

DECISION

MINOR VARIANCE / PERMISSION

Date of Decision:	May 26, 2023
File No(s):	D08-02-23/A-00077
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Owner(s)/Applicant(s):	4176855 Canada Inc.
Property Address:	432, 436 Ravenhill Avenue
Ward:	15 - Kitchissippi
Legal Description:	Part of Lots 10 and 11, West Cole Avenue, Plan 235
Zoning:	R3R [2687] H(8.5) and R4UA [2686] H(8.5)
Zoning By-law:	2008-250
Hearing Date:	May 17, 2023

APPLICANTS' PROPOSAL AND PURPOSE OF THE APPLICATION(S)

- [1] These applications were originally scheduled for a public hearing on May 3, 2023. They have been rescheduled for the public hearing on May 17, 2023, due to an error in the public notice.
- [2] The Owner has filed Consent Applications (D08-01-23/B-00098 to D08-01-23/B-00100) which, if approved, will have the effect of creating three separate parcels of land for the construction of one detached dwelling and one semi-detached dwelling. The proposed development at 432 Ravenhill Avenue will not be in conformity with the requirements of the Zoning By-law, as shown on plans filed with the Committee.

REQUESTED VARIANCES

- [3] The Owner requires the Authority of the Committee for a Minor Variance from the Zoning By-law to permit a reduced rear yard soft landscaped buffer of 0 metres, whereas the By-law requires a minimum rear yard soft landscaped buffer of 4.5 metres.
- [4] The application indicates that the Property is the subject of the above-noted Consent Applications under the *Planning Act*.

PUBLIC HEARING

- [5] On May 3, 2023, the Panel Chair advised that the applications would need to be adjourned because public notification was deficient in this case. With the concurrence of all parties the application was adjourned *sine die*.

- [6] At the hearing on May 17, 2023, the Panel Chair administered an oath to Bryan Ernst, representing the Applicant, who confirmed that the statutory notice posting requirements were satisfied.

Oral Submissions Summary

- [7] Ryan Poulton and Murray Chown, both acting as Agent for the Applicants, provided a slide presentation, a copy of which is on file with the Secretary-Treasurer and available from the Committee Coordinator upon request. Mr. Chown confirmed that an easement exists on the subject property for the benefit of the Owner of 438 Ravenhill Avenue to access their yard. Mr. Chown confirmed that the proposed development would not modify or impede any rights established by that easement. Mr. Poulton presented turning radius analysis demonstrating how the shared laneway would function for all owners.
- [8] City Planner Margot Linker responded to the Committee's questions, highlighting that she had no concerns with the reduction in the soft landscaping buffer. She stated the proposal provides adequate soft landscaping was being provided along the Cole Avenue frontage and does not interrupt an established contiguous landscaped buffer.
- [9] The Committee also heard oral submissions from the following individuals:
- Debbie Bellinger, a lawyer representing Kathleen Klassen of 438 Ravenhill Avenue, raised concerns including reduction in the paved laneway width to 3 metres where the it meets Ravenhill Avenue. She stated that this reduction was the result of additional landscaping elements and of the new development meeting the requirements of the Zoning By-law. However, Ms. Bellinger highlighted that her client's easement is 4.59 metres wide and requested that the full 4.59 metres be paved for use as a laneway, including over the City owned Right-of-Way between the property line and Ravenhill Avenue.
 - Kathleen Klassen, 438 Ravenhill Avenue, highlighted concerns regarding the problematic sharing of the existing laneway, and the separation of services to her existing semi-detached dwelling.
 - Heather Mitchel, Westboro Community Association, highlighted concerns regarding the loss of privacy for Ms. Klassen and the tenants of 436 Ravenhill Avenue as well as potential safety concerns with the shared laneway. Ms. Mitchel acknowledged the Applicant's efforts to consult the neighbours.
- [10] In response to the concerns raised by Ms. Bellinger, Mr. Chown noted that the functional laneway, as it exists today, is 3.9 metres in width over the City's Right of Way at the entrance to the drive aisle, not the full 4.59 metres as prescribed by the easement. Mr. Chown noted that his client would be favourable to increase the

width of the laneway, but this would involve a further minor variance as it would not be in compliance with the Zoning By-law. In his opinion, an increased width where the laneway meets the street would not be supported by the Planning Department. Mr. Chown emphasized the proposed development will not alter the configuration nor the functionality of access to the rear yard of 438 Ravenhill Avenue.

