

DECISION
MINOR VARIANCE / PERMISSION

Date of Decision:	May 26, 2023
File No(s):	D08-02-23/A-00054
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Owner(s)/Applicant(s):	Hue Vo
Property Address:	305 Poulin Avenue
Ward:	7 - Bay
Legal Description:	Lot 46, Plan 427924
Zoning:	R2F
Zoning By-law:	2008-250
Hearing Date:	May 17, 2023

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

- [1] The applications were originally scheduled to be heard on May 3, 2023. They were rescheduled for a hearing on May 17, 2023, due to a public notification error.
- [2] The Owner has filed a Consent Application (D08-01-23/B-00065) which, if approved, will have the effect of creating two separate parcels of land for an existing semi-detached dwelling.

REQUESTED VARIANCE(S)

- [3] The Owner require the Authority of the Committee for Minor Variances from the Zoning By-law as follows:
 - a) To permit a reduced lot area of 232.4 metres, whereas the By-law requires a minimum lot area of 270 metres.
 - b) To permit a reduced front yard setback of 5.14 metres, whereas the By-law requires a minimum front yard setback of 6 metres.
 - c) To permit a reduced rear yard setback of 2.50 metres, whereas the By-law requires a minimum rear yard setback of 7.5 metres.
- [4] The application indicates that the Property is the subject of the above noted Consent application under the *Planning Act*.

PUBLIC HEARING

- [5] The Panel Chair administered an oath to Hue Vo, Owner of the property, who confirmed that the statutory notice posting requirements were satisfied.
- [6] City Planner Samantha Gatchene was also present.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION(S) GRANTED

Application(s) 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 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, supporting documents and tree information.
 - City Planning Report, received May 10, 2023, with no concerns; received April 28, 2023, with no concerns
 - Rideau Valley Conservation Authority email dated May 10, 2023, with no objections; dated April 26, 2023, with no objections
 - Hydro Ottawa email dated May 10, 2023, with comments and a requested condition; dated April 26, 2023, with comments and a requested condition
 - Hydro One email dated April 28, 2023, with no comments or concerns

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" with the application, highlighting that: "[t]he variances for reduced lot area, front yard setback and rear yard setback would legalize the zoning for an existing legal non-complying dwelling. Since no changes to the existing building are proposed, negative impacts on the surrounding neighbourhood are not anticipated."
- [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 no exterior alterations are proposed and the existing streetscape conditions will be preserved, 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 the requested variances maintain the general intent and purpose of the Official Plan because the proposal respects the character of the neighbourhood.
- [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, **subject to** the relief applying to the existing dwelling known municipally as 303 and 305 Poulin Avenue and being restricted to the life of this building only.

"Ann M. Tremblay"
ANN M. TREMBLAY
CHAIR

"Kathleen Willis"
KATHLEEN WILLIS
MEMBER

"Scott Hindle"
SCOTT HINDLE
MEMBER

"Colin White"
COLIN WHITE
MEMBER

"Julia Markovich"
JULIA MARKOVICH
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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