

**DECISION
MINOR VARIANCE / PERMISSION**

Date of Decision:	September 27, 2024
Panel:	2 - Suburban
File No.:	D08-02-24/A-00213
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Applicant:	13370445 Canada Inc.
Property Address:	340 Poulin Avenue
Ward:	7 - Bay
Legal Description:	Part of Lots 11 and 12, South Side of Conn Street, Registered Plan 227
Zoning:	R2F
Zoning By-law:	2008-250
Heard:	September 17, 2024, in person and by videoconference

APPLICANT'S PROPOSAL AND PURPOSE OF THE APPLICATION

- [1] The Applicant wants to construct a semi-detached dwelling, with additional dwelling units, as shown on plans filed with the Committee. The existing detached dwelling and accessory structure will be demolished.
- [2] At the hearing on May 18, 2022, the Committee granted Consent and Minor Variance applications (D08-01-22/B-00114-00115 and D08-02-22/A-00104-00105) to subdivide the property into two parcels for the construction of a semi-detached dwelling. The Applicant no longer wants to pursue subdividing the property and has revised the plans for the proposed semi-detached dwelling. Additional minor variances are required for one of the units.

REQUESTED VARIANCES

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

A-00213 340 Poulin Avenue, one-half of proposed semi-detached dwelling:

- a) To permit a reduced front yard setback of 3.66 metres, whereas the By-law requires a minimum front yard setback of 6 metres.
- b) To permit a reduced corner side yard setback of 3.66 metres, whereas the Bylaw requires a minimum corner side yard setback of 4.5 metres.

c) To permit an interior side yard setback of 1.2 metres, whereas the By-law requires a minimum interior side yard setback of 1.5 metres.

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

PUBLIC HEARING

Oral Submissions Summary

[5] Peter Hume, Agent for the Applicant, provided a slide presentation, a copy of which is on file with the Secretary-Treasurer and available from the Committee Coordinator upon request. Mr. Hume confirmed that the side yard setback is on Poulin Avenue and the rear yard setback on Conn Street would not change.

[6] City Planner Elizabeth King confirmed that she had no concerns with the application.

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

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED

Application(s) 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, photo of the posted sign, and a sign posting declaration.
- City Planning Report received September 12, 2024, with no concerns.
- Rideau Valley conservation authority, email received September 16, 2024, with no comments.
- Hydro Ottawa email received September 16, 2024, with comments.

- Ontario Ministry of Transportation email received September 9, with no comments.
- L. and J. Denes, residents, email received September 11, 2024, opposed; received by email September 16, 2024, with comments.
- P. Csagoly, resident, email received September 16, 2024, opposed.
- S. Ghent, resident, email received September 16, 2024, with comments.
- G. Burler and K. Thompson, residents, email received September 16, 2024, with comments.
- J. Paquin and B. McRae, residents, email received September 16, 2024, opposed.

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 Committee 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 "no concerns" regarding the application, highlighting that "staff consider these variances minor as the proposed built form is appropriate and meets in the intent of the zoning by-law and has no anticipated negative impacts".
- [13] The Committee also notes that no evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.
- [14] 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 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** the location and size of the proposed construction being in accordance with the plans filed, Committee of Adjustment date stamped August 6, 2024, as they relate to the requested variances.

Fabian Poulin
FABIAN POULIN
VICE-CHAIR

Jay Baltz
JAY BALTZ
MEMBER

George Barrett
GEORGE BARRETT
MEMBER

Heather MacLean
HEATHER MACLEAN
MEMBER

Absent
JULIANNE WRIGHT
MEMBER

I certify this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa, dated **September 27, 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 17, 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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