



## **COMMITTEE OF ADJUSTMENT OF THE CITY OF OTTAWA**

### **DECISION MINOR VARIANCE / PERMISSION** (Section 45 of the *Planning Act*)

<b>File No.:</b>	D08-02-22/A-00167
<b>Owner(s):</b>	Carlos Vanderloo and Johanna Kruger
<b>Location:</b>	5 Ridgeway Way
<b>Ward:</b>	13 - Rideau-Rockcliffe
<b>Legal Description:</b>	Lot 46, Registered Plan 4M-51
<b>Zoning:</b>	R1TT [1493]
<b>Zoning By-law:</b>	2008-250

Notice was given and a Public Hearing was held on **July 20, 2022**, as required by the *Planning Act*.

#### **PURPOSE OF THE APPLICATION:**

The Owners want to construct a two-storey addition on the northeast side of their existing detached dwelling, as shown on plans filed with the Committee. The existing detached garage and fence are to be demolished.

#### **RELIEF REQUIRED:**

The Owners require the Authority of the Committee for the following Minor Variances from the Zoning By-law:

- a) To permit a front-facing attached garage, whereas the By-law, based upon the Streetscape Character Analysis, does not permit a front-facing attached garage.
- b) To permit a reduced front yard setback of 1.52 metres, whereas the By-law states that any addition to a non-complying building that expands the building envelope must fall at least halfway between the required provisions and the non-complying situation, in this case 2.26 metres.

The application indicates that the Property is not the subject of any other current application under the *Planning Act*.

**PUBLIC HEARING:**

The Panel Chair administered an oath to Jane Thompson, Agent for the Owners, who confirmed that the statutory notice posting requirements were satisfied. Ms. Thompson provided the Committee with a brief presentation which included the proposed plans.

Margot Linker, of the City's Planning, Real Estate and Economic Development Department, stated that the department had some concerns with the reduced front yard setback, noting that the request represented an improvement to the existing condition, which consisted of a detached garage located 1.68 metres from the property line. However, in her opinion, this reduction was to facilitate the introduction of an attached garage, which the department was objecting to. The dominant characteristic along Ridgeway Way was determined to be residential dwellings without front-facing garages and therefore, in her view, the proposed did not conform to the intent of the Zoning By-law.

The Committee also heard from Marnie Beaubien, 394 Kenwood Avenue, who stated her support for the proposal.

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

The Committee considered any written and oral submissions relating to the application in making its Decision.

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.

Based on the evidence, the Committee is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.

The Committee notes that the City's Planning Report opposes the application, highlighting that "the intent of Section 140 of the Zoning By-law and the Streetscape Character Analysis is that development should be consistent with the streetscape's dominant characteristics. Attached front-facing garages on this block are not the dominant pattern."

The Committee also notes that no evidence was presented that the requested variances would result in any unacceptable adverse impact on neighbouring properties.

Considering the circumstances, the Committee finds that, because the proposal fits well in the neighbourhood, the requested variances are, from a planning and public interest point of view, desirable for the appropriate use of the land, building or structure on the property, and relative to the neighbouring lands. The Committee also finds that,

because the proposal respects the character of the neighbourhood, the requested variances maintain the general intent and purpose of the Official Plan. 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 on the property that is compatible with the neighbourhood. Moreover, the Committee finds that the requested variances are minor because they will not create any unacceptable adverse impact on abutting properties or the neighbourhood in general.

The Committee therefore authorizes the requested variances, **subject to:**

- The location and size of the proposed construction being in accordance with the plans filed, Committee of Adjustment date-stamped June 7, 2022.
- The relief applying to the existing building known municipally as 5 Ridgeway Way and being restricted to the life of this building only.

#### **NOTICE OF RIGHT TO APPEAL:**

To appeal this decision to the Ontario Land Tribunal (OLT), a completed appeal form along with payment must be received by the Secretary-Treasurer of the Committee of Adjustment by **August 18, 2022**, delivered by email at [cofa@ottawa.ca](mailto:cofa@ottawa.ca) and/or by mail or courier to the following address:

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 <https://olt.gov.on.ca/>. The OLT has established a filing fee of \$400.00 per type of application with an additional filing fee of \$25.00 for each secondary application. 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. If you have any questions about the appeal process, please contact the Committee of Adjustment office by calling 613-580-2436 or by email at [cofa@ottawa.ca](mailto:cofa@ottawa.ca).

Only individuals, corporations and public bodies may appeal Decisions in respect of applications for consent to the OLT. A notice of appeal may not be filed by an unincorporated association or group. However, a Notice of Appeal may be filed in the name of an individual who is a Member of the Association or group on its behalf.

Please note that there are no provisions for the Committee of Adjustment or the OLT 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.

**DECISION SIGNATURE PAGE  
PAGE DE SIGNATURE DE LA DÉCISION**

**File No. / Dossier n°:** D08-02-22/A-00167  
**Owner(s) / Propriétaire(s):** Carlos Vanderloo and Johanna Kruger  
**Location / Emplacement:** 5 Ridgeway Way

We, the undersigned, concur in the decision and the reasons set out by the Committee of Adjustment.

Nous, soussignés, souscrivons à la décision et aux motifs rendus par le Comité de dérogation.

***“John Blatherwick”***

**JOHN BLATHERWICK  
VICE-CHAIR / VICE-PRÉSIDENT**

***“Stan Wilder”***

**STAN WILDER  
MEMBER / MEMBRE**

***“Heather MacLean”***

**HEATHER MACLEAN  
MEMBER / MEMBRE**

***“Bonnie Oakes Charron”***

**BONNIE OAKES CHARRON  
MEMBER / MEMBRE**

**Absent / Absent**

**MICHAEL WILDMAN  
MEMBER / MEMBRE**

I certify that this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa.

Je certifie que celle-ci est une copie conforme de la décision rendue par le Comité de dérogation de la Ville d'Ottawa.



***Date of Decision / Date de la décision***  
**July 29, 2022 / 29 juillet 2022**

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**Matthew Garnett  
Acting Secretary-Treasurer /  
Secrétaire-trésorier intérimaire**