

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

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| Date of Decision: | January 20, 2023 |
| File No(s): | D08-02-22/A-00326 |
| Owner(s): | DRJ Canada Investments Inc. |
| Location: | 103-105 Carruthers Avenue |
| Ward: | 15 - Kitchissippi |
| Legal Description: | Part of Lot 13 (East Carruthers Avenue), Registered Plan 35, Parts 1, 2, 3, 4 & 5 on 4R-31607 |
| Zoning: | R4UD |
| Zoning By-law: | 2008-250 |
| Hearing Date: | January 11, 2023 |

PURPOSE OF THE APPLICATION

- [1] The Owner has filed Consent Applications (D08-01-22/B-00343 & D08-01-22/B-00344) which, if approved, will have the effect of creating two separate parcels of land. The existing long semi-detached dwelling will remain, with one unit on each of the newly created parcels. The pole configuration for back unit will not be in conformity with the requirements of the Zoning By-law.

RELIEF REQUIRED

- [2] The Owner requires the Authority of the Committee for a Minor Variance from the Zoning By-law to permit a reduction of the minimum width of pole portion of 1.5 metres, whereas the By-law requires a minimum width of pole portion of 1.7 metres.
- [3] The application indicates that the Property is subject to the above-noted Consent applications under the *Planning Act*.

PUBLIC HEARING

- [4] The Chair administered an oath to Roger Leavoy, Agent for the Applicant, who confirmed that the statutory notice posting requirements were satisfied.

[5] In response to questions from the Committee, Mr. Leavoy confirmed that the units are contained within the property lines with no overhead connection. He also confirmed that he was aware of the concerns of the Mechanicsville Community Association regarding a private fencing matter between the Applicant and a neighbour, an issue not before the Committee.

[6] City Planner Margot Linker was also present.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED

[7] The Committee considered all written and oral submissions relating to the application in making its Decision.

[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 variance meets 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 applicant has provided a servicing plan that confirms there is sufficient space for the servicing laterals leading to the rear unit. Therefore, staff have no concerns with the request to reduce the required pole portion of 1.7 metres to 1.5 metres to accommodate the subject severance of the existing long semi-detached dwelling".

[11] The Committee also notes that no cogent evidence was presented that the requested variance 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 neighbourhood, the requested variance is, 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 the requested variance maintains the general intent and purpose of the Official Plan because the proposal respects the character of the neighbourhood.

[14] In addition, the Committee finds that the requested variance maintains 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 finds that the requested variance is minor because it will not create any unacceptable adverse impact on abutting properties or the neighbourhood in general.

[16] THE COMMITTEE OF ADJUSTMENT therefore authorizes the requested variance, **subject to** the location and size of the proposed construction being in accordance with the revised site plan filed, Committee of Adjustment date stamped January 9, 2023, and the elevations filed, Committee of Adjustment date stamped November 28, 2022, as they relate to the requested variance.

"John Blatherwick"
JOHN BLATHERWICK
VICE-CHAIR

Absent
STAN WILDER
MEMBER

"Heather MacLean"
HEATHER MACLEAN
MEMBER

"Bonnie Oakes Charron"
BONNIE OAKES CHARRON
MEMBER

"Michael Wildman"
MICHAEL WILDMAN
MEMBER

I certify this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa, dated **January 20, 2023**.



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 **February 9, 2023**, 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 the applicant, the Minister or a specified person or public body that has an interest in the matter may appeal the decision to the Ontario Land Tribunal. A “specified person” does not include an individual or a community association.

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
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