

DECISION

CONSENT/SEVERANCE AND MINOR VARIANCE

Date of Decision: February 14, 2025
Panel: 2 - Suburban
File Nos.: D08-01-24/B-00280 & D08-01-24/B-00281
D08-02-24/A-00324 & D08-02-24/A-00325
Applications: Consent under section 53 of the *Planning Act*
Minor Variances under section 45 of the *Planning Act*
Applicant: FM Renovations Group Incorporated
Property Address: 886 Baseline Road
Ward: 9 - Knoxdale-Merivale
Legal Description: Part of Lot 20, Registered Plan 310501
Zoning: R2J
Zoning By-law: 2008-250
Heard: February 4, 2025, in person and by videoconference

APPLICANT’S PROPOSAL AND PURPOSE OF THE APPLICATIONS

[1] The Applicant wants to subdivide the property into two parcels of land to construct two, two-storey, long semi-detached dwellings, each with an additional dwelling unit, on each newly created parcel.

CONSENT REQUIRED:

[2] The Applicant seeks the Committee’s consent to sever land and grant easements/rights of way. The property is shown as Parts 1 to 8 on a draft 4R-plan filed with the applications and the separate parcels will be as follows:

Table 1 Proposed Parcels

File No.	Frontage	Depth	Area	Part No.	Municipal Address
B-00280	10.67 metres	31.39 metres	334.93 sq. metres	1 to 4	888 A/B Baseline
B-00281	10.67 metres	31.39 metres	334.93 sq. metres	5 to 8	886 A/B Baseline

[3] It is proposed to create easements/grants of right of way as follows:

- Over Parts 3 & 4 in favour of Parts 5, 6, 7 & 8 for pedestrian and vehicular access and servicing
- Over Parts 5 & 7 in favour of Parts 1, 2, 3 & 4 for pedestrian and vehicular access and servicing

[4] The property is subject to an existing easement in CR310572.

[5] Approval of these applications will have the effect of creating separate parcels of land for development that will not be in conformity with the requirements of the Zoning By-law and therefore, minor variance applications (File Nos. D08-02-24/A-00324 and D08-02-24/A-00325) have been filed and will be heard concurrently with these applications.

REQUESTED VARIANCES

[6] The Applicant seeks the Committee's authorization for the following minor variances from the Zoning By-law:

A-00324: 888 A/B Baseline Road, Parts 1 to 4 on draft 4R-plan, proposed long semi-detached dwelling with additional dwelling units:

- a) To permit a reduced front yard setback of 4.6 metres, whereas the By-law requires a minimum front yard setback of 6 metres.
- b) To permit a reduced rear yard setback of 22.4% of the lot depth or 7.03 metres, whereas the By-law requires that the minimum required rear yard setback is 28% of the lot depth (8.79 metres) ~~but may not be less than 6 metres and need not exceed 7.5 metres.~~
- c) To permit a reduced rear yard area of 22.4% of the lot area or 75.01 square metres, whereas the By-law requires a minimum rear yard area of 25% of the lot area or, in this case, 83.73 square metres.

A-00325: 886 A/B Baseline Road, Parts 5 to 8 on draft 4Rlan, proposed long semi-detached dwelling with additional dwelling units:

- d) To permit a reduced front yard setback of 4.6 metres, whereas the By-law requires a minimum front yard setback of 6 metres.
- e) To permit a reduced rear yard setback of 22.4% of the lot depth or 7.03 metres, whereas the By-law requires that the minimum required rear yard setback is 28% of the lot depth (8.79 metres) ~~but may not be less than 6 metres and need not exceed 7.5 metres.~~
- f) To permit a reduced rear yard area of 22.4% of the lot area or 75.01 square metres, whereas the By-law requires a minimum rear yard area of 25% of the lot area or, in this case, 83.73 square metres.

PUBLIC HEARING

Oral Submissions Summary

- [7] Changhong Sun, agent for the Applicant, provided the Committee with a brief overview of the applications and confirmed he was in agreement with the requested conditions.
- [8] He confirmed that he was in agreement in revising the wording of variances (b) and (e) as follows:
 - b) To permit a reduced rear yard setback of 22.4% of the lot depth or 7.03 metres, whereas the By-law requires that the minimum required rear yard setback is 28% of the lot depth (8.79 metres) ~~but may not be less than 6 metres and need not exceed 7.5 metres.~~
 - e) To permit a reduced rear yard setback of 22.4% of the lot depth or 7.03 metres, whereas the By-law requires that the minimum required rear yard setback is 28% of the lot depth (8.79 metres) ~~but may not be less than 6 metres and need not exceed 7.5 metres.~~
- [9] City Planner Nivethini Jekku Einkaran confirmed a rooming house is a permitted use, as Baseline Road is considered an arterial road.
- [10] Following the public hearing, the Committee reserved its decision.

