



COMMITTEE OF ADJUSTMENT OF THE CITY OF OTTAWA

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

File No.: D08-02-21/A-00265
Owner(s): Dale Gantous
Location: 155 Britannia Road
Ward: 7-Bay
Legal Description: Part of Lot 18, Reg. Plan 71, Part of Road Allowance between Lots 20 & 21, Concession 1 (Ottawa Front) Geographic Township of Nepean, City of Ottawa; **Part 3 and 4 on 5R-11245**
Zoning: R1O
Zoning By-law: 2008-250 & 2020-289

Notice was given and a Public Hearing was held on **August 18 and October 6, 2021**, as required by the *Planning Act*.

PURPOSE OF THE APPLICATION:

At it's Hearing on August 18, 2021 the Committee adjourned this application to allow the Owner time to file an Environmental Impact Statement and amend their application. The Owner wants to construct a two-and-a-half-storey addition across the front of the existing dwelling, as well as a one-storey sunroom addition at the rear, as shown on plans on file with the Committee.

RELIEF REQUIRED:

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

- a) ~~To permit a reduced front yard setback of 0.96 metres, whereas the By-law requires a minimum front yard setback 2.47 metres, which is the average front yard setback of the two abutting properties.~~
- b) To permit a reduced front yard setback of 0.96 metres, whereas the By-law requires a minimum front yard setback of 2.47 metres. **1.5 metres.**

- c) To permit a reduced front yard setback of 0.96 metres, whereas the By-law states in part that a front yard setback in no case may be less than 1.5 metres.

NEW d) To permit an increased building height of 9.3 metres for the front-facing hip roof portion of the dwelling, whereas the maximum building height is 8.0 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 August 18, 2021, the Committee received an adjournment request from Ms. L. Ramirez, of the City's Planning, Infrastructure and Economic Development Department (PIEDD), on the basis that an additional variance and an Environmental Impact Statement (EIS) were required. With the concurrence of Ms. K. Blakely, Agent for the Applicant, and the Committee members, the applications were adjourned to October 6, 2021.

At the renewed Hearing on October 6, 2021, the Chair administered an oath to Kayla Blakely, Agent for the Applicant, who confirmed that the statutory notice posting requirements were satisfied.

The Committee confirmed that the legal description on the notice should be amended as follows:

Legal Description:	Part of Lot 18, Reg. Plan 71, Part of Road Allowance between Lots 20 & 21, Concession 1 (Ottawa Front) Geographic Township of Nepean, City of Ottawa; Part 3 and 4 on 5R-11245
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All parties were in agreement with the amendment.

The Committee also confirmed that the relief required on the notice that was circulated was amended correctly and is as stated above.

Ms. L. Ramirez, of the City's Planning, Infrastructure and Economic Development Department (PIEDD) was also in attendance.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED

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 right of way (ROW) in front on the subject lot and the three lots to the north is quite large". Further, the report highlights that "the third storey is stepped back from the second storey which reduces the visual impact".

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 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 area 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, because the proposal respects the character of the neighbourhood, the requested variances maintain the general intent and purpose of the Official Plan. 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 that is compatible with the surrounding area. Moreover, the Committee also finds that the requested variances, both individually and cumulatively, are minor because they will not create any unacceptable adverse impact on abutting properties or the neighbourhood in general.

The Committee therefore authorizes the requested variances, **subject to** the location and size of the proposed construction being in accordance with the revised plans filed, Committee of Adjustment date stamped **September 3, 2021**, as they relate to the requested variances.

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 **November 4, 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-00265
Owner(s) / Propriétaire(s): Dale Gantous
Location / Emplacement: 155 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**

"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
October 15, 2021 / 15 octobre 2021



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