

## DECISION

### CONSENT/SEVERANCE AND MINOR VARIANCE

<b>Date of Decision:</b>	June 27, 2025
<b>Panel:</b>	2 - Suburban
<b>File Nos.:</b>	D08-01-25/B-00055 & D08-02-25/A-00065
<b>Applications:</b>	Consent under section 53 of the <i>Planning Act</i> Minor Variance under section 45 of the <i>Planning Act</i>
<b>Applicant:</b>	J. Marano
<b>Property Address:</b>	1686 Ortona Avenue
<b>Ward:</b>	16 - River
<b>Legal Description:</b>	Lot 37, Registered Plan 291190
<b>Zoning:</b>	R1GG
<b>Zoning By-law:</b>	2008-250
<b>Heard:</b>	June 17, 2025, in person and by videoconference

### APPLICANT'S PROPOSAL AND PURPOSE OF THE APPLICATIONS

- [1] The Applicant wants to subdivide the property into two separate parcels of land for the construction of a one-storey, detached dwelling, as shown on plans filed with the Committee. The existing dwelling and accessory structure will remain on the other parcel.

### CONSENT REQUIRED:

- [2] The Applicant seeks the Committee's consent to sever land. The property is shown as Parts 1 to 4 on a Draft 4R-plan filed with the application.
- [3] The severed land, Parts 3 and 4 on the Draft 4R-Plan, will have a frontage of 6 metres, a depth of 72.79 metres, and contain a lot area of 1267.5 square metres. This property will contain the proposed detached dwelling and will be known municipally as 1688 Ortona Avenue.
- [4] The retained land, Parts 1 and 2 on the said plan, will have a frontage of 21.44 metres, a depth of 33 metres, and contain a lot area of 707.7 square metres.

This property contains the existing dwelling and shed and is known municipally as 1686 Ortona Avenue.

- [5] The application indicates that there is an existing easement as set out in instrument number CR291652. Approval of this application will have the effect of creating two separate parcels of land, one of which, along with its proposed development, will not be in conformity with the requirements of the Zoning By-law and therefore, a minor variance application has been filed and will be heard concurrently with this application.

### **REQUESTED VARIANCES**

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

**A-00065: 1688 Ortona Avenue, Parts 3 and 4 on 4R-Plan, proposed detached dwelling:**

- a) To permit a reduced lot width of ~~6.06~~ 6.07 metres, whereas the By-law requires a minimum lot width of 18 metres.
  - b) To permit a reduced rear yard setback of 16.22% of the lot depth, or 11.81 metres, whereas the By-law requires a minimum rear yard setback of 30% of the lot depth, in this case 21.84 metres.
  - c) To permit an increased driveway width of 7.32 metres, whereas the By-law permits a maximum driveway width of 2.6 metres.
- [7] The property is not the subject of any other current application under the Planning Act.

### **PUBLIC HEARING**

- [8] On April 15, 2025, the hearing of the applications was adjourned to allow the Applicant time to consult City staff.

### **Oral Submissions Summary**

- [9] Jasmine Paolonie, agent for the Applicant, confirmed that variance (a) should be amended as follows:
- a) To permit a reduced lot width of ~~6.06~~ **6.07** metres, whereas the By-law requires a minimum lot width of 18 metres.
- [10] Ms. Paolonie provided a slide presentation, a copy of which is on file with the Secretary-Treasurer and available from the Committee Coordinator upon request. She explained that the increased driveway width would work similar to a hammer head turn for larger vehicles.

- [11] She also confirmed that the driveway is located on the severed parcel and the snow maintenance would be completely on their property as there is sufficient area in the front yard of the proposed dwelling for snow storage.
- [12] City Planner Elizabeth King confirmed that the revised plans meet the Carleton Heights Secondary Plan and the the driveway policies and address the City's previous concerns.
- [13] Yasman Bahodori, also acting as agent for the Applicant, was present.
- [14] Following the public hearing, the Committee reserved its decision.

### **Evidence**

- [15] 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 report, parcel abstract, photo of the posted sign, and a sign posting declaration.
  - City Planning Report received June 11, 2025, with no concerns; received April 9, 2025, with concerns.
  - Rideau Valley Conservation Authority email received June 13, 2025, with no objections; received April 10, 2025, with no objections.
  - Hydro Ottawa email received June 6, 2025, with no comments; received April 4, 2025, with comments.
  - Ontario Ministry of Transportation email received June 6, 2025, with no comments; received April 2, 2025, with no comments.

### **DECISION AND REASONS OF THE COMMITTEE:**

- **CONSENT APPLICATION GRANTED**
- **MINOR VARIANCE APPLICATION, AS AMENDED, GRANTED IN PART**

### **Consent Application Must Satisfy Statutory Tests**

- [16] 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**

- [17] 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**

- [18] The Committee of Adjustment considered all written and oral submissions relating to the applications in making its decision and granted the consent application and granted the minor variance application, as amended, in part.
- [19] 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 agents.
- [20] Based on the evidence, the majority of the Committee (Member H. MacLean dissenting) 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.
- [21] The majority of 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.
- [22] Additionally, the majority of the Committee is satisfied that a plan of subdivision of the land is not necessary for the proper and orderly development of the municipality.
- [23] Moreover, the majority of 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.
- [24] Based on the evidence, the majority of the Committee (Member H. MacLean dissenting) is also satisfied that variances (a) and (b) meet all four requirements under subsection 45(1) of the *Planning Act*.

