

DECISION
MINOR VARIANCE / PERMISSION

Date of Decision:	October 27, 2023
Panel:	2 - Suburban
File Nos.:	D08-02-23/A-00181 & D08-02-23/A-00235
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Owner/Applicant:	Christopher Simmonds
Property Address:	(1459), 1469 Portal Street
Ward:	18 - Alta Vista
Legal Description:	Lots 45 & 46, Registered Plan 452
Zoning:	R1GG
Zoning By-law:	2008-250
Hearing Date:	October 17, 2023, in person and by videoconference

APPLICANT'S PROPOSAL AND PURPOSE OF THE APPLICATIONS

- [1] The Owner wants to sever their property into two parcels of land for the construction of a two-storey detached dwelling on one new parcel. The existing dwelling will remain on the other parcel.
- [2] On September 5, 2023, the Committee adjourned the applications to give the Owner time to revise the proposal and the requested variances. The Owner has since revised their plans and now wants to proceed with the applications.

REQUESTED VARIANCES

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

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- a) To permit a reduced lot width of 15.6 metres, whereas the By-law requires a minimum lot width of 18 metres.
- b) To permit a reduced lot area of 534.7 square metres, whereas the By-law requires a minimum lot area of 665 square metres.
- c) To permit a reduced front yard setback of 5.4 metres, whereas the By-law requires a minimum front yard setback of 6 metres.

- d) To permit an increased projection for a canopy (over the front entrance) of 3 metres, whereas the By-law permits a canopy to project a maximum of 1.8 metres.

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- e. To permit a reduced interior yard setback of 1.2 metres, whereas the By-law requires a minimum interior yard setback of 1.8 metres.
- [4] The application indicates that the property is not the subject of any other current application under the Planning Act.

PUBLIC HEARING

Oral Submissions Summary

- [5] Jill MacDonald & Nadia De Santi, Agents 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.
- [6] Christopher Simmonds, the Applicant, confirmed he agreed with all conditions of provisional consent requested by the City and Hydro Ottawa.
- [7] The Committee also heard oral submissions from the following individuals:
- B. Till, resident, stated that she had no objection to the severance of the lot but raised concerns with the size of the proposed dwelling, its incompatibility with the character of the neighbourhood, and its impact on trees.
- [8] J.S. Chassé, resident, raised concerns with the proposed building setbacks and their impacts on his privacy and incompatibility with the pattern of setbacks in the neighbourhood. City Planner Justin Grift stated he had no concerns with the applications.
- [9] Following the public hearing, the Committee reserved its decision.

DECISION AND REASONS OF THE COMMITTEE: APPLICATIONS GRANTED

Applications Must Satisfy Statutory Four-Part Test

- [10] 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

[11] 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 planning rationale, plans, parcel register, tree information, photo of the posted sign, and a sign posting declaration.
- City Planning Report dated October 13, 2023 with no concerns; dated August 31, 2023, requesting adjournment.
- Rideau Valley Conservation Authority email dated October 11, 2023, with no objections; email dated October 1, 2023 with no objections.
- Hydro Ottawa email dated October 10, 2023, commenting that the overhead cable must be removed and installed under the driveway due to the severance; email dated September 1, 2023, commenting same.
- Ottawa International Airport Authority email dated August 23, 2023, with no comments.
- Hydro One email dated October 12, 2023, with no comments.
- J. MacPhee, resident, email dated September 5, 2023, opposed to the applications.
- M. Foomani, resident, email dated October 1, 2023, opposed to the applications.
- A. Mashaie, resident, email dated October 16, 2023, in support of the applications.
- J.S. Chassé and M. Lehouillier, residents, email dated October 16, 2023, opposed to the applications; email dated August 30, 2023, opposed to the applications.
- B. Till, resident, email dated October 16, 2023, opposed to the applications; email dated September 1, 2023, opposed to the applications.
- P. and H. Quinn, residents, email dated September 5, 2023, opposed to the applications.

- M. Sauermann and K. Cooper, residents, email dated October 17, 2023, opposed to the applications.

Effect of Submissions on Decision

- [12] The Committee considered all written and oral submissions relating to the applications in making its decision and granted the applications.
- [13] Based on the evidence, the Committee is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.
- [14] The Committee notes that the City's Planning Report raises "no concerns" regarding the application, highlighting that the width and area of the severed lot "accommodates the proposed detached dwelling, complying with the required setbacks, soft landscaping and parking," and further noting that "the relief sought for the front yard setback is only for a small corner of the proposed dwelling." Regarding the reduced side yard for the existing dwelling, the report indicates that "the intent of an interior side yard setback is to ensure there is an adequate buffer between a building and an adjacent lot" and, in this case, "the intent of the setback is met and the variance will not create adverse impacts on Part 2."
- [15] The Committee also notes that no compelling evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.
- [16] 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.
- [17] 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.
- [18] In addition, the Committee finds that, because the variances represent orderly development that is compatible with surrounding area, the requested variances maintain the general intent and purpose of the Zoning By-law.
- [19] 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.
- [20] THE COMMITTEE OF ADJUSTMENT therefore authorizes the requested variances, **subject to:**

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- The location and size of the proposed construction being in accordance with the plans filed, Committee of Adjustment date stamped September 14, 2023, as they relate to the requested variances.

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- The relief applying to the existing building known municipally as 1469 Portal Street and being restricted to the life of this building only.

Absent

FABIAN POULIN
VICE-CHAIR

"Jay Baltz"
JAY BALTZ
MEMBER

"George Barrett"
GEORGE BARRETT
ACTING PANEL CHAIR

"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 27, 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 **NOVEMBER 16, 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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