

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

Date of Decision:	March 24, 2023
File No(s):	D08-02-23/A-00038
Owner(s):	Tomasz Stroinski and Thearany Lay
Location:	290 Smyth Road
Ward:	18 – Alta Vista
Legal Description:	Part of Lot 1, Registered Plan 638, Geographic Township of Gloucester
Zoning:	R1GG [501] H (8.7) S179
Zoning By-law:	2008-250
Hearing Date:	March 15, 2023

PURPOSE OF THE APPLICATION

- [1] The Owners want to construct a secondary dwelling unit in the basement of the existing dwelling.

RELIEF REQUIRED

- [2] The Owners require the Authority of the Committee for Minor Variances from the Zoning By-law as follows:
- a) To permit part of the driveway be located between the front wall of the residential dwelling and the street, whereas the by-law requires that no part of the driveway be located between the front wall of the residential dwelling and the street.
 - b) To permit a reduced lot area of 602 square metres, whereas the By-law requires a minimum lot area of 665 square 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 Panel Chair administered an oath to Tomasz Stroinski, one of the Owners of the property, who confirmed that the statutory notice posting requirements were satisfied.
- [5] The Committee noted that, as indicated in the Planning Report, the legal description should be amended to read as follows: **Part of** Lot 1, Registered Plan 638, Geographic Township of Gloucester.
- [6] With the concurrence of Mr. Stroinski, the application was amended accordingly.
- [7] In response to questions from the Committee, Mr. Stroinski confirmed that the existing curved driveway will remain . He also confirmed the driveway that extends to the garage will be filled in to avoid future flooding.
- [8] City Planner Justin Grift advised that the existing driveway is legally non-complying and as no new development is being proposed, the department has no concerns with the application.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED

- [9] The Committee considered all written and oral submissions relating to the application in making its Decision.
- [10] 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.
- [11] Based on the evidence, the Committee is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.
- [12] The Committee notes that the City's Planning Report raises "no concerns" regarding the application, highlighting that: "the applicant is looking to add a second unit without increasing the footprint of the existing dwelling or reducing the soft landscaping existing on the property. Although Staff does not typically consider variances to allow parking or a driveway between a dwelling and the street, Staff is of the opinion the variance is desirable for the development of this property given the limited width of the lot, the issues surrounding flooding and because there are no changes to the existing soft landscaping."
- [13] The Committee also notes that no evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.

- [14] 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.
- [15] 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 appropriate infill development in the General Urban Area.
- [16] 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 that is compatible with the neighbourhood.
- [17] 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.
- [18] THE COMMITTEE OF ADJUSTMENT therefore authorizes the requested variances.

"Ann M. Tremblay"
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 **March 24, 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 **April 13, 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
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