

DECISION
MINOR VARIANCE / PERMISSION

Date of Decision:	May 12, 2023
File No(s):	D08-02-23/A-00085
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Owner(s)/Applicant(s):	Archworks Design Management Inc
Property Address:	11 Warrington Drive
Ward:	17 - Capital
Legal Description:	Part of Lot 60 and Lot 61, Plan M-38
Zoning:	R2R
Zoning By-law:	2008-250
Hearing Date:	May 3, 2023

APPLICANTS' PROPOSAL AND PURPOSE OF THE APPLICATION

- [1] The Owner wants to construct a one-storey detached dwelling. The existing dwelling is to be demolished.

REQUESTED VARIANCE

- [2] The Owner requires the Authority of the Committee for a Minor Variance from the Zoning By-law to permit an addition of 40.4% (50 m²) of the existing dwelling's gross floor area whereas the By-law does not permit an addition to a building that exceeds 20% of the gross floor area (20 m²) of the building in a floodplain overlay.
- [3] The application indicates 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 Todd Duckworth, Agent for the Applicant, who confirmed that the statutory notice posting requirements were satisfied.

Oral Submissions Summary

- [5] Mr. Duckworth provided an overview of the application and responded to questions from the Committee.
- [6] The Committee also heard oral submissions from the following individual:

- Mark Watson, 530 Barry Side Road, who noted the mature trees on the site including a Butternut tree in the front yard, as well as his concerns regarding the excavation for the new foundation and use of the lane at the rear of the property.
- [7] City Infill Forester Nancy Young responded to the questions from the Committee, confirming that the Applicant had provided a Tree information Report and the City was satisfied. Mr. Duckworth confirmed that the Butternut tree in the front yard would be retained and protected.
- [8] City Planner Basma Alkhatib and Eric Lalonde of the Rideau Valley Conservation Authority 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, plans, and tree information.
 - City Planning Report, received April 28, 2023; revised report received May 2, 2023, with no concerns
 - Rideau Valley Conservation Authority, email dated April 27, 2023, with comments
 - Hydro Ottawa, email dated April 27, 2023, with no concerns

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 Committee is satisfied that the requested variance meets 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: "The Department has no concerns with the applicant's request seeing as the minor variance is supported by the appropriate conservation (RVCA) authority and meet the appropriate floodproofing requirements as required by the Official Plan. Moreover, the removal of the basement will mitigate the risks of flooding which emphasis the Safety goals of the Official Plan."
- [14] The Committee also notes that no evidence was presented that the variance would result in any unacceptable adverse impact on neighbouring properties.
- [15] Considering the circumstances, the Committee finds that because the proposal fits well in the area, the requested variance is, 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 Committee also finds that the requested variance maintains the general intent and purpose of the Official Plan because the proposal respects the character of the neighbourhood.
- [17] In addition, the Committee finds that the requested variance maintains the general intent and purpose of the Zoning By-law because the proposal represents orderly development on the property that is compatible with existing land use patterns.
- [18] Moreover, the Committee finds that the requested variance is minor because it will not create any unacceptable adverse impact on abutting properties or the neighbourhood in general.
- [19] THE COMMITTEE OF ADJUSTMENT therefore authorizes the requested variance, **subject to** the location and size of the proposed construction being in accordance with the plans filed, Committee of Adjustment date stamped April 5, 2023, as they relate to the requested variance.

Absent
JOHN BLATHERWICK
VICE-CHAIR

"Stan Wilder"
STAN WILDER
MEMBER

"Steven Lewis"
STEVEN LEWIS
MEMBER

Absent
HEATHER MACLEAN
MEMBER

"Michael Wildman"
MICHAEL WILDMAN
ACTING CHAIR

I certify this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa, dated **May 12, 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 1, 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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