

DECISION
MINOR VARIANCE / PERMISSION

Date of Decision:	August 11, 2023
Panel:	2 - Suburban
File No(s):	D08-02-23/A-00122 & D08-02-23/A-00145
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Owner(s)/Applicant(s):	Ajanth Singherayor
Property Address:	845 Dundee Avenue
Ward:	7 - Bay
Legal Description:	Lot 83, East Dundee Street, Plan 4M-311
Zoning:	R2G [1564]
Zoning By-law:	2008-250
Hearing Date:	August 1, 2023, in person and by videoconference

APPLICANT'S PROPOSAL AND PURPOSE OF THE APPLICATION

- [1] The Owner wants to construct a semi-detached dwelling with an above-grade secondary dwelling unit located at the rear of each half. The existing dwelling is to be demolished.
- [2] At the scheduled hearing on July 4, 2023, the Committee adjourned the applications to allow time for the applicant to apply for additional variances and to revise the tree information report.

REQUESTED VARIANCES

- [3] The Owner requires the Committee's authorization for minor variances from the Zoning By-law as follows:

A-00122: 847 Dundee Street, A side on Site Plan

- a) To permit a reduced rear yard setback of 7.0 metres (23% of the lot depth), whereas the By-law requires a minimum rear yard setback equal to 28% of the lot depth or, in this case, 8.5 metres.
- b) To permit an increased gross floor area for an above-grade secondary dwelling unit of 50% of the principal dwelling, whereas the By-law permits a maximum gross floor area for a secondary dwelling unit of 40% of the principal dwelling.

- c) To permit a reduced rear yard area of 23% of the lot area (53.35 square metres), whereas the By-law requires a minimum rear yard area of 25% of lot area (57.87 square metres).

A-00145: 845 Dundee Street, B side on Site Plan

- d) To permit a reduced rear yard setback of 7.0 metres (23% of the lot depth), whereas the By-law requires a minimum rear yard setback equal to 28% of the lot depth or, in this case, 8.5 metres.
- e) To permit an increased gross floor area for an above-grade secondary dwelling unit of 50% of the principal dwelling, whereas the By-law permits a maximum gross floor area for a secondary dwelling unit of 40% of the principal dwelling.
- f) To permit a reduced rear yard area of 23% of the lot area (53.35 square metres), whereas the By-law requires a minimum rear yard area of 25% of lot area (57.87 square metres).

PUBLIC HEARING

Oral Submissions Summary

- [4] Ajanth Singherayor, Applicant, provided an overview of the applications and responded to questions from the Committee. Mr. Singherayor stated that the plans provided with the applications were not final, and only represented the proposal as they relate to the requested variances. He also confirmed that both units within each of the semi-detached dwellings would be of equal size.
- [5] City Planner Samantha Gatchene stated she had no concerns with the applications and confirmed that even with the units being of equal size, the proposal would be considered a semi-detached dwelling under the Zoning By-law rather than a low-rise apartment building.
- [6] City Forester Hayley Murray stated that tree protection would be addressed through the building permit process.
- [7] The Committee also heard oral submissions from the following individuals:
- S. Blakeney, neighbour, stated concerns regarding the location of the entrance to the secondary dwelling unit, exterior lighting, and minimal soft landscaping.
 - S. Smith, neighbour, stated concerns regarding tree protection and drainage.
 - K. Vandergrift, Queensway North Community Association, stated concerns regarding potential impact on the neighbourhood, lack of detail in the plans on file, tree retention and an increased demand for on-street parking.

[8] Following the public hearing, the Committee reserved its decision.

DECISION AND REASONS OF THE COMMITTEE: APPLICATIONS GRANTED

Applications Must Satisfy Statutory Four-Part Test:

[9] 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

[10] 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 cover letter, plans, pictures, tree information report, community engagement report, a photo of the posted sign and a sign posting declaration.
- City Planning Report received July 24, 2023, with no concerns; June 29, 2023, requesting adjournment.
- Rideau Valley Conservation Authority emails dated July 27, 2023, with no objections; June 30, 2023, with no objections.
- Hydro Ottawa emails dated July 28, 2023, with comments; June 27, 2023, with comments.
- Ministry of Transportation email dated August 1, 2023, with no comments.
- K. Vandergrift, President, Queensway Terrace North Community Association email dated July 31, 2023, with concerns.
- S. Smith, neighbour, emails dated July 31, 2023, with concerns; June 30, with concerns.
- S. Blakeney, neighbour, email dated July 31, 2023, with concerns.
- L. and B. Belanger, neighbour, email dated July 4, 2023, with concerns.
- J. Finlayson, neighbour, email dated June 26, 2023, with concerns.

Effect of Submissions on Decision

- [11] The Committee considered all written and oral submissions relating to the application in making its decision and granted the application.
- [12] Based on the evidence, the Committee is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.
- [13] The Committee notes that the City's Planning Report raises "no concerns" regarding the applications, highlighting that: "Variances to permit reduced rear yard setbacks and areas are indeed minor in nature and would still provide for an appropriate separation between the proposed semidetached building and the abutting properties. The variances to increase the maximum size of a Secondary Dwelling Unit would enable infill development without resulting in negative impacts on the function of the site or the surrounding neighbourhood."
- [14] The Committee also notes that no evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.
- [15] 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.
- [16] 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 while contributing mild intensification within the Inner Urban Transect.
- [17] 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 on the property that is compatible with the neighbourhood.
- [18] 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.
- [19] THE COMMITTEE OF ADJUSTMENT therefore authorizes the requested variances, **subject to** the location and size of the proposed construction being in accordance with the site plan filed, Committee of Adjustment date stamped July 14, 2023, and the elevations filed, Committee of Adjustment date stamped May 18, 2023, as they relate to the requested variances.

"Fabian Poulin"
FABIAN POULIN
VICE-CHAIR

"Jay Baltz"
JAY BALTZ
MEMBER

"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 **August 11, 2023**



Matthew Garnett
Acting 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 **August 31, 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