

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

<b>Date of Decision:</b>	January 20, 2023
<b>File No(s):</b>	D08-02-22/A-00323 & D08-02-22/A-00324
<b>Owner(s):</b>	Joseph & Marry Majic; Kevin & Anna O'Leary
<b>Location:</b>	112 Granton Avenue
<b>Ward:</b>	8-College
<b>Legal Description:</b>	Lots 2274, 2275, 2276 & 2277, Registered Plan 375
<b>Zoning:</b>	R1FF[632]
<b>Zoning By-law:</b>	2008-250
<b>Hearing Date:</b>	January 11, 2023

**PURPOSE OF THE APPLICATION**

- [1] The subject property consists of four full lots on a plan of subdivision (lots 2274 to 2277). The Owners want to demolish the existing dwelling and garage, to construct a new two-storey detached dwelling on lots 2274 and 2275 and another new two-storey detached dwelling on lots 2276 & 2277, as shown on plans filed with the Committee.

**RELIEF REQUIRED**

- [2] The Owners require the Authority of the Committee for Minor Variances from the Zoning By-law as follows:
- [3] A-00323, 112 Granton Avenue, Lots 2274 & 2275, Part 1, proposed detached dwelling
- a. To permit a reduced lot width of 15.25 metres, whereas the By-law requires a minimum lot width of 19.5 metres.
  - b. To permit reduced lot area of 441.3 square metres, whereas By-law requires a minimum lot area of 600 square metres.

- [4] A-00324, 110 Granton Avenue, Lots 2276 & 2277, Part 2, proposed detached dwelling
- c. To permit a reduced lot width of 15.25 metres, whereas the By-law requires a minimum lot width of 19.5 metres.
  - d. To permit reduced lot area of 441.3 square metres, whereas By-law requires a minimum lot area of 600 square metres.
- [5] Zoning By-law Exception 632 states in part that, for the purposes of calculating lot area, the owner of lots on Plan 375 may utilize a portion of the rear lane.
- [6] The applications indicate that the Property is not the subject of any other current application under the *Planning Act*.

## **PUBLIC HEARING**

- [7] At the outset of the hearing, the Chair called forward Cass Scлаuzero of the City's Planning, Real Estate and Economic Development Department to speak to the City's position on the appropriateness of new development in this community, considering the findings of the "City View and Lakeview Drainage Study: Existing Conditions Report," commissioned by the City and prepared by Robinson Consultants Inc. In response to questions from the Committee, Ms. Scлаuzero explained that, according to the study, the predominant cause of drainage problems in the City View area relates to blocked culverts and ditches resulting from a lack of maintenance and deliberate modifications. She also explained that, where ditch reinstatement was necessary, it would be required through the building permit process, and recent revisions to the City's Ditch Alteration Policy would help to prevent further unauthorized alterations.
- [8] The Committee therefore agreed to proceed with the applications, which were stepped down to be recalled later in the hearing.
- [9] Upon recall, the Chair administered an oath to Michael Segreto, Agent for the Owners, who confirmed that the statutory notice posting requirements were satisfied.
- [10] The Committee heard a presentation from Nancy Wilson of the City View Community Association. Ms. Wilson highlighted her objections to the continued development of undersized lots throughout the community, the inadequacy of existing municipal services, and the proposal's impact on the character of the streetscape.
- [11] Jill Prot of the City View Community Association was also in attendance.

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

- [12] The Committee considered any written and oral submissions relating to the application in making its Decision.
- [13] 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.
- [14] Based on the evidence, the majority of the Committee (Members C. White and J. Markovich dissenting for the reasons noted below) is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*
- [15] The Committee notes that the City's Planning Report raises "no concerns" regarding the application. The report concluded that: "The requested minor variances are consistent with the intent of the R1FF zone, which are, among others, to "restrict building form to detached dwellings" and "regulate development in a manner that is compatible with existing land use patterns so that the detached dwelling, residential character of a neighbourhood is maintained or enhanced". A variance to permit reduced lot width and area is indeed minor in nature and would still provide for appropriate development of one detached dwelling on each lot."
- [16] 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.
- [17] Considering the circumstances, the majority of the Committee finds that, because the proposal fits well in the neighbourhood, 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
- [18] 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 new infill development within the General Urban Area, close to a range of community services and amenities.
- [19] 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 that is compatible with the area.

[20] Moreover, the majority of the Committee finds that the requested variances are minor because they will not create any unacceptable adverse impact on abutting properties or the neighbourhood in general.

[21] THE COMMITTEE OF ADJUSTMENT therefore authorizes the requested variances.

[22] *Members C. White and J. Markovich dissent, 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, and further note that the increase of impervious surfaces on reduced-sized lots will put further stress on an already underperforming stormwater management system in the area.*

*“Ann M. Tremblay”*  
ANN M. TREMBLAY  
CHAIR

*“Kathleen Willis”*  
KATHLEEN WILLIS  
MEMBER

Dissenting  
COLIN WHITE  
MEMBER

*“Scott Hindle”*  
SCOTT HINDLE  
MEMBER

Dissenting  
JULIA MARKOVICH  
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](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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