



COMMITTEE OF ADJUSTMENT OF THE CITY OF OTTAWA

DECISION MINOR VARIANCE PERMISSION

(Section 45 of the *Planning Act*)

File No.: D08-02-22/A-00085
Owner(s): Louise Nicole Aubin & Hubert Allain Girouard
Location: 35 Cloverloft Court
Ward: 6 - Stittsville
Legal Description: Lot 17, Registered Plan 4M-371
Zoning: R1D[2240]
Zoning By-law: 2008-250

Notice was given and a public hearing was held on **May 4 and July 20, 2022**, as required by the *Planning Act*.

PURPOSE OF THE APPLICATION:

The Owners have filed an Application for Consent (D08-01-22/B-00091) which, if approved, will have the effect of creating two separate parcels of land. It is proposed to convey a portion of their property to the abutting property that is proposed to be severed from 37 Cloverloft Court, as shown on plans filed with the Committee. The retained parcel at 35 Cloverloft Court will not be in conformity with the requirements of the Zoning By-law.

RELIEF REQUIRED:

The Owners require the Authority of the Committee for Minor Variances from the Zoning By-law as follows:

- a) To permit a reduced lot width of 14.4 metres, whereas the By-law requires a minimum lot width of 19 metres.
- b) To permit an increased driveway area in the side yard of 73.36 square metres (73.6% of the side yard), whereas the By-law permits a maximum driveway area of 50% of the side yard, in this case 51.2 square metres.

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

PUBLIC HEARING:

The Panel Chair administered an oath to Deborah Belfie, Agent for the Applicant, who confirmed that the statutory notice posting requirements were satisfied. Ms. Belfie pointed out to the Committee that paragraph 3 of condition 1 in the Planning, Real Estate, and Economic Development Department (PRED)'s report made reference to a retaining existing fence, but that there is no existing fence; she therefore requested the removal of the paragraph in the report which contained this reference.

Sean Harrigan, of PRED, agreed that the paragraph in question could be removed from the condition.

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 variances meet 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 proposed reduction in lot width and increase in permitted parking area is consistent with the immediate surrounding built form.". It further states that "The proposed shared driveway between the vacant lot and 37 Cloverloft Court also ensures there is minimal increase in driveway area and the municipal tree is protected, as per the Tree Inventory Report."

The Committee also notes that no evidence was presented that the variances 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 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. 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. 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 of the property that is compatible with the surrounding area. 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.

The Committee therefore authorizes the requested variances, **subject to** the location and size of the proposed driveway being in accordance with the draft reference plan filed, Committee of Adjustment date stamped March 24, 2022.

NOTICE OF RIGHT TO APPEAL:

To appeal this decision to the Ontario Land Tribunal (OLT), an appeal form along with a certified cheque or money order payable to the Ontario Minister of Finance must be filed with the Secretary-Treasurer of the Committee of Adjustment by **August 18, 2022**, delivered 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 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. 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-00085
Owner(s) / Propriétaire(s): Louise Nicole Aubin & Hubert Allain Girouard
Location / Emplacement: 35 Cloverloft Court

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

Nous, soussignés, souscrivons à la décision et à la justification ci-devant rendues par le Comité de dérogation.

“Fabian Poulin”

**FABIAN POULIN
VICE-CHAIR / VICE-PRÉSIDENT**

“Terence Otto”

**TERENCE OTTO
MEMBER / MEMBRE**

“Steven Lewis”

**STEVEN LEWIS
MEMBER / MEMBRE**

“Martin Vervoort”

**MARTIN VERVOORT
MEMBER / MEMBRE**

“Jocelyn Chandler”

**JOCELYN CHANDLER
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 29, 2022 / 29 juillet 2022

**Matthew Garnett
Acting Secretary-Treasurer /
Secrétaire trésorier intérimaire**