square metres, whereas the By-law permits a maximum accessory building size of 55 square metres.
- [3] The property is not the subject of any other current application under the *Planning Act*.

**PUBLIC HEARING**

**Oral Submissions Summary**

- [4] Scott Alain, 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. In response to questions from the Committee, Mr. Alain clarified that the proposed second floor of the garage will be used for storage and personal amenity space.

- [5] Mr. Alain explained that the location of the proposed garage is intended to provide more space from the abutting lots. As well, he believed that the requested height of the garage is appropriate given the large size of the subject property and reduces the lot coverage for the accessory building.
- [6] City Planner Luke Teeft was also present.

## **DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED**

### **Application 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, tree information report, photo of the posted sign, and a sign posting declaration.
  - City Planning Report received September 11, 2024, with no concerns.
  - Rideau Valley Conservation Authority email received September 16, 2024, with no objections.
  - Hydro Ottawa email received September 16, 2024, with no objections.
  - Ontario Ministry of Transportation email received September 9, 2024, with no comments.
  - M. and S. Reid, residents, email received September 16, 2024, with concerns.

### **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 Committee is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.
- [11] The Committee notes that the City's Planning Report raises "no concerns" regarding the application, highlighting that "[t]he structure does not have any windows facing into neighbouring yards, limiting privacy issues with neighbours and is oriented so that increased shadowing from height will largely impact the subject property over those adjacent."
- [12] The Committee also notes that no compelling evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.
- [13] 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.
- [14] 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 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 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 August 9, 2024, as they relate to the requested variances.

*Ann M. Tremblay*  
ANN M. TREMBLAY  
CHAIR

*John Blatherwick*  
JOHN BLATHERWICK  
MEMBER

*Simon Coakeley*  
SIMON COAKELEY  
MEMBER

*Arto Keklikian*  
ARTO KEKLIKIAN  
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 27, 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 17, 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 Centrepointe 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**  
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