



COMMITTEE OF ADJUSTMENT OF THE CITY OF OTTAWA

DECISION MINOR VARIANCE / PERMISSION (Section 45 of the *Planning Act*)

File No.:	D08-02-22/A-00155
Owner(s):	Stephany Alexandra Morehouse Watson
Location:	1335 Kitchener Avenue
Ward:	16-River
Legal Description:	Lot 13, Registered Plan 322
Zoning:	R1S
Zoning By-law:	2008-250

Notice was given and a Public Hearing was held on **July 6, 2022**, as required by the *Planning Act*.

PURPOSE OF THE APPLICATION:

The Owner has filed Applications for Consent (D08-01-22/B-00180, D08-01-22/B-00181) which, if approved, will have the effect of creating two separate parcels of land, one of which will not be in conformity with the requirements of the Zoning By-law.

RELIEF REQUIRED:

The Owner requires the Authority of the Committee for a Minor Variance from the Zoning By-law for a reduced lot width of 9.47 metres, whereas the By-law requires a minimum lot width of 12 metres.

The Application indicates that the Property is the subject of the above noted Consent applications under the *Planning Act*.

PUBLIC HEARING:

The Panel Chair administered an oath to Michael Segreto, Agent for the Owners, who confirmed that the statutory notice posting requirements were satisfied.

In response to questions from the Committee, Mr. Segreto confirmed that the proposed parking configuration is to avoid front yard parking and to maximize soft landscaping for the new severed lot by sharing the existing driveway. It was noted that front yard

parking for the existing dwelling would not be possible. Mr. Segreto also confirmed that he would ask his client about including permeable pavers as part of the proposal.

The Committee also heard from Norman Payne, representing the Ridgemont Community Association, who expressed concerns with the proposed parking configuration. In summary, the shared driveway and parking arrangement will be problematic for existing and future homeowners, and would negatively impact abutting neighbours at the rear, in terms of expansion of parking spaces, loss of greenspace and trees.

In response to questions from the Committee, Siobhan Kelly, City Planner, was also in attendance and confirmed that the required minimum lot area for a R1S Zone is 360 square metres.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED

The Committee considered any written and oral submissions relating to the application in making its Decision.

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.

Based on the evidence, the Committee is satisfied that the requested variance meets all four requirements under subsection 45(1) of the *Planning Act*.

The Committee notes that the City's planning report raises "no concerns" regarding the application, highlighting that "the size and shape of the new lot (shown as Part 1 & 2) accommodates the proposed detached dwelling, which conforms with the required setbacks. The proposed lot also provides space for onsite parking, amenity area, and soft landscaping."

The Committee also notes that no cogent evidence was presented that the requested variance would result in any unacceptable adverse impact on neighbouring properties.

Considering the circumstances, the Committee 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. 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 and contributes discreet infill development in the urban area. 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 on the property that is compatible with the surrounding area. Moreover, the Committee also finds that the requested variance is minor because it will not create any unacceptable adverse impact on abutting properties or the neighbourhood in general.

The Committee therefore authorizes the requested variance.

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 **August 4, 2022**, delivered by email at cofa@ottawa.ca and/or by mail or courier to the following address:

Secretary-Treasurer, Committee of Adjustment,
101 Centrepoin Drive, 4th floor, Ottawa, Ontario, K2G 5K7

The Appeal Form is available on the OLT website at <https://olt.gov.on.ca/>. The OLT 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 individuals, corporations and public bodies may appeal Decisions in respect of applications for consent to the OLT. A notice of appeal may not be filed by an unincorporated association or group. However, a Notice of Appeal may be filed in the name of an individual who is a Member of the Association or group on its behalf.

Please note that there are no provisions for the Committee of Adjustment or the OLT 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.

**DECISION SIGNATURE PAGE
PAGE DE SIGNATURE DE LA DÉCISION**

File No. / Dossier n°: D08-02-22/A-00155
Owner(s) / Propriétaire(s): Stephany Alexandra Morehouse Watson
Location / Emplacement: 1335 Kitchener Avenue

We, the undersigned, concur in the decision and the reasons set out by the Committee of Adjustment.

Nous, soussignés, souscrivons à la décision et aux motifs rendus par le Comité de dérogation.

“Ann M. Tremblay”

**ANN M. TREMBLAY
CHAIR / PRÉSIDENTE**

“Kathleen Willis”

**KATHLEEN WILLIS
MEMBER / MEMBRE**

“Scott Hindle”

**SCOTT HINDLE
MEMBER / MEMBRE**

“Colin White”

**COLIN WHITE
MEMBER / MEMBRE**

“Julia Markovich”

**JULIA MARKOVICH
MEMBER / MEMBRE**

I certify that this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa.

Je certifie que celle-ci est une copie conforme de la décision rendue par le Comité de dérogation de la Ville d'Ottawa.

Date of Decision / Date de la décision
July 15, 2022 / 15 juillet 2022



Michel Bellemare
Secretary-Treasurer / Secrétaire-trésorier