

DECISION
MINOR VARIANCE / PERMISSION

Date of Decision:	April 28, 2023
File No(s):	D08-02-22/A-00350 & D08-02-22/A-00351
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Owner(s)/Applicant(s):	Luigi Carrozzi
Property Address:	28 Oakridge Boulevard
Ward:	8 – College
Legal Description:	Part of Lot 32, Concession 1 (Rideau Front) Geographic Township of Nepean
Zoning:	R1FF
Zoning By-law:	2008-250
Hearing Date:	April 19, 2023

APPLICANTS' PROPOSAL AND PURPOSE OF THE APPLICATIONS

- [1] The Owner has filed Consent Applications (D08-01-22/B-00373 & D08-01-22/B-00374) which, if approved, will have the effect of creating two separate parcels of land for the construction of two new detached dwellings. The proposed lots will not be in conformity with the Zoning By-law. The existing detached dwelling will be demolished.

REQUESTED VARIANCES

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

D08-02-22/A-00350: 28 Oakridge Boulevard, Part 1, proposed detached dwelling:

- a) To permit a reduced lot width of 16.76 metres, whereas the By-law requires a minimum lot width of 19.5 metres.

D08-02-22/A-00351: 30 Oakridge Boulevard, Part 2, proposed detached dwelling:

- b) To permit a reduced lot width of 15.24 metres, whereas the By-law requires a minimum lot width of 19.5 metres.

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

PUBLIC HEARING

- [4] On February 1, 2023, the Committee heard from Jonah Bonn, Agent for the Applicant, who agreed to an adjournment requested by City Planner Cass Sclauzero, to allow more time for updated tree information to be submitted. With the concurrence of all parties, the applications were adjourned to March 15.
- [5] On March 15, Mr. Bonn agreed to a further adjournment, and the applications were adjourned to April 19.
- [6] At the hearing on April 19, the Panel Chair administered an oath to Mr. Bonn, who confirmed that the statutory notice posting requirements were satisfied.

Oral Submissions Summary

- [7] Mr. Bonn provided an overview of the applications and responded to questions from the Committee.
- [8] City Infill Forester Nancy Young confirmed that, with the submission of the revised tree information, she had no further concerns with the applications.
- [9] Ms. Sclauzero was also present.

DECISION AND REASONS OF THE COMMITTEE: APPLICATIONS GRANTED

Applications Must Satisfy Statutory Four-Part Test

- [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.

Evidence

- [11] 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, plans, and tree information, with revisions

- City Planning Report received April 14, 2023, with no concerns; received March 13, 2023, requesting adjournment; received January 31, 2023, requesting adjournment
- Rideau Valley Conservation Authority email dated April 17, 2023, with no objections; email dated March 10, 2023, with no objections; email dated January 24, 2023, with no objections
- Hydro Ottawa email dated April 13, 2023, with no comments; emailed dated March 8, 2023, with no comments; email dated January 20, 2023, with no comments

Effect of Submissions on Decision

- [12] The Committee considered all written and oral submissions relating to the application in making its decision and granted the applications.
- [13] 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*.
- [14] 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 is indeed minor in nature and would still provide for appropriate development of one detached dwelling on each lot. Despite the reduction in lot width, both lots exceed the minimum lot area requirements and no other variances are being sought to reduce setbacks or increase lot coverage."
- [15] 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 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.
- [17] 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 Neighbourhoods within the Outer Urban Transect.
- [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] *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.*

[21] 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

Absent
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 28, 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 18, 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/Comitedederoation
cded@ottawa.ca
613-580-2436