

DECISION
MINOR VARIANCE / PERMISSION

Date of Decision:	May 12, 2023
File No(s):	D08-02-23/A-00078 & D08-02-23/A-00079
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Owner(s)/Applicant(s):	LSC Developments Ltd.
Property Address:	1044 Secord Avenue
Ward:	17 - Capital
Legal Description:	Part of Lot 21, Registered Plan 527
Zoning:	R3A
Zoning By-law:	2008-250
Hearing Date:	May 3, 2023

APPLICANTS' PROPOSAL AND PURPOSE OF THE APPLICATION(S)

- [1] The Owner has filed an Application for Consent (D08-01-23/B-00101) which, if approved, will subdivide its property into two separate parcels of land for the construction of a semi-detached dwelling with secondary dwelling units in each dwelling. The existing one and a half-storey single-detached dwelling which will be demolished. The proposed dwellings and parcels of land 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:
- [3] A-00078, 1042 (1042B) Secord Avenue, Part 1, proposed semi-detached dwelling:
- a) To permit a reduced lot width of 7.62 metres, whereas the By-law requires a minimum lot width of 9 metres.
 - b) To permit a reduced lot area of 232.30 square metres, whereas the By-law requires a minimum lot area of 270 square metres.
 - c) To permit a reduced rear yard setback of 25% of the lot depth or 7.67 metres, whereas the By-law requires a minimum rear yard setback of 28% of the lot depth or 8.53 metres

[4] A-00079, 1044 (1044B) Secord Avenue, Part 2, proposed semi-detached dwelling:

- f) To permit a reduced lot width of 7.62 metres, whereas the By-law requires a minimum lot width of 9 metres.
- g) To permit a reduced lot area of 232.30 square metres, whereas the By-law requires a minimum lot area of 270 square metres.
- h) To permit a reduced rear yard setback of 25% of the lot depth or 7.67 metres, whereas the By-law requires a minimum rear yard setback of 28% of the lot depth or 8.53 metres.

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

PUBLIC HEARING

[6] The Panel Chair administered an oath to Jessica D'Aoust, Agent for the Applicant, who confirmed that the statutory notice posting requirements were satisfied.

Oral Submissions Summary

[7] Ms. D'Aoust provided an overview of the application and responded to questions from the Committee.

[8] The Committee also heard oral submissions from the following individual:

- Susan Carbone, Heron Park Community Association, highlighted concerns regarding the anticipated impact of the proposal on the neighbourhood, including garbage storage, tenancy, the number of bedrooms, as well as the scale and footprint of the dwellings.

[9] Shane Lanigan, representing the Applicant, Linda Gama-Pinto, Heron Park Community Association and City Planners Justin Grift and Erin O'Connell were 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 rational, plans, and tree information.
- City Planning Report, received April 28, 2023, with no concerns
- Rideau Valley Conservation Authority, dated April 27, 2023, with no objections
- Hydro Ottawa, email dated April 27 and March 29, 2023, with no concerns
- Hydro One, email dated April 28 and March 24, 2023, with no concerns
- Linda Gama-Pinto, Heron Park Community Association, email dated April 25, 2023, opposed
- Susan Carbone, Heron Park Community Association, email dated May 2, 2023, opposed

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 Committee 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 highlights that: "Although the proposed lots do not meet minimum lot size requirements in terms of width and area nor the minimum rear yard setback, the lots would accommodate the proposed semi-detached dwelling. Further, the applicant is ensuring the soft landscaping requirements are being met while also providing a parking space for each unit, which is not required."

[15] The Committee also notes that no compelling evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.

[16] 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.

- [17] The Committee also finds that the requested variances maintain the general intent and purpose of the Official Plan by contributing to the gradual intensification of an area within the Evolving Neighbourhood Overlay, which allows new built forms and diverse functions for land near established corridors, in this case Heron Road and Bank Street.
- [18] 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.
- [19] 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.
- [20] 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 April 5, 2023, as they relate to the requested variances.

Absent
JOHN BLATHERWICK
VICE-CHAIR


"Stan Wilder"
STAN WILDER
MEMBER

Absent
HEATHER MACLEAN
MEMBER

"Steven Lewis"
STEVEN LEWIS
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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