

**DECISION**  
**MINOR VARIANCE**

<b>Date of Decision:</b>	January 23, 2026
<b>Panel:</b>	1 - Urban
<b>File:</b>	D08-02-25/A-00252
<b>Application:</b>	Minor Variance under section 45 of the <i>Planning Act</i>
<b>Applicant:</b>	L. Hermann
<b>Property Address:</b>	47 Rockcliffe Way
<b>Ward:</b>	13 - Rideau-Rockcliffe
<b>Legal Description</b>	Lot 93 & Part of Reserve in Block E, Registered Plan 4M-51
<b>Zoning</b>	R1QQ [1493]
<b>Zoning By-law:</b>	2008-250
<b>Heard:</b>	January 14, 2026, in person and by videoconference

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

- [1] The Applicant wants to construct a two-storey addition and deck at the rear of the existing detached dwelling, as shown on plans filed with the Committee. The existing shed, porch and deck will be demolished.

**REQUESTED VARIANCES**

- [2] The Applicant requests that the Committee authorize the following variances from the Zoning By-law:
- a) To permit a reduced lot area of 339.4 square metres, whereas the By-law requires a minimum lot area of 360 square metres.
  - b) To permit a reduced rear yard area of 11% of the lot area, or 37.87 square metres, whereas the By-law requires a minimum rear yard area of 25% of the lot area or, in this case, 84.85 square metres.

- c) To permit a reduced rear yard setback of 1.2 metres, whereas the By-law requires a minimum rear yard setback of 4 metres.
  - d) To permit the eaves to project 1.18 metres into the interior side yard, and to within 0.27 metres of the side lot line, whereas the By-law permits a maximum projection of 1 metre and requires eaves to be no closer than 0.30 metres to any lot line.
- [3] The property is not the subject of any other current application under the *Planning Act*.

## **PUBLIC HEARING**

### **Oral Submissions Summary**

- [4] Amrinder Kaur Kalsi and Yasaman Bahodri, agents 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] In response to questions from the Committee, Ms. Kaur Kalsi explained alternative design options for the addition were considered, however, in her opinion, the proposed design would have the least impact to the streetscape and neighbourhood character given the irregular shape of the subject site. She also confirmed that public consultation was undertaken by the Applicant with residents on Rockcliffe Way and Springfield Road but could not confirm if residents along Maple Lane had been included.
- [6] The Committee also heard oral submissions from the following individuals:
- J. Thompson, architect, on behalf of J. Thomas, raised concerns about the overdevelopment of the lot, inaccuracies in the proposal, loss of privacy, natural light, views, loss of a mature tree, and the lack of public consultation.
  - J. Thomas, resident, highlighted that the proposal would negatively affect the enjoyment of her property because of the loss of a mature tree, resulting in reduced greenspace, shade and privacy. She also highlighted that she had not been consulted by the Applicant.
- [7] City Forester Julian Alvarez-Barkham advised that the proposal could have a greater impact on trees because of potential inaccuracies in the tree information report.
- [8] Responding to the panel's question, City Planner Erin O'Connell confirmed that shadow impact studies are not typically requested for minor variance applications.

[9] City Planner Penelope Horn confirmed that the height of the proposed two-storey addition complies with the zoning requirements.

[10] Following the public hearing, the Committee reserved its decision.

**DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED  
IN PART**

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

[11] 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 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**

[12] 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 planning rationale, plans, a revised tree information report, photo of the posted sign, and a sign posting declaration.
- City Planning Report received January 8, 2026, with no concerns.
- Rideau Valley Conservation Authority email dated January 8, 2026, with no objections.
- Hydro Ottawa email dated January 8, 2026, with comments.
- M. Zinatelli and M. Dube, residents, email dated January 12, 2026, opposed.
- J. Thompson, resident, email dated January 13, 2026, opposed.
- P. Stevenson, resident, email dated January 13, 2026, opposed.
- J. Thomas, resident, email dated January 13, 2026, opposed.
- E. Duncan, resident, email dated January 13, 2026, opposed.

### Effect of Submissions on Decision

- [13] The Committee considered all written and oral submissions relating to the application in making its decision and granted the application, in part.
- [14] Based on the evidence, the majority of the Committee (Members C. Haskin and A. Keklikian dissenting) is satisfied that variance (a) meets all four requirements under subsection 45(1) of the *Planning Act*.
- [15] The Committee notes that the City's Planning Report raises "no concerns" regarding the application.
- [16] The majority of the Committee also notes that no compelling evidence was presented that variance (a) would result in any unacceptable adverse impact on neighbouring properties.
- [17] Considering the circumstances, the majority of the Committee finds that, because variance (a) 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.
- [18] The majority of the Committee also finds that variance (a) maintains the general intent and purpose of the Official Plan because the variance respects the character of the neighbourhood.
- [19] In addition, the majority of the Committee finds that variance (a) maintains the general intent and purpose of the Zoning By-law because the variance represents orderly development that is compatible with the surrounding area.
- [20] Moreover, the majority of the Committee finds that variance (a), is minor because it will not create any unacceptable adverse impact on abutting properties or the neighbourhood in general.
- [21] As for the balance of the requested variances, the majority of the Committee (Member J. Blatherwick dissenting on the refusal of variances (b), (c), and (d) and Member S. Lécuyer dissenting on the refusal of variances (b) and (d)) are not satisfied that variances (b), (c), and (d) meet all four requirements under subsection 45(1) of the *Planning Act*.
- [22] The majority of the Committee finds that variances (b), (c), and (d) do 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.
- [23] The majority of the Committee also finds that variances (b), (c), and (d) are not minor because they would create an unacceptable adverse impact on the neighbourhood.

- [24] Failing two of the four statutory tests, the Committee is unable to grant variances (b), (c), and (d).
- [25] **THE COMMITTEE OF ADJUSTMENT ORDERS** that the application is granted in part and variance (a) to the Zoning By-law is authorized. Variances (b), (c), and (d) are not authorized.

*"Ann M. Tremblay"*  
ANN M. TREMBLAY  
CHAIR

*"John Blatherwick"*  
*With noted Dissent*  
JOHN BLATHERWICK  
MEMBER

*"Colin Haskin"*  
*With noted Dissent*  
COLIN HASKIN  
MEMBER

*"Arto Keklikian"*  
*With noted Dissent*  
ARTO KEKLIKIAN  
MEMBER

*"Sharon Lécuyer"*  
*With noted Dissent*  
SHARON LÉCUYER  
MEMBER

I certify this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa, dated **January 23, 2026**

*"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 February 12, 2026**.

- **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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