

**DECISION  
MINOR VARIANCE**

<b>Date of Decision:</b>	October 11, 2024
<b>Panel:</b>	2 - Suburban
<b>File Nos.:</b>	D08-02-24/A-00234 and D08-02-24/A-00237
<b>Application:</b>	Minor Variance under section 45 of the <i>Planning Act</i>
<b>Applicants:</b>	Xiaohong Sun and Yijun Li
<b>Property Address:</b>	94 Withrow Avenue
<b>Ward:</b>	8 – College
<b>Legal Description:</b>	Lots 286, 287, 288, & 289. Registered Plan 375
<b>Zoning:</b>	R1FF (632)
<b>Zoning By-law:</b>	2008-250
<b>Heard:</b>	October 1, 2024, in person and by videoconference

**APPLICANTS' PROPOSAL AND PURPOSE OF THE APPLICATIONS**

- [1] The Applicants, owners of four full lots on a plan of subdivision, want to construct two two-storey detached dwellings, as shown on the plans filed with the application. The existing two-storey detached dwelling and detached garage will be demolished.

**REQUESTED VARIANCES:**

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

**A-00234: 94 Withrow Avenue, Part 1 on Draft 4R-Plan proposed detached dwelling:**

- a) To permit a reduced lot width of 15.30 metres, whereas the By-law requires a minimum lot width of 19.5 metres.
- b) To permit a reduced lot area of 443.00 square metres, whereas the By-law requires a minimum lot area of 600 square metres.
- c) To permit a reduced rear yard setback of 27.23% of the lot depth (7.88 metres), whereas the By-law requires a minimum rear yard setback of 28% of the lot depth (8.10 metres).

**A-00237: 92 Withrow Avenue, Part 2 on Draft 4R-Plan, proposed detached dwelling:**

- d) To permit a reduced lot width of 15.30 metres, whereas the By-law requires a minimum lot width of 19.5 metres.
  - e) To permit a reduced lot area of 442.9 square metres, whereas the By-law requires a minimum lot area of 600 square metres.
  - f) To permit a reduced front yard setback of 5.42 metres, whereas the By-law requires a minimum front yard setback of 5.63 metres.
- [3] The property is not the subject of any other current application under the *Planning Act*.

**PUBLIC HEARING**

- [4] On October 1, 2024, the Committee suggested an adjournment of the applications might be in order to allow the Applicant time to submit a Stormwater Management Brief. Mike Segreto, Agent for the Applicant, opposed an adjournment and requested to proceed with the application. City Planner Elizabeth King noted that the Stormwater Management Brief could be provided after the hearing as a condition of the minor variance applications. The Committee agreed to hear the application without delay.

**Oral Submissions Summary**

- [5] Mr. Segreto provided an overview of the applications.
- [6] Ms. King highlighted no concerns with the applications provided any forthcoming approval would be tied to the submission of a Stormwater Management brief.
- [7] The Committee also heard oral submissions from the following individuals:
- N. Wilson, co-president of the Cityview Community Association, highlighted that she was in favour of the condition for a Stormwater Management Brief.
- [8] Following the public hearing, the Committee reserved its decision.

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

**Applications Must Satisfy Statutory Four-Part Test**

- [9] 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**

[10] 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, tree information report, parcel register abstract, photo of the posted sign, and a sign posting declaration.
- City Planning Report received September 27, 2024, with no concerns; received September 25, 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.

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

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

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

[13] The Committee notes that the City's Planning Report raises "no concerns" regarding the applications, highlighting that "the intent of the zone is to restrict the building form to detached dwellings and regulate development in a manner that is compatible with existing land use patterns so that the detached dwelling, residential character of a neighbourhood is maintained and enhanced".

[14] The Committee also notes that no evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.

[15] 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.

[15] 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 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.

[17] 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.

[18] THE COMMITTEE OF ADJUSTMENT therefore authorizes the requested variances, **subject to:**

- a) 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 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,

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 Development Review All Wards Branch within Planning, Development and Building Services Department Planning, Development and Building Services Department, or their designate.**

That the Owner(s) enter into a **Development Agreement** with the City to construct the required stormwater system, including posting required securities. A copy of the Agreement and written confirmation from City Legal Services that it has been registered on title, shall be forwarded to the Committee of Adjustment.

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

- b) The location and size of the proposed construction being in accordance with the site plan filed, Committee of Adjustment date stamped August 29, 2024, as they relate to the requested variances.

*"Fabian Poulin"*  
FABIAN POULIN  
VICE-CHAIR

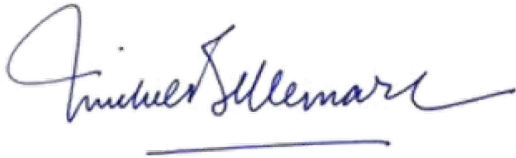
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JAY BALTZ  
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GEORGE BARRETT  
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HEATHER MACLEAN  
MEMBER

*"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 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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