



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

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

**File No.:** D08-02-22/A-00103  
**Owner(s):** Colin Hopkins  
**Address:** 476 Wilbrod Street  
**Ward:** 12-Rideau-Vanier  
**Legal Description:** Lots 7 and 8, Reg. Plan No. 208649  
**Zoning:** R5B H(18)  
**Zoning By-law:** 2008-250

Notice was given and a Public Hearing was held on June 1 and **October 5, 2022**, as required by the *Planning Act*.

**PURPOSE OF THE APPLICATION:**

At its June 1, 2022, Hearing, the Committee adjourned this application to permit the Owner time to confirm that no major changes were required to the building as a result of the Site Plan Control comments that had been received to date. The Owner has now confirmed that no major changes were required and now wants to proceed with the application.

The Owner wants to convert the existing three-storey rooming house to a three-storey low rise apartment building and construct an addition (12.32 metres x 8.52 metres) in the rear yard, as shown on plans filed with the Committee. The existing two sheds/garages will be demolished.

**RELIEF REQUIRED:**

To permit reduced westerly and easterly interior side yard setbacks of 1.5 metres for the entire length of the building (in this instance to a depth of 3.0 metres from the front lot line), whereas the By-law requires a minimum side yard setback of 1.5 metres for the first 21 metres from the front lot line, then an interior side yard setback of 6 metres after 21 metres.

The application indicates that the Property is not the subject of a Site Plan Control Application (D07-12-22-0051) under the *Planning Act*.

**PUBLIC HEARING:**

Prior to the Hearing on June 1, 2022, the Committee received correspondence from Craig Hamilton, of the City's Planning, Real Estate and Economic Development Department (PRED) noting that the subject property was current undergoing the Site Plan Control Approval application process. At the Hearing, the Committee heard from Colin Hopkins, Owner of the Property, who confirmed that they were beginning the site plan process. Also in attendance was Mr. Hamilton, who confirmed that the department would like to see the second round of comments completed before having a minor variance considered. With the concurrence of all parties the application was adjourned *sine die*.

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

The Committee also heard from Veronica Porter, of 479 Wilbrod Street, who raised concerns regarding the reduced side yard setback and the impact that it may have on the streetscape.

Craig Hamilton of the City's PRED was also in attendance.

**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 variance meets 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 addition follows the existing exterior walls, with the exception of the easterly portion of the building, where the addition is situated further from the side lot line than the existing structure. The requested variances seek to recognize an existing condition within the site and allow the continuation of the existing walls into the rear yard for continuity of the building face."

Considering the circumstances, the Committee finds that, because the proposal fits well in the area the requested variance is, 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 variance maintains the general intent and purpose of the Official Plan. In addition, the Committee finds that the requested variance maintains the general intent and purpose of the Zoning By-law because the proposal represents orderly development. Moreover, the Committee finds that the requested variance is minor because it will not create any unacceptable adverse impact on abutting properties or the neighbourhood in general.

The Committee therefore authorizes the requested variance, **subject to** the location and size of the proposed construction being in accordance with the plans filed, Committee of Adjustment date stamped April 11, 2022, as they relate to the requested variance.

#### **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°:** D08-02-22/A-00103  
**Owner(s) / Propriétaire(s):** Colin Hopkins  
**Location / Emplacement:** 476 Wilbrod 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**

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