



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

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

File No.: D08-02-21/A-00040
Owner(s): Marianne Vandervelden
Location: 138 Britannia Road
Ward: 7 - Bay
Legal Description: Part of Lot 15, Reg. Plan 40½ Part 1 on 4R-9310
Zoning: R10
Zoning By-law: 2008-250

Notice was given and a public hearing was held on **April 21, 2021**, as required by the *Planning Act*.

PURPOSE OF THE APPLICATION:

The Owner wants to construct a carport on the north side of the existing semi-detached dwelling, as shown on plans filed with the Committee.

PERMISSION REQUIRED:

The Owner requires the Permission of the Committee. The existing semi-detached dwelling would appear to be a legal non-conforming use in this residential zone and therefore, Permission is requested to expand a legal non-conforming use to permit the construction of the carport addition.

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

PUBLIC HEARING:

The Chair administered an oath to Ms. M. Vandervelden, one of the Owners of the property, who confirmed that the statutory notice posting requirements were satisfied. The Committee confirmed that the legal description of the property should be amended to read, "**Part of Lot 15, Reg. Plan 40½ Part 1 on 4R-9310.**"

With the concurrence of all parties, the application was amended accordingly.

In response to questions from the Committee, Ms. L. Ramirez of the City's Planning, Infrastructure and Economic Development Department (PIEDD) advised that, as established by case law, Permission Application should be evaluated based on the desirability of the permission requested from a land use planning perspective, and on its anticipated impacts on the surrounding properties and the community as a whole.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED

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

Based on the evidence, the Committee is satisfied that the requested permission meets the two-fold test relating to desirability and impact. The Committee notes that the report filed by the PIEDD raises "no concerns" with the application, highlighting that "the expanded non-conforming use is desirable" and that "there will not be undue adverse impacts on the surrounding area".

The Committee agrees that the proposed expansion of the legal non-conforming use will have no undue adverse impact on the surrounding area, noting that the proposed carport is unenclosed. The Committee is of the opinion that the permission requested is reasonable given that the carport will not significantly increase the impact of the existing legal non-conforming use and will have a discreet presence along the streetscape.

The Committee therefore authorizes the requested permission, subject to the proposed construction being in accordance with the plans filed and Committee of Adjustment date-stamped March 2, 2021, as they relate to the requested permission.

NOTICE OF RIGHT TO APPEAL:

To appeal this decision to the Local Planning Appeal Tribunal (LPAT), 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 **May 20, 2021**, 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 LPAT website at <https://olt.gov.on.ca/>. The Local Planning Appeal 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. 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.

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

File No. / Dossier n°: D08-02-21/A-00040
Owner(s) / Propriétaire(s): Marianne Vandervelden
Location / Emplacement: 138 Britannia 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.

"Ann M. Tremblay"

**ANN M. TREMBLAY
CHAIR / PRÉSIDENTE**

"Kathleen Willis"

**KATHLEEN WILLIS
MEMBER / MEMBRE**

"Scott Hindle"

**SCOTT HINDLE
MEMBER / MEMBRE**

"Colin White"

**COLIN WHITE
MEMBER / MEMBRE**

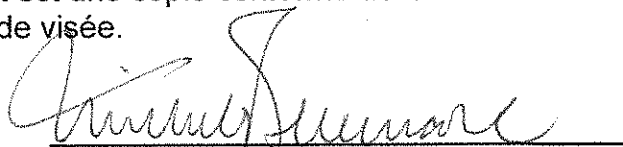
Absent / Absente

**JULIA MARKOVICH
MEMBER / MEMBRE**

I, Michel Bellemare, Secretary-Treasurer of the Committee of Adjustment for the City of Ottawa, certify that the attached is a true copy of the Decision of the Committee with respect to the application recorded.

Je, soussigné, Michel Bellemare, secrétaire-trésorier du Comité de dérogation pour la Ville d'Ottawa, confirme que l'énoncé ci-joint est une copie conforme de la décision rendue par le Comité à l'égard de la demande visée.

**Date of Decision / Date de la décision
April 30, 2021/30 avril 2021**



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