

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

<b>Date of Decision:</b>	September 15, 2023
<b>Panel:</b>	2 - Suburban
<b>File No(s):</b>	D08-02-23/A-00012 & D08-02-23/A-00184
<b>Application:</b>	Minor Variance under section 45 of the <i>Planning Act</i>
<b>Owner(s)/Applicant(s):</b>	Duo Zhuang Su
<b>Property Address:</b>	50 Rebecca Crescent
<b>Ward:</b>	11 – Beacon Hill-Cyrville
<b>Legal Description:</b>	Lot 3, Judge’s Plan 652
<b>Zoning:</b>	R1AA
<b>Zoning By-law:</b>	2008-250
<b>Hearing Date:</b>	September 5, 2023, in person and by videoconference

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

- [1] The Owner wants to subdivide their property into two separate parcels of land for the construction of a new detached dwelling. The existing dwelling will remain.

**REQUESTED VARIANCES**

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

A-00012: 50 Rebecca Crescent, Part 2 on the Draft 4R-Plan, existing detached dwelling:

- a) To permit a reduced lot width of 25.28 metres, whereas the Zoning By-law requires a minimum lot width of 30 metres.
- b) ~~To permit a distance of 0 metres between two accessory structures (existing detached garage and shed), whereas the By-laws requires a minimum distance from an accessory structure to any other building located on the same lot of 1.2 metres.~~

A-00184: 4807 Massey Lane, Part 1 on the Draft 4R-Plan, proposed detached dwelling:

- c) To permit a reduced lot width of 23.03 metres, whereas the Zoning Bylaw requires a minimum lot width of 30 metres.

## **PUBLIC HEARING**

- [3] Prior to the hearing on February 15, 2023, the Committee received an adjournment request from the City's Planning, Real Estate, and Economic Development Department to allow the applicant time to revise the draft 4R plan and provide additional information. Chris Jalkotzy, Agent for the Applicant, also requested an adjournment to allow time for the application to be revised to avoid additional variances. Additionally, B. Ho, resident, and the Rothwell Heights Property Owners Association requested an adjournment to allow the neighbours time to prepare for the hearing.
- [4] At the hearing, the Committee heard from Mr. Jalkotzy who reiterated his request for adjournment.
- [5] With the concurrence of all parties, the application was adjourned *sine die*.
- [6] Prior to the scheduled hearing on September 5, 2023, the Committee received revised site plans reflecting the removal of variance b) as the Applicant had revised their plans to remove the accessory structures.

## **Oral Submissions Summary**

- [7] At the hearing on September 5, 2023, Patricia Warren, Agent for the Applicant, provided a slide presentation, a copy of which is on file with the Secretary-Treasurer and available from the Committee Coordinator upon request. Ms. Warren confirmed that the revised lot configuration proposes two rectangular parcels consistent with the existing lots in the surrounding neighbourhood.
- [8] Brian Casagrande, also acting as Agent for the Applicant, raised concerns with a condition of provisional consent requested by the City, requesting that the condition for a Development Agreement to address mitigation measures be modified to solely reflect City-owned trees in the right-of-way, with a time constraint of three months to complete the requested development agreement.
- [9] Mr. Casagrande also stated that the applicant was not aware of a restrictive covenant registered on title to the property. He further advised that the Applicant had reached out to the local community association and the Ward Councillor's office prior to the current hearing of the application.
- [10] City Planner, Cass Sclauzero, responded to questions from the Committee regarding the conditions for provision consent requested by the City.
- [11] City Forester, Nancy Young, also addressed the questions from the Committee regarding the condition for a Development Agreement.

[12] The Committee also heard oral submissions from the following individuals:

- B. Ho, resident, who raised concerns regarding lack of consultation with neighbours, change of proposal and the possibility of a restrictive covenant registered on title.

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

## **DECISION AND REASONS OF THE COMMITTEE: APPLICATIONS GRANTED AS AMENDED**

### **Applications Must Satisfy Statutory Four-Part Test**

[14] 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**

[15] 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 cover letter, parcel register, revised plans, TIR, photo of the posted sign, and a sign posting declaration.
- City Planning Report received August 31, 2023, with no concerns; received February 10, 2023, requesting adjournment.
- Rideau Valley Conservation Authority email dated September 1, 2023, with no objections.
- Hydro Ottawa email dated September 1, 2023, with no objections; dated February 8, 2023, with no objections.
- Ottawa International Airport Authority email dated August 23, 2023, with no comments.
- J. Brammer, Chair, Rothwell Heights Property Owners' Association emails dated September 4, 2023, with concerns; dated February 13, 2023, requesting adjournment.

