

**DECISION
MINOR VARIANCE**

Date of Decision:	July 26, 2024
Panel:	2 - Suburban
File No.:	D08-02-24/A-00155
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Applicant:	Tony Campanale
Property Address:	623 Kochar Drive
Ward:	16 – River
Legal Description:	Part of Lot 187 and Lot 188, Registered Plan 4M-1258
Zoning:	R2S [1194]
Zoning By-law:	2008-250
Heard:	July 11, 2024, in person and by videoconference

APPLICANT’S PROPOSAL AND PURPOSE OF THE APPLICATION

- [1] The Applicant wants to construct a two-storey dwelling with a three-car garage, as shown on plans filed with the Committee.

REQUESTED VARIANCES

- [2] The Applicant requires the Committee’s authorization for minor variances from the Zoning By-law as follows:
- a) To permit an increased building height of 9 metres, whereas the By-law permits a maximum building height of 8 metres.
 - b) To permit an increased driveway width of 9.25 metres, whereas the By-law permits a maximum driveway width of 6 metres.
- [3] The subject property is not the subject of any other current application under the *Planning Act*.

PUBLIC HEARING

Oral Submissions Summary

- [4] Timothy Campanale, Agent for the Applicant, provided an overview of the application. In response to questions from the Committee, Mr. Campanale

explained that design for a six-metre driveway had been considered, however this is the Applicant's preferred design.

- [5] City Planner Elizabeth King confirmed no concerns with the requested height increase, however expressed concerns over the increased driveway width as it does not conform with the Carleton Heights Secondary Plan. She highlighted that new development within the secondary plan is required to observe the maximum driveway width under the Zoning By-law to prevent further demand on the stormwater management facilities.
- [6] In response to questions from the Committee, Ms. King clarified that amendments to the driveway provisions in the Zoning By-law were introduced in 2020. She also highlighted there was a lack of evidence as to whether the three-car garages in the neighbourhood comply with the Zoning By-law.
- [7] Following the public hearing, the Committee reserved its decision.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED

Application 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:
- Application and supporting documents, including cover letter, plans, letter regarding stormwater management, tree information report, photo of the posted sign, and a sign posting declaration.
 - City Planning Report received July 11, 2024, with concerns.
 - Rideau Conservation Authority email received July 10, 2024, with no objections.
 - Hydro Ottawa email received July 10, 2024, with comments.

- Ontario Ministry of Transportation email received July 11, 2024, with no comments.

Effect of Submissions on Decision

- [10] The Committee considered all written and oral submissions relating to the application in making its decision and granted the application.
- [11] Based on the evidence, the majority of the Committee (Member Wright dissenting on variance (b)) 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 "concerns" regarding variance (b), highlighting that "the development standards and policies for population growth [within the Carleton Heights Secondary Plan area] focus on preventing further demands on existing stormwater management facilities by ensuring that all new development that reinstates a driveway are required to observe the maximum driveway width in the Zoning By-law." The report also raises "no concerns" regarding variance (a). However, the majority of the Committee finds that variance (b) will have no adverse impact on stormwater management issues due to the location of the property relative to the community of Carleton Heights.
- [13] The majority of 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 majority of 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 majority of 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 majority of 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 areas.
- [17] Moreover, the majority of 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 site plan filed, Committee of Adjustment date stamped July 10, 2024, and the elevations filed, Committee of Adjustment date stamped June 13, 2024, as they relate to the requested variances.

Fabian Poulin
FABIAN POULIN
VICE-CHAIR

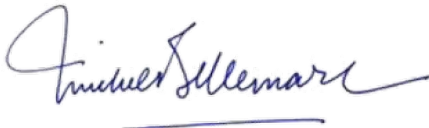
Absent
JAY BALTZ
MEMBER

George Barrett
GEORGE BARRETT
MEMBER

Heather MacLean
HEATHER MACLEAN
MEMBER

With noted dissent
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 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 **August 15, 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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