



**COMMITTEE OF ADJUSTMENT
OF THE CITY OF OTTAWA**

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

File No.: D08-02-21/A-00329, D08-02-21/A-00330
Owner(s): Irina Nachetaya
Location: 66, (68) Chippewa Avenue
Ward: 8 - College
Legal Description: Lots 2062, 2063, 2064 and 206, Registered Plan 375
Zoning: R1FF[632]
Zoning By-law: 2008-250

Notice was given and a Public Hearing was held on **October 20 and November 3, 2021**, as required by the *Planning Act*.

PURPOSE OF THE APPLICATION:

The Owner wants to demolish the existing detached dwelling and construct two new, two-storey detached dwellings in its place. The proposed dwellings, each on two of the four lots, will not be in conformity with the requirements of the Zoning By-law.

RELIEF REQUIRED:

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

A-00329: (68) Chippewa Avenue, Lots 2062 & 2063, Registered Plan 375

- a) To permit a reduced lot area of 441.2 square metres, whereas the Zoning By-law requires a minimum lot area of 600 square metres.
- b) To permit a reduced lot width of 15.2 metres, whereas the Zoning By-law requires a minimum lot width of 19.5 metres.

A-00330: 66 Chippewa Avenue, Lots 2064 & 2065, Registered Plan 375

- c) To permit a reduced lot area of 441.2 square metres, whereas the Zoning By-law requires a minimum lot area of 600 square metres.
- d) To permit a reduced lot width of 15.2 metres, whereas the Zoning By-law requires a minimum lot width of 19.5 metres.

The Applications indicate that the Property is not the subject of any other current application under the *Planning Act*.

PUBLIC HEARING:

Prior to the Hearing on October 20, 2021, the Committee received an adjournment request from Lucy Ramirez of the City's Planning, Infrastructure and Economic Development Department (PIEDD), to allow additional time to receive and review an updated site plan and Tree Information Report (TIR). At the Hearing, the Committee heard from Jaime Posen, Agent for the Owner, who confirmed that revised plans had been submitted. With Mr. Posen's agreement and the concurrence of the Committee, the applications were adjourned to November 3.

At the renewed Hearing, the Chair administered an oath to Mr. Posen, who confirmed that the statutory notice posting requirements were satisfied.

In response to questions from the Committee, Mr. Posen confirmed that both the proposed detached dwellings would comply with all applicable zoning performance standards, save and except for the variances sought for a reduced lot widths and lot areas.

The Committee also heard from Nancy Young, the City's Infill Forester. She confirmed that the revised Tree Information Report (TIR) was submitted nonetheless the department continue to have some concerns regarding the proximity of the driveway to the existing City-owned trees (trees #1 and #2 on the tree location plan). She further confirmed that a Security condition is imposed to ensure adequate protection of Tree 1 and 2.

The Committee also heard from Nancy Wilson and Jill Prot of the City View Community Association. Ms. Wilson expressed concerns regarding the conformity of the proposed lots with the character of the streetscape and therefore the intent and purpose of the Official Plan. Ms. Prot raised additional concerns regarding the adequacy of existing municipal infrastructure to accommodate new development in the neighbourhood.

Ms. Wilson also expressed concerns regarding the proposed rooftop access and terrace areas in terms of privacy and compliance with the requirements of the Zoning By-law. In response to questions from the Committee, Ms. Ramirez (PIEDD) confirmed that the proposal would comply with the Zoning By-law.

Angelo Spadola, the project architect, was also in attendance.

DECISION AND REASONS OF THE COMMITTEE: APPLICATIONS GRANTED

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

The Majority of the Committee ("the Majority," with Chair Tremblay and Member White dissenting) is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.

