



## 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-00205  |
| <b>Owner(s):</b>          | James Leclaire   |
| <b>Location:</b>          | 2285 Summerside Drive                                    |
| <b>Ward:</b>              | 20-Osgoode   |
| <b>Legal Description:</b> | Part of Lot 17, Concession 1, Former Township of Osgoode |
| <b>Zoning:</b>            | RR9  |
| <b>Zoning By-law:</b>     | 2008-250   |

Notice was given and a public hearing was held on **August 17, 2022**, as required by the *Planning Act*.

#### PURPOSE OF THE APPLICATION:

The Owner wants to construct an attached two-car garage on the south side of the existing detached dwelling, as shown on plans filed with the Committee. It is proposed to retain the existing detached garage and convert it to storage.

#### RELIEF REQUIRED:

The Owner requires the Authority of the Committee for a Minor Variance from the Zoning By-law to permit a reduced corner side yard setback of 2.9 metres whereas the By-Law requires a minimum corner side yard setback of 6.0 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 Dave Heuvel, Agent for the Applicant, who confirmed that the statutory notice posting requirements were satisfied.

Also in attendance was Stephan Kukkonen of the City's Planning, Real Estate and Economic Development Department. Mr. Kukkonen summarized the objections outlined

in his written report on file, noting that the requested reduction in the corner side yard setback along Summerside Drive would not be consistent with the character of the surrounding neighbourhood which features large, uniform setbacks.

The Committee also heard from James Leclaire, Owner of the property, who provided streetscape renderings of the proposed garage addition. Mr. Leclaire also confirmed that he had consulted with his neighbours, and no objections had been raised.

### **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 variance meets all four requirements under subsection 45(1) of the *Planning Act*.

The Committee notes that the Planning Report highlights that the City “objects” to the application, stating that: “this proposal does not attempt to uphold the intent of the By-law for maintaining a similar setback as the minimum required front yard setback” and that “the proposed addition would require the removal of one of the existing trees onsite and eliminate the existing visual screening from the roadway.”

The Committee also notes that no evidence was presented that the requested variance 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 variance is, 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 variance maintains the general intent and purpose of the Official Plan. 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 on the property that is compatible with the neighbourhood. Moreover, the Committee finds that the requested variance is minor because it will not create any unacceptable adverse impact on abutting properties or the neighbourhood in general.

The Committee therefore authorizes the requested variance, **subject to** the location and size of the proposed construction being in accordance with the plans filed, Committee of Adjustment date-stamped July 13, 2022.

**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 **September 15, 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-00205**Owner(s) / Propriétaire(s):** James Leclaire**Location / Emplacement:** 2285 Summerside

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

Nous, soussignés, souscrivons à la décision et à la justification ci-devant rendues par le Comité de dérogation.

***“Fabian Poulin”***

**FABIAN POULIN  
VICE-CHAIR / VICE-PRÉSIDENT**

Absent / Absent

**TERENCE OTTO  
MEMBER / MEMBRE**

***“Martin Vervoort”***

**MARTIN VERVOORT  
MEMBER / MEMBRE**

***“Steven Lewis”***

**STEVEN LEWIS  
MEMBER / MEMBRE**


Absent / Absente

**JOCELYN CHANDLER  
MEMBER / MEMBRE**

This is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa.

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  
August 26, 2022 / 26 août 2022**

  
\_\_\_\_\_  
**Michel Bellemare  
Secretary-Treasurer / Secrétaire-trésorier**