



COMMITTEE OF ADJUSTMENT OF THE CITY OF OTTAWA

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

Date of Decision:	October 28, 2022
File No.:	D08-02-22/A-00248
Owner:	10609625 Canada Inc.
Location:	1186 Shillington Avenue
Ward:	16 – River
Legal Description:	Part of Lot 54, Registered Plan 252, City of Ottawa
Zoning:	R4UC
Zoning By-law:	2008-250

Notice was given and a Public Hearing was held on **October 19, 2022**, as required by the *Planning Act*.

PURPOSE OF THE APPLICATION

The Owner wants to renovate their existing two-storey, twelve-unit low-rise apartment building and proposes to construct a third-floor addition containing eight new dwelling units, for a total of 20 dwelling 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 reduced rear yard soft landscaping of 38.8% of the rear yard area (99.85 square metres), whereas the By-law requires rear yard soft landscaping to be a minimum of 50% of the rear yard area (in this case 128.44 square metres);
- b) To permit none of the front façade to be recessed an additional 0.6 metres from the front yard line, whereas the By-law requires at least 20% of the area of the front façade be recessed an additional 0.6 metres from the front setback line;
- c) To permit 0 dwelling units to have at least two-bedrooms, whereas the By-law requires at least 25 % of dwelling units must have at least two bedrooms for a low-rise apartment on a lot of 450 square metres or greater;

- d) To permit an increased driveway width of 4.32 metres, whereas the By-law permits a driveway providing access to a parking lot of less than 20 parking spaces to be a maximum width of 3.6 metres.

The application indicates that the Property is the subject of a Site Plan Application (D07-12-19-0142) under the *Planning Act*.

PUBLIC HEARING

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

Siobhan Kelly, from the City's Planning, Real Estate and Economic Development Department, 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 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. The evidence revealed that "the requested variances meet the intent of the Zoning By-law and the Official Plan(s) and will support the appropriate development of the subject property". Also, the report highlights that "[t]here are no expected impacts to the streetscape."

The Committee notes that no 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, because the proposal respects the character of the area, 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 of 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 plans filed, Committee of Adjustment date stamped September 14, 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 17, 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-00248
Owner / Propriétaire: 10609625 Canada Inc.
Location / Emplacement: 1186 Shillington 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**

“Kathleen Willis”

**KATHLEEN WILLIS
MEMBER / MEMBRE**

“Scott Hindle”

**SCOTT HINDLE
MEMBER / MEMBRE**

“Colin White”

**COLIN WHITE
MEMBER / MEMBRE**

Absent / Absente

**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
October 28, 2022 / 28 octobre 2022



Michel Bellemare
Secretary-Treasurer / Secrétaire-trésorier