

**DECISION
MINOR VARIANCE**

Date of Decision:	May 24, 2024
Panel:	1 - Urban
File No(s):	D08-02-24/A-00083 to D08-02-24/A-00085
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Owner(s)/Applicant(s):	1942037 Ontario Inc.
Property Address:	282 Loretta Avenue
Ward:	15 – Kitchissippi
Legal Description:	Lot 11 (West Loretta Avenue), Registered Plan 146
Zoning:	R2R
Zoning By-law:	2008-250
Heard:	May 15, 2024, in person and by videoconference

APPLICANT’S PROPOSAL AND PURPOSE OF THE APPLICATIONS

- [1] The Owner/Applicant wants to subdivide their property into three separate parcels of land for the construction of three detached dwellings. The existing dwelling will be demolished.

REQUESTED VARIANCES:

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

A-00083: 280 Loretta Avenue, Part 1 on 4R-Draft:

- a) To permit a reduced lot width of 6.10 metres, whereas the By-law requires minimum lot width of 9.0 metres.
- b) To permit a reduced lot width of 6.10 metres, whereas the By-law requires minimum lot width of 9.0 metres.
- c) To permit a maximum height of 10.2 metres, whereas the By-law requires a maximum height of 8.5 metres.
- d) To permit a front-facing attached garage, whereas the By-law does not permit a front-facing attached garage based on the conclusions of a Streetscape Character Analysis.

- e) To permit the garage door to be 8.9 metres closer to the front lot line than the principal entrance, whereas the By-law requires the garage door to be 0.6 metres further from the front lot line than the principal entrance.
- f) To permit a 2.6 metre single driveway, whereas the By-law does not permit a driveway from the street based on the conclusions of a Streetscape Character Analysis.

A-00084: 282 Loretta Avenue, Parts 2, 3 & 4 on 4R-Draft:

- g) To permit a reduced lot width of 6.10 metres, whereas the By-law requires a minimum lot width of 9.0 metres.
- h) To permit a reduced lot area of 260.5 square metres, whereas the By-law requires a minimum lot area of 270 square metres.
- i) To permit a maximum height of 10.2 metres, whereas the By-law requires a maximum height of 8.5 metres.
- j) To permit a front-facing attached garage, whereas the By-law does not permit a front-facing attached garage based on the conclusions of a Streetscape Character Analysis.
- k) To permit the garage door be 8.9 metres closer to the front lot line than the principal entrance, whereas the By-law requires the garage door to be 0.6 metres further from the lot line than the principal entrance.
- l) To permit a 2.6 metre single driveway, whereas the By-law does not permit a driveway from the street based on the conclusions of a Streetscape Character Analysis.

A-00085: 284 Loretta Avenue, Parts 5 & 6 on 4R-Draft:

- m) To permit a reduced lot width of 6.09 metres, whereas the By-law requires a minimum lot width of 9.0 metres.
- n) To permit a reduced lot area of 260.8 square metres, whereas the By-law requires a minimum lot area of 270 square metres.
- o) To permit a maximum height of 10.2 metres, whereas the By-law requires a maximum height of 8.5 metres.
- p) To permit a front-facing attached garage, whereas the By-law does not permit a front-facing attached garage based on the conclusions of a Streetscape Character Analysis.

- q) To permit the garage door to be 8.9 metres closer to the front lot line than the principal entrance, whereas the By-law requires the garage door to be 0.6 metres further from the front lot line than the principal entrance.
- r) To permit a 2.6 metre single driveway, whereas the By-law does not permit a driveway from the street based on the conclusions of a Streetscape Character Analysis.

[3] The applications indicate that the Property is not the subject of any other current application under the *Planning Act*.

PUBLIC HEARING

Oral Submissions Summary

- [4] Anthony Bruni, 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. Bruni explained that the requested height variance is necessary due to the slope of the lot. He noted that if the lot were flat, the height would be in conformity with the Zoning By-Law.
- [5] In response to questions from the Committee, Mr. Bruni confirmed that the Streetscape Character Analysis does not permit driveways from the street nor front facing attached garages, and provided evidence of existing front yard parking in the neighbourhood. He highlighted that the existing dwelling features a retained wall, steps and hard landscaping used for front yard parking. Mr. Bruni stated that the proposal would improve the existing condition and add greenspace to the front yards.
- [6] City Planner Margot Linker confirmed no concerns with the applications.

DECISION AND REASONS OF THE COMMITTEE: APPLICATIONS GRANTED

Applications 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.

Evidence

- [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, parcel abstract, tree information report, photo of the posted sign, and a sign posting declaration.
- City Planning Report received May 9, 2024, with no concerns.
- Rideau Valley Conservation Authority email received May 10, 2024, with no objections.
- Hydro One email received May 13, 2024, with no comments.
- Ontario Ministry of Transportation email received May 3, 2024, with no comments.
- M. Parizeau, resident, email received May 7, 2024, in support.
- M. Girard, resident, email received May 14, 2024, in opposition.

Effect of Submissions on Decision

- [9] The Committee considered all written and oral submissions relating to the applications 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*.
- [11] The Committee notes that the City's Planning Report raises "no concerns" regarding the applications, highlighting that "[w]hile no parking is required for this area in the city, the proposed driveways and garages will remove the existing front yard parking and introduce more soft landscaping along Loretta."
- [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 that is compatible with the surrounding area.

[15] 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.

[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 plans filed, Committee of Adjustment date stamped April 2, 2024, as they relate to the requested variances.

"Simon Coakeley"
SIMON COAKELEY
ACTING PANEL CHAIR

"John Blatherwick"
JOHN BLATHERWICK
MEMBER

Absent
ANN M. TREMBLAY
CHAIR

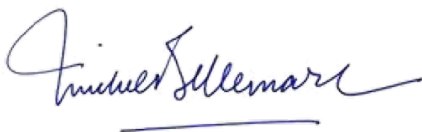
"Arto Keklikian"
ARTO KEKLIKIAN
MEMBER

Absent
SHARON LÉCUYER
MEMBER

"William Hunter"
WILLIAM HUNTER
VICE-CHAIR

"Jay Baltz"
JAY BALTZ
MEMBER

I certify this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa, dated **May 24, 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 **June 13, 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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