



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

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

**File No.:** D08-02-21/A-00397  
**Owner(s):** Manjit Singh  
**Location:** 55 Armstrong Street  
**Ward:** 15-Kitchissippi  
**Legal Description:** Part of Lot 43, Reg. Plan 57  
**Zoning:** R4UB  
**Zoning By-law:** 2008-250

Notice was given and a Public Hearing was held on **April 6, April 20 and October 5, 2022**, as required by the *Planning Act*.

**PURPOSE OF THE APPLICATION:**

At its hearing on April 20, 2022, the Committee adjourned this application *sine die* to allow the Owner time to revise their application.

The Owner wants to renovate the existing duplex to add a third dwelling unit on the third floor, in the former attic space. The renovations will include a new façade for both the detached dwelling and the detached garage located at the rear of the property, as shown on plans on file with the Committee.

**RELIEF REQUIRED:**

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

- a) To permit a reduced easterly side yard setback of 0.67 metres, whereas the By-law requires a minimum side yard setback of 1.2 metres.
- b) To permit a reduced front yard setback of 1.48 metres, whereas the By-law requires ~~a minimum front yard setback of 3.0 metres~~ **that the front yard setback be no less than 1.5 metres.**
- c) ~~To permit a reduced lot area of 306.9 square metres, whereas the By-law requires a minimum lot area of 360 square metres.~~

- d) To permit a reduced window area of 16.1% of the front elevation, whereas the By-law requires a minimum window area of 25% of the front elevation.

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

#### **PUBLIC HEARING:**

Prior to the Hearing on April 6, 2022, the Committee received an adjournment request from Masha Wakula, of the City's Planning, Real Estate and Economic Development Department (PRED) to allow time for discussions between the applicant and the planning department and for the submission of revised plans demonstrating conformity with the Zoning By-law. The Committee received a second adjournment request from Linda Hoad, of the Hintonburg Community Association. Ms. Hoad requested the adjournment in order to allow for additional time for consultation between the applicant, the neighbours and the community association. At the Hearing, the Committee heard from Ms. Wakula and Ms. Hoad, who reiterated their requests for adjournment. The Committee also heard from Ewald Zieger, Agent for the Applicant, who stated they were not in support of the adjournment and requested that the Committee proceed with the application as scheduled. After considering the requests made by PRED and the Hintonburg Community Association the Committee felt the adjournment would be beneficial to all parties. Mr. Zieger confirmed his agreement for a two-week adjournment. With the concurrence of all parties the application was adjourned to the Hearing scheduled for April 20, 2022.

Prior to the Hearing on April 20, 2022, the Committee received an adjournment request from Ms. Wakula, on the basis that additional variances were required, as the applicant had not provided revised plans demonstrating conformity with the Zoning By-law. At the Hearing, the Committee heard from Ms. Wakula, Agent for the Applicant, who reiterated her request for adjournment. The Committee noted that there was no representative present to speak to the application. With the concurrence of all parties the application was adjourned *sine die*.

At the Hearing on October 5, 2022, the Panel Chair administered an oath to Mr. Zieger, Agent for the Applicant, who confirmed that the statutory notice posting requirements were satisfied.

The Committee heard from Margot Linker of the City's Planning, Real Estate and Economic Development Department, who stated no concerns with the application. Ms. Linker noted that the purpose of the application as set out in the notice should be amended to remove reference to renovations to the detached garage understanding that renovations will only be completed for the dwelling. It was further stated that variance (c) could be deleted, and variance (b) should be amended in accordance with the City's Planning report on file, as follows:

- b) To permit a reduced front yard setback of 1.48 metres, whereas the By-law requires ~~a minimum front yard setback of 3.0 metres~~ **that the front yard setback be no less than 1.5 metres.**
- c) ~~To permit a reduced lot area of 306.9 square metres, whereas the By-law requires a minimum lot area of 360 square metres.~~

With all parties in agreement, the applications were amended accordingly.

The Committee also heard from Ms. Hoad, of the Hintonburg Community Association, who stated her support for the application. However, in referencing the plans filed with the Committee, the association opposed the staircase as shown off the detached garage as it would not be in conformity with the Zoning By-law.

Mr. Zieger confirmed that no work was being proposed to the detached garage at this time, and the stairs had been removed from the latest plans. Mr. Zieger confirmed that he would file a revised site plan with the Committee.

#### **DECISION AND REASONS OF THE COMMITTEE:      APPLICATION GRANTED AS AMENDED**

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 renovations utilize the existing wall locations of the legal non-complying building with respect to front yard and easterly interior side yard setback. With respect to the new interior staircase that will extend this reduced interior side yard setback condition to the north, staff have no concerns as the proposed development complies with the required rear yard setback, there will be sufficient room to provide maintenance to this exterior wall and there are no windows proposed on the east façade that would impact privacy. Staff acknowledge that small interior side yard setbacks are not an uncommon condition on this section of Armstrong Avenue."

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 use of the land, building or structure on the property, and relative to the neighbouring lands. The Committee also finds that, because the proposal respects the character of the neighbourhood, the requested variances maintain the general intent and purpose of the Official Plan. 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. Moreover, the Committee finds that the requested variances are minor because it 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 in accordance with the revised site plan filed, Committee of Adjustment date stamped October 6, 2022, and the elevation plans filed, Committee of Adjustment date stamped August 11, 2022, as they relate to the requested variances.

#### **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 **November 3, 2022**, delivered by email at [cofa@ottawa.ca](mailto:cofa@ottawa.ca) and/or by mail or courier to the following address:

Secretary-Treasurer, Committee of Adjustment,  
101 CentrepoinTE Drive, 4<sup>th</sup> 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](mailto: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°:** D08-02-21/A-00397  
**Owner(s) / Propriétaire(s):** Manjit Singh  
**Location / Emplacement:** 55 Armstrong 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.

***“John Blatherwick”***

**JOHN BLATHERWICK  
VICE-CHAIR / VICE-PRÉSIDENT**

Absent / Absent

**STAN WILDER  
MEMBER / MEMBRE**

***“Heather MacLean”***

**HEATHER MACLEAN  
MEMBER / MEMBRE**

***“Michael Wildman”***

**MICHAEL WILDMAN  
MEMBER / MEMBRE**

***“Colin White”***

**COLIN WHITE  
MEMBER / MEMBRE**

Absent / Absente

**BONNIE OAKES CHARRON  
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***  
**October 14, 2022 / 14 octobre 2022**  
**trésorier**

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