

DECISION
MINOR VARIANCE / PERMISSION

Date of Decision:	February 16, 2024
Panel:	2 - Suburban
File Nos.:	D08-02-23/A-00329 & D08-02-23/A-00330
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Owner/Applicant:	844 Connaught Ave. Holdings Inc.
Property Address:	844 Connaught Avenue
Ward:	7 - Bay
Legal Description:	Part of Lot 240, Registered Plan 311
Zoning:	R2G[1564]
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 construct a new, two-storey semi-detached dwelling, with two additional dwelling units to each principal unit, for a total of six dwelling units on the property. 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-00329: 844 A Connaught Ave, Part 1 on site plan:

- a) To permit a reduced lot width of 6.8 metres, whereas the By-law requires a minimum lot width of 7.5 metres.
- b) To permit a reduced lot area of 206.7 square metres, whereas the By-law requires a minimum lot area of 225 square metres.

A-00330: 844 B Connaught Ave, Part 2 on site plan:

- c) To permit a reduced corner side yard setback of 3.2 metres, whereas the By-law requires a minimum corner side yard setback of 4.5 metres.

- [3] The applications indicate that the property was the subject of previous Consent and Minor Variance Applications (D08-01-21/B-00527-528 & D08-02-21/A-00432-

433), and that it is not the subject of any other current application under the *Planning Act*.

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.
- [5] City Planner Solé Soyak stated no concerns with the applications.
- [6] The Committee also heard oral submissions from the following individuals:
- P. Kielland, neighbour, raised objections to the loss of privacy in his rear yard, particularly due to overlook from a proposed rear stair projection, and associated impacts to his property's value. He also raised concerns regarding the lack of consultation undertaken by the Applicant and submitted that the previous proposal, which included fewer units and no rear stair projection, was preferable to the current proposal.
 - B. Masek, neighbour, stated concerns regarding the proposed increase in density, its fit within the neighbourhood, water drainage and sewer capacity, noise and privacy.
 - H. Roy, neighbour, stated concerns regarding water drainage, snow removal, increased neighbourhood density, and increased on-street parking and traffic.
 - B. Carkner, neighbour, stated concerns regarding increased parking and associated safety issues, water drainage, and an increase in on-street parking and vandalism as a result of the proposal.
 - K. Vandergrift, Queensway Terrace North Community Association, believed that the proposal did not meet the four tests for a minor variance due to its incompatibility with the existing neighbourhood, the loss of soft landscaping, and the variances not being minor in nature. Ms. Vandergrift also shared concerns regarding privacy and increased densification in the neighbourhood.
 - S Blakeney, neighbour, shared concerns regarding snow removal, loss of soft landscaping, the proposed additional dwelling units, and the proposal not being in keeping with the character of the neighbourhood.
- [7] In response to neighbourhood concerns, Mr. Soor confirmed that an entrance and walkway facing Sackville Street are proposed, as well as two parking spaces in the front of the proposed semi-detached.

- [8] Murray Chown, also acting as agent for the Applicant, submitted that drainage systems on each side of the street would prevent water from draining on nearby properties. He also confirmed that the proposed stairs at the rear of the dwelling conform with the Zoning By-law, and that privacy screening would be recommended to the Owner/Applicant to mitigate privacy concerns.
- [9] Mr. Chown also submitted that if the lots had been subdivided in a different configuration, with one unit fronting on Sackville Street, the lots would comply with the Zoning By-law, but there would have been greater impacts on the privacy of neighbours. He also highlighted that additional dwelling units are permitted under the Zoning By-law.
- [10] Following the public hearing, the Committee reserved its decision.

DECISION AND REASONS OF THE COMMITTEE: APPLICATIONS GRANTED

Applications Must Satisfy Statutory Four-Part Test

- [11] 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

- [12] 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, tree information, photo of the posted sign, and a sign posting declaration.
 - City Planning Report received February 1, 2024, with no concerns.
 - Rideau Valley Conservation Authority email received January 31, 2024, with no objections.
 - Hydro Ottawa email received January 30, 2024, with conditions.
 - Ministry of Transportation email received February 2, 2024, with no comments.
 - H. Roy, neighbour, email received February 5, 2024, opposed.
 - P. Kielland, neighbour, email received February 5, 2024, opposed.

- K. Vandergrift, Queensway Terrace North Community Association, email received February 5, 2024, opposed.
- B. and A. Schmidt, neighbours, email received February 5, 2024, opposed.
- B. Snarr and J. Carroll, neighbours, email received February 5, 2024, opposed.

Effect of Submissions on Decision

- [13] The Committee considered all written and oral submissions relating to the application in making its decision and granted the applications.
- [14] Based on the evidence, the Committee is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.
- [15] The Committee notes that the City's Planning Report raises "no concerns" regarding the applications, highlighting that "although the requested variances will create a lot which is smaller than the existing context, the dwelling itself has been sized accordingly" and, regarding the reduction to the corner side yard, "there is adequate separation and open space in the corner side yard and the retained City trees will help screen the new dwelling from the street."
- [16] The Committee also notes that no compelling evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties. As for concerns raised regarding overlook onto adjacent properties, the Committee notes that no variances are requested for building height, rear yard setback, interior side yard setback or stair projections as these elements comply with the Zoning By-law and are therefore permitted as of right.
- [17] 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.
- [18] 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 neighborhood.
- [19] 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 the surrounding area.
- [20] 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.

[21] 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 January 9, 2024, and the elevations filed, Committee of Adjustment date stamped January 3, 2024, as they relate to 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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