

DECISION
MINOR VARIANCE / PERMISSION

Date of Decision:	April 26, 2024
Panel:	2 - Suburban
File Nos.:	D08-02-24/A-00036 & D08-02-24/A-00037
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Owner/Applicant:	1000445214 Ontario Inc.
Property Address:	958 Woodroffe Avenue
Ward:	7 – Bay
Legal Description:	Part of Lot 48, Registered Plan 293826, Geographic Township of Nepean
Zoning:	R2G
Zoning By-law:	2008-250
Hearing Date:	April 16, 2024, in person and by videoconference

APPLICANT’S PROPOSAL AND PURPOSE OF THE APPLICATIONS

- [1] The Owner wants to subdivide their property into two separate parcels of land for the construction of two, long semi-detached dwellings. Each new dwelling unit will contain two additional dwelling units. 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-00036: 958 Woodroffe Avenue, Parts 1, 2 and 3 on draft 4R- Plan, proposed long semi-detached dwelling:

- a) To permit a reduced lot width of ~~7.57~~ **7.54** metres, whereas the By-law requires a minimum lot width of 10 metres.
- b) To permit a reduced total interior side yard setback of ~~2.73~~ **2.92** metres (~~1.23~~ **1.22** metres and ~~1.5~~ **1.7** metres), whereas the By-law requires a total interior side yard setback of 3 metres.

A-00037: 956 Woodroffe Avenue, Parts 4, 5 & 6 on draft 4R- Plan, proposed long semi-detached dwelling:

- c) To permit a reduced lot width of ~~7.37~~ **7.4** metres, whereas the By-law requires a minimum lot width of 10 metres.
- d) To permit a reduced total interior side yard setback of ~~2.78~~ **2.94** metres (~~1.28~~ 1.24 metres and ~~1.5~~ **1.7** metres), whereas the By-law requires a total interior side yard setback of 3 metres.

PUBLIC HEARING

Oral Submissions Summary

- [3] The Committee noted that the requested variances should be amended to read as follows:

A-00036: 958 Woodroffe Avenue, Parts 1, 2 and 3 on draft 4R- Plan, proposed long semi-detached dwelling:

- a) To permit a reduced lot width of ~~7.57~~ **7.54** metres, whereas the By-law requires a minimum lot width of 10 metres.
- b) To permit a reduced total interior side yard setback of ~~2.73~~ **2.92** metres (~~1.23~~ **1.22** metres and ~~1.5~~ **1.7** metres), whereas the By-law requires a total interior side yard setback of 3 metres.

A-00037: 956 Woodroffe Avenue, Parts 4, 5 & 6 on draft 4R- Plan, proposed long semi-detached dwelling:

- c) To permit a reduced lot width of ~~7.37~~ **7.4** metres, whereas the By-law requires a minimum lot width of 10 metres.
- d) To permit a reduced total interior side yard setback of ~~2.78~~ **2.94** metres (~~1.28~~ 1.24 metres and ~~1.5~~ **1.7** metres), whereas the By-law requires a total interior side yard setback of 3 metres.

- [4] With all parties in concurrence, the applications were amended accordingly.
- [5] Chang Sun, Agent for the Applicant, provided an overview of the applications. In response to the Committee, Mr. Sun confirmed that outdoor amenity space was being provided.

- [6] The Committee also heard oral submissions from the following individuals:
- M. Frampton, resident, noted concerns with grading and drainage in relation to the removal of three mature trees on the property. Mr. Frampton also noted concerns regarding snow removal.

- H. Shouldice, resident, requested a fence be erected at the rear of the property to alleviate any light from vehicle headlights, any impact on the rear neighbour from garbage and snow removal.
- M. Cho, resident, noted concerns with garbage, maintenance, environmental factors, and lack of trees on the property.

- [7] City Planner Penelope Horn confirmed no concerns with the application. In response to resident concerns, Ms. Horn noted that nine trees will be planted to compensate for the removal of the mature trees on site, and that a condition is being requested to manage stormwater management on site.
- [8] Mr. Sun noted that storage is located at the rear of the property, but interior storage could be a possibility. He also confirmed that any snow accumulation would be addressed in the stormwater management plan.
- [9] Planning Forester Nancy Young confirmed the size and location of the proposed replacement trees.
- [10] Following the public hearing, the Committee reserved its decision.

DECISION AND REASONS OF THE COMMITTEE: APPLICATIONS GRANTED

Applications 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, parcel registry, revised plans, tree information report, photo of the posted sign, and a sign posting declaration.
 - City Planning Report received April 12, 2024, with no concerns.
 - Rideau Valley Conservation Authority email received April 11, 2024, with no objections.

- Hydro Ottawa email received April 10, 2024, with comments.
- Ottawa-Carleton District School Board email dated April 5, 2024, with comments.
- Ontario Ministry of Transportation email received April 16, 2024, with comments.
- Hydro One email received April 16, 2024, with no comments.
- M. Cho, resident, email received April 15, 2024, with concerns.

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, [t]he reduction in lot width reflects the diversity in lot widths along this stretch of Woodroffe Avenue."
- [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.
- [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 site plan filed, Committee of Adjustment date stamped April

11, 2024, and the elevations filed, Committee of Adjustment date stamped April 12, 2024, as they relate to the requested variances.

"Fabian Poulin"
FABIAN POULIN
VICE-CHAIR

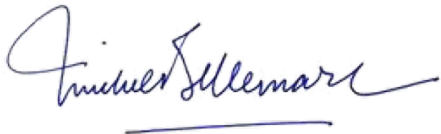
"Jay Baltz"
JAY BALTZ
MEMBER

"George Barrett"
GEORGE BARRETT
MEMBER

"Heather MacLean"
HEATHER MACLEAN
MEMBER

Absent
JULIANNE WRIGHT
MEMBER

I certify this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa, dated **April 26, 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 16, 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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