

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

Date of Decision:	February 10, 2023
File No(s):	D08-02-22/A-00334 & D08-02-22/A-00335
Owner(s):	Mario Gianenetti & Mario Frangione
Location:	36 Oakridge Boulevard
Ward:	8-College
Legal Description:	Part of Lot 32, Concession 1 (Rideau Front) Geographic Township of Nepean
Zoning:	R1FF
Zoning By-law:	2008-250
Hearing Date:	February 1, 2023

PURPOSE OF THE APPLICATIONS

- [1] The Owners have filed Consent Applications (D08-01-22/B-00364 & D08-01-22/B-00365) which, if approved, will have the effect of creating two separate parcels of land for the construction of two new single storey detached dwellings. The existing dwelling is to be demolished.

RELIEF REQUIRED

- [2] The Owners require the Authority of the Committee for Minor Variances from the Zoning By-law as follows:
- [3] D08-02-22/A-00334: 38 Oakridge Boulevard, Part 1, proposed detached dwelling
- a) To permit a reduced lot width of 16 metres, whereas the By-law requires a minimum lot width of 19.5 metres
 - b) To permit a rear deck to project 3.6 metres into the required yard, whereas the By-law requires a maximum projection of 2 metres into the required yard.
 - c) To permit the front porch roof to project 0.69 metres from the westerly side lot line, whereas the By-law requires a maximum projection of 2 metres, but no closer than 1 metre from any lot line.

- d) To permit the rear porch roof to project 0.69 metres from the westerly side lot line, whereas the By-law requires a maximum projection of 2 metres, but no closer than 1 metre from any lot line.
- e) To permit the rear porch roof to project 0.47 metres from the easterly side lot line, whereas the By-law requires a maximum projection of 2 metres, but no closer than 1 metre from any lot line.

[4] D08-02-22/A-00335: 36 Oakridge Boulevard, Part 2, proposed detached dwelling

- f) To permit a reduced lot width of 16 metres, whereas the By-law requires a minimum lot width of 19.5 metres
- g) To permit a rear deck to project 3.59 metres into the required yard, whereas the By-law requires a maximum projection of 2 metres into the required yard.
- h) To permit the front porch roof to project 0.69 metres from the westerly side lot line, whereas the By-law requires a maximum projection of 2 metres, but no closer than 1 metre from any lot line.
- i) To permit the rear porch roof to project 0.69 metres from the westerly side lot line, whereas the By-law requires a maximum projection of 2 metres, but no closer than 1 metre from any lot line.
- j) To permit the rear porch roof to project 0.48 metres from the easterly side lot line, whereas the By-law requires a maximum projection of 2 metres, but no closer than 1 metre from any lot line.

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

PUBLIC HEARING

- [1] The Panel Chair administered an oath to Michael Segreto, Agent for the Applicant, who confirmed that the statutory notice posting requirements were satisfied.
- [2] City Senior Engineer Gabrielle Schaeffer was also present.

DECISION AND REASONS OF THE COMMITTEE: APPLICATIONS GRANTED

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

- [8] 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*.
- [9] The Committee notes that the City's Planning Report raises "no concerns" regarding the applications. Regarding the proposed porch roofs, the report highlights that "both the front and rear porch roofs are integrated into and are extensions of the dwelling roofs, which more than comply with the 0.3 metre minimum setback requirement." And regarding the rear deck projections, the evidence revealed that the proposed development provides rear yards which exceed the requirement and that "an increased projection into these provided yards is minimal."
- [10] The majority of the Committee also notes that no evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.
- [11] 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.
- [12] 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.
- [13] 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.
- [14] Moreover, the majority of 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.
- [15] THE COMMITTEE OF ADJUSTMENT therefore authorizes the requested variances, **subject to** the location and size of the proposed construction being in accordance with the plans filed, Committee of Adjustment date stamped December 14, 2022, as they relate to the requested variances.

"Ann M. Tremblay"
ANN M. TREMBLAY
CHAIR

Absent
KATHLEEN WILLIS
MEMBER

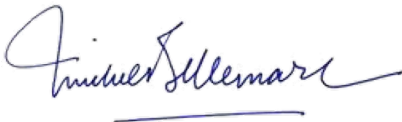
"Scott Hindle"
SCOTT HINDLE
MEMBER

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 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.

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