

DECISION
MINOR VARIANCE / PERMISSION

Date of Decision:	May 26, 2023
File No(s):	D08-02-23/A-00072 & D08-02-23/A-00073
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Owner(s)/Applicant(s):	Belisa & Mevludin Becirovic; Dinko Acimovic & Ivana Nemec
Property Address:	102 Lanigan Crescent
Ward:	6 - Stittsville
Legal Description:	Lot 28, Registered Plan 683
Zoning:	R1D
Zoning By-law:	2008-250
Hearing Date:	May 17, 2023

APPLICANTS' PROPOSAL AND PURPOSE OF THE APPLICATIONS

- [1] The Owners have filed a Consent Application (D08-01-23/B-00095) which, if approved, will have the effect of creating two separate parcels of land. It is proposed to construct a new one-storey detached dwelling on each of the newly created parcels. The existing detached dwelling will be demolished. The proposed parcels of land will not be in conformity with the requirements of the Zoning By-law.

REQUESTED VARIANCES

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

A-00072, 102B Lanigan Crescent, Part 1, proposed detached dwelling:

- a) To permit a reduced lot width of 16.065 metres, whereas the By-law requires a minimum lot width of 20 metres.

A-00073, 102A Lanigan Crescent, Part 2, proposed detached dwelling:

- b) To permit a reduced lot width of 16.065 metres, whereas the By-law requires a minimum lot width of 20 metres.

- [3] The applications indicate 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 Amanda Sanford, Agent for the Applicant, who confirmed that the statutory notice posting requirements were satisfied.

Oral Submissions Summary

- [5] City Planner Jack Graham stated he had no concerns with the applications.
- [6] Brittany Moy of the Mississippi Valley Conservation Authority also indicated she had no concerns with the applications.

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 cover letter, plans, and tree information.
 - City Planning Report, received May 12, 2023, with no concerns
 - Mississippi Valley Conservation Authority email, dated May 10, 2023, with no objections
 - Hydro Ottawa email, dated May 10, 2023, with comments
 - Ministry of Transportation email, dated May 8, 2023, with no comments
 - Jennifer Anderson, email dated May 10, 2023, with questions
 - Chris Wagner, email dated May 17, 2023, with 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 application.
- [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, highlighting that the requested variance for each proposed lot is “not out of keeping with the surrounding neighbourhood.”
- [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, because the proposal respects the character of the neighbourhood, the requested variances maintain the general intent and purpose of the Official Plan.
- [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 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.

“Fabian Poulin”
FABIAN POULIN
VICE-CHAIR

“Terence Otto”
TERENCE OTTO
MEMBER

“Steven Lewis”
STEVEN LEWIS
MEMBER

“Martin Vervoort”
MARTIN VERVOORT
MEMBER

“Jocelyn Chandler”
JOCELYN CHANDLER
MEMBER

I certify this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa, dated **May 26, 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 **June 15, 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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