

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

Date of Decision:	January 20, 2023
File No(s):	D08-02-22/A-00309 & D08-02-22/A-00310
Owner(s):	Landfall Capital Inc.
Location:	173, 175, and 177 Cumberland Street
Ward:	12-Rideau-Vanier
Legal Description:	Part of Lot 27, Registered Plan 42482
Zoning:	R4UD
Zoning By-law:	2008-250
Hearing Date:	January 11, 2023

PURPOSE OF THE APPLICATIONS

- [1] The Owner has filed a Consent Application (D08-01-22/B-00319) which, if approved, will have the effect of creating two parcels of land for separate ownerships of the existing ~~duplex~~ and townhouse dwellings. The proposed parcels and existing development 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-00309: 173 & 175 Cumberland Street, Parts 1, 2, 5 & 6, existing ~~duplex~~ **townhouse** dwelling

- a) To permit a reduced lot areas of ~~490~~ **95** square metres, whereas the By-law requires a minimum lot area of ~~225~~ **135** square metres.
- b) ~~To permit a reduced front yard setback of 1.51 metres, whereas the By-law requires a minimum front yard setback of 4.5 metres.~~
- c) ~~To permit a reduced rear yard setback of 2.56 metres, whereas the By-law requires a minimum rear yard setback of 5.2 metres.~~

- d) ~~To permit a reduced total side yard setback of 0 metres, whereas the By-law requires minimum side yard setbacks of 1.2 metres and 0.6 metres.~~

A-00310: 177 Cumberland Street, Parts 3 & 4, existing townhouse dwelling

- e) To permit a reduced lot width of 4.45 metres, whereas the By-law requires a minimum lot width of 4.5 metres.
- f) To permit a reduced lot area of 91 square metres, whereas the By-law requires a minimum lot area of 135 square metres.
- g) ~~To permit a reduced front yard setback of 1.34 metres, whereas the By-law requires a minimum front yard setback of 4.5 metres.~~
- h) ~~To permit a reduced rear yard setback of 2.67 metres, whereas the By-law requires a minimum rear yard setback of 5.17 metres.~~
- i) ~~To permit a reduced total side yard setback of 0 metres, whereas the By-law requires minimum side yard setbacks of 1.2 metres and 0.6 metres.~~

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

PUBLIC HEARING

- [4] The Chair administered an oath to Jennifer Martens, Agent for the Applicant, who confirmed that the statutory notice posting requirements were satisfied.
- [5] The Committee noted that, as highlighted in the Planning Report, the dwelling type for file D08-02-22/A-00309 should be amended to read as follows:

A-00309: 173 & 175 Cumberland Street, Parts 1, 2, 5 & 6, existing ~~duplex~~
townhouse dwelling

- [6] The Committee also noted that the report highlights variances (b), (c), (d), (g), (h) and (i) could be deleted as the variances relate to the building, which is not being altered at this time, and variance (a) should be amended as follows:
- a) To permit a reduced lot areas of ~~190~~ **95** square metres, whereas the By-law requires a minimum lot area of ~~225~~ **135** square metres.
- b) ~~To permit a reduced front yard setback of 1.51 metres, whereas the By-law requires a minimum front yard setback of 4.5 metres.~~
- c) ~~To permit a reduced rear yard setback of 2.56 metres, whereas the By-law requires a minimum rear yard setback of 5.2 metres.~~

- d) ~~To permit a reduced total side yard setback of 0 metres, whereas the By-law requires minimum side yard setbacks of 1.2 metres and 0.6 metres.~~
- g) ~~To permit a reduced front yard setback of 1.34 metres, whereas the By-law requires a minimum front yard setback of 4.5 metres.~~
- h) ~~To permit a reduced rear yard setback of 2.67 metres, whereas the By-law requires a minimum rear yard setback of 5.17 metres.~~
- i) ~~To permit a reduced total side yard setback of 0 metres, whereas the By-law requires minimum side yard setbacks of 1.2 metres and 0.6 metres.~~

- [7] With the concurrence of Ms. Martens, the applications were amended accordingly.
- [8] Ms. Martens provided the Committee with a brief presentation which outlined the purpose of the application to re-separate 177 Cumberland Street from 173 and 175 Cumberland Street.
- [9] City Planner Adrian van Wyk was also present.

**DECISION AND REASONS OF THE COMMITTEE: APPLICATIONS GRANTED
AS AMENDED**

- [10] The Committee considered all written and oral submissions relating to the applications in making its Decision.
- [11] 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.
- [12] Based on the evidence, the Committee is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.
- [13] The Committee notes that the City's Planning Report raises "no concerns" regarding the applications, highlighting that: "the building located on the property is existing and will not be altered. Its use as a townhouse dwelling will continue."
- [14] The Committee also notes that no evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.
- [15] Considering the circumstances, the Committee finds that, because no exterior alterations are proposed and the existing streetscape conditions will be preserved, 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.

- [16] 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.
- [17] 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.
- [18] 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.
- [19] 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 **January 20, 2023**.



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 **February 9, 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.

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