

DECISION
MINOR VARIANCE / PERMISSION

Date of Decision:	June 14, 2024
Panel:	2 - Suburban
File Nos.:	D08-02-24/A-00100 & D08-02-24/A-00101
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Owners/Applicants:	Rosella Santella and Ronald Formica
Property Address:	1451 Woodward Avenue
Ward:	16 – River
Legal Description:	Lot 1111 and Part of Lots 1110 and 1112, Registered Plan 346
Zoning:	R2H
Zoning By-law:	2008-250
Heard:	June 4, 2024, in person and by videoconference

APPLICANTS' PROPOSAL AND PURPOSE OF THE APPLICATIONS

- [1] The Applicants want to subdivide their property into two separate parcels of land to create two parcels of land for the construction of a two-storey semi-detached dwelling. The existing dwelling is to be demolished.

REQUESTED VARIANCES

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

A-00100: 1453 Woodward Avenue, Part 1 on Draft 4R-Plan, proposed semi-detached dwelling:

- a) To permit a reduced lot width of 8.23 metres, whereas the By-law requires a minimum lot width of 9.0 metres.
- b) To permit a reduced lot area of 245 square metres, whereas the By-law requires a minimum lot area of 270 square metres.
- c) To permit a reduced (westerly) interior side yard setback of 1.2 metres, whereas the By-law requires a minimum interior side yard setback of 1.5 metres.

A-00101: 1451 Woodward Avenue, Part 2 on Draft 4R- Plan, proposed two-storey, semi-detached dwelling:

- d) To permit a reduced lot width of 8.23 metres, whereas the By-law requires a minimum lot width of 9.0 metres.
 - e) To permit a reduced lot area of 245 square metres, whereas the By-law requires a minimum lot area of 270 square metres.
 - f) To permit a reduced (easterly) interior side yard setback of 1.2 metres, whereas the By-law requires a minimum interior side yard setback of 1.5 metres.
- [3] The subject property is not the subject of any other current application under the *Planning Act*.

PUBLIC HEARING

Oral Submissions Summary

- [4] Mike Segreto, Agent for the Applicants, provided an overview of the applications and responded to questions from the Committee. Mr. Segreto confirmed that it was the Applicant's intention to continue the long-standing agreement with the neighbours for the use of the shared driveway, although no formal easement was in place.
- [5] The Committee also heard oral submissions from the following individuals:
- B. Taylor, resident, highlighted concerns about the continued use of the shared driveway and the current parking conditions.
 - S. Dooher, resident, highlighted concerns about the potential impact on the shared tree and the existing fence.
- [6] City Forester Julien Alvarez-Barkham explained that impact to any of the trees would require a permit and, for the shared trees, the written consent of the adjacent owners would also be required.
- [7] City Planner Penelope Horn confirmed that she had no concerns with the applications.
- [8] 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

- [9] 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

[10] 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, parcel abstract, photo of the posted sign, and a sign posting declaration.
- City Planning Report received May 30, 2024, with no concerns.
- Rideau Valley Conservation Authority email received May 29, 2024, with no objections.
- Hydro Ottawa email received May 30, 2024, with comments.
- S. Dooher, resident, email received June 3, 2024, with comments.
- L. Denise, resident, phone call received June 3, 2024, with comments.

Effect of Submissions on Decision

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

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

[13] The Committee notes that the City's Planning Report raises "no concerns" regarding the applications, highlighting that: "The reduction in lot width and area are reflective of the diverse lot patterns present in the Inner Urban Transect. Relief is also required to allow a 1.2 metre interior side yard setback, the 0.3 metre reduction will not affect site functionality or result in negative impacts on neighbouring properties".

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

[15] 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.

- [16] 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 neighborhood.
- [17] 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.
- [18] 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.
- [19] 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 18, 2024, as they relate to the requested variances.

"Fabian Poulin"
FABIAN POULIN
VICE-CHAIR

"Jay Baltz"
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 **June 14, 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 **July 4, 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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