

DECISION
MINOR VARIANCE / PERMISSION

Date of Decision:	October 13, 2023
Panel:	2 - Suburban
File No.:	D08-02-23/A-00110
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Owner/Applicant:	Royal S.M.S. Construction Inc.
Property Address:	25 Pennard Way
Ward:	10 – Gloucester-Southgate
Legal Description:	Part of Block 13, Registered Plan 4M-997
Zoning:	R4S [923]
Zoning By-law:	2008-250
Hearing Date:	October 3, 2023, in person and by videoconference

APPLICANT PROPOSAL AND PURPOSE OF THE APPLICATION

- [1] The Owner wants to subdivide its property into three separate parcels of land for the construction of a long semi-detached dwelling and a detached dwelling.
- [2] On June 6, 2023, the Committee adjourned this application to allow the Owner time to revise its plans and requested variances.

REQUESTED VARIANCE

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

A-00110: 20 Inverkip Avenue, Part 3 on the Draft 4R-Plan, detached dwelling:

- a) To permit a reduced front yard setback of 3 metres, whereas the By-law requires a minimum front yard setback of 5 metres.
- b) To permit a reduced rear yard setback of 3 metres, whereas the By-law required a minimum rear yard setback of 5 metres.

PUBLIC HEARING

Oral Submissions Summary

- [4] C. McCuaig, Agent for the Applicant, provided an overview of the application and responded to questions from the Committee.
- [5] Following the public hearing, the Committee reserved its decision.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED

Application Must Satisfy Statutory Four-Part Test

- [6] 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

- [7] 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, site map, plans with revisions, parcel register, tree information, and a sign posting declaration.
 - City Planning Report received June 1, 2023 requesting adjournment & September 28, 2023, with no concerns.
 - Rideau Valley Conservation Authority emails dated May 31, 2023 & September 27, 2023, with no objections.
 - Hydro One email dated September 28, 2023, with no comments or concerns.
 - Hydro Ottawa email dated May 31, 2023 with no concerns.
 - Ministry of Transportation email dated September 21, 2023 ,with no comments.
 - A. Meere emails dated June 5 & October 2, 2023, with objections.
 - E. Soto email dated June 5, 2023 with concerns.

- A. Shrestha email dated June 6. 2023 with concerns.

Effect of Submissions on Decision

- [8] The Committee considered all written and oral submissions relating to the application in making its decision and granted the application.
- [9] Based on the evidence, the Committee is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.
- [10] The Committee notes that the City's Planning Report raises "no concerns" regarding the application.
- [11] The Committee also notes that no compelling evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.
- [12] 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.
- [13] 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.
- [14] In addition, the Committee finds that because the proposal represents orderly development that is compatible with the surrounding area, the requested variances maintain the general intent and purpose of the Zoning By-law.
- [15] 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.
- [16] 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 September 12, 2023, and the elevations filed, Committee of Adjustment date stamped September 12, 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 **OCTOBER 13, 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 **NOVEMBER 2, 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