

**DECISION  
MINOR VARIANCE**

<b>Date of Decision:</b>	February 14, 2025
<b>Panel:</b>	2 - Suburban
<b>File No.:</b>	D08-02-24/A-00313
<b>Application:</b>	Minor Variance under section 45 of the <i>Planning Act</i>
<b>Applicant:</b>	Uniform Urban Developments Ltd. (Under Agreement of Purchase and Sale)
<b>Property Address:</b>	674 Denbury Avenue
<b>Ward:</b>	7 - Bay
<b>Legal Description:</b>	Lot 24, Registered Plan 484
<b>Zoning:</b>	R10
<b>Zoning By-law:</b>	2008-250
<b>Hearing Date:</b>	February 4, 2025, in person and by videoconference

**APPLICANT'S PROPOSAL AND PURPOSE OF THE APPLICATION**

- [1] The Applicant wants to construct a two-storey detached dwelling, as shown on plans filed with the Committee.

**REQUESTED VARIANCES**

- [2] The Applicant seeks the Committee's authorization for the following minor variances from the Zoning By-law:
- a) To permit a 5.5 metre (double wide) driveway on a lot with a width of 13.8 metres, whereas the By-law requires a minimum lot width of 15 metres for a double wide driveway.
  - b) ~~To permit a garage to be 3.9 metres closer to the front lot line than the principal entrance of the dwelling, whereas the By-law requires the garage to no more than 0.6 metres closer to the front lot line or side lot line abutting a street than is the principal entrance to the dwelling.~~

- c) To permit an ornamental feature to project 1.06 metres into the required interior yard, whereas the Bylaw permits that an ornamental feature may project 0.6 metres, but not closer than 0.6 metres to a lot line.

## **PUBLIC HEARING**

### **Oral Submissions Summary**

- [3] Arjan Soor, agent for the Applicant, provided an overview of the application and responded to questions from the Committee.
- [4] Mr. Soor confirmed that variance (b) was no longer required, based on the revised plans filed with the Committee.
- [5] He further confirmed that, while there were ornamental projections on both sides of the property, access to the rear yard could still be maintained.
- [6] In response to questions from the Committee, Mr. Soor advised that that 8 out of the 13 lots within the area covered by the Streetscape Character Analysis have double lot driveways.
- [7] City Planner Elizabeth King highlighted no concerns with the application.
- [8] Following the public hearing, the Committee reserved its decision.

## **DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED AS AMENDED**

### **Application 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:
- Applications and supporting documents, including cover letter, plans, tree information, photo of the posted sign, and a sign posting declaration.

- City Planning Report 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 no concerns.
- Ontario Ministry of Transportation email dated January 22, 2025, with no comments.
- Ottawa Carleton District School Board email dated February 3, 2025, with no concerns.

### **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 majority of the Committee (Member J. Wright dissenting on variance (c) ) is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.
- [13] The majority of the Committee notes that the City’s Planning Report raises “no concerns” regarding the application.
- [14] The majority of the Committee also notes that no evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.
- [15] Considering the circumstances, the majority of 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 majority of 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 majority of 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 majority of 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 ORDERS** that the application is granted and the variances to the Zoning By-law are authorized, **subject to** the location and size of the proposed construction being in accordance with the plans filed, Committee of Adjustment date stamped January 21, 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"*  
(with noted dissent)  
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](mailto: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, 4<sup>th</sup> 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**  
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