

DECISION
MINOR VARIANCE / PERMISSION

Date of Decision:	June 28, 2024
Panel:	2 - Suburban
File Nos.:	D08-02-24/A-00043 to D08-02-24/A-00046
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Applicant:	14251211 Canada Inc.
Property Address:	1486 Baseline Road
Ward:	8 - College
Legal Description:	Lots 2624, 2625, 2626, 2627, Registered Plan 375 Geographic Township of Nepean
Zoning:	R2F
Zoning By-law:	2008-250
Heard:	June 18, 2024, in person and by videoconference

APPLICANT'S PROPOSAL AND PURPOSE OF THE APPLICATIONS

- [1] The Applicant of four full lots on a plan of subdivision wants to construct two semi-detached dwellings with one unit on each lot, as shown on the plans filed with the applications. Each half of the semi-detached with contain two additional dwelling units for a total of 3 units per dwelling. The existing dwelling will be demolished.
- [2] On April 2, 2024, the hearing of the applications was adjourned to allow the Applicant time to revise the plans to include parking spaces. The Applicant subsequently revised the plans.

REQUESTED VARIANCES

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

A-00043: 1488 Baseline Road, Lot 2624, Part 1, one half of the proposed Semi-Detaching Dwelling:

- a) To permit a reduced lot width of 7.615 metres, whereas the By-law requires a minimum lot width of 9 metres.
- b) To permit a reduced lot area of 250.2 square metres, whereas the By-law requires a minimum lot area of 270 square metres.

- c) To permit a reduced rear yard setback of 6.78 metres (20.6% of the lot depth), whereas the By-law requires a minimum rear yard setback 9.85 metres (25% of the lot depth).
- d) To permit a reduced rear yard area of 51.63 square metres (20.6% of the lot area), whereas the By-law requires a minimum rear yard area of 62.55 square metres (25% of the lot area).

A-00044: 1486 Baseline Road, Lot 2625, Part 2, one half of the proposed Semi-Detaching Dwelling:

- e) To permit a reduced lot width of 7.615 metres, whereas the By-law requires a minimum lot width of 9 metres.
- f) To permit a reduced lot area of 250.8 square metres, whereas the By-law requires a minimum lot area of 270 square metres.
- g) To permit a reduced rear yard setback of 6.81 metres (20.6% of the lot depth), whereas the By-law requires a minimum rear yard setback 9.94 metres (25% of the lot depth).
- h) To permit a reduced rear yard area of 51.86 square metres (20.6% of the lot area), whereas the By-law requires a minimum rear yard area of 62.70 square metres (25% of the lot area).

A-00045: 1484 Baseline Road, Lot 2626, Part 3, one half of the proposed Semi-Detaching Dwelling:

- i) To permit a reduced lot width of 7.615 metres, whereas the By-law requires a minimum lot width of 9 metres.
- j) To permit a reduced lot area of 251.4 square metres, whereas the By-law requires a minimum lot area of 270 square metres.
- k) To permit a reduced rear yard setback of 6.94 metres (21% of the lot depth), whereas the By-law requires a minimum rear yard setback 9.90 metres (25% of the lot depth).
- l) To permit a reduced rear yard area of 52.85 square metres (21% of the lot area), whereas the By-law requires a minimum rear yard area of 62.85 square metres (25% of the lot area).

A-00046: 1482 Baseline Road, Lot 2627, Part 4, one half of the Semi-Detaching Dwelling:

- m) To permit a reduced lot width of 7.615 metres, whereas the By-law requires a minimum lot width of 9 metres.
- n) To permit a reduced lot area of 252 square metres, whereas the By-law requires a minimum lot area of 270 square metres.
- o) To permit a reduced rear yard setback of 6.97 metres (21% of the lot depth), whereas the By-law requires a minimum rear yard setback 9.92 metres (25% of the lot depth).
- p) To permit a reduced rear yard area of 53.07 square metres (21% of the lot area), whereas the By-law requires a minimum rear yard area of 63 square metres (25% of the lot area).

[4] The subject property is not the subject of any other current application under the *Planning Act*.

PUBLIC HEARING

Oral Submissions Summary

- [5] Bing Feng Li, Agent for the Applicant, provided an overview of the applications and responded to questions from the Committee. Mr. Li highlighted that the garbage would be stored in the rear yards and brought to the street using the interior side yards between each of the semi-detached dwellings. Mr. Li also highlighted that, if cars were parked in the proposed parking spaces located to the side of each unit, they may need to be moved to allow space for the refuse containers to be moved from the rear yards to the street.
- [6] The Committee enquired whether if a further adjournment would be beneficial in allowing Mr. Li time to revise the site plan to address the parking spaces and their impact to egress from the rear yards. Mr. Li confirmed that he would prefer to proceed with the hearing.
- [7] The Committee agreed to proceed with the hearing without delay.
- [8] City Planner Erin O'Connell confirmed that the Zoning By-law requires the width of a parking space to be 2.6 metres, and in her opinion this width allows for adequate space between two vehicles parked side by side.
- [9] City Planner Samantha Gatchene advised that she had no concerns with the applications. Ms. Gatchene also advised that the Zoning By-law requires 1.2 metres between the two semi-detached dwellings and that this space, along with the driveway, could function as a walkway to the rear yard. Ms. Gatchene further advised that parking is a requirement of the Zoning By-law.
- [10] The Committee also heard oral submissions from the following individuals:

- N. Young, City View Community Association, highlighted concerns about the proposed parking and driveways access off Baseline Road, the adequacy of existing infrastructure to support development, and the removal of trees.
- K. Lynch, resident, highlighted concerns with the snow removal during winter, traffic concerns and increased demand for on-street parking.

[11] 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

[12] 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

[13] 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, 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 comments.

Effect of Submissions on Decision

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

[15] 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*.

[16] Based on the circumstances, the Committee is not satisfied that sufficient evidence was presented demonstrating the desirability of the proposal, from a planning and public interest point of view, for the appropriate development or use of the land,

building or structure on the property, and relative to neighbouring lands, including the functionality of the parking spaces and how egress from the rear yard, including the movement of refuse containers, would work with cars parked in the spaces.

- [17] Also, the Committee 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.
- [18] Failing two of the four statutory tests, the Committee is unable to grant the applications.
- [19] THE COMMITTEE OF ADJUSTMENT therefore does not authorize the requested variances.

Fabian Poulin
FABIAN POULIN
VICE-CHAIR

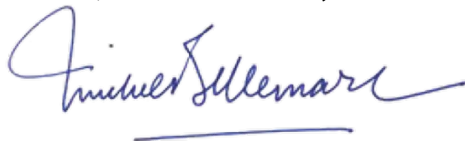
Jay Baltz
JAY BALTZ
MEMBER

George Barrett
GEORGE BARRETT
MEMBER

Heather MacLean
HEATHER MACLEAN
MEMBER

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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