

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

<b>Date of Decision:</b>	February 10, 2023
<b>File Nos.:</b>	D08-02-22/A-00344 & A-00345
<b>Owner:</b>	14096291 Canada Inc.
<b>Location:</b>	84 St. Claire Avenue
<b>Ward:</b>	8 – College
<b>Legal Description:</b>	Lots 1533, 1534, 1535 and 1536, Registered Plan 375
<b>Zoning:</b>	R1FF (632)
<b>Zoning By-law:</b>	2008-250
<b>Hearing Date:</b>	February 1, 2023

**PURPOSE OF THE APPLICATIONS**

[1] The Owner of four full lots on a Plan of Subdivision wants to subdivide its property into two separate parcels of land. It is proposed to construct two new two storey detached dwellings, as shown on plans filed with the Committee. The existing detached dwelling will be demolished.

**RELIEF REQUIRED**

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

[3] D08-02-22/A-00344: 84 St. Claire Avenue, Part 1, (Lots 1533 & 1534) proposed detached dwelling:

- a) To permit a reduced lot width of 15.22 metres, whereas the By-law requires a minimum lot width of 19.5 metres.
- b) To permit a reduced lot area of 440.9 square metres, whereas the By-law requires a minimum lot area of 600 square metres.

[4] D08-02-22/A-00345: 82 St. Claire Avenue, Part 2, (Lots 1535 & 1536) proposed detached dwelling:

- a) To permit a reduced lot width of 15.23 metres, whereas the By-law requires a minimum lot width of 19.5 metres.
- b) To permit a reduced lot area of 441.1 square metres, whereas the By-law requires a minimum lot area of 600 square metres.

[5] The applications indicate that the Property is not the subject of any other current application under the *Planning Act*.

## **PUBLIC HEARING**

[6] The Panel Chair administered an oath to Michael Segreto, Agent for the Applicant, who confirmed that the statutory notice posting requirements were satisfied.

[7] In response to questions from the Committee, City Senior Engineer Gabrielle Schaeffer explained the rationale for the requested stormwater management brief condition. She highlighted that the City will be requesting such a condition on applications in the City View area to impose stormwater management requirements on infill development because of underperforming ditch systems. The City will ask developers to propose options on a case-by-case basis to prevent the exacerbation of the flow rate issues in that area.

[8] Nancy Wilson of the City View Community Association highlighted opposition to the applications because they do not meet the zoning requirements and represents overdevelopment in an area with deficient stormwater infrastructure.

## **DECISION AND REASONS OF THE COMMITTEE: APPLICATIONS GRANTED**

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

[10] 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.

[11] Based on the evidence, the majority of the Committee (Member White dissenting for the reasons noted below) is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.

[12] The majority of the Committee notes that the City's Planning Report raises "no concerns" regarding the applications, highlighting that "throughout the City View neighbourhood and also within the R1FF subzone, several other lots have been severed for the creation of two new lots comparable in size to those proposed under this consent application."

- [13] The majority of the Committee also notes that no compelling evidence was presented that the variances would result in any unacceptable adverse impact on adjacent properties or the neighbourhood in general.
- [14] Considering the circumstances, the majority of 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.
- [15] The majority of the Committee also finds that the requested variances maintain the general intent and purpose of the Official Plan because the proposal respects the character of the neighbourhood and contributes to the variety of housing options within the General Urban Area.
- [16] In addition, the majority of 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.
- [17] Moreover, the majority of 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.
- [18] THE COMMITTEE OF ADJUSTMENT therefore authorizes the requested variances, **subject to** the following condition:

1. That the Owner(s) submit a Stormwater Management Brief prepared by a Professional Civil Engineer licensed in the Province of Ontario, for approval by **the Development Review Manager of the West Branch within Planning, Real Estate and Economic Development Department, or his/her designate**, to be confirmed in writing from the Department to the Committee, demonstrating a design for post-development stormwater peak flows that are controlled to pre-development peak flows for all stormwater events up to and including the 100 year storm event. The Owner(s) also agrees to enter into a Development Agreement with the City to implement any proposed stormwater system including posting required securities. The Committee requires a copy of the Agreement and written confirmation from City Legal Services that it has been registered on title.

If applicable, the Owner(s) must obtain an Environmental Compliance Approval from the Ontario Ministry of Environment, Conservation and Parks and, if required by **the Development Review Manager of the West Branch within Planning, Real Estate and Economic Development Department, or his/her designate**, approval of the Committee to grant easement(s) for access and

maintenance of the stormwater system or register a Joint Use and Maintenance Agreement on title of the properties, all at the Owner(s) costs.

*"Ann M. Tremblay"*  
ANN M. TREMBLAY  
CHAIR

*Absent*  
KATHLEEN WILLIS  
MEMBER

*"Scott Hindle"*  
SCOTT HINDLE  
MEMBER

*Dissent*  
COLIN WHITE  
MEMBER

*"Julia Markovich"*  
JULIA MARKOVICH  
MEMBER

*Member C. White dissents, finding that the requested variances facilitate the development of two detached dwellings on undersized lots and therefore do not meet the general intent and purpose of the Zoning By-law.*

I certify this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa, dated **February 10, 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 **March 2, 2023**, delivered by email at [cofa@ottawa.ca](mailto:cofa@ottawa.ca) and/or by mail or courier to the following address:

Secretary-Treasurer, Committee of Adjustment,  
101 CentrepoinTE Drive, 4<sup>th</sup> 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](mailto: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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