

DECISION MINOR VARIANCE

Date of Decision:	April 11, 2025
Panel:	2 - Suburban
File No(s):	D08-02-25/A-00040 & D08-02-25/A-00052
Application(s):	Minor Variances under section 45 of the <i>Planning Act</i>
Applicant(s)	DLA Group Inc.
Property Address:	1270 Kilborn Avenue
Ward:	18 - Alta Vista
Legal Description	Part of Lot 19, Concession Junction Gore, Geographic Township of Gloucester
Zoning	R2F-c
Zoning By-law:	2008-250
Heard:	April 1, 2025, in person and by videoconference

APPLICANT'S PROPOSAL AND PURPOSE OF THE APPLICATIONS

- [1] The Applicant wants to construct a two-storey, semi-detached dwelling with two additional dwelling units in each half, for a total of 6 dwelling units, as shown on plans filed with the Committee. The existing dwelling will be demolished.

REQUESTED VARIANCES

- [2] The Applicant seeks the Committee's authorization for the following minor variances from the Zoning By-law:

A-00040: 1270 Kilborn Avenue, one half of the proposed semi-detached:

- a) To permit a reduced front yard setback of 4.88 metres, whereas the By-law requires a minimum front yard setback of 6 metres.
- b) To permit a reduced corner side yard setback of 3.7 metres whereas the By-law requires a minimum corner side yard setback of 4.5 metres.

A-00052: 2161 Lamira Street Avenue, one half of the proposed semi-detached:

- c) To permit a reduced additional interior yard area of 6.39 square metres, whereas the By-law requires a minimum additional interior yard area of 8.58 square metres.

- [3] The property is not the subject of any other current application under the *Planning Act*.

PUBLIC HEARING

Oral Submissions Summary

- [4] Jennifer Murray, 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.
- [5] City Planner Nivethini Jekku Einkaran confirmed no concerns with the applications.
- [6] The Committee also heard oral submissions from the following individuals:
- N. Khalil, resident, inquired about changes to the roundabout adjacent to the subject property.
- [7] Responding to the Committee's questions, Ms. Murray confirmed no changes were being proposed to the roundabout. She also noted there are two existing parking spaces on the property.
- [8] Following the public hearing, the Committee reserved its decision.

DECISION AND REASONS OF THE COMMITTEE: APPLICATIONS GRANTED

Applications Must Satisfy Statutory Four-Part Test

- [9] The Committee has the power to authorize minor variances 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 variances are minor, are 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

- [10] 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:

- Applications and supporting documents, including cover letter, parcel register abstract, plans, tree planting plan, photo of the posted sign, and a sign posting declaration.
- City Planning Report received March 27, 2025, with no concerns.
- Rideau Valley Conservation Authority email dated March 26, 2025, with no objections.
- Hydro Ottawa email dated March 21, 2025, with comments.
- Hydro One email dated March 21, 2025, with no comments.
- Ontario Ministry of Transportation email dated March 25, 2025, with no comments.
- S. Alba-Corral, resident, email dated March 27, 2025, with concerns.

Effect of Submissions on Decision

- [11] The Committee considered all written and oral submissions relating to the applications in making its decision and granted the applications.
- [12] Based on the evidence, the Committee is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.
- [13] The Committee notes that the City's Planning Report raises "no concerns" regarding the applications.
- [14] The Committee also notes that no compelling evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.
- [15] 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.
- [16] 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.
- [17] 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.

- [18] 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.
- [19] **THE COMMITTEE OF ADJUSTMENT ORDERS** that the applications are granted and the variances to the Zoning By-law are authorized, **subject to** the location and size of the proposed construction being in accordance with the plans filed, Committee of Adjustment date stamped February 24, 2025, 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

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 **April 11, 2025**

"Michel Bellemare"
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 May 1, 2025**.

- **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 Centrepoin 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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