

DECISION MINOR VARIANCE

Date of Decision:	November 15, 2024
Panel:	1 - Urban
File No.:	D08-02-24/A-00242
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Applicant:	Eric Broadfoot
Property Address:	455 Dawson Avenue
Ward:	15 - Kitchissippi
Legal Description:	Part of Lot 51, Registered Plan 443
Zoning:	R2G
Zoning By-law:	2008-250
Heard:	November 6, 2024, in person and by videoconference

APPLICANT'S PROPOSAL AND PURPOSE OF THE APPLICATION

- [1] The Applicant wants to construct a two-storey semi-detached unit with each principal dwelling unit containing two additional dwelling units, for a total of six units, as shown on the plans filed with the application.

REQUESTED VARIANCES

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

455 Dawson Avenue, Part 1 on Draft 4R-Plan, half of semi-detached dwelling (East):

- a) To permit a reduced lot area of 215.3 square metres, whereas the By-law requires a minimum lot area of 225 square metres.

455 Dawson Avenue, Parts 2, 3, & 4 on 4Draft 4R-Plan, half of semi-detached dwelling (West):

- b) To permit a reduced lot area of 218.0 square metres, whereas the By-law requires a minimum lot area of 225 square metres.

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

PUBLIC HEARING

- [4] On October 16, 2024, the Committee adjourned the scheduled hearing of the applications to allow the Agent time to consult with the City Infill Forester and to provide an updated Tree Information Report.

Oral Submissions Summary

- [5] Chris Jalkotzy, 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. In response to questions from the Committee regarding resident concerns, Mr. Jalkotzy highlighted that parking is not required and the massing of the proposed structure conforms with the Zoning By-law. In response to questions from the Committee, City Forester Nancy Young confirmed that her concerns as expressed in the City's Planning Report have been resolved by the Agent.
- [6] The Committee also heard oral submissions from the following individual:
- M. Williams, resident, raised concerns over stormwater management, lack of parking, and the reduction in greenspace. Ms. Williams also raised concerns over the impact of the proposal on the tree on site.
- [7] In response to Ms. Williams' concerns, Mr. Jalkotzy agreed that stormwater management would be reviewed at the building permit stage. Mr. Jalkotzy reiterated that the onsite parking is not required and that the proposed building complies with the landscape requirements under the Zoning By-law.
- [8] City Planner Penelope Horn was also present.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED

Application(s) 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 all 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, revised site plan, revised tree information, revised servicing plan, parcel register abstract, photo of the posted sign, and a sign posting declaration.
- City Planning Report received October 31, 2024, with no concerns; received October 10, 2024, requesting adjournment.
- Rideau Valley Conservation Authority email dated November 1, 2024, with no objections; received October 9, 2024, with no objections.
- Hydro Ottawa email dated November 1, 2024, with comments; received October 11, 2024, with comments.
- Ontario Ministry of Transportation email dated October 18, 2024, with no comments; received October 1, 2024, with no comments.
- N. Dwyer, resident, email received October 28, 2024, in opposition.
- M. Williams, resident, email received November 5, 2024, in opposition.
- Ottawa-Carleton District School Board email received October 7, 2024, with comments.
- C. Wong, resident, email received October 8, 2024, with comments.
- L. Wong, resident, email received October 10, 2024, in support.

Effect of Submissions on Decision

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

[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 application.
- [14] The Committee also notes that no compelling evidence was presented that the variance 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

"Ann M. Tremblay"
ANN M. TREMBLAY
CHAIR

"John Blatherwick"
JOHN BLATHERWICK
ACTING PANEL CHAIR

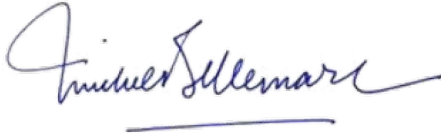
"Simon Coakeley"
SIMON COAKELEY
MEMBER

"Arto Keklikian"
ARTO KEKLIKIAN
MEMBER

ABSENT
SHARON LÉCUYER
MEMBER

"Heather Maclean"
HEATHER MACLEAN
MEMBER

I certify this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa, dated **November 15, 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 **December 5, 2024**, delivered by email at cofa@ottawa.ca and/or by mail or courier to the following address:

Secretary-Treasurer, Committee of Adjustment,
101 Centrepointhe 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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