



COMMITTEE OF ADJUSTMENT OF THE CITY OF OTTAWA

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

File No.: D08-02-22/A-00162 & D08-02-22/A-00163
Owner(s): 2666570 Ontario Inc.
Location: 1996 Cedar Lane Terrace
Ward: 7 - Bay
Legal Description: Lot 14, Registered Plan 498
Zoning: R1GG
Zoning By-law: 2008-250

Notice was given and a Public Hearing was held on **August 3 and September 7, 2022**, as required by the *Planning Act*.

PURPOSE OF THE APPLICATION:

At its hearing on August 3, 2022, the Committee adjourned these applications to allow the Owner time to revise the minor variances requested. The Owner now wishes to proceed with their applications.

The Owner has filed Consent Applications (D08-01-22/B-00189 and D08-01-22/B-00190) which, if approved, will have the effect of creating two separate parcels of land. It is proposed to construct one new detached dwelling on one of the newly created parcels, and the existing dwelling will remain on the other parcel. The existing dwelling and one of the proposed parcels will not be in conformity with the requirements of the Zoning By-law.

RELIEF REQUIRED:

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

A-00162: 1996 Cedar Lane Terrance, Part 1, existing detached dwelling

- a) To permit the driveway of the property (on Part 1) to face the same street as the driveway of the severed property (on Parts 2 and 3), whereas the By-law requires that each of the detached dwellings have their front wall and driveway facing frontage on different streets. (new)

- b) To permit a reduced rear yard setback of 1.2 metres, whereas the By-law requires ~~a minimum rear yard setback to be the same as the required interior side yard setback which in this case is a total of 3.6 metres with one yard no less than 1.2 metres~~ **that an interior side yard setback on a corner lot where there is only one interior side yard required, where only a required minimum total interior side yard is prescribed, must equal at least 50% of the required minimum total interior side yard setback, in this case, 1.8 metres.**

A-00163: (881) Melwood Avenue, Part 2 & 3, proposed detached dwelling

- c) To permit a reduced lot width of 17.73 square metres, whereas the By-law requires a minimum lot width of 18 metres.

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

PUBLIC HEARING:

The Chair administered an oath to Mr. Jalkotzy, Agent for the Owner, who confirmed that the statutory notice posting requirements were satisfied.

The Committee noted that variance (b) should be amended to read as follows:

- b) To permit a reduced rear yard **interior side yard** setback of 1.2 metres, whereas the By-law requires ~~a minimum rear yard setback to be the same as the required interior side yard setback which in this case is a total of 3.6 metres with one yard no less than 1.2 metres~~ **that an interior side yard setback on a corner lot where there is only one interior side yard required, where only a required minimum total interior side yard is prescribed, must equal at least 50% of the required minimum total interior side yard setback, in this case, 1.8 metres.**

With the concurrence of Mr. Jalkotzy, Minor Variance Application D08-02-22/A-00162 was amended accordingly.

Cass Schlauzero of the City's Planning, Real Estate and Economic Development Department was also in attendance.

DECISION AND REASONS OF THE COMMITTEE: APPLICATIONS GRANTED

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

The Committee has the power to authorize a minor variance from the provisions of the Zoning By-law if, in its opinion, the application meets all four requirements under subsection 45(1) of the *Planning Act*. It requires consideration of whether the variance is

minor, is desirable for the appropriate development or use of the land, building or structure, and whether the general intent and purpose of the Official Plan and the Zoning By-law are maintained.

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

The Committee notes that the City's Planning Report raises "no concerns." Regarding the proposed driveway configuration, the Planning Report highlights that "the existing driveway is an existing condition and should not impede development that is otherwise appropriate and desirable for the area." The Planning Report also characterizes the reduction in lot width as "minimal" and, addressing the amended request for a reduced interior side yard, states that "staff have no concerns with the revised variance."

The Committee also notes that no cogent evidence was presented that the variances would result in any undue adverse impact on adjacent properties.

Considering the circumstances, the Committee finds that, because the proposal fits well in the area, the requested variances are, from a planning and public interest point of view, desirable for the appropriate development or 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 represents a modest form of intensification that respects the character of the neighbourhood. 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 surrounding area. 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 Committee therefore authorizes the requested variances, **subject to** the location and size of the proposed construction being in accordance with the revised site plan filed, Committee of Adjustment date stamped June 27, 2022.

NOTICE OF RIGHT TO APPEAL:

To appeal this decision to the Ontario Land Tribunal (OLT), a completed appeal form along with payment must be received by the Secretary-Treasurer of the Committee of Adjustment by **October 6, 2022**, delivered by email at cofa@ottawa.ca and/or by mail or courier 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. Payment can be made by certified cheque or money order made payable to the Ontario Minister of Finance, or by credit card. Please indicate on the Appeal Form if you wish to pay by credit card. 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.

Please note that there are no provisions for the Committee of Adjustment or the OLT to extend the statutory deadline to file an appeal. If the deadline is not met, the OLT does not have the authority to hold a hearing to consider your appeal.

File No.: D08-02-22/A-00162 & D08-02-22/A-00163

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

File No. / Dossier n°: D08-02-22/A-00162 & D08-02-22/A-00163
Owner(s) / Propriétaire(s): 2666570 Ontario Inc.
Location / Emplacement: 1996 Cedar Lane Terrace

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 certify that this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa.

Je certifie que celle-ci est une copie conforme de la décision rendue par le Comité de dérogation de la Ville d'Ottawa.

Date of Decision / Date de la décision
September 16, 2022 / 16 septembre 2022


Michel Bellemare
Secretary-Treasurer / Secrétaire-trésorier