The Majority notes that the PIEDD report raises "no concerns" regarding the application, highlighting that "the proposed lots are in line with redevelopments in the neighbourhood." The report goes on to provide a survey of the surrounding context, indicating that, "further west along the street there are similar sized lots at 93 and 95 Chippewa Avenue, both have lots widths of 15.20 metres and lot areas of 439 square metres. Further east along the street are the properties known municipally as 49 and 51 Chippewa Avenue, the former has a lot width of 16.85 metres and a lot area of 487.4 square metres, the latter has a lot width of 13.56 metres and a lot area of 392.2 square metres [...] In summary, the proposed lots are not out of character with nearby properties."

The Majority also notes that no evidence was presented that the variances would result in any specific adverse impacts on neighbouring properties.

Considering the circumstances, the Majority finds that, because the proposal is compatible within its context and will promote an efficient pattern of development, located close to a range of community services and amenities, 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 also finds that the requested variances maintain the general intent and purpose of the Official Plan because the proposal contributes new infill development within the General Urban Area. In addition, the Majority finds that the requested variances maintain the general intent and purpose of the Zoning By-law because the proposal represents orderly development and all performance standards for future construction are proposed to be maintained. Moreover, the Majority 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 following conditions:**

1. Prior to the issuance of a building permit, the Owner/Applicant(s) shall enter into a Development Agreement or a letter of undertaking with the City of Ottawa, at the expense of the Owner/Applicant(s) and to the satisfaction of the **General Manager of the Planning, Infrastructure and Economic Development Department, or his/her designate**. A development agreement is to be registered on Title of the property.

The Owners agree to the following:

- a) To provide a grading and servicing plan which aligns with the mitigation recommendations in the Tree Information Report prepared by IFS Associates, dated October 29, 2021.
- b) To provide securities for a period of three years, which is equivalent to the value of Tree 1 and 2, as evaluated by the City. The Owner(s) agree that the security shall be returned to the owner only upon the City having received a report from an arborist or appropriate professional confirming Trees 1 and 2 are in good health and condition, and remain structurally stable. The Owner(s) acknowledge and agree that if, in the opinion of the **City Forester and/or the Development Review Manager of the West Branch within Planning, Infrastructure and Economic Development Department or his/her designate**, the report indicates that Trees 1 or 2 are declining and must be removed, the Security, in its entirety for the subject tree, will be forfeited.

Chair A. M. Tremblay and Member C. White dissent: In their view, the requested variances facilitate the development of two detached dwellings on undersized lots that are not compatible with their context and do not maintain the general intent and purpose of the Zoning By-law. Also in Mr. White's view, the Official Plan's policies encouraging infill and intensification, Mr. White submitted that the provisions of the Zoning By-law (R1FF zone), which reflect greater limits on the character of residential infill, have not been updated to reflect the same intent.

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 **December 2, 2021**, 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.

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

File No. / Dossier n°: D08-02-21/A-00329, D08-02-21/A-00330
Owner(s) / Propriétaire(s): Irina Nachetaya
Location / Emplacement: 66, (68) Chippewa 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.

Dissent / Dissidente

**ANN M. TREMBLAY
CHAIR / PRÉSIDENTE**

"Kathleen Willis"

**KATHLEEN WILLIS
MEMBER / MEMBRE**

"Scott Hindle"

**SCOTT HINDLE
MEMBER / MEMBRE**

Dissent / Dissident

**COLIN WHITE
MEMBER / MEMBRE**

"Julia Markovich"

**JULIA MARKOVICH
MEMBER / MEMBRE**

I, Michel Bellemare, Secretary-Treasurer of the Committee of Adjustment for the City of Ottawa, certify that the attached is a true copy of the Decision of the Committee with respect to the application recorded.

Je, soussigné, Michel Bellemare, secrétaire-trésorier du Comité de dérogation pour la Ville d'Ottawa, confirme que l'énoncé ci-joint est une copie conforme de la décision rendue par le Comité à l'égard de la demande visée.

***Date of Decision / Date de la décision*
November 12, 2021 / 12 novembre 2021**


**Michel Bellemare
Secretary-Treasurer / Secrétaire-trésorier**