

**DECISION
MINOR VARIANCE**

Date of Decision:	October 11, 2024
Panel:	2 - Suburban
File No.:	D08-02-21/A-00335
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Applicant:	724600 Ontario Inc.
Property Address:	20 Robin Crescent
Ward:	11 – Beacon Hill Cyrville
Legal Description:	Block 5, Registered Plan 4M-689
Zoning:	R1AA
Zoning By-law:	2008-250
Heard:	October 1, 2024, in person and by videoconference

APPLICANT’S PROPOSAL AND PURPOSE OF THE APPLICATION

- [1] The Applicant wants to bring their existing lot into compliance for future residential development.

REQUESTED VARIANCE

- [2] The Applicant requires the Committee’s authorization for a minor variance from the Zoning By-law to permit a reduced lot area of 912.7 square metres, whereas the By-law requires a minimum lot area of 1,390 square metres.
- [3] The application indicates that Block 6 is the subject of a 30-centimetre reserve.
- [4] The property is not the subject of any other current application under the *Planning Act*.

PUBLIC HEARING

- [5] The Panel Chair administered an oath to David Ross Park, Agent for the Applicant, who confirmed that the statutory notice posting requirements were satisfied.
- [6] On October 1, 2024, the Committee suggested an adjournment of the scheduled hearing of the application to allow the Applicant time to lift the 30 cm reserve. Mr. Park objected to an adjournment and clarified that he was advised by the City Planner that the minor variance application should be heard prior to the lifting of the reserve. The Committee agreed to hear the application without delay.

Oral Submissions Summary

- [7] Mr. Park provided a slide presentation, a copy of which is on file with the Secretary-Treasurer and available from the Committee Coordinator upon request.
- [8] In response to questions from the Committee regarding the residents' concerns received by the Committee, Mr. Park confirmed that the lot would be developed as a single-family dwelling.
- [9] City Planner Penelope Horn highlighted no concerns with the application.
- [10] City Planner Cass Sclauzero highlighted that City Legal Services did not have any concerns with any amendments to the Plan of Subdivision to permit residential development on the parcel of land.
- [11] The Committee also heard oral submissions from the following individuals:
- S. Dilwari, resident, raised concerns over future development setting a precedent in the neighbourhood.
- [12] Don Brown, also Acting as Agent for the Applicant, was also present.
- [13] Following the public hearing, the Committee reserved its decision.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED

Application Must Satisfy Statutory Four-Part Test

- [14] 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

- [15] 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, parcel register abstract, tree information report, and a photo of the posted sign.
 - City Planning Report received September 26, 2024, with no concerns.

- Rideau Valley Conservation Authority email received September 26, 2024, with no objections.
- Hydro Ottawa email received September 27, 2024, with comments.
- J. Brammer, Chair, Rothwell Heights Property Owners' Association, email received September 25, 2024, in support.
- K. von Finckenstein, resident, email received September 27, 2024, with concerns.
- G. Comber, resident, email received October 1, 2024, with concerns.

Effect of Submissions on Decision

- [16] The Committee considered all written and oral submissions relating to the application in making its decision and granted the application.
- [17] Based on the evidence, the Committee is satisfied that the requested variance meets all four requirements under subsection 45(1) of the *Planning Act*.
- [18] The Committee notes that the City's Planning Report raises "no concerns" regarding the application, highlighting that [t]he requested lot area provides a reasonable developable footprint which is sufficient to accommodate detached dwelling."
- [19] The Committee also notes that no compelling evidence was presented that the variance would result in any unacceptable adverse impact on neighbouring properties.
- [20] Considering the circumstances, the Committee finds that, because the proposal fits well in the area, the requested variance is, 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.
- [21] The Committee also finds that the requested variance maintains the general intent and purpose of the Official Plan because the proposal respects the character of the neighbourhood.
- [22] In addition, the Committee finds that the requested variance maintains the general intent and purpose of the Zoning By-law because the proposal represents orderly development that is compatible with the surrounding area.
- [23] Moreover, the Committee finds that the requested variance is minor because it will not create any unacceptable adverse impact on abutting properties or the neighbourhood in general.

[24] THE COMMITTEE OF ADJUSTMENT therefore authorizes the requested variance subject to:

- a) Prior to the issuance of a building permit, the Owner(s) provide proof to the satisfaction of the Development Review Manager of the Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate, to be confirmed in writing from the Department to the Committee, that the Plan of Subdivision has been amended to allow the lot to be used for residential purposes.
- b) Prior to the issuance of a building permit, that the Owner(s) provide proof to the satisfaction of the Development Review Manager of the Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate to be confirmed in writing from the Department to the Committee, that the 30 centimetre reserve has been lifted.

"Fabian Poulin"
FABIAN POULIN
VICE-CHAIR

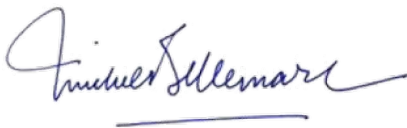
"Jay Baltz"
JAY BALTZ
MEMBER

"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 **October 11, 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 **October 31, 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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