



COMMITTEE OF ADJUSTMENT OF THE CITY OF OTTAWA

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

File Nos.: D08-02-22/A-00185 and D08-02-22/A-00186
Owner(s): 13414311 Canada Inc. and 13413322 Canada Inc.
Location: 1691 (1689) Rosebella Avenue
Ward: 10-Gloucester-Southgate
Legal Description: Part of Lots 606, 607 and 608, Registered Plan 326
Zoning: R1WW
Zoning By-law: 2008-250

Notice was given and a Public Hearing was held on **August 3, 2022**, as required by the *Planning Act*.

PURPOSE OF THE APPLICATIONS:

The Owners have filed Consent Applications (D08-01-22/B-00203 and D08-01-22/B-00204) which, if approved, will have the effect of creating two separate parcels of land. It is proposed to demolish the existing detached dwelling and to construct two new detached dwellings, with one on each of the newly created parcels. The proposed parcels 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-00185: (1689) Rosebella Avenue, Part 1, proposed detached dwelling

- a) To permit a reduced lot area of 343.5 square metres, whereas the By-law requires a minimum lot area of 450 square metres.

A-00186: 1691 Rosebella Avenue, Part 2, proposed detached dwelling

- b) To permit a reduced lot area of 343.5 square metres, whereas the By-law requires a minimum lot area of 450 square metres.

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

PUBLIC HEARING:

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

In response to questions from the Committee, Mr. Segreto confirmed that area residents were consulted, including the owner of the commercial property, and that measures would be taken to protect the trees.

Siobhan Kelly, of the City's Planning, Real Estate and Economic Development Department (PRED), was also in attendance. In response to questions from the Committee, she confirmed that it is difficult for lots to comply with the Zoning By-law because the minimum lot width is 9 metres and minimum lot area is 450 square metres. The zoning requirements for this area are therefore undergoing a review. Ms. Kelly also confirmed that the City has concerns relating to tree protection. However, the City has no concerns with the proposed driveway because it complies with the zoning requirements.

Also in attendance was Nancy Young, the City's Infill Forester. In response to questions from the Committee, she expressed concerns regarding the location of the proposed driveway in proximity to the City-owned tree. She further confirmed that the requested conditions address these concerns.

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 Committee is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.

The Committee notes that, with respect to the requested variances for reduced lot area, the City's Planning Report raises no concerns, stating that: "As proposed, the size of the two lots accommodate the detached dwellings, which conform with the required setbacks. Staff note that the applicant is not seeking relief from other zoning provisions. The two lots also provide space for amenity areas and soft landscaping."

The Committee also notes that no cogent 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 on 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 construction being generally in accordance with the site plan filed, Committee of Adjustment date stamped July 4, 2022.

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 **September 1, 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°: D08-02-22/A-00185 and D08-02-22/A-00186
Owner(s) / Propriétaire(s): 13414311 Canada Inc. and 13413322 Canada Inc.
Location / Emplacement: 1691 Rosebella 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

Absent / Absente

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
August 12, 2022 / 12 août 2022



Michel Bellemare
Secretary-Treasurer / Secrétaire-trésorier