

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

Date of Decision:	November 10, 2022
File No.:	D08-02-22/A-00128
Owner(s):	Rodney Basquin and Nathalie Rouleau
Location:	2055 Baffin Avenue
Ward:	18 Alta Vista
Legal Description:	Lot 22, Registered Plan 599
Zoning:	R1GG
Zoning By-law:	2008-250
Hearing Date:	November 2, 2022

PURPOSE OF THE APPLICATION

- [1] The Owners want to construct a new two-storey, detached dwelling on the currently vacant lot, as shown on plans filed with the Committee.
- [2] At its hearing on September 21, 2022, the Committee adjourned the application to allow the Owners time to revise their plans and identify additional variances. Subsequently, the Owners submitted revised documentation to proceed with the hearing on November 2, 2022.

RELIEF REQUIRED

- [3] The Owner requires the Authority of the Committee for Minor Variances from the Zoning By-law as follows:
 - a) To permit a reduced rear yard setback equal to 25% of lot depth (8.875 metres), whereas the By-law requires a minimum rear yard setback equal to 30% of lot depth (10.95 metres).
 - b) To permit a reduced rear yard area equal to 16.87% of lot area (155.67 square metres), whereas the By-law requires a minimum rear yard area equal to 25% of the lot area (230.66 square metres). **(NEW)**
- [4] The application indicates that the Property is not the subject of any other current application under the *Planning Act*.

PUBLIC HEARING

- [5] The Acting Chair administered an oath to Rodney Basquin, one of the Owners of the property, who confirmed that the statutory notice posting requirements were satisfied. Also in attendance was Nathalie Rouleau, the other Owner of the property.
- [6] In response to questions from the Committee regarding public consultation, Mr. Basquin confirmed their efforts to reach out to homeowners within the immediate area through the local community association and the Ward Councillor. Ms. Rouleau also addressed the Committee and advised that the massing of the dwelling is to provide a secondary dwelling unit on the ground floor for her parents
- [7] The Committee also heard from Hashm Nasser of 2046 Baffin Avenue. Expanding on his written comments on file, Mr. Nasser expressed his concerns that the massing of the proposed development would change the streetscape character of the neighbourhood. He highlighted the loss of greenspace and trees and that it would set a negative precedent for future development in the area. Mr. Nasser believed the development should be redesigned to comply with the Zoning By-law, despite the requested variances affecting only the rear yard and not the streetscape, as highlighted by the Committee.
- [8] In response to questions from the Committee, Mr. Nasser indicated that he and his neighbours believed there were no efforts on the part of the Applicants to consult with area residents.
- [9] Cass Sclauzero of the City's Planning, Real Estate and Economic Development Department, was also in attendance. In response to questions from the Committee, Ms. Sclauzero confirmed that 8 metre rear yard setbacks are common within the area and smaller lots have 7 metre rear yard setbacks. Nonetheless this lot requires a 10.95 metre rear yard setback. She also confirmed that because the subject property complies with the required lot width and lot area, a Secondary Dwelling Unit could be constructed on the property. Ms. Sclauzero also summarized the concerns outlined in her written report on file, noting that the impact of the requested variances would be amplified due to the irregular shape of the lot. She further noted that the department would have less concerns if the provided rear yard setback complied with the Zoning Bylaw, despite the resulting reduced rear yard area.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED

- [10] The Committee considered any written and oral submissions relating to the application in making its Decision, including several letters of opposition submitted by area residents and a petition signed by 16 individuals.

- [11] 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.
- [12] Based on the evidence, the Committee is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.
- [13] The Committee notes that the City's Planning Report raises "concerns" that the requested variances do not satisfy the intent of additional provisions under section 144 of the Zoning By-law that address infill development within the Greenbelt. The report highlights that "the irregular shape of the lot, which tapers significantly from front to rear, in combination with the proposed removal of the only tree in the rear yard, amplifies the impact of the proposed development on the abutting properties."
- [14] The Committee also notes that no cogent evidence was presented that the requested variances would result in any unacceptable adverse impact on neighbouring properties.
- [15] 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.
- [16] 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.
- [17] 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.
- [18] Moreover, the Committee 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.
- [19] THE COMMITTEE OF ADJUSTMENT 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 September 21, and the elevations filed, Committee of Adjustment date stamped May 2, 2022, as they relate to the requested variances.

Absent
ANN M. TREMBLAY
CHAIR

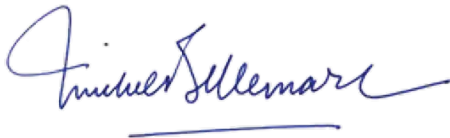
"Kathleen Willis"
KATHLEEN WILLIS
MEMBER

"Scott Hindle"
SCOTT HINDLE
ACTING CHAIR

"Colin White"
COLIN WHITE
MEMBER

"Julia Markovich"
JULIA MARKOVICH
MEMBER

I certify this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa, dated **November 10, 2022**.



Michel Bellemare
Secretary-Treasurer

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 **December 1, 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 Ontario Land 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. 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 Ontario Land 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.

There are no provisions for the Committee of Adjustment or the Ontario Land Tribunal 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.

Ce document est également offert en français.

Committee of Adjustment | Comité de dérogation

City of Ottawa | Ville d'Ottawa

[Ottawa.ca/CommitteeofAdjustment](https://ottawa.ca/CommitteeofAdjustment) | [Ottawa.ca/Comitedederogation](https://ottawa.ca/Comitedederogation)

cofa@ottawa.ca | cded@ottawa.ca

613-580-2436