

DECISION
MINOR VARIANCE / PERMISSION

Date of Decision:	May 10, 2024
Panel:	1 - Urban
File No(s):	D08-02-24/A-00074
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Owner(s)/Applicant(s):	1119 Heron Road Inc.
Property Address:	1119 Heron Road
Ward:	17 – Capital
Legal Description:	Part of Lot 8, Registered Plan 527
Zoning:	R3A
Zoning By-law:	2008-250
Heard:	May 1, 2024, in person and by videoconference

APPLICANT’S PROPOSAL AND PURPOSE OF THE APPLICATION

- [1] The Owner wants to construct a new semi-detached dwelling, as shown on plans filed with the Committee. The existing dwelling and sheds 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) To permit a reduced lot width of 7.62 metres, whereas the By-law requires minimum lot width of 9 metres.
 - b) To permit a reduced lot area of 232.3 square metres of the lot area, whereas the By-law requires a minimum lot area of 270 square metres.
- [3] The application indicates that the Property is not the subject of any other current application under the *Planning Act*

PUBLIC HEARING

Oral Submissions Summary

- [4] Muhanad Joudeh, Agent for the Applicant, confirmed that shed located at the back of the lot would be demolished.
- [5] In response to questions from the Committee, City Forester Julian Alvarez-Barkham advised that there is not sufficient space on the subject property for the required number of compensation trees, and that a permit would be required for the removal of City-owned trees.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED

Application(s) 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.

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 cover letter, plans, tree information report, tree planting plan, photos of the posted sign, and a sign posting declaration.
 - City Planning Report received April 25, 2024, with no concerns; received April 30, 2024, with no concerns.
 - Rideau Valley Conservation Authority email received April 29, 2024, with no objections.
 - Hydro Ottawa email received April 23, 2024, with comments.
 - S. Chiota, resident, email received April 25, 2024, with concerns; received May 1, 2024, with concerns.
 - P. Smorenburg, resident, email received May 1, 2024, with concerns.

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, highlighting that "[t]he purpose of the minimum lot width and minimum lot area to ensure that the lot is of a sufficient size to accommodate vehicle access, access to the rear yard, and sufficient amenity area. The Applicant has demonstrated that these functions can be maintained despite the reduction in lot width and area".
- [11] The Committee also notes that no compelling 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 are minor because they 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.

"Ann M. Tremblay"
ANN M. TREMBLAY
CHAIR

Absent
JOHN BLATHERWICK
MEMBER

"Simon Coakeley"
SIMON COAKELEY
MEMBER

"Arto Keklikian"
ARTO KEKLIKIAN
MEMBER

Absent
SHARON LÉCUYER
MEMBER

"Julianne Wright"
JULIANNE WRIGHT
MEMBER

"Heather MacLean"
HEATHER MACLEAN
MEMBER

I certify this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa, dated **May 10, 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 **May 30, 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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