

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

Date of Decision:	March 10, 2023
File No(s):	D08-02-23/A-00027
Owner(s):	Urbanworx Developments Ltd.
Location:	391 Dieppe Street
Ward:	12-Rideau-Vanier
Legal Description:	Lot 14 and Part of Lots 13 and 15, Registered Plan 338
Zoning:	R4UA
Zoning By-law:	2008-250
Hearing Date:	March 1, 2023

PURPOSE OF THE APPLICATION

- [1] The Owner wants to construct a three-storey, six-unit apartment building, 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 area of 336.4 square metres, whereas the By-law requires a minimum lot area of 360 square metres.
 - b) To allow for a front façade that is not recessed and does not contain a balcony and/or porch for every front facing unit above the first level; whereas the By-law requires either at least 20% of the front façade to be recessed an additional 0.6 metres from the front yard setback or one balcony and/or porch for every front facing unit above the first level.
 - c) To permit a reduced rear yard setback of 23% of the lot depth or 5.03 metres, whereas the By-law requires a minimum rear yard setback of 25% of the lot depth or 5.52 metres.
 - d) To permit a reduced rear yard area of 23% of the lot area or 76.7 square metres, whereas the By-law requires a minimum rear yard area of 25% of the lot area or 84.1 square metres.

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

PUBLIC HEARING

- [4] The Acting Panel Chair administered an oath to Paul Robinson, Agent for the Applicant, who confirmed that the statutory notice posting requirements were satisfied.
- [5] Mr. Robinson noted that the proposal is currently going through the Building Permit process and requested that the requested variances be tied to the plans subject to the size and location and not to the elevations.
- [6] Jasmine Paoloni, also representing the Applicant, and City Planner Justin Grift were also present.

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" with the application, highlighting that "the variances regarding lot size and façade articulation for the proposed development are reasonable and are in compliance with the Official Plan." The report also highlights that, "there is adequate space for soft landscaping, amenity space, bicycle parking, and waste management." With respect to the rear yard setback, "there is still an adequate buffer between the subject and adjacent property and it would not have significant impacts on other adjacent properties."
- [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 development or 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 represents appropriate intensification in the General Urban Area by providing a variety of new units replacing a vacant triplex building.
- [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 that is compatible with the surrounding area.
- [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 revised plans filed, Committee of Adjustment date stamped February 23, 2023, as they relate to the requested variances.

Absent
ANN M. TREMBLAY
CHAIR

"Kathleen Willis"
KATHLEEN WILLIS
MEMBER

"Scott Hindle"
SCOTT HINDLE
ACTING CHAIR

"Colin White"
COLIN WHITE
MEMBER

"Julia Markovich"
JULIA MARKOVICH
MEMBER

I certify this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa, dated **March 10, 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 30, 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.

Committee of Adjustment
City of Ottawa
Ottawa.ca/CommitteeofAdjustment
cofa@ottawa.ca
613-580-2436



Comité de dérogation
Ville d'Ottawa
Ottawa.ca/Comitedederogation
cded@ottawa.ca
613-580-2436