

DECISION
MINOR VARIANCE / PERMISSION

Date of Decision:	February 16, 2024
Panel:	2 - Suburban
File No(s):	D08-02-23/A-00290 & D08-02-23/A-00291
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Owner(s)/Applicant(s):	Angelo and Rosetta Lorelli
Property Address:	9 Tower Road
Ward:	8 - College
Legal Description:	Lots 886, 887, 888 and 889, Registered Plan 375
Zoning:	R1FF [632]
Zoning By-law:	2008-250
Hearing Date:	February 6, 2024, in person and by videoconference

APPLICANTS' PROPOSAL AND PURPOSE OF THE APPLICATIONS

The Owners want to subdivide their property into two separate parcels of land to create a new lot for the construction of a detached dwelling. The existing detached dwelling is to remain.

REQUESTED VARIANCES

[1] The Owners/Applicants require the Committee's authorization for minor variances from the Zoning By-law as follows:

A-00290, 9 Tower Road, Part 1 on Draft 4R-Plan, existing dwelling:

- a) To permit a reduced lot width of 16.5 metres, whereas the By-law requires a minimum lot width of 19.5 metres.
- b) To permit a reduced lot area of 479 square metres, whereas the By-law requires a minimum lot area of 600 square metres.

A-00291, 7 Tower Road, Part 2 on Draft 4R- Plan, proposed dwelling:

- c) To permit a reduced lot width of 13.7 metres, whereas the By-law requires a minimum lot width of 19.5 metres.

- d) To permit a reduced lot area of 397 square metres, whereas the By-law requires a minimum 600 square metres.

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. The portions used are shown on the Draft 4R-Plan filed with the applications.

PUBLIC HEARING

Oral Submissions Summary

- [2] Jeffrey Kelly, the 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. Mr. Kelly provided an overview of the application and confirmed his agreement with the conditions set out in the City's revised Planning report.
- [3] Murray Chown, also acting as Agent for the Applicant, was also present.
- [4] The Committee heard oral submissions from the following individual:
- Nancy Wilson, co-president of the City View Community Association, expressed concerns with the proposed lot sizes. She also expressed concerns with the impact of new development and intensification on stormwater management in the neighbourhood and specifically how runoff into the Pinecrest Creek drain would be addressed.
- [5] City Planner Shahira Jalal confirmed that the City's requested stormwater management condition for the associated consent application is appropriate. Planner Jalal also confirmed that condition 5 would address any concerns regarding runoff into the Pinecrest Creek drain.
- [6] City Planner Samantha Gatchene was also in attendance.
- [7] Following the public hearing, the Committee reserved its decision.

DECISION AND REASONS OF THE COMMITTEE: APPLICATIONS GRANTED

Application(s) Must Satisfy Statutory Four-Part Test

- [8] 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. 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

[9] 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 abstract, tree information report, photo of the posted sign, and a sign posting declaration.
- Revised City Planning Report received February 5, 2024, with no concerns; received February 2, 2024, with no concerns.
- Rideau Valley Conservation Authority email received January 31, 2024, with no concerns.
- Hydro Ottawa email received January 30, 2024, with comments.
- Ministry of Transportation email received February 5, 2024, with no comments.

Effect of Submissions on Decision

[10] The Committee considered all written and oral submissions relating to the applications in making its decision and granted the applications.

[11] Based on the evidence, the Committee is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.

[12] The Committee notes that the City's Planning Report raises "no concerns" regarding the applications, highlighting that "a variance to permit reduced lot width and area [...] would still provide for appropriate development of one detached dwelling on each lot".

[13] The Committee also notes that no compelling evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.

[14] 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.

- [15] 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.
- [16] 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 on the property that is compatible with the surrounding area.
- [17] 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.
- [18] 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 December 7, 2023, 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.

Committee of Adjustment
City of Ottawa
[Ottawa.ca/CommitteeofAdjustment](https://ottawa.ca/CommitteeofAdjustment)
cofa@ottawa.ca
613-580-2436



Comité de dérogation
Ville d'Ottawa
[Ottawa.ca/Comitedederogation](https://ottawa.ca/Comitedederogation)
cded@ottawa.ca
613-580-2436