

**DECISION  
MINOR VARIANCE**

<b>Date of Decision:</b>	July 12, 2024
<b>Panel:</b>	2 - Suburban
<b>File No(s):</b>	D08-02-24/A-00112 & D08-02-24/A-00113
<b>Application:</b>	Minor Variance under section 45 of the <i>Planning Act</i>
<b>Applicant(s):</b>	11710842 Canada Inc. (Under Agreement of Purchase & Sale)
<b>Property Address:</b>	7 Starwood Road
<b>Ward:</b>	8 – College
<b>Legal Description:</b>	Lots 1889, 1890, 1891, 1892 Registered Plan 375
<b>Zoning:</b>	R1FF [632]
<b>Zoning By-law:</b>	2008-250
<b>Heard:</b>	July 2, 2024, in person and by videoconference

**APPLICANT’S PROPOSAL AND PURPOSE OF THE APPLICATIONS**

- [1] The subject property comprises four full lots on a plan of subdivision (Lots 1889 to 1892 on Registered Plan 375).
- [2] The Applicant wants to demolish the existing detached dwelling and construct two new, two-storey detached dwellings in its place. The proposed dwellings, each on two of the four lots, will contain three dwelling units.

**REQUESTED VARIANCE**

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

**A-00112: 7 Starwood Road, Lots 1889 & 1890 on Registered Plan 375:**

- a) To permit a reduced lot width of 15.3 metres, whereas the By-law requires a minimum lot width of 19.5 metres.
- b) To permit a reduced lot area of 419.9 square metres, whereas the By-law requires a minimum lot area of 600 square metres.

**A-00113: 7 Starwood Road, Lots 1891 & 1892 on Registered Plan 375:**

- c) To permit reduced lot width of 15.3 metres, whereas the By-law requires a minimum lot width of 19.5 metres.
  - d) To permit a reduced lot area of 421.5 metres, whereas the By-law requires a minimum lot area of 600 square metres.
- [4] The subject property is not the subject of any other current application under the *Planning Act*.

## **PUBLIC HEARING**

- [5] On June 4, 2024, the hearing of the applications was adjourned to June 18, 2024, at the request of Jennifer Murray, Agent for the Applicant, to allow the Applicant additional time to submit a Stormwater Management Brief. On June 18, 2024, the hearing of the applications were further adjourned to July 2, 2024, at the request of Ms. Murray.

### **Oral Submissions Summary**

- [6] In response to questions from the Committee, Ms. Murray explained that a shared driveway had been considered, however, to mitigate potential impacts to the trees, the proposal had been redesigned to include two separate driveways, located to the east side of each of the dwellings. Ms. Murray added that the design now included permeable paving for the driveways and parking spaces as it would benefit tree retention and water infiltration. She also highlighted that material selection would not be finalized until the building permit stage.
- [7] City Planner Samantha Gatchene confirmed no concerns with the applications provided any forthcoming approval would be tied to the submitted Stormwater Management Brief. On behalf of City Forestry, Ms. Gatchene stated they are satisfied with the proposed permeable paving.
- [8] City Forester Nancy Young noted that she originally had concerns with the design featuring a central driveway as there were minimal options to retain the existing trees. Ms. Young confirmed that she had no further concerns with the plans as submitted.
- [9] The Committee also heard oral submissions from the following individuals:
- J. Prot, co-president of the City View Community Association, highlighted that rear yard parking is not common in the area. She also highlighted concerns regarding drainage and the potential for flooding.
  - N. Wilson, co-president of the City View Community Association, expressed concerns over the rear yard parking, the capacity of existing infrastructure, stormwater management, and a missed opportunity to extend a pedestrian pathway.

[10] In response to questions from the Committee, Ms. Gatchene noted that the department had no concerns with the proposed rear-yard parking and emphasized a preference for non-street-oriented parking.

[11] Following the public hearing, the Committee reserved its decision.

## **DECISION AND REASONS OF THE COMMITTEE: APPLICATIONS GRANTED**

### **Applications 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, tree information report, parcel register abstract, plans, purchase of sale agreement, stormwater management brief, of the posted sign, and a sign posting declaration.
- City Planning Report received June 27, 2024, with no concerns; received June 13, 2024, with no concerns; received May 30, 2024, with no concerns.
- Rideau Valley Conservation Authority email received June 28, 2024, with no objections; received June 12, 2024, with no objections; received May 29, 2024, with no objections.
- Hydro Ottawa email received July 2, 2024, with comments; received May 30, 2024, with comments.

### **Effect of Submissions on Decision**

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

[15] Based on the evidence, the Committee is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.

[16] The Committee notes that the City's Planning Report raises "no concerns" regarding the applications highlighting that, "[t]he reduced lot dimensions will result

in developable lots capable of complying with the setback requirements.” The report also notes that, “[t]he stormwater management brief has indicated that it is possible for the development to proceed without worsening the current neighbourhood drainage situation.”

- [17] The Committee also notes that no compelling evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.
- [18] 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.
- [19] 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.
- [20] 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.
- [21] 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.
- [22] THE COMMITTEE OF ADJUSTMENT therefore authorizes the requested variances, **subject to:**
- a) Prior to the issuance of a building permit, that the Owner(s) submit a Stormwater Management Brief prepared by a Professional Civil Engineer licensed in the Province of Ontario, demonstrating a design for controlling post-development stormwater peak flows to pre-development peak flows for all stormwater events up to the 100 year storm event, to the satisfaction of the Development Review All Wards Manager within Planning, Development and Building Services Department, or their designate, to be confirmed in writing from the Department to the Committee, if the Stormwater Management Brief includes infiltration techniques, the Owner(s) must submit a supporting Geotechnical Brief prepared by a Professional Civil Engineer licensed in the Province of Ontario, for approval by the Development Review Manager of the West Branch within Planning, Development and Building Services Department Planning, Development and Building Services Department, or their designate.

If applicable, the Owner(s) shall obtain an Environmental Compliance Approval from the Ontario Ministry of Environment, Conservation and

Parks. Should the stormwater management system cross property lines or access to the system be over multiple properties, that the owner will seek approval of the Committee to grant easement(s) for access and maintenance of the stormwater system or register a Joint Use and Maintenance Agreement on title of the properties, all at the owner(s) costs.

*Fabian Poulin*  
FABIAN POULIN  
VICE-CHAIR

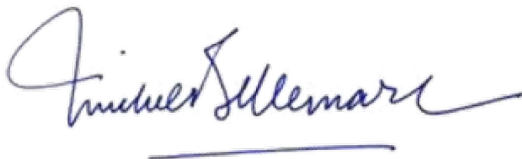
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JULIANNE WRIGHT  
MEMBER

I certify this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa, dated **July 12, 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 **August 1, 2024**, delivered by email at [cofa@ottawa.ca](mailto:cofa@ottawa.ca) and/or by mail or courier to the following address:

Secretary-Treasurer, Committee of Adjustment,  
101 CentrepoinTE Drive, 4<sup>th</sup> 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](mailto: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.*

**Committee of Adjustment**  
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