

**DECISION
MINOR VARIANCE**

Date of Decision: July 18, 2025
Panel: 1 - Urban
File No.: D08-02-25/A-00133
Application: Minor Variance under section 45 of the *Planning Act*
Applicants: D. Kourillina and I. Fernando Sanchez Vega
Property Address: 531 Gilmour Street
Ward: 14 - Somerset
Legal Description: Part of Lot 23, North Side of Gilmour Street, Registered Plan 27904
Zoning: R4UD [733]
Zoning By-law: 2008-250
Heard: July 9, 2025, in person and by videoconference

APPLICANTS' PROPOSAL AND PURPOSE OF THE APPLICATION

- [1] The Applicants want to construct an addition to the third storey, at the rear of the existing detached dwelling, as shown on plans filed with the Committee.

REQUESTED VARIANCE

- [2] The Applicants seek the Committee's authorization for a minor variance from the Zoning By-law to permit the height of the addition to exceed that of the existing roof by 0.56 metres, whereas the By-law states that an addition to a building in an area to which a heritage overlay applies is permitted only if the height of the walls and the height and slope of the roof of the addition do not exceed those of the existing building.
- [3] The property is not the subject of any other current application under the *Planning Act*.

PUBLIC HEARING

- [4] At the scheduled hearing on June 18, 2025, the Committee adjourned the application to provide the Applicant additional time to address the City's concerns regarding front yard landscaping and to submit revised plans demonstrating that existing encroachments into the right of way had been removed. The application was adjourned to July 9, 2025.

Oral Submissions Summary

- [5] Brian Casagrande, agent for the Applicants, asked that any approval of the requested variance be tied to the plans filed for the rear addition only, to provide some flexibility for continuing discussions with the City regarding acceptable solutions for landscaping in the front yard.
- [6] City Planner Dylan Geldart, explained that approval of the variance should be tied generally to the height of the proposed addition, and that City Planning and Forestry staff are aware of the requirement for soft landscaping in the front yard and would be willing to continue to work with the Applicant in that regard. .

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED

Application 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 July 3, 2025, with no concerns; received June 12, 2025, with concerns.
- Rideau Valley Conservation Authority email received July 4, 2025, with no objections; received June 13, 2025, with no objections.
- Hydro Ottawa email received June 26, 2025, with comments; received June 6, 2025, with comments.
- Ontario Ministry of Transportation email received July 2, 2025, with no comments; received June 6, 2025, with no comments.

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, highlighting that "[t]he applicant has updated their site plan to address the Committee's comments, as well as all minor encroachments by the garden boxes in the City's right-of-way."
- [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 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 ORDERS** that the application is granted and the variance to the Zoning By-law is authorized, **subject to** the location and size of the proposed construction being generally in accordance with the revised

site plan filed and Committee of Adjustment date stamped July 3, 2025, and the elevation drawings filed and Committee of Adjustment date-stamped May 20, 2025, as they relate to the requested variance.

"Ann M. Tremblay"
ANN M. TREMBLAY
CHAIR

"John Blatherwick"
JOHN BLATHERWICK
MEMBER

"Sharon Lécuyer"
SHARON LÉCUYER
MEMBER

"Arto Keklikian"
ARTO KEKLIKIAN
MEMBER

I certify this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa, dated **June 18, 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 August 7, 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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