



COMMITTEE OF ADJUSTMENT OF THE CITY OF OTTAWA

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

File Nos.: D08-02-22/A-00179, D08-02-22/A-00180
Owner(s): 773873 Ontario Limited
Location: 20 Cordova Street
Ward: 8 - College
Legal Description: Lots 1459, 1460, 1461, 1462 & 1463, Registered Plan 375
Zoning: R1FF[632]
Zoning By-law: 2008-250

Notice was given and a Public Hearing was held on **July 20, 2022**, as required by the *Planning Act*.

PURPOSE OF THE APPLICATIONS:

The Owner has filed Consent Application (D08-01-22/B-00197) which, if approved, will have the effect of creating two separate parcels of land that will not be in conformity with the requirements of the Zoning By-law. It is proposed to demolish the existing dwelling and to construct a new detached dwelling on each of the newly created parcels.

RELIEF REQUIRED:

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

D08-02-22/A-00179: 93 Lotta Avenue, Part 1

- a) To permit a reduced lot width of 16.82 metres, whereas the By-law requires a minimum lot width of 19.5 metres.
- b) To permit a reduced lot area of 490 square metres, whereas the By-law requires a minimum lot area of 600 square metres.

D08-02-22/A-00180: 91 Lotta Avenue, Part 2

- c) To permit a reduced lot width of 15.11 metres, whereas the By-law requires a minimum lot width of 19.5 metres.
- d) To permit a reduced lot area of 439 square metres, whereas the By-law requires a minimum lot area of 600 square metres.

The applications indicate 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 Steve Pentz, Agent for the Owner, who confirmed that the statutory notice posting requirements were satisfied. Mr. Pentz provided the Committee with a detailed presentation, with reference to a location and lot fabric plan, photographs of the streetscape and subject property, as well as a preliminary site plan and elevations drawings.

The Committee also heard a presentation from Nancy Wilson of the City View Community Association. Expanding on her written comments on file, Ms. Wilson submitted that the proposal did not maintain the general intent and purpose of the Zoning By-law or the City's Official Plan. She also indicated that two mature trees had recently been removed from the subject property. In reference to the City's planning report on file, Ms. Wilson noted that the City would have required the protection of both these trees as a condition of approval of the associated Consent Application (D08-01-22/B-00197).

In response to questions from the Committee, Nancy Young, the City's Infill Forester, confirmed that she was notified earlier in the day that the trees had been removed and proposed that the condition be modified to consider replacement and compensation rather than retention.

The Committee also heard from Gwyneth Davidson of 95 St. Claire Avenue, who spoke to the impact of the loss of the trees on the community, as well as the importance of providing adequate lot areas for drainage purposes, since there are no storm sewers in the area.

Cass Schlauzero of the City's P Planning, Real Estate and Economic Development Department was also in attendance and indicated that she had no concerns with the applications.

Also in attendance was Jill Prot of the City View Community Association.

DECISION AND REASONS OF THE COMMITTEE: APPLICATIONS GRANTED

The Committee considered any written and oral submissions relating to the applications 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 majority of the Committee (Member C. White dissenting for the reasons noted below) is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.

The majority of the Committee notes that the City's Planning Report raises "no concerns" with the applications, highlighting that: "staff determined that a variance to permit reduced lot width and area for each proposed lot is indeed minor in nature and would still provide for appropriate development of one detached dwelling on each lot. Throughout the neighbourhood and still within the R1FF zone, several other lots have been severed for the creation of two new lots comparable in size to those proposed under this consent application."

The majority of the Committee also finds that no cogent evidence was presented that the variances, which pertained only to the width and area of the lots, would result in any unacceptable adverse impact on neighbouring properties.

Considering the circumstances, the majority of the Committee finds that, because the proposal fits well in the neighbourhood, the requested variances are, from a planning and public interest point of view, desirable for the appropriate use of the land, building or structure on the property, and relative to the neighbouring lands. The majority of the Committee also finds that the requested variances maintain the general intent and purpose of the Official Plan because the proposal substantially conforms to an existing lot pattern and contributes new low-rise infill development in the urban area, close to a range community services and amenities. 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 and is compatible with the neighbourhood. Moreover, the majority of 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.

Member C. White dissents. In his opinion, the requested variances facilitate the development of two detached dwellings on lots that are significantly undersized relative

to applicable zoning standards, and therefore do not maintain the general intent and purpose of the Zoning By-law.

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 18, 2022**, 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 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°: D08-01-22/A-00179, D08-2-22/A-00180
Owner(s) / Propriétaire(s): 773873 Ontario Limited
Location / Emplacement: 20 Cordova Street

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**

Dissent / Dissident

**COLIN WHITE
MEMBER / MEMBRE**

Absent / Absente

**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 29, 2022 / 29 juillet 2022



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