

DECISION
MINOR VARIANCE / PERMISSION

Date of Decision:	August 11, 2023
Panel:	2 - Suburban
File No(s):	D8-02-23/A-00157
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Owner(s)/Applicant(s):	Danik Tremblay & Danica Lavigne
Property Address:	7035 Notre Dame
Ward:	2 – Orléans West-Innes
Legal Description:	Part 1 and 2, Registered Plan 24393
Zoning:	R2N
Zoning By-law:	2008-250
Hearing Date:	August 1, 2023, in person and by videoconference

APPLICANTS' PROPOSAL AND PURPOSE OF THE APPLICATION

- [1] The Owners want to construct a semi-detached dwelling, with two additional dwelling units, as shown on the plans filed with the Committee.

REQUESTED VARIANCES

- [2] The Owners require the Committee's authorization for minor variances from the Zoning By-law as follows:
- a) To permit a reduced lot area of 244.56 square metres (west lot), whereas the By-law requires a minimum lot area of 270 square metres.
 - b) To permit a secondary dwelling unit on a lot in the R2 zone that does not comply with the minimum required lot area (west lot), whereas the By-law requires that a secondary dwelling unit is not permitted on an undersized lot.
 - c) To permit a reduced lot area of 247.22 square metres (east lot), whereas the By-law requires a minimum lot area of 270 square metres.
 - d) To permit a secondary dwelling unit on a lot in the R2 zone that does not comply with the minimum required lot area (east lot), whereas the By-law requires that a secondary swelling unit is not permitted on an undersized lot.

PUBLIC HEARING

Oral Submissions Summary

- [3] Paul Robinson, Agent for the Applicants and City Planner Evode Rwagasore, were present.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED

Application Must Satisfy Statutory Four-Part Test:

- [4] 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

- [5] 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, tree information, a photo of the posted sign and a sign posting declaration.
 - City Planning Report received July 28, 2023, with no concerns.
 - Rideau Valley Conservation Authority email dated July 27, 2023, with no objections.
 - Hydro Ottawa email dated July 28, 2023, with comments.
 - Ministry of Transportation email dated August 1, 2023, with no comments.

Effect of Submissions on Decision

- [6] The Committee considered all written and oral submissions relating to the application in making its decision and granted the application.
- [7] Based on the evidence, the Committee is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.
- [8] The Committee notes that the City's Planning Report raises "no concerns" regarding the application, highlighting that: "The proposed semidetached dwelling units comply in every respect with the applicable zone provisions except for the lot

area.” The report further states that “a conventional semi-detached dwelling can be constructed on the lot.”.

- [9] The Committee also notes that no evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.
- [10] 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.
- [11] 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 Evolving Neighbourhood Overlay
- [12] 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.
- [13] 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.
- [14] THE COMMITTEE OF ADJUSTMENT therefore authorizes 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.

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