Evidence

- [11] 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:

- Applications and supporting documents, including cover letter, plans, tree information, parcel register, photo of the posted sign, and a sign posting declaration.
- City Planning Report received January 31, 2025, with no concerns; received January 30, 2025, with no concerns.
- Rideau Valley Conservation Authority email dated January 27, 2025, with no concerns.
- Hydro Ottawa email dated January 24, 2025, with comments.
- Ontario Ministry of Transportation email dated January 22, 2025, with no comments.

DECISION AND REASONS OF THE COMMITTEE:

- **CONSENT APPLICATIONS GRANTED**
- **MINOR VARIANCE APPLICATIONS GRANTED AS AMENDED**

Consent Application Must Satisfy Statutory Tests

[12] Under the *Planning Act*, the Committee has the power to grant a consent if it is satisfied that a plan of subdivision of the land is not necessary for the proper and orderly development of the municipality. Also, the Committee must be satisfied that an application is consistent with the Provincial Policy Statement and has regard for matters of provincial interest under section 2 of the Act, as well as the following criteria set out in subsection 51(24):

Criteria

(24) In considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality and to,

- a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;
- b) whether the proposed subdivision is premature or in the public interest;
- c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;

- d) the suitability of the land for the purposes for which it is to be subdivided;
- d.1) if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;
- e) the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;
- f) the dimensions and shapes of the proposed lots;
- g) the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;
- h) conservation of natural resources and flood control;
- i) the adequacy of utilities and municipal services;
- j) the adequacy of school sites;
- k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;
- l) the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and
- m) the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act or subsection 114 (2) of the City of Toronto Act, 2006. 1994, c. 23, s. 30; 2001, c. 32, s. 31 (2); 2006, c. 23, s. 22 (3, 4); 2016, c. 25, Sched. 4, s. 8 (2).

Minor Variance Application Must Satisfy Statutory Four-Part Test

[13] 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.

Effect of Submissions on Decision

- [14] The Committee of Adjustment considered all written and oral submissions relating to the applications in making its decision and granted the applications.
- [15] The Committee notes that the City's Planning Report raises "no concerns" regarding the consent applications, subject to the requested conditions agreed to by the Applicant's agent.
- [16] Based on the evidence, the Committee is satisfied that the proposal is consistent with the Provincial Policy Statement that promotes efficient land use and development as well as intensification and redevelopment within built-up areas, based on local conditions.
- [17] The Committee is also satisfied that the proposal has adequate regard to matters of provincial interest, including the orderly development of safe and healthy communities; the appropriate location of growth and development; and the protection of public health and safety.
- [18] Additionally, the Committee is satisfied that a plan of subdivision of the land is not necessary for the proper and orderly development of the municipality.
- [19] Moreover, the Committee is satisfied that the proposal has adequate regard for the criteria specified under subsection 51(24) of the *Planning Act* and is in the public interest.
- [20] Based on the evidence, the Committee is also satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.
- [21] The Committee notes that the City's Planning Report raises "no concerns" regarding the minor variance applications.
- [22] The Committee also notes that no evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.
- [23] 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.
- [24] 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.
- [25] 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.

- [26] 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.
- [27] **THE COMMITTEE OF ADJUSTMENT ORDERS** that the consent applications are granted and the provisional consent is to be given, subject to the conditions set out in Appendix A to this decision.
- [28] **THE COMMITTEE OF ADJUSTMENT ALSO ORDERS** that the minor variance applications are granted and the variances to the Zoning By-law are authorized, subject to the following condition: the location and size of the proposed construction being in accordance with the plans filed, Committee of Adjustment date stamped January 6, 2025, 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

"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 **February 14, 2025**

"Michel Bellemare"
MICHEL BELLEMARE
SECRETARY-TREASURER

NOTICE OF RIGHT TO APPEAL

To appeal this decision to the Ontario Land Tribunal (OLT), a completed appeal form and the filing fee must be submitted via one of the below options and must be received no later than **3:00 p.m. on March 6, 2025**.

- **OLT E-FILE SERVICE** – An appeal can be filed online through the [E-File Portal](#). First-time users will need to register for a My Ontario Account. Select [Ottawa (City): Committee of Adjustment] as the Approval Authority. To complete the appeal, fill in all the required fields and provide the filing fee by credit card.
- **BY EMAIL** - Appeal packages can be submitted by email to cofa@ottawa.ca. The appeal form is available on the OLT website at [Forms | Ontario Land Tribunal](#). Please indicate on the appeal form that payment will be made by credit card.
- **IN PERSON** – Appeal packages can be delivered to the Secretary-Treasurer, Committee of Adjustment, 101 CentrepoinTE Drive, 4th floor, Ottawa, Ontario, K2G 5K7. The appeal form is available on the OLT website at [Forms | Ontario Land Tribunal](#). In person 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.

Please note only one of the above options needs to be completed. If your preferred method of appeal is not available at the time of filing, the appeal must be filed with one of the other two options.

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.

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.

