

DECISION
MINOR VARIANCE / PERMISSION

Date of Decision:	October 11, 2024
Panel:	1 - Urban
File Nos.:	D08-02-24/A-00161 & D08-02-24/A-00192
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Applicants:	Daniel Knapp and Catherine Higginson
Property Address:	130 Kenilworth Street & 372A Holland Avenue
Ward:	15 – Kitchissippi
Legal Description:	Part of Lots 250 & 251, Registered Plan 207509
Zoning:	R3I
Zoning By-law:	2008-250
Heard:	October 2, 2024, in person and by videoconference

APPLICANTS' PROPOSAL AND PURPOSE OF THE APPLICATIONS

- [1] The Applicants want to subdivide the property into two separate parcels of land to create separate ownership for each half of an existing semi-detached dwelling and establish an Easements/Rights-of-Ways for parking and access.

REQUESTED VARIANCES

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

A-00161: 372A Holland, Parts 1 & 2 on Registered Plan 207509, Half of existing semi-detached dwelling:

- a) To permit a parking space located on a different lot (130 Kenilworth), whereas the By-law states parking spaces must be located on the same lot as the use or building which they are provided.

A-00192: 130 Kenilworth, Parts 3, 4, 5, & 6 on Registered Plan 207509, Half of existing semi-detached dwelling:

- b) To permit a parking space to be located in the front yard, whereas the By-law states no parking space may be established in a front yard.
- c) To permit an increased width of 5.6 metres for a shared driveway, whereas the By-law permits a width of 3 metres for shared driveways.

PUBLIC HEARING

- [3] On August 21, 2024, the scheduled hearing of the applications was adjourned to allow the Applicants more time to discuss conditions with City Staff. With the concurrence of all parties, the applications were adjourned to October 2, 2024.

Oral Submissions Summary

- [4] Arjan Soor, Agent for the Applicants, and City Planner Elizabeth King were present.
- [5] There were no objections to granting these unopposed applications as part of the Panel's fast-track consent agenda.

DECISION AND REASONS OF THE COMMITTEE: APPLICATIONS GRANTED

Application(s) Must Satisfy Statutory Four-Part Test

- [6] 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

- [7] 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:
- Applications and supporting documents, including a cover letter, plans, parcel abstract, photo of the posted sign, and a sign posting declaration.
 - City Planning Report received September 25, 2024, with no concerns; received August 16, 2024, with no concerns; revised report received August 15, 2024, with no concerns.
 - Rideau Valley Conservation Authority email received September 25, 2024, with no comments; received August 19, 2024, with no comments.
 - Hydro Ottawa email received September 27, with comments; received August 19, 2024, with comments.
 - Hydro One email received September 25, 2024, with no comments.

- Ontario Ministry of transportation email received August 13, 2024, with no comments.

Effect of Submissions on Decision

- [8] The Committee considered all written and oral submissions relating to the applications in making its decision and granted the applications.
- [9] Based on the evidence, the Committee is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.
- [10] The Committee notes that the City's Planning Report raises "no concerns" regarding the applications, highlighting that "Staff have no concerns with the proposed variances regarding the location of parking and the driveway as these are existing conditions of the site, with no alterations proposed".
- [11] The Committee also notes that no evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.
- [12] 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.
- [13] 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.
- [14] 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.
- [15] 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.
- [16] THE COMMITTEE OF ADJUSTMENT therefore authorizes the requested variances.

"Ann M. Tremblay"
ANN M. TREMBLAY
CHAIR

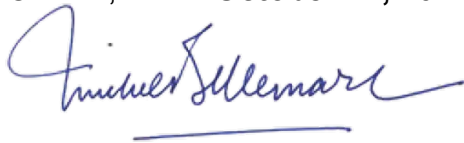
"John Blatherwick"
JOHN BLATHERWICK
MEMBER

"Simon Coakeley"
SIMON COAKELEY
MEMBER

"Arto Keklikian"
ARTO KEKLIKIAN
MEMBER

"Sharon Lécuyer"
SHARON LÉCUYER
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.

Committee of Adjustment
City of Ottawa
Ottawa.ca/CommitteeofAdjustment
cofa@ottawa.ca
613-580-2436



Comité de dérogation
Ville d'Ottawa
Ottawa.ca/Comitedederogation
cded@ottawa.ca
613-580-2436