



COMMITTEE OF ADJUSTMENT OF THE CITY OF OTTAWA

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

File No.:	D08-02-22/A-00230
Owner(s):	Tammy Paul
Location:	12 West Presland Road
Ward:	13 - Rideau-Rockcliffe
Legal Description:	Part of lot 9, Concession Junction Gore
Zoning:	R4UC
Zoning By-law:	2008-250

Notice was given and a Public Hearing was held on **September 7, 2022**, as required by the *Planning Act*.

PURPOSE OF THE APPLICATION:

At its hearing on June 15, 2022, the Committee refused Minor Variance Application (D08-02-22/A-00113) for the construction of a coach house. The Owner has since revised their plans and are now re-applying to construct a one-storey coach house in the south-west corner of the rear yard of the existing dwelling, as shown on the plan filled with the Committee. The existing detached garage is to be demolished.

RELIEF REQUIRED:

The Owner requires the Authority of the Committee for a Minor Variance from the Zoning By-law to permit an increased footprint of 80 square metres (or 65.20% of the footprint of the principal dwelling) for the proposed coach house, whereas the By-law permits a coach house to have a maximum footprint of 40% of the footprint of the principal dwelling.

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 Alain Bisson, Agent for the Applicant, who confirmed that the statutory notice posting requirements were satisfied. Also in attendance was Tammy Paul, Owner of the property.

Mr. Bisson provided the Committee an overview of the application, with reference to 3D architectural renderings and a site plan to demonstrate the redesign of the proposal on the subject lot, which has been reduced in height to meet the Zoning By-law and relocated to the westerly lot line. Mr. Bisson explained that the proposed coach house will be occupied by a small family and have two bedrooms and a basement for storage.

In response to questions from the Committee, Mr. Bisson confirmed that the health of the adjacently owned tree is declining, and as noted in the Tree Information Report (TIR) on file, the health of the tree may be affected by the rear yard parking spaces.

Nancy Young, of the City's Infill Forester, was also in attendance. In response to questions from the Committee, she confirmed that a permit will be required to remove the adjacently owned tree. She also stated that due to the lot size of the subject property, it is possible to construct the structure without impacting the Critical Root Zone of the tree.

Also in attendance was Craig Hamilton of the City's Planning, Real Estate and Economic Development Department (PRED). In response to questions from the Committee, Mr. Hamilton advised that there are three criteria to determine the footprint of a coach house. In this instance, the allowable size of the coach house is calculated according to the footprint of the principal dwelling on the subject property.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION REFUSED

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 not satisfied that the requested variance meets all four requirements under subsection 45(1) of the *Planning Act*.

The Committee notes that the City's Planning Report raises "no concerns" regarding the application. The report notably highlights that: "The proposed coach house has been redesigned and relocated following concerns with the previous application relating to massing, scale and location of the coach house. As shown on plans filed with the Committee of Adjustment, the redesigned coach house has been revised to meet the maximum permitted height allowable for the structure and has been shifted to the westerly lot line, distant from adjacent accessory structures and principal dwellings."

The report also highlights that: "The maximum coach house footprint provision within the Zoning By-law ensures that coach house dwellings remain secondary to the principal dwelling, and do not impact the single detached use currently provided on the lot. Limitations to the size of a proposed coach house ensure adequate outdoor amenity space for both the principal dwelling unit as well as the planned coach house. The subject lot is uncommonly large compared to the surrounding neighbourhood and allows for adequate amenity area and buffering to be maintained, despite a larger floorplate for the coach house."

The Committee also notes that the application is similar to the Minor Variance Application dated June 24, 2022, and refused.

Considering the circumstances, the Committee finds that the mass and scale of the proposed coach house does not fit well in the area, and therefore the requested variance is not 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 the requested variance does not maintain the general intent and purpose of the Official Plan because the proposal does not respect the character of the neighbourhood. In addition, the Committee finds that the requested variance does not maintain the general intent and purpose of the Zoning By-law that contemplates coach houses as secondary to a principal dwelling. In this case, the Committee finds that the resulting built form would be too large and give the appearance of a second principal dwelling in the rear yard. Moreover, the Committee is not satisfied that sufficient evidence was presented demonstrating that the proposal would not create any unacceptable adverse impact on abutting properties or the neighbourhood in general.

The Committee therefore does not authorize the requested variance.

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 **October 6, 2022**, delivered by email at cofa@ottawa.ca and/or by mail or courier to the following address:

Secretary-Treasurer, Committee of Adjustment,
101 CentrepoinTE Drive, 4th 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.

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-00230
Owner(s) / Propriétaire(s): Tammy Paul
Location / Emplacement: 12 West Presland Road

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**

“Michael Wildman”

**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
September 16, 2022 / 16 septembre 2022

Michel Bellemare
Secretary-Treasurer / Secrétaire-trésorier