

DECISION
MINOR VARIANCE / PERMISSION

Date of Decision:	April 14, 2023
File No(s):	D08-02-23/A-00009 & D08-02-23/A-00010
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Owner(s)/Applicant(s):	Ana Maria Tavares and Carlos & Cristina Macedo
Property Address:	31 Starwood Road
Ward:	8 - College
Legal Description:	Lots 1913, 1914, 1915, 1916 and 1917 Registered Plan 375
Zoning:	R1FF (632)
Zoning By-law:	2008-250
Hearing Date:	April 5, 2023

APPLICANTS' PROPOSAL AND PURPOSE OF THE APPLICATIONS

- [1] The Owners have filed a Consent Application (D08-01-23/B-00008) which, if approved, will have the effect of creating two separate parcels of land for the construction of two new detached dwellings. The existing dwelling is to be demolished.
- [2] These applications were adjourned from the Committee's hearing on February 15 to allow the Owners time to revise their plans and the minor variances requested.

REQUESTED VARIANCES

- [3] The Owners require the Authority of the Committee for Minor Variances from the Zoning By-law as follows:

A-00009 31 Starwood Road, Part 1, proposed detached dwelling

- a) To permit a reduced lot area of 552.8 square metres, whereas the By-law requires a minimum lot area of 600.0 square metres.
- b) To permit a reduced lot width of 19.0 metres, whereas the By-law requires a minimum lot width of 19.5 metres

A-00010 33 Starwood Road, Part 2, proposed detached dwelling

- c) To permit a reduced lot area of 552.8 square metres, whereas the By-law requires a minimum lot area of 600.0 square metres.
- d) To permit a reduced width of 19.0 metres, whereas the By-law requires a minimum lot width of 19.5 metres

[4] The applications indicate that the Property is the subject of the above noted Consent Application under the *Planning Act*.

PUBLIC HEARING

[5] The Panel Chair administered an oath to Paulo Alves, Agent for the Owners, who confirmed that the statutory notice posting requirements were satisfied.

Oral Submissions Summary

[6] Mr. Alves provided an overview of the applications and responded to questions from the Committee.

[7] The Committee also heard oral submissions from the following individuals:

- Nancy Wilson, City View/Ryan Farms Community Association, raised concerns regarding the proposal's compliance with the Zoning By-law and the retention of mature trees on site.
- Jill Prot, City View/Ryan Farms Community Association, raised concerns regarding the adequacy of existing municipal services and the functionality of the flat roof design.

[8] City Planner Cass Sclauzero and City Infill Forester Haley Murray were also present.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED

Application Must Satisfy Statutory Four-Part Test

[9] 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.

Evidence

[10] Evidence considered by the Committee included any oral submissions made at the hearing, as highlighted above, and the following written submissions held on file

with the Secretary-Treasurer and available from the Committee Coordinator upon request:

- Application and supporting documents, including a planning rationale, a declaration of co-ownership for the removal of a boundary tree, plans with revisions, and tree information
- City Planning Report, received March 31, 2023, with no concerns
- Rideau Valley Conservation Authority, dated March 24, 2023, with no objections
- Hydro Ottawa, dated March 29, 2023, with no concerns
- Hydro One, dated March 29, 2023, with no concerns
- Nancy Wilson and Jill Prot, Co-Presidents, City View/ Ryan Farm Association, email dated April 3, 2023, in opposition
- Ministry of Transportation, dated March 23, 2023, with no comments

Effect of Submissions on Decision

- [11] The Committee considered all written and oral submissions relating to the application in making its decision and granted the application.
- [12] Based on the evidence, the majority of the Committee (Member C. White dissenting for the reasons noted below) is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.
- [13] The Committee notes that the City's Planning Report raises "no concerns" regarding the application. The report highlighted that: "A variance to permit reduced lot width and area for each proposed lot is indeed minor in nature and would still provide for appropriate development of one detached dwelling on each lot."
- [14] The Committee also notes that no compelling evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.
- [15] Considering the circumstances, the majority of the Committee (Member C. White dissenting for the reasons noted below) 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.
- [16] The majority of the Committee also finds that the requested variances maintain the general intent and purpose of the Official Plan, which encourages increased

density in designated Neighbourhood area and within the Evolving Neighbourhood Overlay.

- [17] 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.
- [18] 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.
- [19] *Member C. White dissents, 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.*
- [20] THE COMMITTEE OF ADJUSTMENT therefore authorizes the requested variances.

"Ann M. Tremblay"
ANN M. TREMBLAY
CHAIR

"Kathleen Willis"
KATHLEEN WILLIS
MEMBER

Dissent
COLIN WHITE
MEMBER

"Scott Hindle"
SCOTT HINDLE
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 **April 14, 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 **May 4, 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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