

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

<b>Date of Decision:</b>	January 20, 2023
<b>File No(s):</b>	D08-02-22/A-00267
<b>Owner(s):</b>	Ken Tom
<b>Location:</b>	33 Arthur Street
<b>Ward:</b>	14 - Somerset
<b>Legal Description:</b>	Part of Lot 69, Registered Plan 3459
<b>Zoning:</b>	R4UB
<b>Zoning By-law:</b>	2008-250
<b>Hearing Date:</b>	January 11, 2023

**PURPOSE OF THE APPLICATION**

- [1] The Owner wants to demolish the existing dwelling and construct a new three-unit dwelling, as shown on plans filed with the Committee.

**RELIEF REQUIRED**

- [2] The Owner requires the Authority of the Committee for Minor Variances from the Zoning By-law as follows:
- a) To permit a reduced lot width of 9.42 metres, whereas the By-law requires a minimum lot width of 10 metres.
  - b) To permit reduced lot area of 289 square metres, whereas By-law requires a minimum lot area of 300 square metres.
- [3] The application indicates that the Property is not the subject of any other current application under the *Planning Act*.

**PUBLIC HEARING**

- [4] The Chair administered an oath to Bingfeng Li, Agent for the Applicant, who confirmed that the statutory notice posting requirements were satisfied.

- [5] In response to questions from the Committee, Mr. Li confirmed that protective tree fencing would be installed and maintained around all protected trees for the duration of construction.
- [6] The Committee also heard from Alexis Shotwell of 110 Cambridge Street North, who expressed concerns regarding the existing fence and the critical root zone of tree #3 in the rear yard during construction.
- [7] City Forester Hayley Murray advised that the Tree Protection By-law requires the applicant to protect the critical root zone, and that the Tree Information Report highlighted minimal impact on the tree.
- [8] City Planner Margot Linker was also present.

**DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED**

- [9] The Committee considered all written and oral submissions relating to the application in making its Decision.
- [10] 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.
- [11] Based on the evidence, the Committee is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.
- [12] The Committee notes that the City's Planning Report raises "no concerns" regarding the application, highlighting that "the applicant's proposal conforms with the intent and purpose of the R4 Zone despite the proposed reduced lot width and lot area."
- [13] The Committee also notes that no cogent evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.
- [14] Considering the circumstances, the Committee finds that, because the proposal fits well in the neighbourhood, 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.
- [15] 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.

[16] 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 neighbourhood.

[17] 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.

[18] 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](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 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](mailto: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**  
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