

DECISION
MINOR VARIANCE / PERMISSION

Date of Decision	October 27, 2023
Panel:	2 - Suburban
File Nos.:	D0-02-23/A-00223
Application:	Minor Variance under Section 45 of the <i>Planning Act</i>
Owner/Applicant:	12711664 Canada Inc.
Property Address:	4 Huron Ave
Ward:	15 - Kitchissippi
Legal Description:	Lot 539, Registered Plan 152206
Zoning:	R3T
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 subdivide their property into two parcels of land to create separate ownerships for each half of an existing long semi-detached dwelling.

REQUESTED VARIANCES

- [2] The Owner/Applicant requires the Committee's authorization for a minor variance from the Zoning By-law as follows:

A-00223: 4B Huron Ave N, Parts 1, 3, 4, 5, and 6 on Draft 4R Plan.

- a) To permit a reduced pole width of 1.45 metres for the flag lot (rear unit), whereas the By-law requires the minimum lot width of the pole portion to be 2.2 metres where a long semi-detached dwelling is severed in a flag lot configuration.

PUBLIC HEARING

Oral Submissions Summary

- [3] Jennifer Murray, 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. Murray explained that the Zoning By-law requirement for the minimum width of the pole portion of a flag-shaped lot had changed since a building permit was issued for the construction of the existing long semi-detached dwelling.
- [4] City Planner Jerrica Gilbert was also present.
- [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. *and/or (for Permission) The Committee has the power to permit an extension of a legal non-conforming use under subsection 45(2) of the Planning Act based upon both the desirability for development of the property in question and the impact on the surrounding area.

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, plans, parcel register, and a sign posting declaration.
 - City Planning Report received October 12, 2023, with no concerns.
 - Rideau Valley Conservation Authority email dated October 11, 2023, with no objections.

- Hydro Ottawa email dated October 10, 2023, with requested condition.
- Hydro One email dated October 12, 2023, with no comments.

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 evidence was presented that the variance 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 variance is, 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, because the proposal respects the character of the neighborhood, the requested variance maintains the general intent and purpose of the Official Plan.
- [14] In addition, the Committee finds that the requested variance maintains the general intent and purpose of the Zoning By-law because the proposal represents orderly development that is compatible with the surrounding area.
- [15] Moreover, the Committee finds that the requested variance is minor because it will not create any unacceptable adverse impact on abutting properties or the neighbourhood in general.
- [16] THE COMMITTEE OF ADJUSTMENT therefore authorizes the requested variance.

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