

DECISION
MINOR VARIANCE / PERMISSION

Date of Decision:	June 30, 2023
Panel:	2 - Suburban
File No(s):	D08-02-23/A-00099, D08-02-23/A-00100
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Owner(s)/Applicant(s):	Capital Better Home Inc.
Property Address:	481 Wentworth Avenue
Ward:	7 - Bay
Legal Description:	Lot 58 & Part of Lot 57, Registered Plan 324
Zoning:	R2F
Zoning By-law:	2008-250
Hearing Date:	June 20, 2023, in person and by videoconference

APPLICANT'S PROPOSAL AND PURPOSE OF THE APPLICATIONS

- [1] The Owner wants to subdivide its property into two separate parcels of land to create two new parcels for residential development. It is proposed to construct two new detached dwellings, one on each of the newly created parcels. The existing dwelling is to be demolished.

REQUESTED VARIANCE(S)

- [2] The Owner requires the Committee's authorization for Minor Variances from the Zoning By-law as follows:

A-00099: 479 Wentworth Avenue, Part 1 on 4R Plan proposed

- a) To permit a reduced lot width of 11.44 metres, whereas the By-law requires 15.0 metres.
- b) To permit a reduced lot area of 348.6 square metres, whereas the By-law requires a minimum lot area of 450 metres.

A-00100: 481 Wentworth Avenue, Part 2 on 4R-Plan, existing detached dwelling:

- c) To permit a reduced lot width of 11.44 metres, whereas the By-law requires a minimum lot width of 15.0 metres.

- d) To permit a reduced lot area of 348.8 square metres, whereas the By-law requires 450 square metres.

PUBLIC HEARING

- [3] Prior to the scheduled hearing on June 20, 2023, the Committee received an adjournment request from City Planner Alex Gatien, to allow the Applicant to obtain a permission letter for the removal of the jointly owned tree(s). At the hearing the Committee heard from Michael Segreto, Agent for the Applicant, who advised that the permission letter was obtained and shared with the City Planner and Planning Forester. Mr. Segreto requested that the hearing of the applications proceed as scheduled, however if additional time is required to review the supporting documents, he requested an adjournment to the next available hearing date.
- [4] The Committee also heard from Mr. Gatien, who confirmed that the permission letters were received and reviewed by City Forester Nancy Young. Mr. Gatien withdrew the adjournment request.

Oral Submissions Summary

- [5] Mr. Segreto provided a slide presentation that included photographs, draft reference plan, architectural plans, 3D renderings, a lot fabric map, and tree location and replacement plan, a copy of which is on file with the Secretary-Treasurer and available from the Committee Coordinator upon request.
- [6] The Committee also heard oral submissions from the following individual:
- I. McCallum, Woodpark Community Association, highlighted concerns relating to the impact to the mature trees during development of the property.
- [7] City Forester Nancy Young summarized her concerns relating to five trees on the subject property, as outlined in the Planning Report, noting that the submitted Tree Information Report does not detail how these trees will be retained and protected during construction. She noted that the City's requested conditions 2 to 5 were included in the report to address her concerns, however condition 2 requiring a letter of permission from the adjacent owner is no longer necessary.
- [8] Mr. Gatien highlighted that the subject property is within the Evolving Neighbourhood Overlay, which is intended to encourage gradual intensification near corridors and rapid transit. He confirmed that he had no concerns with the proposed applications.
- [9] Following the public hearing, the Committee reserved its decision.

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 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:

- Applications and supporting documents, including cover letter, plans, flyer, streetscape character analysis, photographs, streetscape rendering, tree information, tree replacement plan, letter of permission, photo of the posted sign, and a sign posting declaration.
- City Planning Report received June 15, 2023, with adjournment request
- Rideau Valley Conservation Authority email dated June 15, 2023, with no objections
- Hydro Ottawa email dated June 13, 2023, with no comments
- Transportation Engineering Services email dated June 16, 2023, with comments
- P. Bortolotti, area resident, email dated June 16, 2023, with comments
- L. Wardell, area resident, email dated June 19, 2023, with concerns

Effect of Submissions on Decision

[12] The Committee considered all written and oral submissions relating to the applications 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 reduced lot width and lot area, highlighting that "the application demonstrates that the severed lot can accommodate an appropriately sized dwelling, complying with the required side yard setbacks, parking and soft landscaping requirements."

- [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 because the proposal respects the character of the neighbourhood.
- [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 that is compatible with the existing land use patterns.
- [19] Moreover, the Committee finds that the requested variances 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.

Absent
FABIAN POULIN
VICE-CHAIR

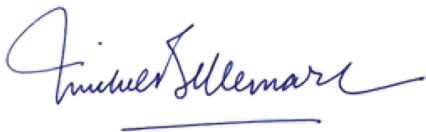
"Jay Baltz"
JAY BALTZ
ACTING PANEL CHAIR

"George Barrett"
GEORGE BARRETT
MEMBER

"Heather MacLean"
HEATHER MACLEAN
MEMBER

"Julianne Wright"
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 30, 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 20, 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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