

DECISION
MINOR VARIANCE / PERMISSION

Date of Decision:	June 14, 2024
Panel:	2 - Suburban
File No.:	D08-02-24/A-00076 & D08-02-24/A-00117
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Owner/Applicant:	Marek Pasierb
Property Address:	176 Oakridge Boulevard
Ward:	8 – College
Legal Description:	Lot 75, Registered Plan 348978
Zoning:	R1FF
Zoning By-law:	2008-250
Heard:	June 4, 2024, in person and by videoconference

APPLICANT’S PROPOSAL AND PURPOSE OF THE APPLICATION

- [1] The Applicant wants to subdivide the property into two separate parcels of land to create one new lot for future residential development. The existing dwelling is to remain.

REQUESTED VARIANCES

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

A-00076: 28 Donna Street, Part 1 on Draft 4R-Plan, proposed vacant lot:

- a) To permit a reduced lot area of 301.9 square metres, whereas the By-law requires a minimum lot area of 600 square metres.
- b) To permit a reduced lot width of 14.38 metres, whereas the By-law requires a minimum lot width of 19.5 metres.

A-00117: 176 Oakridge Blvd., Parts 2 & 3 on Draft 4R-Plan, existing detached dwelling:

- c) To permit a reduced lot area of 526.90 metres, whereas the By-law requires a minimum, lot area of 600 square metres.

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

PUBLIC HEARING

Oral Submissions Summary

- [4] Shibinn Manivannan and Johnny Kulwartian, both acting as the Agents for the Applicant, provided an overview of the applications and responded to questions from the Committee.
- [5] Mr. Manivannan explained that the new lot line was located as proposed, to minimize the changes needed to the existing dwelling, driveway or shed. Mr. Manivannan further explained that there are no development plans.
- [6] In response to the Committee's questions City Planner Samantha Gatchene explained that during pre-consultation with the Applicant, two lots of a more equal size had been considered. However, to achieve this the existing driveway would have had to have been removed. She further explained that on-site parking was a requirement in this zone and with a narrow interior side yard setback, it may have led to front yard parking, which would not have been supported by the department.
- [7] The Committee also heard oral submissions from the following individuals:
- K. Mitchell, resident, highlighted concerns about the proposed lot sizes and questioned the number of units that could go on the new lot.
 - D. Monsou, resident, highlighted concerns about the potential impact of a future development to the neighbourhood.
- [8] Following the public hearing, the Committee reserved its decision.

DECISION AND REASONS OF THE COMMITTEE: APPLICATIONS REFUSED

Application(s) Must Satisfy Statutory Four-Part Test

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

- [9] 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 no comments.
- E. McMahon and M. Pierce email received May 28, 2024, with comments.

Effect of Submissions on Decision

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

[11] Based on the evidence, the Committee is not satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.

[12] The Committee finds that insufficient evidence was presented, such as plans demonstrating how a future development might function on the undersized lot. Without the submission of plans, the Committee cannot conclude that, from a planning and public interest point of view, the requested variances are 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 do not maintain the general intent and purpose of the Zoning By-law because insufficient evidence was presented demonstrating that the proposal represents orderly development that is compatible with the surrounding area.

[14] Failing two of the four statutory tests, the Committee is unable to grant the applications.

[15] THE COMMITTEE OF ADJUSTMENT therefore does not authorize the requested variances.

"Fabian Poulin"
FABIAN POULIN
VICE-CHAIR

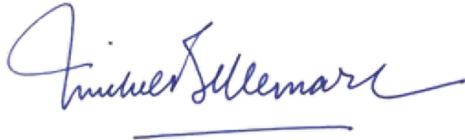
"Jay Baltz"
JAY BALTZ
MEMBER

"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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