

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

Date of Decision:	January 20, 2023
File No(s):	D08-02-22/A-00315 & D08-02-22/A-00316
Owner(s):	Timon Beck
Location:	43 St. Claire Street
Ward:	8-College
Legal Description:	Lots 1667 to 1670, Registered Plan 375
Zoning:	RiFF[632]
Zoning By-law:	2008-250
Hearing Date:	January 11, 2023

PURPOSE OF THE APPLICATION

- [1] The Owner wants to construct two new detached dwellings on four full lots on a Plan of Subdivision, 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] A-00315: 45 St. Claire Avenue, (Part 1) All of Lots 1669 & 1670, proposed detached dwelling.
- a. To permit a reduced lot area of 417.7 square metres, whereas the By-Law requires a minimum lot area of 600 square metres.
 - b. To permit a reduced lot width 15.21 metres, whereas the By-Law requires a minimum lot width of 19.5 metres.
- [4] A-00316, 43 St. Claire Avenue, (Part 2) All of Lots 1667 & 1668, proposed detached dwelling

- c. To permit a reduced lot area of 417.7 square metres, whereas the By-law requires a minimum lot area of 600 square metres.
 - d. To permit reduced lot width of 15.21 metres, whereas By-law requires a minimum lot width of 19.5 metres.
- [5] The applications indicate that the Property is not the subject of any other current application under the *Planning Act*.

PUBLIC HEARING

- [6] At the outset of the hearing, the Chair called forward Cass Sclauzero 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. Sclauzero 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.
- [7] The Committee therefore agreed to proceed with the applications, which were stepped down to be recalled later in the hearing.
- [8] Upon recall, the Chair administered an oath to Arjan Soor, Agent for the Owner, who confirmed that the statutory notice posting requirements were satisfied.
- [9] The Committee heard a presentation from Nancy Wilson and Jill Prot of the City View Community Association. Ms. Wilson and Ms. Prot highlighted objections to the continued development of undersized lots throughout the community, the inadequacy of existing municipal services, and the proposal's impact on the streetscape character. Concerns were also raised regarding the limited space available for tree planting within the municipal right-of-way, which would not be permitted within the ditches on the property.
- [10] Also in attendance was Nancy Young, the City's Infill Forester. Ms. Young explained that tree-planting requirements are evaluated on a site-by-site basis and submitted that there was adequate space available in this case, although she noted that alternative tree planting locations could also be considered, if necessary.

DECISION AND REASONS OF THE COMMITTEE: APPLICATIONS GRANTED

- [11] The Committee considered any written and oral submissions relating to the application in making its Decision.
- [12] 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.
- [13] 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*
- [14] 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."
- [15] 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.
- [16] 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
- [17] 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 range of community services and amenities.
- [18] 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.
- [19] 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.

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

[21] *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 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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