

DECISION
MINOR VARIANCE / PERMISSION

Date of Decision:	February 16, 2024
Panel:	2 - Suburban
File Nos.:	D08-02-23/A-00319 & D08-02-23/A-00320
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Owner/Applicant:	14298179 Canada Inc.
Property Address:	95 Rita Avenue
Ward:	8- College
Legal Description:	Lots 723, 724, 725, 726 on Registered Plan 375
Zoning:	R1FF[632]
Zoning By-law:	2008-250
Hearing Date:	February 6, 2024, 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 to construct two detached dwellings, each with additional dwelling units. The existing detached dwelling and garage will be demolished.

REQUESTED VARIANCES

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

A-00319: 95 Rita Avenue, Part 1 and Part 2 on the Draft 4R-plan:

- a) To permit a reduced lot width of 16.91 metres, whereas the By-law requires a minimum lot width of 19.5 metres.
- b) To permit a reduced lot area of 490.2 square metres, whereas the By-law requires a minimum lot area of 600 square metres.

A-00320: 93 Rita Avenue, Part 3 and Part 4 on the Draft 4R-plan:

- c) To permit a reduced lot width of 13.43 metres, whereas the By-law requires a minimum lot width of 19.5 metres.

- d) To permit a reduced lot area of 389.1 square metres, whereas the By-law requires a minimum lot area of 600 square metres.
- [3] The property is subject to Zoning By-law Exception 632, which states that owners of lots on Plan 375 may use a portion of the rear lane not exceeding 1.6 metres in depth for the purposes of calculating lot area. This portion is shown as Parts 5 and 6 on the Draft 4R-Plan filed with the applications.

PUBLIC HEARING

Oral Submissions Summary

- [4] Arjan Soor, 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. He stated he agreed with the City's requested conditions of consent.
- [5] City Planner Samantha Gatchene advised that the City had no concerns with the applications. Ms. Gatchene also explained the effect of Zoning By-law Exception 632, which allows the owners of lots on Plan 375 to use a portion of the rear lane for the purpose of calculating lot area, though it remains City-owned land and construction within the lane is not permitted. City Planning Forester Julian Alvarez-Barkham advised that he had no concerns with the applications, subject to the imposition of the requested consent conditions.
- [6] The Committee also heard oral submissions from the following The Committee also heard oral submissions from the following individuals:
- N. Wilson, City View Community Association, noted concerns with the absence of construction plans, the extent of the requested variances, particularly for the interior lot, the compatibility of the proposed lots within the neighbourhood, the accuracy of the lot pattern evidence provided by the Applicant, and the adequacy of existing infrastructure to support development.
 - J. Prot, City View Community Association, noted additional concerns with the proposed shared driveway and rear yard parking, the incompatibility of the parking solution with the existing neighbourhood character, the adequacy of existing infrastructure to support development, and the importance of preserving greenspace. Ms. Prot's submissions were read by resident W. Davidson.
 - C. Dufault, resident, noted potential drainage, runoff and flooding concerns, and requested that the existing cedar hedge on the east side of the property be retained to preserve his privacy, or alternatively replaced with a privacy fence.
 - A. Gervasi, resident, noted concerns with the impacts of rear yard parking on her privacy and enjoyment of her property, the potential impacts of construction

on the cedar trees in the rear lane, the increase in impermeable surfaces, and the proposed lot sizes and their incompatibility with the neighbourhood.

- W. Davidson, resident, noted concerns related to the inadequacy of local school capacity to support intensification, the inadequacy of nearby public park space to rationalize using the proposed rear yards for parking, and drainage issues.

[7] Murray Chown, also acting as Agent for the Applicant, noted that drainage would be appropriately addressed through conditions of approval requested by the City's Planning Department, and that the proposed rear yard parking solution is encouraged by the City and complies with the Zoning By-law.

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

DECISION AND REASONS OF THE COMMITTEE: APPLICATIONS GRANTED

Applications 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:

- Applications and supporting documents, including cover letter, plans, parcel register, tree information, photo of the posted sign, and a sign posting declaration.
- City Planning Report received February 2, 2024, with no concerns.
- Rideau Valley Conservation Authority email received January 31, 2024, with no objections.
- Hydro Ottawa email received January 30, 2024, with no concerns.
- Ottawa International Airport Authority email received January 22, 2024, with comments.

- Ministry of Transportation email received February 2, 2024, with no comments.
- M. Kennedy MacQueen, resident, email received February 2, 2024, opposed.
- A. and M. Gervasi, residents, email received February 4, 2024, opposed.
- M. Riopelle, resident, email received February 5, 2024, opposed.
- N. Wilson, City View Community Association, email received February 5, 2024, opposed.
- A. Peace, resident, email received February 5, 2024, with concerns.

Effect of Submissions on Decision

- [11] The Committee considered all written and oral submissions relating to the applications in making its decision and granted the applications.
- [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 requested variances to permit reduced lot widths and areas are indeed minor in nature and would still provide for an appropriate area for a detached dwelling on each lot."
- [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 the requested variances maintain the general intent and purpose of the Official Plan because the proposal respects the character of the area and appropriately increases neighbourhood residential density.
- [17] 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 that is compatible with the 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.

Absent
FABIAN POULIN
VICE-CHAIR

"Jay Baltz"
JAY BALTZ
ACTING PANEL CHAIR

"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 **FEBRUARY 16, 2024**



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 **MARCH 7, 2024**, 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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