

DECISION
MINOR VARIANCE / PERMISSION

Date of Decision:	April 28, 2023
File No(s):	D08-02-23/A-00066 & D08-02-23/A-00067
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Owner(s)/Applicant(s):	Nunziata Barbera
Property Address:	1427 & 1429 Bellamy Street
Ward:	16 - River
Legal Description:	Lot 74, Registered Plan 451233
Zoning:	R2F
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-00317 & D08-01-22/B-00318) which, if approved, will have the effect of creating separate ownerships for each half of the existing two-storey semi-detached dwelling. The proposed parcels will not be in conformity with the requirements of the Zoning By-law.

REQUESTED VARIANCES

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

A-00066, 1427 Bellamy Street, Part 1-2, existing semi-detached dwelling:

- a. To permit a reduced lot width of 7.61 metres, whereas the By-law requires a minimum lot width of 9.0 metres.
- b. To permit reduced lot area of 232.8 square metres, whereas By-law requires a minimum lot area of 270 square metres.

A-00067, 1429 Bellamy Street, Part 3-4, existing semi-detached dwelling:

- c. To permit a reduced lot width of 7.63 metres, whereas the By-law requires a minimum lot width of 9.0 metres.

d. To permit reduced lot area of 232.2 square metres, whereas By-law requires a minimum lot area of 270 square 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 Mike Segreto, Agent for the Applicant, who confirmed that the statutory notice posting requirements were satisfied.

Oral Submissions Summary

- [5] Mr. Segreto indicated he had no concerns with the conditions requested by the City's Planning Department for the related Consent Applications.
- [6] City Planner Justin Grift was also present.

DECISION AND REASONS OF THE COMMITTEE: APPLICATIONS GRANTED

Applications Must Satisfy Statutory Four-Part Test

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

- [7] 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, lot fabric evidence, site photos, and tree information
 - City Planning Report received April 14, 2023, with no concerns; received February 10, 2023, with no concerns
 - Rideau Valley Conservation Authority email dated April 17, 2023, with no objections; email dated February 14, 2023, with no objections
 - Hydro Ottawa email dated April 13, 2023, with no comments, email dated February 8, 2023, with no comments

Effect of Submissions on Decision

- [8] The Committee considered all written and oral submissions relating to the application in making its decision and granted the applications.
- [9] Based on the evidence, the Committee is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.
- [10] The Committee notes that the City's Planning Report raises "no concerns" regarding the application. The report highlights that: "The Zoning By-law does permit semi-detached dwellings in this zone and prescribes a minimum required lot width of 9 metres and lot area of 270 square metres for each unit. As seen in the draft 4R plan submitted, the proposed lots would have approximately 7.6 metres of frontage and 232 square metres in area, which do not meet the lot size provisions. However, staff is satisfied the minor variance requests are minor in nature and meet the intent of the Zoning By-law, as the semi-detached dwelling is existing and connected to municipal services with no proposed changes to the building."
- [11] The Committee also notes that no evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.
- [12] 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.
- [13] 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.
- [14] 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.
- [15] 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.
- [16] 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

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.

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