

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

Date of Decision:	January 20, 2023
File No(s):	D08-02-22/A-00320 & D08-02-22/A-00321
Owner(s):	Chad and Jessica Richardson
Location:	172 & 174 Russell Avenue
Ward:	12 - Rideau-Vanier
Legal Description:	Lot 27, Registered Plan 81868, Parts 1 to 5 on 4R-24093
Zoning:	R4UD [480]
Zoning By-law:	2008-250
Hearing Date:	January 11, 2023

PURPOSE OF THE APPLICATION

- [1] The Owners want to convert the existing semi-detached dwellings into an eight-unit low-rise apartment building, as shown on plans on file with the Committee.

RELIEF REQUIRED

A-00320: 172 Russell Avenue, (Part 1) of Lot 27, proposed low-rise apartment dwelling.

- a) To permit a reduced window area of 20% of the front elevation, whereas the By-law requires a minimum window area of 25% of the front elevation.
- b) To permit 14.2 % of the front façade area to be recessed an additional 0.6 metres from the front setback line, whereas the By-law requires at least 20% of the front façade to be recessed an additional 0.6 metres from the front setback line.
- c) To permit that no additional recession of the front façade be required, for a lot less than 15 metres in width, and where a balcony on the third storey is not being provided, whereas the By-law requires that no additional recession of the front façade be required in the case of a lot less than 15 metres in width, if one balcony or porch for each storey at or above the first storey is provided.

- d) To permit a reduced minimum width of 2.31 metres for a driveway providing access to parking spaces other than in a parking garage or parking lot, whereas the By-law requires a minimum width of ~~2.64~~ **2.6** metres for a driveway providing access to parking spaces other than in a parking garage or parking lot.
- e) To permit a reduced northern interior side yard setback of 0.10 metres whereas the By-law requires a minimum interior side yard setback of 1.5 metres
- f) ~~To permit a reduced front yard setback of 3.88 metres whereas the By-law requires a minimum front yard setback of 4.5 metres.~~

A-00321: 174 Russell Avenue, (Parts 2, 3, 4 & 5) of Lot 27, proposed low-rise apartment dwelling.

- g) To permit a reduced window area of 20% of the front elevation, whereas the By-law requires a minimum window area of 25% of the front elevation.
- h) To permit 14.2% of the front façade area to be recessed an additional 0.6 metres from the front setback line, whereas the By-law requires at least 20% of the front façade to be recessed an additional 0.6 metres from the front setback line.
- i) To permit that no additional recession of the front façade be required for a lot less than 15 metres in width, and where a balcony on the third floor is not being provided, whereas the By-law requires that no additional recession of the front façade be required in the case of a lot less than 15 metres in width, if one balcony or porch for each storey at or above the first storey is provided.
- j) To permit a reduced minimum width of 2.31 metres for a driveway providing access to parking spaces other than in a parking garage or parking lot, whereas the By-law requires a minimum width of ~~2.64~~ **2.6** metres for a driveway providing access to parking spaces other than in a parking garage or parking lot.
- k) To permit a reduced southern interior side yard setback of 1.04 metres whereas the By-law requires a minimum interior side yard setback of 1.5 metres
- l) ~~To permit a reduced front yard setback of 3.88 metres whereas the By-law requires a minimum front yard setback of 4.5 metres.~~

PUBLIC HEARING

- [2] The Chair administered an oath to Chad Richardson, one of the Owners of the property, who confirmed that the statutory notice posting requirements were satisfied.
- [3] The Committee noted that, as highlighted in the Planning Report, variances (f) and (l) are not required and could be deleted, and variances (d) and (j) should be amended to read as follows:

A-00320: 172 Russell Avenue, (Part 1) of Lot 27, proposed low-rise apartment dwelling.

- d) To permit a reduced minimum width of 2.31 metres for a driveway providing access to parking spaces other than in a parking garage or parking lot, whereas the By-law requires a minimum width of ~~2.64~~ **2.6** metres for a driveway providing access to parking spaces other than in a parking garage or parking lot.
- ~~f) To permit a reduced front yard setback of 3.88 metres whereas the By-law requires a minimum front yard setback of 4.5 metres.~~

A-00321: 174 Russell Avenue, (Parts 2, 3, 4 & 5) of Lot 27, proposed low-rise apartment dwelling.

- j) To permit a reduced minimum width of 2.31 metres for a driveway providing access to parking spaces other than in a parking garage or parking lot, whereas the By-law requires a minimum width of ~~2.64~~ **2.6** metres for a driveway providing access to parking spaces other than in a parking garage or parking lot.
- ~~l) To permit a reduced front yard setback of 3.88 metres whereas the By-law requires a minimum front yard setback of 4.5 metres.~~

- [4] With the concurrence of Mr. Richardson, the applications were amended accordingly.
- [5] Mr. Richardson provided the Committee with an overview of the applications, noting that the building has existed since the 1900's and that the requested variances are to bring the dwellings into conformity with the Zoning By-law.
- [6] In response to questions from the Committee, Mr. Richardson confirmed he submitted a building permit on January 2, 2022. He also confirmed that he was aware of the neighbours' concerns regarding intensification and increased street parking. Mr. Richardson highlighted that, in addition to the existing parking space located at the front of the 174 Russell Avenue, two parking spaces would be provided in the rear yard. He also highlighted that the parking spaces would be accessible from the driveway that can accommodate compact vehicles. Mr. Richardson further highlighted that, since 2020, he also owns 176 and 178 Russell

Avenue to the south, and that no driveway access easement is required. Finally, Mr. Richardson highlighted that he received legal advice that there would be no issues in constructing the addition over the existing right-of-way at the rear of the property because he also owns the adjacent properties.

[7] City Planner Margot Linker was also present.

DECISION AND REASONS OF THE COMMITTEE: APPLICATIONS GRANTED AS AMENDED

[8] The Committee considered all written and oral submissions relating to the applications in making its Decision.

[9] 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.

[10] Based on the evidence, the Committee is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.

[11] The Committee notes that the City's Planning Report raises "no concerns" regarding the applications, highlighting that: "the existing lot meets the minimum required performance standards for a low-rise apartment with a maximum of 8 units with respect to lot width and lot area." With respect to the front elevation of the building, the report also highlights that "this is an existing façade that will not be impacted by the addition".

[12] The Committee also notes that no cogent evidence was presented that the requested variances would result in any unacceptable adverse impact on neighbouring properties.

[13] Considering the circumstances, the Committee finds that, because the proposal fits well in the neighbourhood and maintains the streetscape, 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.

[14] 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.

[15] 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.

[16] Moreover, the Committee finds that the requested variances, both individually and cumulatively, are minor because they will not create any unacceptable adverse impact on abutting properties or the neighbourhood in general.

[17] THE COMMITTEE OF ADJUSTMENT therefore authorizes the requested variances, **subject to** the location and size of the proposed construction being in accordance with the revised site plan filed, Committee of Adjustment date stamped January 5, 2023, and the elevations filed, Committee of Adjustment date stamped November 18, 2022, as they relate to the requested variances.

"John Blatherwick"
JOHN BLATHERWICK
VICE-CHAIR

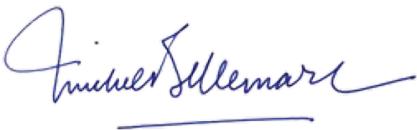
Absent
STAN WILDER
MEMBER

"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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