



COMMITTEE OF ADJUSTMENT
FOR THE CITY OF OTTAWA

COMITÉ DE DÉROGATION
POUR LA VILLE D'OTTAWA

DECISION/DÉCISION
MINOR VARIANCE/PERMISSION
DEMANDE DE DÉROGATIONS MINEURES/PERMISSION
(Section 45 of the *Planning Act*)
(Article 45 de la *Loi sur l'aménagement du territoire*)

File No./Dossier n°: D08-02-19/A-00181
Owner(s)/Propriétaire(s): Peter and Katerina Kilmas
Location/Emplacement: 195 Britannia Road
Ward/Quartier: 7 - Bay
Legal Description/
Description officielle: Lot 26, Registered Plan 71 and Part of Road
Allowance between Lots 20 and 21, Concession 1
(Ottawa Front) Closed by By-law 121-71 Inst. No.
CR607220
Zoning/Zonage: R10
Zoning By-law/
Règlement: 2008-250

Notice was given and a Public Hearing was held on July 17, 2019, as required by the *Planning Act*.

PURPOSE OF THE APPLICATION/OBJET DE LA DEMANDE:

The owners want to renovate their existing dwelling, which will include demolishing the existing one-and-a-half-storey addition at the rear of the dwelling and constructing a new 7.92 m x 6.70 m, two-storey addition in its place, as well as restructuring the roof over the existing two-storey portion of the dwelling, as shown on plans filed with the Committee.

RELIEF REQUIRED/DISPENSE REQUISE:

In order to proceed, the owners require the authority of the Committee for minor variances from the Zoning By-law as follows:

- a) To permit a reduced front yard setback of 3.16 metres, whereas the By-law requires a minimum front yard setback of 6 metres.

- b) To permit a reduced northerly side yard setback of 0.32 metres, whereas the By-law requires a minimum side yard setback of 1.2 metres.
- c) To permit eaves and gutters to project to 0 metres of the northerly lot line, whereas the By-law permits eaves and gutters to project 1 metre into a required yard but no closer than 0.3 metres to a lot line

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

PUBLIC HEARING/AUDIENCE PUBLIQUE:

The Committee heard a presentation from Mr. J. Riordan, the agent for the owners. Ms. S. Turkington of the City's Planning, Infrastructure and Economic Development Department (PIEDD) was also in attendance.

In his presentation, Mr. Riordan explained that he had been in contact with the owner of the adjacent property to the north regarding the risk of snow falling onto and accumulating on his property, which was a concern he raised in written correspondence on file. Mr. Riordan explained that revised plans had been prepared for the building permit application that identified a snow guard on the roof to address this concern.

Ms. Turkington confirmed that this site is not subject to a heritage designation, and Mr. Riordan clarified that the property had merged with the adjacent property to the rear, shown as 197 Britannia Road on the Circulation Map on file.

DECISION AND REASONS OF THE COMMITTEE:	APPLICATION GRANTED
DÉCISION ET MOTIFS DU COMITÉ:	DEMANDE ACCORDÉE

The Committee, having considered the evidence presented and reviewed the plans and correspondence on file, notes that the variances sought correspond primarily to existing conditions on the site, and is therefore of the opinion that the proposed construction will have no undue adverse impact on adjacent properties. The Committee also notes that, with the proposed addition being located to the rear of the dwelling, the existing streetscape along Britannia Road will be maintained.

For these reasons, the Committee is satisfied, in all the circumstances and in this instance, that the variances sought are minor, that they are desirable for the appropriate development or use of the land and that the general intent and purpose of both the Zoning By-law and the Official Plan are maintained. This application is granted subject to the location and size of the proposed construction being in accordance with the plans filed and Committee of Adjustment date-stamped June 18, 2019, as they relate to the variances sought, with the addition of a snow guard feature to prevent snow from falling onto the adjacent property at 191 Britannia Road.

NOTICE OF RIGHT TO APPEAL/AVIS DE DROIT D'APPEL:

To appeal this Decision to the Local Planning Appeal Tribunal, an Appeal Form along with a certified cheque or money order payable to the Ontario Minister of Finance must be filed with the Secretary-Treasurer of the Committee of Adjustment by **August 15, 2019**, delivered 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 Tribunal's website at www.elto.gov.on.ca. The Tribunal has established a filing fee of \$300.00 per type of application with an additional filing fee of \$25.00 for each secondary application. 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 Local Planning Appeal Tribunal. 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.

