

**DECISION  
MINOR VARIANCE**

<b>Date of Decision:</b>	October 25, 2024
<b>Panel:</b>	2 - Suburban
<b>File Nos.:</b>	D08-02-24/A-00215 and D08-02-24/A-00231
<b>Applications:</b>	Minor Variances under section 45 of the <i>Planning Act</i>
<b>Applicant:</b>	Roca Land Holdings Inc.
<b>Property Address:</b>	1598 and 1592 Prince of Wales Drive
<b>Ward:</b>	16 – River
<b>Legal Description:</b>	Part of Lot 17, Registered Plan 455
<b>Zoning:</b>	R1GG
<b>Zoning By-law:</b>	2008-250
<b>Heard:</b>	October 15, 2024, in person and by videoconference

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

- [1] On April 30, 2024, the Committee approved consent applications (D08- 01-24/ B-0042 to D08-01-24/B-00044) to construct four two-storey detached dwellings. The Committee also approved minor variance applications (D08-02-24/A-00059 to D08-02-24/A-00061 and D08-02-24/A-00072). During the building permit process, it was discovered that the Applicant required additional minor variances for two of the proposed dwellings.

**REQUESTED VARIANCES:**

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

**A-00215: 1598 Prince of Wales Drive, Parts 10 & 11 on draft 4R- plan, proposed detached dwelling.**

- a) To permit a reduced total side yard setback of 1.95 metres (1.25 metres on the south side and 0.7 metres on the north side), whereas the By-law requires a total side yard setback of 3.6 metres with one yard no less than 1.2 metres.

**A-00231: 1592 Prince of Wales Drive, Part 1 & 2 on draft 4R-plan, proposed detached dwelling.**

b) To permit a reduced total side yard setback of 1.95 metres (1.25 metres on the ~~south~~ **north** side and 0.7 metres on the ~~north~~ **south** side), the By-law requires a total side yard setback of 3.6 metres with one yard no less than 1.2 metres.

[3] The property is not the subject of any other current application under the *Planning Act*.

## **PUBLIC HEARING**

### **Oral Submissions Summary**

[4] The Committee noted that an amendment to variance (b) was required as follows:

b) To permit a reduced total side yard setback of 1.95 metres (1.25 metres on the ~~south~~ **north** side and 0.7 metres on the ~~north~~ **south** side), whereas the By-law requires a total side yard setback of 3.6 metres with one yard no less than 1.2 metres.

[5] With the concurrence of all parties, the applications were amended accordingly.

[6] Peter Hume, Agent for the Applicant, provided an overview of the applications. In response to questions from the Committee, specifically the request of an area resident for a privacy fence, Mr. Hume confirmed that he would discuss it with his client.

[7] City Planner Nivethini Jekku Einkaran highlighted no concerns with the applications.

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

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

### **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, tree information report, plans, photo of the posted sign, and a sign posting declaration.
- City Planning Report received October 10, 2024, with no concerns.
- Rideau Valley Conservation Authority email received October 9, 2024, with no objections.
- Hydro Ottawa email received October 11, 2024, with comments.
- Ontario Ministry of Transportation email received October 4, 2024, with no comments.
- Ottawa-Carleton District School Board email received October 7, 2024, with comments.
- T. Argentina, resident, email received October 11, 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.
- [14] The Committee also notes that no compelling 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.
- [16] 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.

- [17] 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.
- [18] 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.
- [19] 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 August 7, 2024, as they relate to the requested variances.

*Absent*  
FABIAN POULIN  
VICE-CHAIR

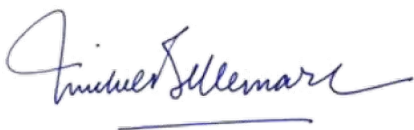
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GEORGE BARRETT  
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HEATHER MACLEAN  
MEMBER

*"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 25, 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 **November 14, 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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