

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

Date of Decision: December 16, 2022
File No(s): D08-02-22/A-00311 to D08-02-22/A-00313
Owner(s): Sam Falsetto
Location: 524 MacLaren Street
Ward: 14 - Somerset
Legal Description: Lot 22A (Lots South MacLaren Street), Registered Plan 27293
Zoning: R4UD[733]
Zoning By-law: 2008-250
Hearing Date: December 7, 2022

PURPOSE OF THE APPLICATION

- [1] The Owner has filed Applications for Consent (D08-01-22/B-00320 to D08-01-22/B-00322) that, if approved, will divide the property into three separate parcels of land, creating two new lots for residential development. The proposed development includes a three-storey, six-unit apartment building on each of the two new vacant parcels. The existing two-storey detached dwelling would remain on the third parcel and the existing two-storey garage will be demolished. The proposed apartment buildings, existing dwelling and new parcels of land will not be in conformity with the requirements of the Zoning By-law.

RELIEF REQUIRED

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

A-00311: 528 MacLaren Street, Part 1, proposed three-storey, six-unit apartment building:

- a) To permit a reduced lot width of 9.0 metres, whereas the By-law requires a minimum lot width of 10 metres.
- b) To permit a reduced lot area of 200.7 square metres, whereas the By-law requires a minimum lot area of 300 square metres.

A-00312: 524 MacLaren Street, Part 2, existing two-storey detached dwelling:

- c) To permit a reduced lot area of 185.1 square metres, whereas the By-law requires a minimum lot area of 225 square metres.

A-00313: 352 Lyon Street North, Part 3, proposed three-storey, six-unit apartment building:

- d) To permit a reduced lot area of 190.3 square metres, whereas the By-law requires a minimum lot area of 300 square metres.

- [3] The applications indicate that the Property is the subject of the above noted Consent Applications under the *Planning Act*.

PUBLIC HEARING

- [4] Prior to the Hearing, the Committee received an adjournment request from Monica Moody, tenant at 524 MacLaren Street, for additional time to discuss her lease agreement with the Applicant. The Panel Chair advised that landlord/tenant issues are not within the Committee's purview and that the hearing would proceed today, as scheduled.
- [5] The Panel Chair administered an oath to Simran Soor, Agent for the Applicant, who confirmed that the statutory notice posting requirements were satisfied.
- [6] Ms. Soor provided the Committee with a slide presentation, including a draft reference plan, a lot fabric plan, and a sketch demonstrating development within the developable areas. She pointed out that the proposed lots would have adequate space to support a wide mix of residential building forms, including a detached dwelling, a duplex, a three-unit dwelling, and a low-rise apartment, all of which are permitted within the zone
- [7] The Committee then heard from Murray Chown, also representing the Applicant, who advised that concerns highlighted in City Planner Margot Linker's report had been addressed through further discussion. Ms. Linker was notably provided with a sketch and preliminary plans demonstrating the viability of the proposed development.
- [8] In response to questions from the Committee. Mr. Chown confirmed that the existing driveway can remain and that there is no intention on increasing the number of driveways on Lyon Street.
- [9] Naomi De Silva of 543 Gilmour Street also addressed the Committee and expressed her concerns regarding the applications, including the loss of greenspace, flooding, and negative impact to the streetscape character.

- [10] City Planner M. Linker confirmed receiving the concept plans, however advised that she did not have sufficient time to review them in detail before the hearing. Ms. Linker confirmed that, while the department continues to have some concerns with the applications, they do not anticipate any zoning compliance issues.
- [11] In response to questions from the Committee, Ms. Linker confirmed that this zone requires a minimum lot width of 10 metres and a minimum lot area of 300 square metres for low-rise apartment dwellings with a maximum of 8 units.

DECISION AND REASONS OF THE COMMITTEE: APPLICATIONS GRANTED

- [12] The Committee considered all written and oral submissions relating to the applications in making its Decision.
- [13] 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.
- [14] Based on the evidence, the Committee is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.
- [15] The Committee notes that the City's Planning Report raises "some concerns" with the applications, however planning officials do not anticipate any zoning compliance issues relating to the proposed development.
- [16] The Committee also notes that no cogent evidence was presented that the variances would result in any unacceptable adverse impact on adjacent properties or the neighbourhood in general.
- [17] 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.
- [18] The Committee also finds that the requested variances maintain the general intent and purpose of the Official Plan because the proposal respects the character of the neighbourhood.
- [19] 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.
- [20] 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.

[21] THE COMMITTEE OF ADJUSTMENT therefore authorizes the requested variances.

"John Blatherwick"
JOHN BLATHERWICK
VICE-CHAIR

Absent
STAN WILDER
MEMBER

"Heather MacLean"
HEATHER MACLEAN
MEMBER

"Bonnie Oakes Charron"
BONNIE OAKES CHARRON
MEMBER

"Michael Wildman"
MICHAEL WILDMAN
MEMBER

I certify this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa, dated **December 16, 2022**.



Michel Bellemare
Secretary-Treasurer

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 **January 5, 2023**, 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 Ontario Land Tribunal 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 the applicant, the Minister or a specified person or public body that has an interest in the matter may appeal the decision to the Ontario Land Tribunal. A “specified person” does not include an individual or a community association.

There are no provisions for the Committee of Adjustment or the Ontario Land Tribunal 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.

Ce document est également offert en français.

Committee of Adjustment
City of Ottawa
Ottawa.ca/CommitteeofAdjustment
cofa@ottawa.ca
613-580-2436



Comité de dérogation
Ville d'Ottawa
Ottawa.ca/Comitedederoation
cded@ottawa.ca
613-580-2436