- [25] The Committee notes that the City's Planning Report raises "no concerns" regarding the application, highlighting that "the plans satisfy the policies of the Carleton Height Secondary Plan."
- [26] The majority of the Committee also notes that no evidence was presented that variances (a) and (b) would result in any unacceptable adverse impact on neighbouring properties.
- [27] Considering the circumstances, the majority of the Committee finds that, because the proposal fits well in the area, variances (a) and (b) 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.
- [28] The majority of the Committee also finds that variances (a) and (b) maintain the general intent and purpose of the Official Plan because the proposal respects the character of the neighbourhood.
- [29] In addition, the majority of the Committee finds that variances (a) and (b) maintain the general intent and purpose of the Zoning By-law because the proposal represents orderly development that is compatible with the surrounding area.
- [30] Moreover, the majority of the Committee finds that variances (a) and (b) are minor because they will not create any unacceptable adverse impact on abutting properties or the neighbourhood in general.
- [31] Conversely, based on the evidence, the majority of the Committee (Member G. Barrett dissenting) is not satisfied that variance (c) meets all four requirements under subsection 45(1) of the Planning Act.
- [32] Specifically, the majority of the Committee finds that no compelling evidence was presented that the increased driveway width would represent orderly development that is compatible with the surrounding area and maintain the general intent and purpose of the Zoning By-law.
- [33] The majority of the Committee also finds that variance (c) does not maintain the general intent and purpose of the Official Plan, in particular the Carleton Heights Secondary Plan that requires new development to observe the maximum driveway width prescribed in the Zoning By-law.
- [34] Failing two of the four statutory requirements, the majority of the Committee is unable to authorize the requested variance for an increased driveway width.
- [35] **THE COMMITTEE OF ADJUSTMENT** having been asked to consider an application that has been amended from the original application, and the Committee having determined that no further notice under the *Planning Act* is required.

- [36] **THE COMMITTEE OF ADJUSTMENT ORDERS** that the consent application is granted and the provisional consent is to be given, subject to the conditions set out in Appendix A to this decision.
- [37] **THE COMMITTEE OF ADJUSTMENT ALSO ORDERS** that the minor variance application is granted in part and variances (a), and (b) 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 May 26 ,2025, as they relate to variances (a) and (b). Variance (c) is not authorized.

*Absent*  
FABIAN POULIN  
VICE-CHAIR

*"Jay Baltz"*  
JAY BALTZ  
ACTING PANEL CHAIR

*"Heather MacLean"*  
*With noted dissent*  
HEATHER MACLEAN  
MEMBER

*"George Barrett"*  
*With noted dissent*  
GEORGE BARRETT  
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 **June 27, 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 July 17, 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](#)

## 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.*

**Committee of Adjustment**  
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## APPENDIX A

1. The Owner(s) provide evidence that the accompanying minor variance applications (D08-02-25/A-00065) have been approved, with all levels of appeal exhausted.
2. That the Owner(s) provide proof 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 cost. The value of the 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
3. That the Owner(s) provide evidence, to the satisfaction of the **Manager of Development Review All Wards, Planning, Development and Building Services Department**, that each existing parcel has its own independent storm, sanitary and water services connected to City infrastructure and that these services do not cross the proposed severance line. If they do cross or are not independent, the Owner(s) will be required, at their own cost, to relocate the existing services or construct new services from the City sewers/watermain. Notice shall be provided in writing to the Committee from the Department confirming this condition has been fulfilled.
4. That the Owner(s) provide proof 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, delineating the existing and proposed grades for both the severed and retained lands has been provided to the satisfaction of the **Manager of Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate.**
5. That the Owner(s) provide a Stormwater Management Report, prepared by a Professional Civil Engineer, licensed in the Province of Ontario, demonstrating a design for post-development stormwater peak flows that are controlled to predevelopment peak flows for all stormwater events up to and including the 100 year storm event. The report shall be to the satisfaction of and approved by the **Manager of Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate.**

If the Stormwater Management Report includes infiltration techniques, the Owner(s) must provide a supporting Geotechnical Brief prepared by a Professional Civil Engineer licensed in the Province of Ontario, for approval by the **Manager of Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate.**

The Owner(s) shall enter into a Development Agreement with the City to construct the required stormwater system, including posting required securities. A copy of the Agreement and written confirmation from **City Legal Services** that it has been registered on title, shall be forwarded to the Committee of Adjustment.

If applicable, the Owner(s) shall obtain an Environmental Compliance Approval from the Ontario Ministry of Environment, Conservation and Parks.

Should the stormwater management system cross property lines or access to the system be over multiple properties, that the owner will seek approval of the Committee to grant easement(s) for access and maintenance of the stormwater system or register a Joint Use and Maintenance Agreement on title of the properties, all at the owner(s) costs.

6. That the Owner(s) enter into an Agreement with the City, at the expense of the Owner(s), which is to be registered on title to deal with the following covenant/notice that shall run with the land and bind future owners on subsequent transfers:

“The property is located next to lands that have an existing source of environmental noise (arterial road, airport) and may therefore be subject to noise and other activities associated with that use.”

The Committee shall be provided a copy of the Agreement and written confirmation from **City Legal Services** that it has been registered on title.

7. That the Owner/Applicant(s) provide a Grading and Servicing Plan with the proposed elements/structures (services, retaining walls, projections, etc.) designed and located to allow for the retention and protection of existing trees, as detailed in the Tree Information Report (v3.0) prepared by Dendron Forestry Services, dated May 21, 2025. This plan will be to the satisfaction of the **Manager of Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate.**
8. That the Owner/Applicant(s) provide a tree planting plan, prepared to the satisfaction of the **Manager of Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate**, showing the location(s) and species or ultimate size of at least one new tree (50 mm caliper) per lot, in addition to any compensation trees required under the Tree Protection By-law.
9. 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.
10. 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 a Conveyance for which the Consent is required.