

**DECISION
MINOR VARIANCE**

Date of Decision:	November 15, 2024
Panel:	1 - Urban
File No.:	D08-02-24/A-00250
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Applicant:	Michelle Sample
Property Address:	314 Queen Elizabeth Driveway
Ward:	17 - Capital
Legal Description:	Part of Lot E, Registered plan 35085
Zoning:	R3Q [1474]
Zoning By-law:	2008-250
Heard:	November 6, 2024, in person and by videoconference

APPLICANT'S PROPOSAL AND PURPOSE OF THE APPLICATION

- [1] The Applicant wants to convey a portion of her property to the abutting property owners to the west, known municipally as 1 Second Avenue and to expand the existing detached garage at the rear of the property, as shown on plans filed with the Committee.
- [2] On September 18, 2024, the Committee adjourned this application to allow the Applicant time to submit a minor variance application.
- [3] In May 2023, the Committee granted minor variance application (D08-02-23/A-00076) which included relief needed to renovate the existing garage. The Applicant has since revised her plans for the proposed garage and is reapplying for the required variances.

REQUESTED VARIANCES

- [4] 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 0 metres, whereas the By-law requires a minimum required rear yard setback of 25% or 4.52 metres.

- b) To permit a reduced rear yard area of 0 metres squared, whereas the By-law requires a minimum rear yard area of 25% of the lot area or in this case, 48.9 square metres.
- c) To permit a reduced interior side yard setback, on both the north and ~~eastern~~ **southern** sides of the garage, of 0 metres, whereas the By-law requires a total interior side yard setback of 1.8 metres, with no yard less than 0.6 metres.

[5] The property is the subject of the concurrent consent application under the *Planning Act*.

PUBLIC HEARING

Oral Submissions Summary

- [6] Arjan Soor and Murray Chown, Agents 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.
- [7] Mr. Chown explained that the requested variances relate to the expansion of the existing garage in the rear yard of 314 Queen Elizabeth Driveway. The existing garage is currently built right to the north side and rear lot lines.
- [8] In response to questions from the Committee, Mr. Chown confirmed that renovations to the existing dwelling have begun in concurrence with the previous granted minor variance application. He explained the purpose of the requested variances was to expand the existing garage and to connect it to the dwelling.
- [9] The Committee noted that an amendment to variance (c) was required as follows:
 - c) To permit a reduced interior side yard setback, on both the north and ~~eastern~~ **southern** sides of the garage, of 0 metres, whereas the By-law requires a total interior side yard setback of 1.8 metres, with no yard less than 0.6 metres.
- [10] With the concurrence of all parties, the application was amended accordingly.
- [11] City Planner Penelope Horn highlighted no concerns with the application as amended.
- [12] The Committee also heard oral submissions from the following individuals:
 - G. Weston, resident, raised concerns over access to the foundation, possibility of future development, and his kitchen exhaust vent which extends through the shared wall between his dwelling and the garage on the subject property, adding the if the garage was built higher it would impact the vent. Mr. Weston also requested that a common wall agreement be implemented.

- [13] In response to Mr. Weston's concerns, Mr. Chown reiterated that tying approval of the variances to plans would restrict future development. Mr. Chown also added that the Applicant is not proposing to increase the height of the garage.
- [14] Michael Polowin, the Applicant's solicitor, confirmed that a common wall agreement binding current and future owners could be created to address the shared wall.
- [15] Following the public hearing, the Committee reserved its decision.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED AS AMENDED

Application(s) Must Satisfy Statutory Four-Part Test

- [16] 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

- [17] Evidence considered by the Committee included all 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 revised cover letter, plans, tree information, parcel register abstract, photo of the posted sign, and a sign posting declaration.
 - City Planning Report received October 31, 2024, with no concerns; received September 12, 2024, requesting adjournment.
 - Rideau Valley Conservation Authority email dated November 1, 2024, with no objections; received September 16, 2024, with no objections.
 - Hydro Ottawa email dated November 1, 2024, with comments; received September 16, 2024, with no objections.
 - Hydro One email dated October 31, 2024, with no concerns; received September 9, 2024, with no comments.

- Ontario Ministry of Transportation email dated October 18, 2024, with no comments; September 9, 2024, with no comments.
- G. Weston, resident, email received November 5, 2024, with concerns; received September 17, 2024, requesting adjournment.

Effect of Submissions on Decision

- [18] The Committee considered all written and oral submissions relating to the application in making its decision and granted the application as amended.
- [19] Based on the evidence, the Committee is satisfied that the requested variance meets all four requirements under subsection 45(1) of the *Planning Act*.
- [20] The Committee notes that the City's Planning Report raises "no concerns" regarding the application.
- [21] The Committee also notes that no compelling evidence was presented that the variance would result in any unacceptable adverse impact on neighbouring properties.
- [22] Considering the circumstances, the Committee finds that because the proposal fits well in the area, the requested variance is, 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.
- [23] 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.
- [24] In addition, the Committee finds that the requested variance maintains the general intent and purpose of the Zoning By-law because the proposal represents orderly development that is compatible with the surrounding area.
- [25] 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.
- [26] THE COMMITTEE OF ADJUSTMENT therefore authorizes the requested variances, **subject to** location and size of the proposed construction being in accordance with the site plan filed, Committee of Adjustment date stamped October 1, 2024, as they relate to the requested variances, and being restricted to the life of the garage in the rear yard of the property municipally known as 314 Queen Elizabeth Driveway.

"Ann M. Tremblay"
ANN M. TREMBLAY
CHAIR

"John Blatherwick"
JOHN BLATHERWICK
ACTING PANEL CHAIR

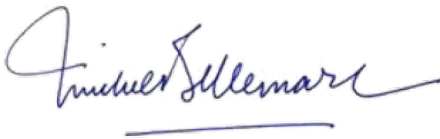
"Simon Coakeley"
SIMON COAKELEY
MEMBER

"Arto Keklikian"
ARTO KEKLIKIAN
MEMBER

ABSENT
SHARON LÉCUYER
MEMBER

"Heather Maclean"
HEATHER MACLEAN
MEMBER

I certify this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa, dated **November 15, 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 **December 5, 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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