

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

Date of Decision:	February 24, 2023
File No(s):	D08-02-23/A-00011
Owner(s):	Jawan Properties Inc.
Location:	637 Cummings Avenue
Ward:	13 - Rideau-Rockcliffe
Legal Description:	Part of the West Half of Lot 25, Concession 1 (OF), Former Township of Gloucester
Zoning:	R4UC
Zoning By-law:	2008-250
Hearing Date:	February 15, 2023

PURPOSE OF THE APPLICATION

- [1] The Owner wants to construct a new three storey apartment building as part of a Planned Unit Development, as shown on plans filed with the Committee. The existing two-storey apartment building will remain.

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 rear yard setback of 6 metres, whereas the By-law requires a minimum yard setback of 7.5 metres.
 - b) To permit a reduced southerly interior side yard setback of 1.8 metres, whereas the By-law requires a minimum interior side yard setback of 7.5 metres
 - c) To permit a reduced northerly side yard setback of 1.7 metres, whereas the By-law requires a minimum interior side yard setback of 7.5 metres
 - d) To permit a reduced width of the landscape buffer of 1.05 metres of a parking lot, whereas the By-law requires a minimum width of a landscape buffer of 1.5 metres of a parking lot.

- [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 Dennis Jacobs, Agent for the Applicant, who confirmed that the statutory notice posting requirements were satisfied. Mr. Jacobs provided the Committee with a brief presentation.
- [5] City Planner Margot Linker confirmed that with the submission of the revised landscape plan the original concerns regarding tree retention had been addressed, and the department had no further concerns with the application.
- [6] The Committee heard a presentation from Nobuo Obukuro of 637 Cummings Avenue, who raised concerns regarding limited access to the rear of the building due to the reduced side yard setbacks.

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 Committee 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 "no concerns" regarding the application, highlighting that: "The proposed development appears to be compliant with the separation between the wall of the existing low-rise apartment buildings and the private way, the minimum width of a private way, and parking space dimensions. Therefore, to accommodate being compliant with these aforementioned provisions, as well as to allow the parking lot to run parallel to the lot line, it appears relief will be required for the landscaped buffer."
- [11] 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 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 use of the land, building or structure on the property, and relative to the neighbouring lands.

- [13] 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 to the General Urban Area.
- [14] 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.
- [15] 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.
- [16] THE COMMITTEE OF ADJUSTMENT therefore authorizes the requested variances, **subject to** the location and size of the proposed construction being in accordance with the plans filed, Committee of Adjustment date stamped January 9, 2023, and the revised landscape plan filed, Committee of Adjustment date stamped February 13, 2023, as they relate to the requested variances.

"John Blatherwick"
JOHN BLATHERWICK
VICE-CHAIR

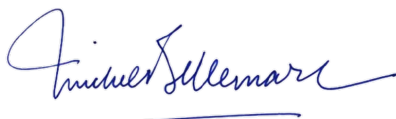
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STAN WILDER
MEMBER

"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 **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 Centrepointhe 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
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