

DECISION
MINOR VARIANCE / PERMISSION

Date of Decision:	May 10, 2024
Panel:	2 - Suburban
File Nos.:	D08-02-24/A-00059 to D08-02-24/A-00061 & D08-02-24/A-00072
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Owner/Applicant:	1332710 Ontario Inc.
Property Address:	1598 Prince of Wales Drive
Ward:	16 - River
Legal Description:	Part of Lot 17, Registered Plan 455
Zoning:	R1GG
Zoning By-law:	2008-250
Heard:	April 30, 2024, in person and by videoconference

APPLICANT'S PROPOSAL AND PURPOSE OF THE APPLICATIONS

- [1] The Owner wants to construct four two-storey detached dwellings as shown on the plans filed with the application. The existing dwelling 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-00059: 1598 Prince of Wales Drive, Parts 10 & 11 on 4R-Draft Plan:

- a) To permit a reduced lot area of 318.07 square metres, whereas the By-law requires a minimum lot area of 665 square metres.
- b) To permit a reduced lot width of 10.23 metres, whereas the By-law requires a minimum lot width of 18 metres.

A-00060: 1592 Prince of Wales Drive, Parts 1 & 2 on 4R-Draft Plan:

- c) To permit a reduced lot area of 318.07 square metres, whereas the By-law requires a minimum lot area of 665 square metres.

- d) To permit a reduced lot width of 10.23 metres, whereas the By-law requires a minimum lot width of 18 metres.

A-00061: 1596 Prince of Wales Drive, Parts 7, 8, 9, & 12 on 4R-Draft Plan:

- e) To permit a reduced lot area of 389.92 square metres, whereas the By-law requires a minimum lot area of 665 square metres.
- f) To permit a reduced lot width of 1.75 metres, whereas the By-law requires a minimum lot width of 18 metres.
- g) To permit a reduced rear yard setback of 8.8 metres (15% of lot depth), whereas the By-law requires a minimum rear yard setback of 17.73 metres (30% of lot depth).
- gg) To permit development on a lot with a reduced frontage of 1.75 metres on an improved public street, whereas the By-law states that no person shall develop or otherwise use any lot unless that land abuts an improved public street for a distance of at least 3 metres.**

A-00072: 1594 Prince of Wales Drive, Parts 3, 4, 5, & 6 on 4R-Draft Plan:

- h) To permit a reduced lot area of 389.92 square metres, whereas the By-law requires a minimum lot area of 665 square metres.
- i) To permit a reduced lot width of 1.75 metres, whereas the By-law requires a minimum lot width of 18 metres.
- j) To permit a reduced rear yard setback of 8.8 metres (15% of lot depth), whereas the By-law requires a minimum rear yard setback of 17.73 metres (30% of lot depth).
- k) To permit development on a lot with a reduced frontage of 1.75 metres on an improved public street, whereas the By-law states that no person shall develop or otherwise use any lot unless that land abuts an improved public street for a distance of at least 3 metres.**

PUBLIC HEARING

- [3] The Committee considered an adjournment request from City Planner Penelope Horn, who highlighted in her revised Planning Report that additional variances were required for reduced street frontage for the proposed rear lots. The Committee heard from Mr. P. Hume, Agent for the Applicant, who requested that the Committee amend the applications and proceed with the hearing. He submitted that an adjournment to provide further notice of the additional variances was not necessary in this case because the reduced frontage of the rear lots is already referenced in the hearing notice by the request to vary the minimum lot width.

- [4] Ms. Horn agreed that the additional variances are closely related to the requests for reduced lot widths and stated that the City would have no concerns if the Committee agreed to hear the applications.
- [5] The majority of the Committee (Member J. Wright dissenting) agreed that an adjournment was not necessary. The Committee therefore heard the applications without delay.

Oral Submissions Summary

- [6] Mr. Hume provided a slide presentation, a copy of which is on file with the Secretary-Treasurer and available from the Committee Coordinator upon request. Mr. Hume identified the additional required variances as follows:

A-00061: 1596 Prince of Wales Drive, Parts 7, 8, 9, & 12 on 4R-Draft Plan:

- gg) To permit development on a lot with a reduced frontage of 1.75 metres on an improved public street, whereas the By-law states that no person shall develop or otherwise use any lot unless that land abuts an improved public street for a distance of at least 3 metres.

A-00072: 1594 Prince of Wales Drive, Parts 3, 4, 5, & 6 on 4R-Draft Plan:

- k) To permit development on a lot with a reduced frontage of 1.75 metres on an improved public street, whereas the By-law states that no person shall develop or otherwise use any lot unless that land abuts an improved public street for a distance of at least 3 metres.

With all parties in agreement, the applications were amended accordingly.

- [7] Ms. Horn stated that the City had no concerns with the applications.
- [8] The Committee also heard oral submissions from T. Argentina, resident, who expressed general support for the applications, but noted concerns with water management and drainage, as well as the impact of the reduced rear yards on his privacy and enjoyment of his property. Mr. Argentina requested that a fence be installed at the rear property line and that the dwellings at the rear be limited to one storey.
- [9] Mr. Hume responded to the concerns raised, highlighting that the City had requested several conditions of provisional consent to address drainage, including the requirement to prepare a stormwater management brief and a grading and drainage plan to the satisfaction of the City.
- [10] 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

[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, parcel register, photo of the posted sign, and a sign posting declaration.
- City Planning Report received April 29, 2024, requesting adjournment; received April 25, 2024, with no concerns.
- Rideau Valley Conservation Authority email received April 29, 2024, with no objections.
- Hydro Ottawa email received April 23, 2024, with no concerns.
- Ottawa Carleton District School Board email received April 26, 2024, with comments; received April 15, 2024, with comments.
- Ottawa Macdonald-Cartier International Airport Authority email received April 16, 2024, with comments.
- Ontario Ministry of Transportation email received April 18, 2024, with no comments.
- Hydro One email received April 27, 2024, with no comments.
- M. Gray, resident, email received April 29, 2024, opposed.
- T. Argentina, resident, email received April 29, 2024, with comments.
- H. & I., residents, email received April 29, 2024, opposed.

Effect of Submissions on Decision

- [13] The Committee considered all written and oral submissions relating to the applications 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 the "proposed development represents a gentle increase in density within the Outer Urban Transect, along an arterial road."
- [16] The Committee also notes that no compelling evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.
- [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 neighbourhood and contributes gentle intensification in the urban area.
- [19] 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.
- [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 revised site plan filed, Committee of Adjustment date stamped April 23, 2024, and the elevation drawings filed, Committee of Adjustment date stamped March 8, 2024, as they relate to the requested variances.

"Jay Baltz"
JAY BALTZ
ACTING PANEL CHAIR

Absent
FABIAN POULIN
VICE-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 **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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