

DECISION
MINOR VARIANCE / PERMISSION

Date of Decision:	June 16, 2023
File No(s):	D08-02-23/A-00017 to D08-02-23/A-00019
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Owner(s)/Applicant(s):	Markins Holdings Inc.
Property Address:	1353 and 1354 McMahon Avenue, and 1349 Ridgedale Street
Ward:	10 – Gloucester-Southgate
Legal Description:	Part of Lot 8, Concession 3 (Rideau Front), Geographic Township of Gloucester, and Lot 65, Registered Plan 674
Zoning:	R1WW [637]
Zoning By-law:	2008-250
Hearing Date:	June 6, 2023

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

- [1] The Owner wants to subdivide their property into four separate parcels of land for the construction of three new two-storey detached dwellings on each of the newly created parcels. The existing dwellings will remain.
- [2] At the scheduled hearing on March 1, 2023, the Committee adjourned the applications *sine die* to allow the Owner time to submit additional documents.
- [3] The applications subsequently scheduled to be heard on May 3, 2023, were rescheduled for a hearing on June 6, 2023, due to a public notification error.

REQUESTED VARIANCE(S)

- [4] The Owner requires the Committee's authorization for minor variances from the Zoning By-law as follows:
- [5] D08-02-23/A-00017: 1349 Ridgedale Street, Part 1, proposed detached dwelling
 - a) To permit a reduced lot area of 464.2 square metres, whereas the By-law requires a minimum lot area of 555 square metres.

- b) To permit an increased driveway width of 5.5 metres, whereas the By-law permits a maximum driveway width of 3 metres.

D08-02-23/A-00018: 1351 Ridgedale Street, Part 2, proposed detached dwelling

- c) To permit a reduced lot area of 464.4 square metres, whereas the By-law requires a minimum lot area of 555 square metres.
- d) To permit an increased driveway width of 5.5 metres, whereas the By-law permits a maximum driveway width of 3 metres.

D08-02-23/A-00019: 1353 Ridgedale Street, Part 3, proposed detached dwelling

- e) To permit a reduced lot area of 464.5 square metres, whereas the By-law requires a minimum lot area of 555 square metres.
- f) To permit an increased driveway width of 5.5 metres, whereas the By-law permits a maximum driveway width of 3 metres.

PUBLIC HEARING

Oral Submissions Summary

- [6] Michael Segreto, Agent for the Applicant, provided a slide presentation that included photographs, a draft reference plan, architectural plans, area lot fabric information, aerial images of existing double driveways on Ridgedale Street, and a tree planting plan, a copy of which is on file with the Secretary-Treasurer and available from the Committee Coordinator upon request. Mr. Segreto asserted that the proposal is in keeping with the streetscape.
- [7] In response to questions from the Committee, Mr. Segreto confirmed that the retained lands to the north of the subject properties includes two detached dwellings, which are legally non-conforming. He also confirmed that the Applicant is agreeable to redesign the driveway to retain trees #10 and 11 (as indicated on the tree planting plan on Part 2) by having a single width driveway that widens towards the garage.
- [8] City Planner Siobhan Kelly responded to the Committee's questions, confirming that a permission application is not required for the severance of the retained lands as the use is not being changed or expanded. She further confirmed that the proposed double driveway width is at its' widest point of 5.5 metres, which is based on the width of the lot as set out in the Zoning By-law.
- [9] City Planning Forester Hayley Murray was also present and highlighted that the loss of trees #10 and #11 would be avoidable with a 3-metre driveway.
- [6] Following the public hearing, the Committee reserved its decision.

DECISION AND REASONS OF THE COMMITTEE: APPLICATIONS GRANTED

Applications 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, photographs, tree information, photo of the posted sign, and a sign posting declaration.
 - City Planning Report received June 1, 2023, with no concerns to the severance application but concerns with minor variances; received April 28, 2023, with no concerns to the severance application but concerns with minor variances; received February 24, 2023, with an adjournment request.
 - Rideau Valley Conservation Authority email dated May 31, 2023, with no objections; dated April 26, 2023, with no objections; dated February 21, 2023, with no objections.
 - Hydro Ottawa email dated May 31, 2023, with comments and a requested condition; dated April 26, 2023, with comments and a requested condition; dated February 22, 2023, with comments and a requested condition.
 - Hydro One email dated April 28, 2023, with no comments or concerns.
 - Bell Canada email dated April 26, 2023, with comments and a requested condition.
 - Airport Authority email dated April 24, 2023, with no comments; dated February 22, 2023, with comments.
 - C. Jeshi, area resident, email dated June 4, 2023, with objections.
 - J. Bowler, area resident, email dated February 17, 2023, with concerns.

Effect of Submissions on Decision

- [9] The Committee considered all written and oral submissions relating to the applications in making its decision and granted the applications.
- [10] Based on the evidence, the majority of the Committee (Member J. Wright dissenting on the applications and Member G. Barrett dissenting on requested variance (d) only) 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 "concerns" regarding requested variances (b), (d), and (f) for an increased driveway width. The report highlights that: "an increased driveway width of 5.5 metres do not meet the intent of the Zoning By-law and are not minor. For lots between 8.25 metres and 15 metres, the Zoning By-law prescribes a maximum driveway width of 3.0 metres and prohibits double-wide driveways (i.e., 5.5 to 6 metres in width)." The report also highlights "the proposed 5.5 wide metre driveways reduce opportunities for replacement tree planting by virtue of increasing hard and impermeable surfaces on site."
- [12] The majority of the Committee also notes that no compelling evidence was presented that the requested variances would result in any unacceptable adverse impact on neighbouring properties.
- [13] Considering the circumstances, the majority of the Committee finds that 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 because the proposal fits well in the area.
- [14] The majority of 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 and provides gentle intensification in the neighbourhood that is respectful of the established suburban context.
- [15] In addition, the majority of 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 existing land use patterns and the single-detached residential character of the neighbourhood.
- [16] Moreover, the majority of 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.

"Fabian Poulin"
FABIAN POULIN
VICE-CHAIR

"Jay Baltz"
JAY BALTZ
MEMBER

"George Barrett"
With noted dissent
GEORGE BARRETT
MEMBER

"Heather MacLean"
HEATHER MACLEAN
MEMBER

Dissent
JULIANNE WRIGHT
MEMBER

I certify this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa, dated **June 16, 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 **July 6, 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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