

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

Date of Decision:	February 24, 2023
File No(s):	D08-02-22/A-00340
Owner(s):	JLG Developments Inc.
Location:	505 Churchill Avenue
Ward:	15-Kitchissippi
Legal Description:	Part of Block 2 (East Churchill Avenue North), Registered Plan 42
Zoning:	R4UD [2684]-c
Zoning By-law:	2008-250
Hearing Date:	February 15, 2023

PURPOSE OF THE APPLICATION

- [1] The Owner wants to convert the existing three-storey triplex building to a low rise apartment building with the addition of two basement apartments, 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 as follows:
- a) To permit a reduced interior side setback of 1.13 metres, whereas the By-law requires a minimum interior side yard setback of 1.5 metres.
 - b) To permit 0% of the front façade to be setback from the front wall, whereas the By-law requires at least 20% of the front façade must be set back a minimum of 0.6 metres from the front wall.
 - c) To permit the building to be located 24.88 metres from the front lot line, whereas the By-law requires that no part of a building may be located further away than 24 metres from the front lot line.
 - d) To permit a reduced rear yard landscaped buffer of 1.31 metres, whereas the By-law requires a minimum rear yard landscape buffer of 3.0 metres.

- e) To permit a reduced soft landscaping area of 23.77 square metres, whereas the By-law requires soft landscaping must be at least one aggregated rectangular area of at least 25 square metres and whose longer dimension is not more than twice its shorter dimension, for the purposes of tree planting.
- f) To permit a non-permeable asphalt driveway access and interlock parking area in the rear yard, whereas the By-law requires that any parking space located within the rear yard, as well as any driveway or aisle accessing that parking area, must be surfaced with a permeable or porous surface.
- g) To permit 3 rear yard parking spaces, whereas the By-law states that no motor vehicle parking is permitted on a lot less than 450 square metres in area.

[3] The application indicates that the Property is not the subject of any other current application under the *Planning Act*.

PUBLIC HEARING

- [4] The Panel Chair administered an oath to Michael Segreto, Agent for the Applicant, who confirmed that the statutory notice posting requirements were satisfied. In his presentation to the Committee, Mr. Segreto confirmed that the building had been recently constructed as a triplex, and with the proposed addition of two more dwelling units, the building would now be considered a low-rise apartment building, triggering the need to comply to additional provisions under the Zoning By-law.
- [5] City Planners Erin O'Connell and Margot Linker were present. Ms. Linker stated that the department had some concerns with the application because the R4UB Zone prioritizes soft landscaping over parking spaces. She stated that the Zoning By-law does not require parking on the subject property, and it would be preferable to see the parking spaces removed in favour of additional soft landscaping.
- [6] The Committee heard a presentation from Charles Ficner of 465 Tweedsmuir Avenue, who raised concerns regarding process, functionality of the parking spaces and safety relating to the entry doors for the basement units opening onto the shared driveway.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED

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

- [9] Based on the evidence, the majority of the Committee (Member H. MacLean dissenting) is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.
- [10] The Committee notes that the City's Planning Report raises "some concerns" regarding the application, highlighting that: "Staff have some concerns with the variance to permit parking where it is prohibited on the subject site due to the lot size because despite the lot size, it would not be required for this development, and it is being provided at the expense of the opportunity to provide sufficient on-site soft landscaping." The evidence revealed the requested variances represent existing conditions on the site as the proposal would utilize the existing building walls with only internal work being done in the basement.
- [11] The majority of the Committee also notes that no evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.
- [12] Considering the circumstances, the majority of 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 use of the land, building or structure on the property, and relative to the neighbouring lands.
- [13] The majority of 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 and contributes to appropriate infill development in the urban area.
- [14] In addition, the majority of 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.
- [15] Moreover, the majority of 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.
- [16] THE COMMITTEE OF ADJUSTMENT therefore authorizes the requested variances, **subject to** the relief applying to the existing dwelling known municipally as 505 Churchill Avenue and being restricted to the life of this building only.

"John Blatherwick"
JOHN BLATHERWICK
VICE-CHAIR

"Stan Wilder"
STAN WILDER
MEMBER

Dissenting
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 **February 24, 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 **March 16, 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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