



COMMITTEE OF ADJUSTMENT OF THE CITY OF OTTAWA

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

File No.: D08-02-22/A-00220
Owner(s): 13098931 Canada Inc.
Location: 368 Tweedsmuir Avenue
Ward: 15-Kitchissippi
Legal Description: Lot 41, Registered Plan No. 263
Zoning: R4UB
Zoning By-law: 2008-250

Notice was given and a Public Hearing was held on **September 21 and October 5, 2022**, as required by the *Planning Act*.

PURPOSE OF THE APPLICATION:

The Owner wants to construct a three-storey (plus basement) low-rise apartment building for a total of 16 units that include a mix of two-bedroom, one-bedroom, and bachelor units, as shown on plans filed 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 rear yard setback of 0 metres for bike sheds, whereas the By-law requires a minimum rear yard setback of 0.6 metre for an accessory structure.
- b) To permit an increase to the permitted number of dwelling units to 16, whereas the By-law permits a maximum of 12 dwelling units in a low-rise apartment building.

The application indicates that the Property is the subject of a Site Plan Application (D07-12-22-0087), under the *Planning Act*.

PUBLIC HEARING:

Prior to the Hearing on September 21, 2022, the Committee received an adjournment request from Rosaline Hill, Agent for the Applicant, in order to allow for additional time for consultation with the City Planner regarding zoning interpretation for the proposed bay windows. At the Hearing, the Committee heard from Ms. Hill, who reiterated her request and that the application be adjourned to the next scheduled Hearing October 5, 2022. It was also stated that additional variances will not be sought and if redesign to the proposal is required, revisions to the plans will be made accordingly. Also in attendance was Craig Hamilton, of the City's Planning, Real Estate and Economic Development Department. He confirmed that revisions to the plans would be minor and that adjourning to the next Hearing date would provide sufficient time. With the concurrence of all parties the application was adjourned to the Hearing scheduled for October 5, 2022.

At the renewed Hearing on October 5, 2022, the Panel Chair administered an oath to Ms. Hill, who confirmed that the statutory notice posting requirements were satisfied. Ms. Hill, who appeared along with Peter Hume, also representing the Applicant, provided the Committee with a full presentation. Ms. Hill confirmed that the bay windows as shown on the plans were zoning complaint.

Mr. Hamilton was also in attendance, who stated no concerns with the application. Mr. Hamilton cautioned Ms. Hill, that in his opinion, the windows, as proposed could not be interpreted as bay windows as defined in an internal practice bulletin from Building Code Services and were not considered zoning complaint. Ms. Hill confirmed that she wished to proceed with the plans as filed and would deal with the interpretation of the bay windows at the time of building permit issuance.

The Committee also heard from Larry Wong, of 440 Dawson Avenue, who questioned the proposed setbacks for the accessory structures in the rear yard. Mr. Wong raised concerns with the number of dwelling units proposed for the property and sought confirmation that no parking was required for this development.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED

The Committee considered any written and oral submissions relating to the applications in making its Decision, including letters of concern.

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: "Staff are of the opinion that the additional units permitted within the building would be adequately serviced by the amenities on the property. Additionally, the greater density proposed on site maintains an appropriate transition from the Minor Corridor on Richmond Road to the ground-based residential building forms at the interior of the neighbourhood. Multi-unit residential uses are common within the immediate neighbourhood, including semi-detached dwellings, three-unit and nearby apartment dwellings."

The Committee also notes that no cogent evidence was presented that the variances would result in any undue adverse impact on adjacent 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 represents a modest form of intensification that 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 in accordance with the revised plans filed, Committee of Adjustment date stamped October 5, 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 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-00220
Owner(s) / Propriétaire(s): 13098931 Canada Inc.
Location / Emplacement: 368 Tweedsmuir 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.

“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**