[11] Following the public hearing, the Committee reserved its decision and advised that a written one with reasons would be issued within ten days.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED

Application(s) Must Satisfy Statutory Four-Part Test

[12] 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

[13] 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 Reports, received May 12 and April 28, 2023, with no concerns
- Rideau Valley Conservation Authority, emails dated May 15 and April 27, 2023, with no objections
- Hydro Ottawa, emails dated May 15 and April 27, 2023, with no concerns
- Hydro One, email dated April 28, 2023, with no concerns
- Heather Mitchell, Westboro Community Association, email dated May 15, 2023, in opposition
- Gillian Pearlstone, Highland Park Lawn Bowling Club, email dated May 15, 2023, in opposition

- Kathleen Klassen, 438 Ravenhill Avenue, emails dated May 1, May 12 and May 15, 2023, in opposition
- Mathew Smith, 448 Golden Avenue, email dated April 26, 2023, with concerns
- Nancy Hextall & Brian Hodgson, 455 Golden Avenue, email dated May 15, 2023, in opposition
- Anne Ferguson, 468 Cole Avenue, email dated May 15, 2023, in support
- Debbie Bellinger, lawyer for Kathleen Klassen, memorandum dated May 15, 2023, in opposition

Effect of Submissions on Decision

- [14] The Committee considered all written and oral submissions relating to the application in making its decision and granted the application.
- [15] Based on the evidence, the Committee is satisfied that the requested variance meets all four requirements under subsection 45(1) of the *Planning Act*.
- [16] The Committee notes that the City's Planning Report raises "no concerns" regarding the application. The report highlights that: "staff appreciate that the proposed single-detached and semi-detached dwellings respect the permitted building envelopes and recognize that 432 Ravenhill is not a part of the mid-block section of Cole Avenue and therefore this design will not interrupt an established contiguous landscaped buffer. Therefore, staff do not have concerns with the reduced soft landscaped buffer to accommodate the proposed development." The Committee further notes that any alteration to the easement/right-of-way would require a private approach permit application with the City's Right of Way, Heritage & Urban Design department, and is not within the purview of the Committee.
- [17] The Committee also notes that no evidence was presented that the variance would result in any unacceptable adverse impact on neighbouring properties.
- [18] Considering the circumstances, the majority of the Committee (Member S. Wilder dissenting) 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.
- [19] The majority of 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 neighbourhood while contributing mild intensification within the Evolving Neighbourhood Overlay in the Inner Urban Transect.

- [20] In addition, the majority of 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.
- [21] Moreover, the majority of 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.
- [22] THE COMMITTEE OF ADJUSTMENT therefore authorizes the requested variances, **subject to** the location and size of the proposed construction being in accordance with the revised site plan filed, Committee of Adjustment date stamped May 17, 2023, as it relates to the requested variances.

"John Blatherwick"
JOHN BLATHERWICK
VICE-CHAIR

Dissent
STAN WILDER
MEMBER

"Heather MacLean"
HEATHER MACLEAN
MEMBER

Absent
MICHAEL WILDMAN
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.

Committee of Adjustment
City of Ottawa
Ottawa.ca/CommitteeofAdjustment
cofa@ottawa.ca
613-580-2436



Comité de dérogation
Ville d'Ottawa
Ottawa.ca/Comitedederogation
cded@ottawa.ca
613-580-2436