

DECISION
MINOR VARIANCE / PERMISSION

Date of Decision:	December 22, 2023
Panel:	2 - Suburban
File No(s):	D08-02-23/A-00276
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Owner(s)/Applicant(s):	2501308 Ontario Inc.
Property Address:	81 Boyce Avenue
Ward:	7 - Bay
Legal Description:	Part of Lot 274 and Lot 275, Registered Plan 384
Zoning:	R1O
Zoning By-law:	2008-250
Hearing Date:	December 12, 2023, in person and by videoconference

APPLICANT'S PROPOSAL AND PURPOSE OF THE APPLICATION

- [1] The Owner wants to subdivide their property into two separate parcels of land to create one new lot for residential development. It is proposed to construct a two-storey detached dwelling on the newly created parcel. The existing dwelling will remain.

REQUESTED VARIANCES

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

A-00276: 83 Boyce Avenue, Part 2 on draft 4R- Plan, proposed detached family dwelling:

- a) To permit a reduced lot area of 239.6 square metres, whereas the By-law requires a minimum lot area of 450 square metres.
- b) To permit a reduced lot width of 7.85 metres, whereas the By-law requires a minimum lot width of 15 metres.
- c) To permit a reduced total interior side yard setback of 1.8 metres, whereas the By-law requires a total interior side yard setback of 3 metres.

PUBLIC HEARING

Oral Submissions Summary

- [3] Anthony Bruni, Agent for the Applicant, and City Planner Samantha Gatchene were present.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED

Application Must Satisfy Statutory Four-Part Test

- [4] 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

- [5] 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:
- Application and supporting documents, including cover letter, parcel registry, tree information report, excavation report, plans, photo of the posted sign, and a sign posting declaration.
 - City Planning Report received December 6, 2023, with no concerns.
 - Rideau Valley Conservation Authority email received December 7, 2023, with no concerns.
 - Hydro Ottawa email received December 6, 2023, with no concerns.
 - Hydro One email received December 5, 2023, with no concerns.

Effect of Submissions on Decision

- [6] The Committee considered all written and oral submissions relating to the application in making its decision and granted the application.
- [7] Based on the evidence, the Committee is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.
- [8] The Committee notes that the City's Planning Report raises "no concerns" regarding the application, highlighting that "the variances for reduced lot area and lot width meet the general intent of the Official Plan which encourages a more

urban form in the Outer Urban Transect, including smaller lots.” The report also highlights that “staff do not foresee negative impacts to occur on the existing streetscape as a result of the reduced lot dimensions.” Additionally, the report highlights that, “negative impacts on privacy as a result of the reduced northern interior side yard setback are not anticipated because minimal windows are proposed on the north side of the new dwelling.”

- [9] The Committee also notes that no evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.
- [10] Considering the circumstances, the Committee finds that, because the proposal fits well in the neighbourhood, 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.
- [11] 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.
- [12] 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 on the property that is compatible with the surrounding area.
- [13] 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.
- [14] 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 November 17, 2023, and the elevations filed, Committee of Adjustment date stamped November 9, 2023, as they relate to the requested variances.

“Fabian Poulin”
FABIAN POULIN
VICE-CHAIR

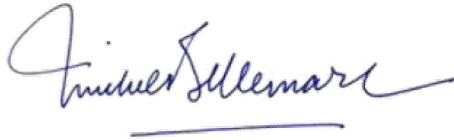
“Jay Baltz”
JAY BALTZ
MEMBER

“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 **December 22, 2023**.



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 **January 11, 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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