

DECISION
MINOR VARIANCE / PERMISSION

Date of Decision:	October 27, 2023
Panel:	2 - Suburban
File No.:	D08-02-23/A-00182
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Owner/Applicant:	14031857 Canada Inc.
Property Address:	1558 Baseline Road
Ward:	8 - College
Legal Description:	Lot 2589 and Part of Lot 2590, Registered Plan 375
Zoning:	R2F
Zoning By-law:	2008-250
Hearing Date:	October 17, 2023, in person and by videoconference

APPLICANT'S PROPOSAL AND PURPOSE OF THE APPLICATION

- [1] The Owner wants to construct a semi-detached dwelling containing two principal units and two additional (secondary) dwelling units, as shown on plans filed with the Committee.
- [2] On September 19, 2023, the Committee adjourned this application to allow the Owner time to revise the requested variances. The Owner now wants to proceed with the revised application.

REQUESTED VARIANCES

- [3] The Owner requires the Committee's authorization for minor variances from the Zoning By-law as follows:
 - a) To permit a reduced lot area of 176.6 square metres (unit 2), whereas the By-law requires a minimum lot area of 270 square metres.
 - b) To permit an increased building height of 10.93 metres, whereas the By-law permits a maximum building height of 8 metres.
 - c) To permit a reduced lot area of 184.7 square metres (unit 1), whereas the By-law requires a minimum lot area of 270 square metres.

- d) To permit a reduced westerly interior side yard setback of 1.25 metres, whereas the By-law requires a minimum interior side yard setback of 1.5 metres.
 - e) To permit a reduced corner side yard setback of 3.05 metres, whereas the By-law requires a minimum corner side yard setback of 4.5 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] Peter Hume, 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.
- [6] The Committee also heard oral submissions from the following individuals:
- [7] N. Wilson of the City View Community Association raised concerns regarding the desirability of the proposed development and parking. City Planner Solé Soyak stated the City had no concerns with the application.
- [8] Following the public hearing, the Committee reserved its decision.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED

Application 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, revised site plan, excavation plan, tree information, photo of the posted sign, and a sign posting declaration.
- City Planning Report received October 16, 2023, with no concerns; received August 11, 2023, requesting an adjournment.
- Rideau Valley Conservation Authority email dated October 11, 2023, with no objections; dated August 9, 2023, with no objections.
- Hydro Ottawa email dated October 10, 2023, with no concerns; dated August 24, 2023, with no concerns.
- Ministry of Transportation email dated August 10, 2023, with no comments.
- N. Wilson, City View Community Association, email dated October 16, 2023, with concerns.
- O. and M. Campagna, residents, email dated August 3, 2023, in opposition.

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 application, highlighting that the proposed lot areas are within the range of what is permitted for semi-detached dwellings across R2 subzones, and the proposed interior and corner side yard setbacks provide adequate separation from the street. Regarding the increase in building height, the report states that "the site is well positioned to accommodate additional height along an Arterial Road while providing adequate transition to the low-rise property to the south."
- [14] The Committee also notes that no compelling 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, because the proposal respects the character of the neighborhood, the requested variances maintain the general intent and purpose of the Official Plan.
- [17] In addition, the Committee finds that the requested variances maintain the general intent and purpose of the Zoning By-law because the variances represent orderly development that is compatible with surrounding area.
- [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 plans filed, Committee of Adjustment date stamped September 13, 2023, as they relate to the requested variances.

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.

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