

DECISION
MINOR VARIANCE / PERMISSION

Date of Decision:	June 28, 2024
Panel:	2 - Suburban
File Nos.:	D08-02-24/A-00128 & D08-02-24/A-00129
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Applicant:	Canterra High Tech Home Builders Inc.
Property Address:	115 Rita Avenue
Ward:	8 – College
Legal Description:	Lots 743, 744, 745 & 746, Registered Plan 375
Zoning:	R1FF [632]
Zoning By-law:	2008-250
Heard:	June 18, 2024, in person and by videoconference

APPLICANT’S PROPOSAL AND PURPOSE OF THE APPLICATIONS

- [1] The Applicant wants to construct two single family detached dwellings, in accordance with plans filed with the Committee. The existing dwelling will be demolished.

REQUESTED VARIANCES

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

A-00128: 113 Rita Avenue, Lots 743 & 744 on Registered Plan 375:

- a) To permit a reduced lot area of 442.38 square metres, whereas the By-law requires a minimum lot area of 600 square metres.
- b) To permit a reduced lot width of 15.28 metres, whereas the By-law requires a minimum lot width of 19.5 metres.

A-00129: 115 Rita Avenue, Lots 745 & 746 on Registered Plan 375:

- c) To permit a reduced lot area of 442.43 square metres, whereas the By-law requires a minimum lot area of 600 square metres.
- d) To permit a reduced lot width of 15-28 **15.27 metres**, whereas the By-law requires a minimum lot width of 19.5 metres.

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

PUBLIC HEARING

Oral Submissions Summary

- [4] Jonah Bonn, Agent for the Applicant, provided an overview of the applications and responded to questions from the Panel Chair and confirmed the need to amend one of the applications in accordance with the site plan on file, specifically the lot width for 115 Rita Avenue as follows:
- d) To permit a reduced lot width of ~~45.28~~ **15.27 metres**, whereas the By-law requires a minimum lot width of 19.5 metres.
- [5] The Committee agreed to amend the application as highlighted above.
- [6] In response to the Committee's questions, Mr. Bonn confirmed that the cedar hedge was not located on the subject property, but he agreed to consult with the neighbours to address any concerns related its potential impact.
- [7] The Committee also heard oral submissions from the following individuals:
- R. Merringer, resident, highlighted concerns about the cedar hedge, potential flooding and drainage issues.
 - N. Young, City View Community Association, highlighted that the community association was in support the applications.
 - B. McRae, resident, highlighted concerns about the removal of the cedar hedge located on the hydro easement.
- [8] City Planner Penelope Horn confirmed she had no concerns with the applications.
- [9] Following the public hearing, the Committee reserved its decision.

DECISION AND REASONS OF THE COMMITTEE: APPLICATIONS GRANTED AS AMENDED

Application(s) Must Satisfy Statutory Four-Part Test

- [10] 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

[11] 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 cover letter, plans, tree information, photo of the posted sign, and a sign posting declaration.
- City Planning Report received June 13, 2024, with no concerns.
- Rideau Valley Conservation Authority email received June 12, 2024, with no objections.
- Hydro Ottawa email received June 17, 2024, with no comments.
- D. Agostini, resident, email received June 18, 2024, with in support.

Effect of Submissions on Decision

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

[13] Based on the evidence, the Committee is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.

[14] The Committee notes that the City's Planning Report raises "no concerns" regarding the applications, highlighting that "[t]he reduction in lot width and area are reflective of the transition to an increasingly urban development pattern, which is contemplated in the Official Plan.

[15] The Committee also notes that no compelling evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.

[16] 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.

[17] 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.

[18] 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.

[19] Moreover, the Committee finds that the requested variances are minor because they will not create any unacceptable adverse impact on abutting properties or the neighbourhood in general.

[20] THE COMMITTEE OF ADJUSTMENT therefore authorizes the requested variances.

Fabian Poulin
FABIAN POULIN
VICE-CHAIR

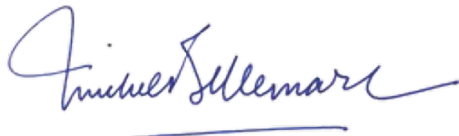
Jay Baltz
JAY BALTZ
MEMBER

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 **June 28, 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 **July 18, 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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