

**DECISION**  
**MINOR VARIANCE / PERMISSION**

<b>Date of Decision:</b>	March 15, 2024
<b>Panel:</b>	2 - Suburban
<b>File No(S):</b>	D08-02-24/A-00013 & D08-02-24/A-00014
<b>Application:</b>	Minor Variance under section 45 of the <i>Planning Act</i>
<b>Owner/Applicant:</b>	Cailey Dunlap
<b>Property Address:</b>	2272 Lawn Avenue
<b>Ward:</b>	7 - Bay
<b>Legal Description:</b>	Part of Lot 14, Registered Plan 461
<b>Zoning:</b>	R2F
<b>Zoning By-law:</b>	2008-250
<b>Hearing Date:</b>	March 5, 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 for the construction of a semi-detached dwelling. The existing dwelling is to be demolished.

**REQUESTED VARIANCES**

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

**A-00013: 2272 Lawn Avenue, Part 1 on Draft 4R Plan, one half of the proposed semi-detached dwelling:**

- a) To permit a reduced lot area of 268.7 square metres, whereas the By-law requires a minimum lot area of 270.0 square metres.
- b) To permit reduced front yard setback of 5.0 metres, whereas the By-law requires a minimum front yard setback of 6.0 metres.
- c) To permit a reduced rear yard setback of 1.2 metres, whereas the By-law requires a minimum rear yard setback of 4.0 metres.

**A-00014: 2280 Lawn Avenue, Part 2 on Draft 4R Plan, one half of the proposed semi-detached dwelling:**

- d) To permit a reduced lot area of 268.9 square metres, whereas the By-law requires a minimum reduced lot area of 270.0 square metres.
- e) To permit a reduced front yard setback of 5.0 metres, whereas the By-law requires a minimum reduced front yard setback of 6.0 metres.
- f) To permit a reduced rear yard setback of 1.2 metres, whereas the By-law requires a minimum rear yard setback of 4.0 metres

**PUBLIC HEARING**

**Oral Submissions Summary**

- [3] At the hearing, Jessica D'Aoust, Agent for the Applicant, provided a summary of the applications and explained that the proposed rear yards would function like interior side yards, and that the side yard would function like a rear yard by accommodating amenity space and soft landscaping.
- [4] City Planner Solé Solak was present and confirmed that she had no concerns with the applications.
- [5] City Planning Forester Nancy Young responded to the Committee's questions, highlighting that the hedges are not covered under the Tree Protection By-law but that it would be the Applicant's responsibility to ensure that the neighbour's hedge is protected during construction.
- [6] 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**

- [7] 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.
- [8] 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 Report, photo of the posted sign, and a sign posting declaration.
- City Planning Report received February 29, 2024, with no concerns.
- Rideau Valley Conservation Authority email received March 1, 2024, with no objections.
- Hydro Ottawa email received February 27, 2024, with no comments.
- Hydro One email received February 26, 2024, with no comments.
- Ministry of Transportation email received March 1, 2024, with no comments.
- A. Ward, resident, email received February 18, 2024, with comments.
- F. and D. Fishman, residents, email received March 1, 2024, with concerns.

### **Effect of Submissions on Decision**

- [9] The Committee considered all written and oral submissions relating to the application in making its decision and granted the applications.
- [10] Based on the evidence, the Committee is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*. The Committee notes that the City's Planning Report raises "no concerns" regarding the applications, highlighting that "the semi-detached dwelling will be situated on a corner lot and oriented towards Lawn Avenue. The rear yard functions as a side yard and the front and corner side yards provide opportunities for soft landscaping and amenity areas for residents. Staff have no concerns with the reduced front and rear yard setbacks."
- [11] The Committee also notes that no evidence was presented that the variances 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 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.
- [13] 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.
- [14] 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.

[15] Moreover, the Committee finds that the requested variances, both individually and cumulatively, are minor because the proposal will not create any unacceptable adverse impact on abutting properties or the neighbourhood in general.

[16] THE COMMITTEE OF ADJUSTMENT therefore authorizes the requested variances, **subject to** the location and size of the proposed construction being in accordance with the revised site plan filed, Committee of Adjustment date stamped February 29, 2024, and the elevations filed, Committee of Adjustment date stamped January 23, 2024, as they relate to the requested variances.

*"Fabian Poulin"*  
FABIAN POULIN  
VICE-CHAIR

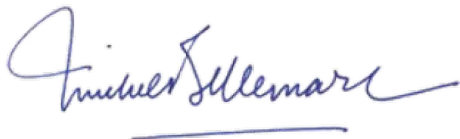
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JAY BALTZ  
MEMBER

*"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 **March 15, 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 **April 4, 2024**, delivered by email at [cofa@ottawa.ca](mailto:cofa@ottawa.ca) and/or by mail or courier to the following address:

Secretary-Treasurer, Committee of Adjustment,  
101 CentrepoinTE Drive, 4<sup>th</sup> 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](mailto: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**  
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