

**DECISION
MINOR VARIANCE**

Date of Decision: May 30, 2025
Panel: 2 - Suburban
File No.: D08-02-25/A-00095
Application: Minor Variance under section 45 of the *Planning Act*
Applicant: Sarah Ashton
Property Address: 81 Pooler Avenue
Ward: 7 - Bay
Legal Description: Part of Lot 38, Registered Plan 278
Zoning: R2F
Zoning By-law: 2008-250
Heard: May 20, 2025, in person and by videoconference

APPLICANT'S PROPOSAL AND PURPOSE OF THE APPLICATION

- [1] The Applicant wants to construct a sunroom at the front of the existing semi-detached dwelling, as shown on plans filed with the Committee.

REQUESTED VARIANCE

- [2] The Applicant seeks the Committee's authorization for a minor variance from the Zoning By-law to permit a reduced front yard setback of 3.00 metres, whereas the By-law requires a minimum front yard setback of 6.00 metres.
- [3] The property is not the subject of any other current application under the *Planning Act*.

PUBLIC HEARING

Oral Submissions Summary

- [4] Julian Villacres, agent for the Applicant, provided an overview of the application and responded to questions from the Committee. He advised that the balcony needed to be replaced as it was unsuitable and not structurally safe.

- [5] In response to questions from the Committee, Mr. Villacres explained that the neighbours' views would not be obstructed, despite a wall being constructed on that side of the sunroom to comply with building code and fire regulations.
- [6] City Planner Dylan Geldart highlighted no concerns with the application and that the trees in the front yard would provide screening from the road.
- [7] Following the public hearing, the Committee reserved its decision.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION REFUSED

Application Must Satisfy Statutory Four-Part Test

- [8] 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

- [9] 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, plans, tree information, photos of the posted sign, and a sign posting declaration.
 - City Planning Report received May 14, 2025, with no concerns.
 - Rideau Valley Conservation Authority email dated May 16, 2025, with no objections.
 - Hydro Ottawa email dated May 7, 2025, with no objections.
 - Ontario Ministry of Transportation email dated April 29, 2025, with no comments.
 - J. Armstrong, resident, email dated May 16, 2025, opposed.

Effect of Submissions on Decision

- [10] The Committee considered all written and oral submissions relating to the application in making its decision and refused the application.
- [11] Based on the evidence, the Committee is not satisfied that the requested variance meets all four requirements under subsection 45(1) of the *Planning Act*.
- [12] The Committee notes that the City's Planning Report raises "no concerns" regarding the application.
- [13] Considering the circumstances, the Committee finds that because the proposal does not fit well in the area, the requested variance is, from a planning and public interest point of view, not desirable for the appropriate development or use of the land, building or structure on the property, and relative to the neighbouring lands.
- [14] In addition, the Committee finds that the requested variance does not maintain the general intent and purpose of the Zoning By-law because the proposal does not represent orderly development that is compatible with the surrounding area.
- [15] Moreover, the Committee finds that the requested variance is not minor because it will create unacceptable adverse impact on abutting properties.
- [16] Failing three of the four statutory requirements, the Committee is unable to grant the application.
- [17] **THE COMMITTEE OF ADJUSTMENT ORDERS** that the application is refused and the variance is not authorized.

"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 **May 30, 2025**.

"Matthew Garnett"

MATTHEW GARNETT

ACTING 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 June 19, 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 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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