

DECISION
MINOR VARIANCE / PERMISSION

Date of Decision:	May 12, 2023
File No(s):	D08-02-23/A-00045
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Owner(s)/Applicant(s):	14251211 Canada Inc.
Property Address:	1486 Baseline Road
Ward:	8 - College
Legal Description:	Part of Lots 2624, 2625, 2626 & 2627, Registered Plan 375
Zoning:	R2F
Zoning By-law:	2005-280
Hearing Date:	May 3, 2023

APPLICANT(S)' PROPOSAL AND PURPOSE OF THE APPLICATION(S)

- [1] The Owner wants to demolish the existing two-storey dwelling and to construct a new semi-detached dwelling, shown as Unit 1 and Unit 2 on plans filed with the Committee.

REQUESTED VARIANCE(S)

- [2] The Owner requires the Authority of the Committee for a Minor Variance from the Zoning By-law as follows:
- a) To permit a reduced lot width of 7.63 metres for Unit 1, whereas the By-law requires a minimum lot width of 9 metres.
- [3] The application indicates that the Property is not the subject of any other current application under the *Planning Act*.

PUBLIC HEARING

- [4] Prior to the April 5, 2023, scheduled hearing, the Committee received an adjournment request from City Planner Samantha Gatchene to allow time for the Applicant to file a Tree Information Report and revise their plans to comply with the Zoning By-law. At the hearing, the Committee heard from Caitlin Kubiseski, Agent for the Applicant, who agreed with the adjournment request. With the concurrence of all parties the application was adjourned to May 3, 2023.

- [5] At the May 3, 2023, hearing, the Acting Panel Chair administered an oath to Ms. Kubiseski, agent for the Applicant, who confirmed that the statutory notice posting requirements were satisfied.

Oral Submissions Summary

- [6] Ms. Kubiseski responded to questions from the Committee, confirming that plans had been updated to address concerns raised by the City Planner. Also, only a requested variance for reduced lot width remained. Ms. Kubiseski also confirmed that future development on the remaining portion of the property would also be residential. She advised that the intent is to rent bedrooms to university students.
- [7] The Committee noted that, as indicated in the Planning Report, requested variances (b) and (c) are withdrawn as unnecessary due to revised plans.
- ~~b) To permit 0 parking spaces for Unit 1, whereas the By-law requires a minimum of one parking space per semi-detached dwelling unit.~~
- ~~e) To permit 0 parking spaces for Unit 2, whereas the By-law requires a minimum of one parking space per semi-detached dwelling unit.~~
- [8] The Committee also heard oral submissions from the following individual:
- Nancy Wilson of the City View/Ryan Farm Community Association highlighted opposition to the application because it does not meet the zoning requirements and represents overdevelopment on an undersized lot in an area with deficient stormwater infrastructure. Additional concerns included a lack of parking, traffic, impact on trees, and a design that does not support the Baseline Bus Rapid Transit Project.
- [9] City Planner Samantha Gatchene responded to the Committee's questions, highlighting that she had no concerns with the proposed development's impact on stormwater sewer capacity. She confirmed that, as part of the revised plans submitted, the proposed number of bedrooms within each semi-detached dwelling had been reduced from five to four. Ms. Gatchene advised that, because the property comprises four lots on a Plan of Subdivision (Lots 2624 to 2627 on Registered Plan 375), a severance application is not required.
- [10] Also present was Jill Prot, of the City View/Ryan Farm Community Association.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED AS AMENDED

Application Must Satisfy Statutory Four-Part Test

- [11] 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

[12] Evidence considered by the Committee included all 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 cover letter, plans, and tree information.
- City Planning Report received May 2, 2023, with no concerns; received March 31, 2023, with an adjournment request
- Rideau Valley Conservation Authority email dated April 27, 2023, with no objections; dated March 24, 2023, with no objections
- Hydro Ottawa email dated April 27, 2023, with comments; dated March 29, 2023m, with comments
- Nancy Wilson and Jill Prot, City View/Ryan Farm Community Association, email received May 3, 2023, in opposition; received April 3, 2023, agreeing to the adjournment request

Effect of Submissions on Decision

- [13] The Committee considered all written and oral submissions relating to the application in making its decision and granted the application.
- [14] Based on the evidence, the Committee is satisfied that the requested variance meets all four requirements under subsection 45(1) of the *Planning Act*.
- [15] The Committee notes that the City's Planning Report raises "no concerns" regarding the application, highlighting that "[t]he reduction in lot width for Unit 1 would enable a development that is compatible with the surrounding land uses and is appropriate for the subject lands."
- [16] The Committee also notes that no cogent evidence was presented that the requested variance would result in any unacceptable adverse impact on neighbouring properties.
- [17] 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.

- [18] 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.
- [19] 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 the surrounding area.
- [20] 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.
- [21] THE COMMITTEE OF ADJUSTMENT therefore authorizes the requested variance.

Absent
ANN M. TREMBLAY
CHAIR

"Kathleen Willis"
KATHLEEN WILLIS
MEMBER

"Scott Hindle"
SCOTT HINDLE
ACTING CHAIR

Absent
COLIN WHITE
MEMBER

Absent
JULIA MARKOVICH
MEMBER

"Stan Wilder"
STAN WILDER
MEMBER

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 Centrepointhe 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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