- T. Johnson, resident, emails dated August 28, 2023, in opposition; dated February 13, 2023, with concerns.
- E. Tannis, resident, emails dated August 25, 2023, in opposition.
- T. and B. Gray, residents, emails dated August 28, 2023, in opposition; dated February 13, 2023, in opposition.
- W. Lewandowski, resident, emails dated August 29, 2023, in opposition; dated February 13, 2023, in opposition.
- Councillor Tim Tierney, Ward 11, emails dated August 30, 2023, in opposition; dated February 8, 2023, with concerns.
- S. Desautels, resident, emails dated August 31, 2023, in opposition; received February 13, 2023, in opposition.
- R. Skaff, resident, emails dated September 1, 2023, in opposition; dated February 13, 2023, in opposition.
- L. Cholmsky, resident, emails dated September 1, 2023, in opposition; dated February 13, 2023, in opposition.
- F. and C. Creutzberg, emails dated September 2, 2023, in opposition; dated February 13, 2023, in opposition.
- D. Clark, resident, emails dated September 2, 2023, in opposition; dated February 13, 2023, in opposition.
- M. Soarec, resident, email dated September 3, 2023, in opposition.
- M. Fine, resident, emails dated September 3, 2023, in opposition; dated February 13, 2023, in opposition.
- Y. Cole, resident, email dated September 3, 2023, in opposition.
- M. Storm, resident, email dated September 3, 2023, in opposition.
- J. Forgie, resident, emails dated September 4, 2023, in opposition; dated February 13, 2023, in opposition.
- L. Clermont, resident, emails dated September 4, 2023, in opposition; dated February 13, 2023, in opposition.
- B. Ho, resident, emails dated September 4, 2023, in opposition; dated February 6, 2023, requesting adjournment.

- C. Cattan, resident, email dated February 13, 2023, in opposition.
- D. Bhalla, resident, email dated February 13, 2023, in opposition.
- E. Skaff, resident, email dated February 13, 2023, in opposition.

### **Effect of Submissions on Decision**

- [16] The Committee considered all written and oral submissions relating to the applications in making its decision and granted the applications.
- [17] Based on the evidence, the Committee is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.
- [18] The Committee notes that the City's Planning Report raises "no concerns" regarding the applications, highlighting that "lot creation under S. 144 (4)(b) necessitates the need for minor variances for reduced lot widths on all but significantly oversized lots." The report highlights that section 144(4)(b) of the Zoning By-law permits the area of each of the retained and severed lots to be no less than 49 percent of the required minimum lot area of the subzone. In this case, the "severed parcel will be 919 square metres and the retained parcel will be 1016 square metres, both exceeding the minimum required lot area per S. 144 (4)(b)"
- [19] The Committee also notes that no compelling evidence was presented that the variances would result in any unacceptable adverse impact on adjacent properties.
- [20] 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.
- [21] 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.
- [22] 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 surrounding area.
- [23] 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.
- [24] THE COMMITTEE OF ADJUSTMENT therefore authorizes the requested variances.

*"Fabian Poulin"*  
FABIAN POULIN  
VICE-CHAIR

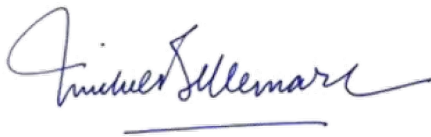
*Absent*  
JAY BALTZ  
MEMBER

*"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 **September 15, 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 **October 5, 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**  
City of Ottawa  
[Ottawa.ca/CommitteeofAdjustment](http://Ottawa.ca/CommitteeofAdjustment)  
[cofa@ottawa.ca](mailto:cofa@ottawa.ca)  
613-580-2436



**Comité de dérogation**  
Ville d'Ottawa  
[Ottawa.ca/Comitedederogation](http://Ottawa.ca/Comitedederogation)  
[cded@ottawa.ca](mailto:cded@ottawa.ca)  
613-580-2436