

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

Date of Decision:	January 20, 2023
File No(s):	D08-02-22/A-00268
Owner(s):	Olena Frolova & Sergiy Frolov
Location:	2635 Conn Street
Ward:	7 - Bay
Legal Description:	Lot 27, Registered Plan 427924; Former Township of Nepean
Zoning:	R2F
Zoning By-law:	2008-250
Hearing Date:	January 11, 2023

PURPOSE OF THE APPLICATION

- [1] The Owners want to construct a secondary dwelling unit in the basement of the existing duplex dwelling, 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:
- a) To permit a reduced lot area of 407.7 square metres, whereas the Zoning By-law requires a minimum lot area of 450 square metres.
 - b) To permit a reduced lot width of 13.28 metres, whereas the Zoning By-law requires a minimum lot width of 15 metres.
 - c) To permit a driveway (existing) to be located between the front wall of the building and the street, whereas the By-law states that no part of the driveway may be located between the front wall of the building and the street.

- d) To permit a double-wide driveway measuring 5.88 metres in width, whereas the By-law permits a maximum width for a double-wide driveway of 5.5 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 Chair administered an oath to Victoria Zamchevska, Agent for the Owners, who confirmed that the statutory notice posting requirements were satisfied.

[5] Also in attendance was Siobhan Kelly of the City's Planning, Real Estate and Economic Development Department. Ms. Kelly summarized the concerns outlined in her written report on file. It was her submission the legalization of the existing driveway would not maintain the intent of the Zoning By-law to reduce the visual impact of parking and to ensure adequate soft landscaping, and if the existing driveway was not permitted to remain, then the proposal could not meet the additional parking requirement for a secondary dwelling unit.

[6] Ms. Zamchevska provided a brief presentation, noting that a secondary dwelling unit generally does not require parking, except where it is proposed within a duplex, and that a coach house could also be constructed without the need for additional parking. She also submitted that the double-wide driveway is an existing feature and is characteristic of the pattern of development in the neighbourhood.

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.

[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 majority of the Committee (Chair A. M. Tremblay dissenting for the reasons noted below) 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 "concerns" regarding the application, both in connection with the legalization of the double-wide driveway and the introduction of a secondary dwelling unit without adequate space for parking elsewhere on the lot. However, the majority of the Committee takes note of the photographs submitted by Ms. Zamchevska, which demonstrate that

double-wide driveways are a common feature along Conn Street. The majority also notes that the property complies with the minimum soft landscaping requirement.

- [11] 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.
- [12] 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.
- [7] 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.
- [8] 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.
- [13] 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
- [14] 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 September 9, 2022, as they relate to the requested variances.
- [15] *Chair A. M. Tremblay dissents, noting that, in her opinion, alternatives to the increased driveway width could have been considered that would have been more in keeping with the intent of the Zoning By-law.*

Dissenting
ANN M. TREMBLAY
CHAIR

"Kathleen Willis"
KATHLEEN WILLIS
MEMBER

"Scott Hindle"
SCOTT HINDLE
MEMBER

"Colin White"
COLIN WHITE
MEMBER

"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 **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
City of Ottawa
Ottawa.ca/CommitteeofAdjustment
cofa@ottawa.ca
613-580-2436



Comité de dérogation
Ville d'Ottawa
Ottawa.ca/Comitedederogation
cded@ottawa.ca
613-580-2436