

**DECISION  
MINOR VARIANCE**

<b>Date of Decision:</b>	April 11, 2025
<b>Panel:</b>	2 - Suburban
<b>File No.:</b>	D08-02-25/A-00035
<b>Application:</b>	Minor Variance under section 45 of the <i>Planning Act</i>
<b>Applicant:</b>	Andreas Foustanelas
<b>Property Address:</b>	7 Cassone Court
<b>Ward:</b>	9 - Knoxdale-Merivale
<b>Legal Description:</b>	Lot 4, Registered Plan 4M-635
<b>Zoning:</b>	R1E [1722]
<b>Zoning By-law:</b>	2008-250
<b>Heard:</b>	April 1, 2025, in person and by videoconference

**APPLICANT'S PROPOSAL AND PURPOSE OF THE APPLICATION**

- [1] The Applicant wants to construct a two-storey addition with a rooftop terrace, along the north and west sides of the existing dwelling, as shown on plans filed with the Committee.

**REQUESTED VARIANCES**

- [2] The Applicant seeks the Committee's authorization for the following minor variances from the Zoning By-law:
- a) To permit a reduced front yard setback of 4.54 metres, whereas the By-law requires a minimum front yard setback of 7.5 metres.
  - b) To permit a reduced rear yard setback of 7.04 metres, whereas the By-law requires a minimum rear yard setback of 12 metres.
  - c) To permit an increased maximum lot coverage of 31.12 % whereas the By-law permits a maximum lot coverage of 25%.

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

## **PUBLIC HEARING**

### **Oral Submissions Summary**

- [4] Benjamin Clare, 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] Responding to the Committee's questions, Mr. Clare advised that the proposed terrace would be accessed from the interior of the second storey of the dwelling. He further expressed that the terrace complies with the Zoning By-law and would have minimal overlook or privacy impacts on the neighbouring property.
- [6] City Planner Nivethini Jekku Einkaran confirmed no concerns with the application.
- [7] The Committee also heard oral submissions from the following individuals:
- R. Hoekstra, resident, raised concerns over lack of available vehicle parking, reduced setback and increased lot coverage, privacy issues, and neglect of the property, as well expressed the proposal was not in keeping with the character of the neighbourhood.
  - A. Mekkunel, resident, expressed the proposed garage addition was excessive, and raised concerns over neglect of the property, negative impacts to the neighbourhood, safety and security issues, and precedent setting.
  - S. Varughese, resident, raised concerns over loss of privacy and possible encroachment onto her property. Ms. Varughese further clarified her property has bay windows which angle towards the proposed addition.
- [8] Responding to resident concerns, Mr. Clare expressed that in the latest revision of the site plan, permeable pavers had been removed in favour of adding additional greenspace. He noted that encroachment concerns would be addressed by having a surveyor identify the location of the shared property line.
- [9] Following the public hearing, the Committee reserved its decision.

## **DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED**

### **Application Must Satisfy Statutory Four-Part Test**

- [10] 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**

[11] 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, planning rationale, revised plans, tree information report, 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.
- Ontario Ministry of Transportation email dated March 25, 2025, with no comments.
- R. Hoekstra, resident, email dated March 28, 2025, in opposition.

### **Effect of Submissions on Decision**

- [12] The Committee considered all written and oral submissions relating to the application in making its decision and granted the application.
- [13] Based on the evidence, the Committee is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.
- [14] The Committee notes that the City's Planning Report raises "no concerns" regarding the applications, highlighting that, "[A] revised plan shows the area in front of the fourth garage bay to be a walkway and soft landscaped area. Staff have no concerns since the fourth garage bay will be used for landscaping and recreational equipment and is not intended to be used for motor vehicles."
- [15] The Committee also notes that no compelling evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.
- [16] 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.

- [17] 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.
- [18] 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.
- [19] 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.
- [20] **THE COMMITTEE OF ADJUSTMENT ORDERS** that the application is 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 revised plans filed, Committee of Adjustment date stamped March 27, 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](mailto: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, 4<sup>th</sup> 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.*

**Committee of Adjustment**  
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