

**DECISION**  
**MINOR VARIANCE / PERMISSION**

<b>Date of Decision:</b>	April 28, 2023
<b>File No(s):</b>	D08-02-23/A-00059 & D08-02-23/A-00060
<b>Application:</b>	Minor Variance under section 45 of the <i>Planning Act</i>
<b>Owner(s)/Applicant(s):</b>	10850004 Canada Inc.
<b>Property Address:</b>	1690 Tenth Line Road
<b>Ward:</b>	1 – Orléans East-Cumberland
<b>Legal Description:</b>	Part of Lot B. Concession 11, Geographic Township of Cumberland
<b>Zoning:</b>	R1U & GM21
<b>Zoning By-law:</b>	2008-250
<b>Hearing Date:</b>	April 19, 2023

**APPLICANTS' PROPOSAL AND PURPOSE OF THE APPLICATIONS**

- [1] The Owner has filed Consent Applications (D08-01-23/B-00070 & D08-01-23/B-00071) which, if approved, will have the effect of creating three separate parcels of land for the construction of two new detached dwellings. The existing office building is to remain.

**REQUESTED VARIANCES**

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

D08-02-23/A-00059: 489 Duvernay Drive, Part 1, proposed detached dwelling:

- a) To permit a reduced front yard setback of 4.5 metres, whereas the By-law requires a minimum front yard setback of 6 metres.
- b) To permit a reduced rear yard setback of 6 metres, whereas the By-law requires a minimum rear yard setback of 7.5 metres.

D08-02-23/A-00060: 495 Duvernay Drive, Part 2, proposed detached dwelling:

- c) To permit a reduced front yard setback of 4.5 metres, whereas the By-law requires a minimum front yard setback of 6 metres.
- d) To permit a reduced rear yard setback of 6 metres, whereas the By-law requires a minimum rear yard setback of 7.5 metres.

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

## **PUBLIC HEARING**

[4] The Panel Chair administered an oath to Rod Price, Agent for the Applicant, who confirmed that the statutory notice posting requirements were satisfied.

### **Oral Submissions Summary**

[5] Mr. Price indicated he had no concerns with the conditions requested by the City's Planning Department for the accompanying Consent Applications.

[6] City Planner Cass Scлаuzero was also present.

## **DECISION AND REASONS OF THE COMMITTEE: APPLICATIONS GRANTED**

### **Applications Must Satisfy Statutory Four-Part Test**

[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.

### **Evidence**

[8] 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
- City Planning Report received April 17, 2023, with no concerns
- Rideau Valley Conservation Authority email dated April 17, 2023, with no objections

- Hydro Ottawa email dated April 13, 2023, with no comments

### **Effect of Submissions on Decision**

- [9] The Committee considered all written and oral submissions relating to the application in making its decision and granted the applications.
- [10] Based on the evidence, the Committee is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.
- [11] The Committee notes that the City's Planning Report raises "no concerns" regarding the application. The report highlights: "Staff have no concerns with the requested variances to reduce the front yard setbacks as many of the dwellings on Duvernay Drive observe reduced, legally non-complying setbacks equal to or less than the requested 4.5 metres. Further, staff have no concern with a reduction to the rear yard setback from 7.5 metres to 6 metres, given that several R1 zones applicable to new subdivisions require a 6-metre rear yard setback."
- [12] The Committee also notes that no evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.
- [13] 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.
- [14] 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 surrounding development and contributes mild intensification in a Neighbourhood within a Suburban Transect.
- [15] 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.
- [16] 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.
- [17] THE COMMITTEE OF ADJUSTMENT therefore authorizes the requested variances, **subject to** the location and size of the proposed construction being in accordance with the plans filed, Committee of Adjustment date stamped February 13, 2023, as they relate to the requested variances.

*“Ann M. Tremblay”*  
ANN M. TREMBLAY  
CHAIR

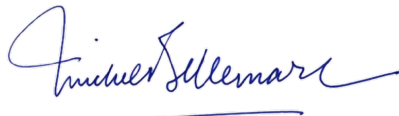
*“Kathleen Willis”*  
KATHLEEN WILLIS  
MEMBER

*“Scott Hindle”*  
SCOTT HINDLE  
MEMBER

*“Colin White”*  
COLIN WHITE  
MEMBER

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](mailto:cofa@ottawa.ca) and/or by mail or courier to the following address:

Secretary-Treasurer, Committee of Adjustment,  
101 CentrepoinTE Drive, 4<sup>th</sup> 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](mailto: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](http://Ottawa.ca/CommitteeofAdjustment)  
[cofa@ottawa.ca](mailto:cofa@ottawa.ca)  
613-580-2436



**Comité de dérogation**  
Ville d'Ottawa  
[Ottawa.ca/Comitedederogation](http://Ottawa.ca/Comitedederogation)  
[cded@ottawa.ca](mailto:cded@ottawa.ca)  
613-580-2436