

DECISION
MINOR VARIANCE / PERMISSION

Date of Decision:	June 28, 2024
Panel:	2 - Suburban
File Nos.:	D08-02-24/A-00118 & D08-02-24/A-00119
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Applicants:	Robert and Michelina Sicoli
Property Address:	30A & 30B David Drive
Ward:	8 – College
Legal Description:	Part of Lot 45, Registered Plan 299087
Zoning:	R1FF
Zoning By-law:	2008-250
Heard:	June 18, 2024, in person and by videoconference

APPLICANTS' PROPOSAL AND PURPOSE OF THE APPLICATIONS

- [1] The Applicants want to convey a portion of their property known municipally as 30A David Drive to the abutting property to the west known municipally as 30B David Drive, for the construction of a two-storey detached dwelling.

REQUESTED VARIANCES

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

A-00118: 30A David Drive, Part 2 & 4 on 4R-31186 Plan, Existing Detached Dwelling:

- a) To permit a reduced lot width of 13.45 metres, whereas the By-law requires a minimum lot width of 19.5 metres.
- b) To permit a reduced lot area of 403.0 square metres, whereas the By-law requires a minimum lot area of 600 square metres.

A-00119: 30B David Drive, Part 1 & 3 on 4R-31186 Plan, Proposed Detached Dwelling:

- c) To permit a reduced lot width of 15.05 metres, whereas the By-law requires a minimum lot width of 19.5 metres.

- d) To permit a reduced lot area of 452.7 square metres, whereas the By-law requires a minimum lot area of 600 square metres.
 - e) To permit an increased projection of 4.18 metres for a covered lanai, whereas the By-law permits a projection up to a maximum of 2.0 metres.
- [3] The property is the subject of the concurrent consent application (D08-01-24/B-00090) under the *Planning Act*.

PUBLIC HEARING

Oral Submissions Summary

- [4] Mike Segreto, Agent for the Applicants, provided an overview of the applications.
- [5] City Planner Samantha Gatchene confirmed she had no concerns with the applications.
- [6] The Committee also heard oral submissions from the following individual:
- N. Wilson, on behalf of the City View Community Association, highlighted her appreciation of Mr. Segreto's effort to consult with the community association, and confirmed support of the applications.
- [7] 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

- [8] 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, tree replacement plan, parcel abstract, photo of the posted sign, and a sign posting declaration.
 - City Planning Report received June 13, 2024, with no concerns.

- Rideau Valley Conservation Authority email received June 12, 2024, with no objections.
- Hydro Ottawa email received June 17, 2024, with no comments.
- T. Paolasini and K. Rush, residents, email received June 17, 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 granted the applications.
- [11] Based on the evidence, the Committee is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.
- [12] The Committee notes that the City's Planning Report raises "no concerns" regarding the applications, highlighting that "[t]he requested variances for reduced lot width and lot area would enable a minor boundary adjustment that facilitates development that conforms with the Official Plan." Regarding the increase in projection of the covered lanai, the report states that sufficient rear yard area will be maintained to provide outdoor amenity space.
- [13] The Committee also notes that no compelling evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.
- [14] 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.
- [15] 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.
- [16] 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.
- [17] 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.
- [18] 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 May 8, 2024, as they relate to the requested variances.

Fabian Poulin
FABIAN POULIN
VICE-CHAIR

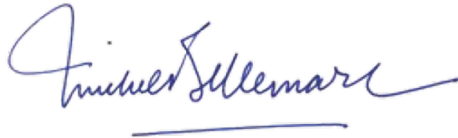
Jay Baltz
JAY BALTZ
MEMBER

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 **June 28, 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 18, 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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