

DECISION MINOR VARIANCE

Date of Decision:	November 29, 2024
Panel:	2 - Suburban
File No.:	D08-02-24/A-00268
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Applicants':	Kyla Reid and Jason Sampara
Property Address:	28 Kilmory Crescent
Ward:	9 - Knoxdale-Merivale
Legal Description:	Lot 604, Registered Plan 427936
Zoning:	R1FF
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 demolish the existing attached garage and construct a new attached garage and carport on the southeast side of the existing dwelling, as shown on plans filed with the Committee.

REQUESTED VARIANCES

- [2] The Applicants seek the Committee's authorization for minor variances from the Zoning By-law as follows:
- To permit an entrance to a carport to be located 1.88 metres closer to the front lot line than the principal entrance of the dwelling, whereas the By-law requires an entrance to a garage or carport to be set back at least 0.6 metres further from the front lot line than the principal entrance to the dwelling.
 - To permit a reduced front yard setback of 4.12 metres, whereas the By-law requires a minimum front yard setback of 6 metres.
 - To permit an entrance to a carport to be located 1.88 metres closer to the front lot line than the principal entrance of the dwelling, whereas the By-law requires the entrance to the garage to be a maximum of 0.6 metres closer**

to the front lot line than the entrance to the principal dwelling.

PUBLIC HEARING

Oral Submissions Summary

- [3] Kyla Reid and Jason Sampara, the Applicants, were in attendance.
- [4] The Panel Chair noted that the City's Planning Report highlighted the need for an additional variance. City Planner Nivethini Jekku Einkaran explained that the Zoning By-law contains two separate provisions that regulate the location of garage and carport entrances. The Applicants had requested a variance from one of those provisions. For technical reasons, it was recommended that a variance be requested from both. With all parties in agreement, the application was amended to include the following additional variance:
- c) To permit an entrance to a carport to be located 1.88 metres closer to the front lot line than the principal entrance of the dwelling, whereas the By-law requires the entrance to the garage to be a maximum of 0.6 metres closer to the front lot line than the entrance to the principal dwelling.**
- [5] 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

- [6] 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

- [7] 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, tree information, 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 no comments.
- Ontario Ministry of Transportation email dated November 5, 2024, with no concerns.

Effect of Submissions on Decision

- [8] The Committee considered all written and oral submissions relating to the application in making its decision and the application.
- [9] Based on the evidence, the Committee is satisfied that the requested variance meets all four requirements under subsection 45(1) of the *Planning Act*.
- [10] The Committee notes that the City's Planning Report raises "no concerns" regarding the application.
- [11] The Committee also notes that no evidence was presented that the variance would result in any unacceptable adverse impact on neighbouring properties.
- [12] 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.
- [13] 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.
- [14] 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.
- [15] 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.
- [16] THE COMMITTEE OF ADJUSTMENT therefore authorizes the requested variances, **subject to** the location and size of the proposed construction being in accordance with the elevation drawings filed and Committee of Adjustment date-stamped October 22, 2024, and the site plan filed and Committee date-stamped November 15, 2024, as they relate to the requested variances.

"Fabian Poulin"
FABIAN POULIN
VICE-CHAIR

"Gary Duncan"
GARY DUNCAN
MEMBER

"Arto Keklikian"
ARTO KEKLIKIAN
MEMBER

"Jay Baltz"
JAY BALTZ
ACTING PANEL CHAIR

"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 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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