

**DECISION
MINOR VARIANCE**

Date of Decision:	August 16, 2024
Panel:	2 - Suburban
File Nos.:	D08-02-24/A-00177 & D08-02-24/A-00178
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Applicants':	Tony and Lisa Tegano
Property Address:	267 Marilyn Avenue
Ward:	16 – River
Legal Description:	Lot 34, Registered Plan 564
Zoning:	R1GG
Zoning By-law:	2008-250
Heard:	August 6, 2024, in person and by videoconference

APPLICANTS' PROPOSAL AND PURPOSE OF THE APPLICATIONS

- [1] The Applicants wants to subdivide their property into two separate parcels of land to create two new lots for residential development, as shown on the plans filed with the Committee. The existing dwelling will be demolished.

REQUESTED VARIANCES

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

A-00178: 265 Marilyn Avenue, Parts 1 & 2 on 4R-Draft Plan:

- a) To permit a reduced lot width of 14.45 metres, whereas the By-law requires a minimum lot width of 18 metres.

A-00177: 267 Marilyn Avenue, Parts 3 & 4 on 4R-Draft Plan:

- b) To permit a reduced lot width of 14.45 metres, whereas the By-law requires a minimum lot width of 18 metres.

PUBLIC HEARING

Oral Submissions Summary

- [3] Angelo Montenegro, Agent for the Applicants, provided an overview of the applications and responded to questions from the Committee. Mr. Montenegro

confirmed that he was aware of the changes required to the preliminary drawings provided with the application to bring the proposed dwelling into compliance.

- [4] Mr. Montenegriano provided evidence of other lots in the neighbourhood that have a lot width less than 18 metres.
- [5] City Planner Penelope Horn was also present.
- [6] 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

- [7] 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

- [8] 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 register, plans, tree information, photo of the posted sign, and a sign posting declaration.
 - City Planning Report received July 31, 2024, with no concerns.
 - Rideau Valley Conservation Authority email received August 2, 2024, with no objections.
 - Hydro Ottawa email received August 2, 2024, with no objections.
 - Hydro One email received July 24, 2024, with no comments.
 - M. Belzille, resident, email received July 30, 2024, opposed.
 - C. and J. Robar, neighbours, email received July 31, 2024, with comments.
 - K. Pratt, neighbour, email received August 6, 2024, with comments.

Effect of Submissions on Decision

- [9] The Committee considered all written and oral submissions relating to the applications in making its decision and granted the applications.
- [10] Based on the evidence, the Committee is satisfied that the requested variances meet all four requirements under subsection 45(1) of the Planning Act.
- [11] The Committee notes that the City's Planning Report raises "no concerns" regarding the application. The evidence revealed that "the reduced lot width will not impact the ability to develop dwellings that comply with the other performance standards of the zone."
- [12] The Committee also notes that no compelling evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.
- [13] 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.
- [14] 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 neighborhood.
- [15] In addition, the Committee finds that the requested variances maintain the general intent and purpose of the Zoning By-law because the variances represent orderly development that is compatible with the surrounding area.
- [16] 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.
- [17] 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 plans filed, Committee of Adjustment date stamped July 16, 2024, as they relate to the requested variances.

Absent
FABIAN POULIN
VICE-CHAIR

Jay Baltz
JAY BALTZ
ACTING PANEL CHAIR

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 **August 16, 2024**



Matthew Garnett
Acting 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 **September 5, 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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