

DECISION MINOR VARIANCE

Date of Decision:	November 15, 2024
Panel:	2 - Suburban
File No.:	D08-02-24/A-00220
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Applicant:	John Rumble
Property Address:	858 Wingate Avenue
Ward:	18 - Alta Vista
Legal Description:	Lot 630, Registered Plan 643
Zoning:	R10
Zoning By-law:	2008-250
Heard:	November 5, 2024, in person and by videoconference

APPLICANT'S PROPOSAL AND PURPOSE OF THE APPLICATION

- [1] The Applicant wants to construct a rear detached garage and extend the existing driveway, 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 setback for a detached garage (eaves) of **0.3 metres** from the interior side lot line, whereas the By-law requires a minimum setback for an accessory structure of 0.6 metres from a lot line.
 - b) To permit a reduced setback for a detached garage (eaves) of 0.3 metres from the rear lot line, whereas the By-law requires a minimum setback for an accessory structure of 0.6 metres from a lot line.
 - ~~c) To permit a driveway to occupy 100 per cent of the yard in which it is located, whereas the By-law permits a driveway to occupy a maximum of 50 per cent of the yard in which it is located.~~

- d) To permit a reduced landscaped strip of 0 metres between a driveway and interior side lot line, whereas the By-law requires a driveway to be separated from the interior side lot line by a landscaped strip not less than 0.15 metres in width.
- e) ~~To permit a reduced driveway width of 2.34 metres, whereas the By-law requires a minimum driveway width of 2.6 metres.~~

PUBLIC HEARING

Oral Submissions Summary

- [3] Renzo Cecchetto, Agent for the Applicant, provided an overview of the application and responded to questions from the Committee. He also confirmed that variances (c) and (e) were not required and should be deleted, and requested that variance (a) be amended in accordance with the revised site plan on file, as follows:
 - a) To permit a reduced setback for a detached garage (eaves) of ~~0.18 metres~~ **0.3 metres** from the interior side lot line, whereas the By-law requires a minimum setback for an accessory structure of 0.6 metres from a lot line.

With all parties in agreement, the application was amended accordingly.
- [4] Mr. Cecchetto confirmed that the survey filed with the application revealed an easement at the rear of the property, and that its impact on the proposed construction would have to be determined before obtaining a building permit. He also stated that the Applicant had prepared a grading and drainage plan and that there would no change in the quantity or direction of runoff.
- [5] City Planner Nivethini Jekku Einkaran had no concerns with the application and noted that drainage impacts would be reviewed at the building permit stage.
- [6] Following the public hearing, the Committee reserved its decision.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED AS AMENDED

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 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 cover letter, plans, photo of the posted sign, and a sign posting declaration.
 - City Planning Report received October 31, 2024, with no concerns.
 - Rideau Valley Conservation Authority email dated November 1, 2024, with no objections.
 - Hydro Ottawa email dated November 1, 2024, with no comments.
 - Ontario Ministry of Transportation email dated October 18, 2024, with no comments.
 - R. and C. Beaudoin, residents, email dated October 21, 2024, in support.
 - C. Roy, resident, email dated October 28, 2024, with comments.
 - W. Darling, resident, email dated November 1, 2024, with no objections.

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 variance meets 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.
- [12] The Committee also notes that no compelling evidence was presented that the variance 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 variance maintains 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 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.
- [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 revised site plan filed, Committee of Adjustment date stamped October 30, 2024, and the elevation drawings filed, Committee of Adjustment date stamped August 12, 2024, as they relate to the requested variances.

"Fabian Poulin"
FABIAN POULIN
VICE-CHAIR

"Jay Baltz"
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 **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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