If you have any questions about the appeal process, please visit [File an Appeal | Ontario Land Tribunal](#)

NOTICE TO APPLICANT(S)

Should a Development Agreement be required, such request should be initiated 30 working days prior to lapsing date of the consent and should include all required documentation including that related to transfers, easements, and postponements, and all approved technical studies. If you do not fulfill the conditions of provisional consent within the two-year period, the *Planning Act* provides that your application “shall be deemed to be refused”.

Ce document est également offert en français.

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APPENDIX A

1. The Owner(s) provide evidence that the accompanying minor variance applications D08-02-24/A-00324 & D08-02-24/A-00325 have been approved, with all levels of appeal exhausted.
2. That the Owner(s) satisfy the requirements of Hydro Ottawa with respect to the provision of a Common Elements Agreement to provide each property with mutual access, maintenance and cost sharing responsibilities for the electrical supplies.
3. That the Owner(s) provide evidence that payment has been made to the City of Ottawa for cash-in-lieu of the conveyance of land for park or other public recreational purposes, plus applicable appraisal costs. The value of land otherwise required to be conveyed shall be determined by the City of Ottawa in accordance with the provisions of By-Law No. 2022-280, as amended. Information regarding the appraisal process can be obtained by contacting the Planner.
4. That the Owner/Applicant(s) provide a revised site and/or grading plan with the locations of proposed elements (buildings, driveways, services, grading, etc.) designed to reduce any excavation within the Critical Root Zones of protected trees and/or to provide sufficient soil volume to plant new trees, to the satisfaction of the Manager of the relevant Branch within the **Planning, Development and Building Services Department**, or their designate(s).
5. That the Owner(s) provide evidence to the satisfaction of both the **Chief Building Official and Manager of the Development Review All Wards Branch within Planning, Development and Building Services Department, or designates**, that both severed and retained parcels have their own independent water, sanitary and storm connection as appropriate, and that these services do not cross the proposed severance line and are connected directly to City infrastructure. Further, the Owner(s) shall comply to 7.1.5.4(1) of the Ontario Building Code, O. Reg. 332/12 as amended. If necessary, a plumbing permit shall be obtained from Building Code Services for any required alterations.
6. The Owner(s) shall prepare a noise attenuation study in compliance with the City of Ottawa Environmental Noise Control Guidelines to the satisfaction of **Manager of the Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate**. The Owner(s) shall enter into an agreement with the City that requires the Owner to implement any noise control attenuation measures recommended in the approved study. The Committee requires a copy of the Agreement and written confirmation from City Legal Services that it has been registered on title.
7. That the Owner(s) shall provide evidence that a grading and drainage plan, prepared by a qualified Civil Engineer licensed in the Province of Ontario, an Ontario Land Surveyor or a Certified Engineering Technologist, has been submitted to the satisfaction of 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. The grading and drainage plan shall delineate existing and proposed grades for both the severed and retained properties, to the satisfaction of **Manager of the Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate.**

8. That the Owner(s) enter into a resurfacing agreement with the City to the satisfaction of the **Program Manager, Right of Way Branch within Planning, Development and Building Services Department, or their designate**, and provide financial security in accordance with the Road Activity By-law, as amended, to install an asphalt overlay over the roadway surface of Baseline fronting the subject lands, to the limits shown on the approved Site Servicing Plan. Where the approved Site Servicing Plan demonstrates that resurfacing is not required based on the City's Road Cut Resurfacing Policy, the **Manager of the Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate**, shall deem this condition satisfied.
9. That the Owner acknowledges and agrees to convey to the City, at no cost to the City, an unencumbered road widening across the complete frontage of the lands, measuring 18.5 meters from the existing centerline of pavement/the abutting right-of-way along Baseline Road, pursuant to Section 50.1(25)(c) of the Planning Act and Schedule C16 of the City's new Official Plan, if required. The exact widening must be determined by legal survey. The Owner shall provide a reference plan for registration, indicating the widening, to the City Surveyor for review and approval prior to its deposit in the Land Registry Office. Such reference plan must be tied to the Horizontal Control Network in accordance with the municipal requirements and guidelines for referencing legal surveys. The Owner(s) must provide to the City Surveyor a copy of the Committee of Adjustment Decision and a draft Reference Plan that sets out the required widening. The Committee requires written confirmation from City Legal Services that the transfer of the widening to the City has been registered. All costs shall be borne by the Owner.
10. That the Owner(s) file with the Committee a copy of the registered Reference Plan prepared by an Ontario Land Surveyor registered in the Province of Ontario, and signed by the Registrar, **confirming the frontage and area of the severed land. If the Registered Plan does not indicate the lot area, a letter from the Surveyor confirming the area is required.** The Registered Reference Plan must conform substantially to the Draft Reference Plan filed with the Application for Consent.
11. That upon completion of the above conditions, and **within the two-year period outlined above**, the Owner(s) file with the Committee, the "electronic registration in preparation documents" for which the consent and grants of easement/rights of way is required.