

**DECISION**  
**MINOR VARIANCE / PERMISSION**

|                               |   |
|-------------------------------|---|
| <b>Date of Decision:</b>      | June 30, 2023   |
| <b>Panel:</b>                 | 2 - Suburban  |
| <b>File No(s):</b>            | D08-02-23/A-00114, D08-02-23/A-00115                        |
| <b>Application:</b>           | Minor Variance under section 45 of the <i>Planning Act</i>  |
| <b>Owner(s)/Applicant(s):</b> | 2501308 Ontario Inc. (under Agreement of Purchase and Sale) |
| <b>Property Address:</b>      | 45 Inverness Avenue   |
| <b>Ward:</b>                  | 9 – Knoxdale-Merivale                                       |
| <b>Legal Description:</b>     | Part of Lot 207, Registered Plan 289002                     |
| <b>Zoning:</b>                | R1FF  |
| <b>Zoning By-law:</b>         | 2008-250  |
| <b>Hearing Date:</b>          | June 20, 2023, in person and by videoconference             |

**APPLICANT'S PROPOSAL AND PURPOSE OF THE APPLICATIONS**

- [1] The Applicant wants to subdivide its property into two separate parcels of land to create two new lots. It is proposed to retain the existing detached dwelling and construct a new detached dwelling on the other parcel.

**REQUESTED VARIANCE(S)**

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

A-00114: 45A Inverness Ave, Part 1 on 4R-Plan, existing detached dwelling

- a) To permit a reduced lot area of 547.50 square metres, whereas the By-law requires a minimum lot area of 600 square metres.
- b) To permit a reduced lot width of 17.55 metres, whereas the By-law requires a minimum lot width of 19.5 metres.

A-00115: 45 Inverness Ave, Part 2 & 3 on 4R-Plan, proposed detached dwelling:

- c) To permit a reduced lot area of 502.40 square metres, whereas the By-law requires a minimum lot area of 600 square metres.

- d) To permit a reduced lot width of 16.82 metres, whereas the By-law requires a minimum lot width of 19.5 metres.

## **PUBLIC HEARING**

### **Oral Submissions Summary**

- [3] Anthony Bruni, Agent for the Applicant, highlighted efforts to consult with the General Burns Community Association regarding their concerns about construction and the state of the infrastructure in the area. He confirmed that the Applicant would endeavor to avoid disrupting the right-of-way and will consult with the community association should any additional concerns arise.
- [4] City Planner Samantha Gatchene responded to the Committee's questions, highlighting that the City's Engineering Services reviewed the application and servicing for the neighbourhood and there are no concerns with the proposal, and that a site servicing condition is not necessary.
- [5] City Planner Siobhan Kelly was also present.
- [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:
- Applications and supporting documents, including cover letter, plans, tree information, photo of the posted sign, and a sign posting declaration.
  - City Planning Report received June 15, 2023, with no concerns
  - Rideau Valley Conservation Authority email dated June 15, 2023, with no objections

- Hydro Ottawa email dated June 13, 2023, with no comments
- Airport Authority email dated June 6, 2023, with comments, *notice already registered on title*
- General Burns Community Association email dated June 19, 2023, with comments

### **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 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" regarding the applications, highlighting that "[v]ariations to permit reduced lot widths and areas are indeed minor in nature and would still provide for an appropriate detached dwelling on each lot."
- [12] 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 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.
- [14] The Committee also finds that the requested variances maintain the general intent and purpose of the Official Plan because the proposal represents mild intensification that 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 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.

*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](mailto:cofa@ottawa.ca) and/or by mail or courier to the following address:

Secretary-Treasurer, Committee of Adjustment,  
101 Centrepointe Drive, 4<sup>th</sup> 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](mailto: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**  
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