

**DECISION
MINOR VARIANCE**

Date of Decision:	November 29, 2024
Panel:	2 - Suburban
File No.:	D08-02-24/A-00267
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Applicants	James and Ellen Brohman
Property Address:	1880 Kilborn Avenue
Ward:	18 - Alta Vista
Legal Description	Lot 5, Registered Plan 799
Zoning:	R1O
Zoning By-law:	2008-250
Heard:	November 19, 2024, in person and by videoconference

APPLICANTS' PROPOSAL AND PURPOSE OF THE APPLICATION

- [1] The Applicants want to convert the existing garage and second-storey living space above to an additional dwelling unit, as shown on plans filed with the Committee.

REQUESTED VARIANCE

- [2] The Applicants seek the Committee's authorization for the following minor variance from the Zoning By-law:
 - a) To permit zero parking spaces **in the attached garage and to allow a front yard parking space located in the existing driveway.**

PUBLIC HEARING

Oral Submissions Summary

- [3] James Brohman, one of the Applicants, was in attendance.

- [4] The Panel Chair noted that an amendment to the wording of the requested minor variance was suggested by City Planning staff. City Planner Penelope Horn explained that the amended wording would ensure that the variance reflected the proposal as described in the Applicants' cover letter, and that the Applicants would continue to park in the existing driveway.
- [5] With all parties in agreement, the application was amended as follows:
- a) To permit zero parking spaces, ~~whereas the By-law requires a minimum of one parking space.~~ **in the attached garage and to allow a front yard parking space located in the existing driveway.**
- [6] 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

- [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 November 14, 2024, with no concerns.
 - Rideau Valley Conservation Authority email dated November 14, 2024, with no objections.
 - Hydro Ottawa email dated November 15, 2024, with comments.
 - Ontario Ministry of Transportation email dated November 5, 2024, with no 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 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 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 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.
- [14] The Committee also finds that the requested variance maintains the general intent and purpose of the Official Plan because the proposal supports intensification in the Outer Urban Transect and 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 variance, 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 variance.

Absent
FABIAN POULIN
VICE-CHAIR

"Gary Duncan"
GARY DUNAN
MEMBER

"Arto Keklikian"
ARTO KEKLIKIAN
MEMBER

"Jay Baltz"
JAY BALTZ
ACTING PANEL CHAIR

"George Barrett"
GEORGE BARRETT
MEMBER

"Heather MacLean"
HEATHER MACLEAN
MEMBER

Absent
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 29, 2024**



Michel Bellemare
Secretary-Treasurer

NOTICE OF RIGHT TO APPEAL

To appeal this decision to the Ontario Land Tribunal (OLT), a completed appeal form and the filing fee must be submitted via one of the below options and must be received no later than **3:00 p.m. on December 19, 2024**.

- **OLT E-FILE SERVICE** – An appeal can be filed online through the [E-File Portal](#). First-time users will need to register for a My Ontario Account. Select [Ottawa (City): Committee of Adjustment] as the Approval Authority. To complete the appeal, fill in all the required fields and provide the filing fee by credit card.

- **BY EMAIL** - Appeal packages can be submitted by email to cofa@ottawa.ca. The appeal form is available on the OLT website at [Forms | Ontario Land Tribunal](#). Please indicate on the appeal form that payment will be made by credit card.
- **IN PERSON** – Appeal packages can be delivered to the Secretary-Treasurer, Committee of Adjustment, 101 CentrepoinTE Drive, 4th floor, Ottawa, Ontario, K2G 5K7. The appeal form is available on the OLT website at [Forms | Ontario Land Tribunal](#). In person 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.

Please note only one of the above options needs to be completed. If your preferred method of appeal is not available at the time of filing, the appeal must be filed with one of the other two options.

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.

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.

If you have any questions about the appeal process, please visit [File an Appeal | Ontario Land Tribunal](#)

Ce document est également offert en français.

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