



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

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

**File No.:** D08-02-22/A-00269  
**Owner(s):** Christian Szpilfogel  
**Location:** 157-159 James Street  
**Ward:** 14-Somerset  
**Legal Description:** Part of Lots 20 and 21, Registered Plan 30671  
**Zoning:** R4-UD (478)  
**Zoning By-law:**

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 the existing low rise apartment dwelling by adding an additional five units, for a total of 12 units, as shown on plans filed with the Committee.

**RELIEF REQUIRED:**

The Owners require the Authority of the Committee for a Minor Variance from the Zoning By-law as follows:

- a) To permit a reduced front yard setback of 2.94 metres (157 James Street) and a reduced front yard setback of 3.03 metres (159 James Street), whereas the Zoning By-law requires a minimum front yard setback of 4.5 metres.
- b) To permit a reduced rear yard setback of 9.59 metres, whereas the Zoning By-law requires a minimum rear yard setback of 9.94 metres
- c) To permit 16% of the units (one unit) to have two bedrooms, whereas the Zoning By-law requires 25% of units (three units) must have two bedrooms for a lot 450 square meters or greater.

The application indicates that the Property is the subject of a current Site Plan Control application (D07-12-22-0029) under the *Planning Act*.

**PUBLIC HEARING:**

The Panel Chair administered an oath to Christian Szpilfogel, Owner of the Property, who confirmed that the statutory notice posting requirements were satisfied. In his presentation to the Committee, Mr. Szpilfogel indicated that two of the requested variances were for existing conditions and the remaining variance was due to the structure of the building.

Craig Hamilton of 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 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: "Staff have no concerns with the proposed reduction in two-bedroom units as the existing building is being retrofit with minimal physical alteration, albeit providing five additional units, legally changing the use and finding the provision applicable to existing units as well. Staff note that one two-bedroom unit is being provided, aligning with the requirement of 25% of total unit count when considering only those new units being proposed." The Planning Report also characterizes the reduced front yard setbacks as an 'existing condition' and, addressing the reduced rear yard setback, states that: "Staff have no concerns with the proposed reduction to the rear yard setback as the remaining rear yard elements such as amenity area, minimum rear yard area and parking elements are indicated to be compliant with the Zoning By-law."

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 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 variances applying to the existing dwelling known municipally as 157-159 James Street and being restricted to the life of the building.

#### **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](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-00269  
**Owner(s) / Propriétaire(s):** Christian Szpilfogel  
**Location / Emplacement:** 157-159 James 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**

***“Stan Wilder”***

**STAN WILDER  
MEMBER / MEMBRE**

***“Heather MacLean”***

**HEATHER MACLEAN  
MEMBER / MEMBRE**

Absent / Absente

**BONNIE OAKES CHARRON  
MEMBER / MEMBRE**


***“Michael Wildman”***

**MICHAEL WILDMAN  
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**