



COMMITTEE OF ADJUSTMENT OF THE CITY OF OTTAWA

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

File No.: D08-02-21/A-00104
Owner(s): James & Sarah Kennedy
Location: 2051 Knightsbridge Road
Ward: 7 - Bay
Legal Description: Blocks S & T, Lot 57, Registered Plan **314932** 314928
Zoning: R1O
Zoning By-law: 2008-250

Notice was given and a Public Hearing was held on **June 2, July 7, and September 1, 2021**, as required by the *Planning Act*.

PURPOSE OF THE APPLICATION:

The Owners want to construct a 4.9 m x 5.5 m sunroom addition with an attached deck at the rear of their existing dwelling, as well as a second-floor addition over the entire existing attached garage, as shown on plans filed with the Committee.

RELIEF REQUIRED:

The owners require the Authority of the Committee for a Minor Variance to permit a reduced total combined **interior** side **yard** setback of **2.93** ~~2.438~~ **metres** with a southerly setback of **1.18** ~~0.914~~ **metres** and northerly setback of **1.75** ~~1.524~~ **metres**, whereas the By-law requires a minimum total combined **interior** side yard setback of 3.0 metres, with one minimum **interior** side yard setback no less than 1.2 metres.

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

PUBLIC HEARING:

Prior to the Hearing on June 2, 2021, the Committee received correspondence from Mr. C. Hodgins, of the City's Planning, Infrastructure and Economic Development Department (PIEDD), noting that a survey plan of the property had not been submitted as part of the application. A survey confirming the existing setbacks would be required in order for PIEDD to complete a review of the proposal and to confirm of any additional

variances would be required. At the Hearing, the Committee heard from Mr. J. Kennedy, one of the owners of the property, who confirmed that he was willing to provide a survey plan. With the concurrence of the Committee, the application was adjourned to July 7, 2021.

Prior to the Hearing on July 7, 2021, the Committee received correspondence from Ms. S. Kennedy, one of the Owners, requesting the application be adjourned to September 1, 2021 as they were experiencing delays with obtaining the survey. At the hearing, the Committee heard from Mr. Kennedy, who confirmed that there was a delay in receiving the survey plan. With the concurrence of the Committee, the application was further adjourned to September 1.

At the renewed Hearing, the Chair administered an oath to Mr. Kennedy, who confirmed that the statutory notice posting requirements were satisfied.

The Committee confirmed the following amendments to the application:

Legal Description: ~~Blocks S & T~~, Lot 57, Registered Plan **314932** ~~314928~~

The owners require the Authority of the Committee for a Minor Variance to permit a reduced total combined **interior** side **yard** setback of **2.93** ~~2.438~~ **metres** with a southerly setback of **1.18** ~~0.914~~ **metres** and northerly setback of **1.75** ~~1.524~~ **metres**, whereas the By-law requires a minimum total combined **interior** side yard setback of 3.0 metres, with one minimum **interior** side yard setback no less than 1.2 metres.

Ms. C. Culley of the PIEDD was also in attendance.

**DECISION AND REASONS OF THE COMMITTEE: APPLICATION 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" regarding the application, highlighting that the "reduction does not result in an inappropriate land use impact with neighbouring properties". The Committee also notes that no evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.

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

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. The Committee also finds that, because the proposed renovation and expansion of the dwelling will contribute positively to the urban renewal of the area, 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 reflects an existing condition that represents orderly development on the property that is compatible with the surrounding area. 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 and the Committee of Adjustment date-stamped March 29, 2021, as they relate to the requested variance.

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 **September 30, 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 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.

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.

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

File No. / Dossier n°: D08-02-21/A-00104
Owner(s) / Propriétaire(s): Kennedy
Location / Emplacement: 2051 Knightsbridge Avenue

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**

"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
September 10, 2021/ 10 septembre 2021



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