



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

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

**File No.:** D08-02-21/A-00098 & D08-02-21/A-00099  
**Owner(s):** Iouri Mitnik  
**Location:** 127, (127 B & 127 B, Unit 2) Britannia Road  
**Ward:** 7 - Bay  
**Legal Description:** Lot 14, Reg. Plan 71; **Parts 13 and 14, plan 5R-11970**  
**Zoning:** R1O  
**Zoning By-law:** 2008-250

Notice was given and a Public Hearing was held on **May 19 and June 2 and June 16, 2021**, as required by the *Planning Act*.

**PURPOSE OF THE APPLICATION:**

The Owners have filed Applications for Consent (D08-01-21/B-00084 & D08-01-21/B-00085) which, if approved, will have the effect of creating two separate parcels of land. It is proposed to demolish the detached garage and to construct a two-storey detached dwelling, with a roof top patio and a Secondary Dwelling Unit, on one parcel and the existing detached dwelling will remain on the other parcel.

**RELIEF REQUIRED:**

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

A-00098: 127 Britannia Rd., Parts 1, 4 & 6 on Draft 4R-Plan, existing detached dwelling

- a) To permit a reduced lot width of 10.06 metres, whereas the By-law requires a minimum lot width of 15 metres.
- b) To permit a reduced lot area of 398.8 square metres, whereas the By-law requires a minimum lot area of 450 square metres.

A-00099: 127 B & 127 B, Unit 2 Britannia Rd., Parts 2, 3 & 5 on Draft 4R-Plan, proposed two-storey detached dwelling

- c) To permit a reduced lot width of 10.06 metres, whereas the By-law requires a minimum lot width of 15 metres.
- d) To permit a reduced lot area of 397.9 square metres, whereas the By-law requires a minimum lot area of 450 square metres.
- e) ~~To permit the open stairway to project 2.2 metres into the front yard, whereas the By-law permits stairways to project a maximum of 1.5 metres into a front yard.~~

The Applications indicate that the Property is the subject of the above noted Consent applications under the *Planning Act*.

#### **PUBLIC HEARING:**

Prior to the Hearing on May 19, 2021, the Committee received an adjournment request from Ms. L. Ramirez, of the City's Planning, Infrastructure and Economic Development Department (PIEDD), advising that a Tree Information Report (TIR) would be required. At the Hearing, the Committee heard from Ms. S. Shahzadeh, Agent for the Owners, who confirmed that they were in agreement with the Department's request. With the concurrence of all parties, the Committee adjourned the applications to June 2, 2021.

Prior to the June 2, 2021 Hearing, the Committee received a further adjournment request from Ms. Ramirez for the applicant to provide more information including the distances from the trees to the proposed excavation. At the Hearing, the Committee heard from Ms. Shahzadeh, who confirmed that they were in agreement with the department's request. With the concurrence of all parties, the Committee adjourned the applications to June 16, 2021.

At the renewed Hearing on June 16, 2021, The Chair administered an oath to Ms. Shahzadeh, who confirmed that the statutory notice posting requirements were satisfied.

The Committee heard from Ms. Shahzadeh, who appeared along with Mr. M. Chown, both acting as Agent for the Owner. Ms. Shahzadeh provided the Committee with a brief presentation which included the site plan and elevations for the proposed dwelling.

The Committee noted that the legal description set out in the notice should be amended to, Lot 14, Reg. Plan 71; **Parts 13 and 14, Plan 5R-11970**. The Committee also noted that variacne (e) could be deleted as per the applicant's submission of revised plan.

With confirmation from Ms. Shahzadeh, the applications were amended accordingly.

**DECISION AND REASONS OF THE COMMITTEE: APPLICATIONS GRANTED  
AS AMENDED**

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

The Committee notes that the City's Planning Report raises "no concerns" with the applications, highlighting that the existing dwelling is a designated heritage property, the site's unique location abutting the Britannia Conservation Area, and the varied streetscape along Britannia Road.

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

Considering the circumstances, the Committee finds that, because the proposal fits well within the streetscape and contributes to the long term vitality of the existing community, 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 the requested variances maintain the general intent and purpose of the Official Plan because the proposal respects the character of the neighbourhood while providing new infill housing. 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 requested variances are therefore authorized.

**NOTICE OF RIGHT TO APPEAL:**

To appeal this decision to the Ontario Land Tribunal (OLT), 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 **July 15, 2021**, delivered 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. 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

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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-00088 & D08-02-21/A-00089

**Owner(s) / Propriétaire(s):** Mitnik

**Location / Emplacement:** 127 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**

Absent

**KATHLEEN WILLIS**  
**MEMBER / MEMBRE**

***"Scott Hindle"***

**SCOTT HINDLE**  
**MEMBER / MEMBRE**

***"Colin White"***

**COLIN WHITE**  
**MEMBER / MEMBRE**

***"Julia Markovich"***

**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**  
**June 25, 2021/ 25 juin 2021**

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