

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

Date of Decision:	March 10, 2023
File No(s):	D08-02-23/A-00020 & D08-02-23/A-00021
Owner(s):	Shane Michael Stever
Location:	871 Iroquois Road
Ward:	7 - Bay
Legal Description:	Part of Lot 27, Registered Plan 301137
Zoning:	R1O
Zoning By-law:	2008-250
Hearing Date:	March 1, 2023

PURPOSE OF THE APPLICATION

- [1] The Owner has filed Consent Applications (D08-01-23/B-00029 & D08-01-23/B-00030) which, if approved, will have the effect of creating two separate parcels of land for the construction of two new two-storey detached dwellings. The one of the proposed parcels and development will not be in accordance with the Zoning By-law.

RELIEF REQUIRED

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

D08-02-23/A-00020: 869 Iroquois Road, Part 1, proposed detached dwelling

- a) To permit a reduced lot area of 379.40 square metres, whereas the by-law requires a minimum lot area of 450 square metres.

D08-02-23/A-00021: 871 Iroquois Road, Part 2, proposed detached dwelling

- b) To permit a reduced rear yard area of 23% of the lot area or 109 square metres, whereas the By-law requires a minimum rear yard area of 25% of the lot area, or, in this case, 118.5 square metres.

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

PUBLIC HEARING

- [4] The Acting Panel Chair administered an oath to Michael Segreto, Agent for the Applicant, who confirmed that the statutory notice posting requirements were satisfied.
- [5] City Planner Evode Rwagasore 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 Committee 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 requests an adjournment to allow the applicant to address the City's Infill Forester concerns. Those concerns were addressed and a revised Tree Information Report was submitted on February 27, 2023. The Planning Report also highlights that: "staff have no concerns related to the requested variance for reduced lot area, and rear yard area. Despite the reduced area, for Part 1, the proposed lot will still exceed the requirement for lot width, and will meet the requirement for soft landscaping in the front yard. Despite the reduced yard area for Part 2, the minimum 25 percent rear yard setback dimension has been maintained."
- [10] 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 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 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 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 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 revised site plan filed, Committee of Adjustment date stamped February 27, 2023, as they relate to the requested variances.

Absent
ANN M. TREMBLAY
CHAIR

"Kathleen Willis"
KATHLEEN WILLIS
MEMBER

"Scott Hindle"
SCOTT HINDLE
ACTING CHAIR

"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 **March 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 30, 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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