

**DECISION
MINOR VARIANCE**

Date of Decision:	January 24, 2025
Panel:	2 - Suburban
File No.:	D08-02-24/A-00294
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Applicant:	Ihsan Saritoprak
Property Address:	49 Rothwell Drive
Ward:	11 - Beacon Hill-Cyrville
Legal Description:	Part of Lots 15 and 16, Registered Plan 462, and Part of Block D, Registered Plan 652
Zoning:	R1AA
Zoning By-law:	2008-250
Hearing Date:	January 14, 2025, in person and by videoconference

APPLICANT'S PROPOSAL AND PURPOSE OF THE APPLICATION

- [1] The Applicant wants to regularize the width of their existing driveway, as shown on plans filed with the Committee.

REQUESTED VARIANCE

- [2] The Applicant seeks the Committee's authorization for a minor variance from the Zoning By-law to permit an increased driveway width of 11.58 metres, whereas the By-law permits a maximum driveway width of 6 metres.
- [3] The property is not the subject of any other current application under the *Planning Act*.

PUBLIC HEARING

Oral Submissions Summary

- [4] Justin Enendu, agent for the Applicant, addressed the comments raised by the Rothwell Heights Property Owners' Association regarding the imposition of a landscape and tree planting plan as a condition. Mr. Enendu confirmed that the landscape plan has been submitted to the City as part of the building permit

application, and any tree removal or replacement will be done in accordance with that plan.

- [5] Responding to Committee questions, Mr. Enendu confirmed that 15 trees were being removed from the site although not because of the widened driveway. The trees being removed were located in other areas on the property and impacted by the ongoing construction of the detached dwelling.
- [6] City Planner Elizabeth King confirmed that the dwelling is currently under construction and that she had no concerns with the application.
- [7] City Forester Alvarez-Barkham confirmed that the remaining tree in the right-of-way would be protected during construction. He also confirmed that the trees would be subject to the standard compensation requirement for a new planting plan through the building permit application process.
- [8] 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

- [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, tree information report, photo of the posted sign, and a sign posting declaration.
 - City Planning Report received January 9, 2025, with no concerns.
 - Rideau Valley Conservation Authority email received January 10, 2025, with no comments.
 - Hydro Ottawa email received January 13, 2025, with comments.

- J. Brammer, Chair, Rothwell Heights Property Owners' Association email received January 13, 2025, with comments.
- Ontario Ministry of Transportation email received December 27, 2024, with no comments.

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 variance meets 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, highlighting that the proposed driveway width of 11,58 metres "still maintains the intent of the Zoning By-law by proposing 6 metres at the private approach".
- [14] The Committee also notes that no evidence was presented that the variance would result in any unacceptable adverse impact on neighbouring properties.
- [15] Considering the circumstances, the majority of the Committee (Member J. Wright dissenting), finds that, because the proposal fits well in the area, the requested variance is, 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 majority of the Committee also finds that the requested variance maintains the general intent and purpose of the Official Plan because the proposal respects the character of the neighbourhood.
- [17] In addition, the majority of the Committee finds that the requested variance maintains 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 majority of the Committee finds that the requested variance, is minor because it will not create any unacceptable adverse impact on abutting properties or the neighbourhood in general.
- [19] **THE COMMITTEE OF ADJUSTMENT ORDERS** that the application is granted and the variance to the Zoning By-law is authorized, subject to the location and size of the proposed construction being in accordance with the site plan filed, Committee of Adjustment date stamped November 20, 2024, as it relates to the requested variance.

"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 **January 24, 2025**.



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 February 13, 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](#)

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