

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

Date of Decision: November 10, 2022
File No.: D08-02-22/A-00284
Owner(s): Rocco Meliambro
Location: 2055 Riverside Drive
Ward: 18 - Alta Vista
Legal Description: Lot 7, Registered Plan 129
Zoning: R1GG
Zoning By-law: 2008-250
Hearing Date: November 2, 2022

PURPOSE OF THE APPLICATION

- [1] The Owner is proposing to construct a new two-storey detached dwelling with attached garage, as shown on the plans filed with Committee. The existing detached dwelling to be demolished.

RELIEF REQUIRED

- [2] The Owner requires the Authority of the Committee for Minor Variances from the Zoning By-law as follows:
- a) To permit a reduced lot width of 15.07 metres, whereas the By-law requires a minimum lot width of 18 metres.
 - b) To permit a reduced lot area of 559.5 square metres, whereas the By-law requires a minimum lot area of 665 square metres.
 - c) To permit a reduced easterly interior side yard setback of 1.2 metres, whereas the By-law requires a minimum interior side yard setback of 1.8 metres.
 - d) To permit an increased building height of 9.9 metres whereas the By-law permits a maximum building height of 8.0 metres.
- [3] The application indicates that the Property is not the subject of any other current application under the *Planning Act*.

PUBLIC HEARING

- [4] The Acting Chair administered an oath to Jessica D'Aoust, Agent for the Applicant, who confirmed that the statutory notice posting requirements were satisfied. Also in attendance was Rocco Meliambro, Owner of the property.
- [5] In response to questions from the Committee, Ms. D'Aoust confirmed that upon further discussion with the Cass Schlauzero of the City's Planning, Real Estate and Economic Development Department, the Applicant agreed to revise the site plan and the Tree Information Report to reduce the impact to the Critical Root Zone of Tree #1 (as shown on the tree location plan) by reducing the walkway width and reconfiguring it to go around the tree. She also confirmed that, although the proposed height had been reduced to 9.3 metres, the requested height variance of 9.9 metres would remain to allow for any regrading issues that may occur.
- [6] Ms. Schlauzero, City Planner, was also in attendance and confirmed that the department has no concerns with keeping the requested height variance of 9.9 metres as it only relates to a small portion of the proposed dwelling. In response to questions from the Committee, she further confirmed that the proposed driveway is not subject of the application and that it conforms with the provisions of the Zoning By-law.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED

- [7] The Committee considered any written and oral submissions relating to the application in making its Decision, including a letter of concerns submitted by the Alta Vista and Faircrest Heights Community Association.
- [8] 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.
- [9] Based on the evidence, the Committee is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.
- [10] The Committee notes that the City's Planning Report raises "no concerns" regarding the application, highlighting that "the requested variances will regularize the legal non-complying lot width and area". The report also notes that "an interior lot in the R1GG subzone is permitted to have one interior side yard setback of no less than 1.2 metres; therefore, the requested is consistent with the zoning."

- [11] The Committee also notes that no cogent evidence was presented that the requested variances would result in any unacceptable adverse impact on neighbouring properties.
- [12] 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.
- [13] 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.
- [14] 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.
- [15] 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.
- [16] 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 plans filed, Committee of Adjustment date stamped October 31, 2022, as they relate to the requested variances.

Absent
ANN M. TREMBLAY
CHAIR

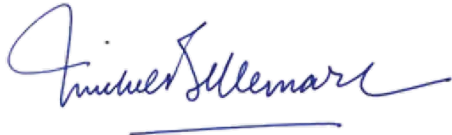
"Kathleen Willis"
KATHLEEN WILLIS
MEMBER

"Colin White"
COLIN WHITE
MEMBER

"Scott Hindle"
SCOTT HINDLE
ACTING CHAIR

"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 Centrepoin 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

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