

DECISION
MINOR VARIANCE / PERMISSION

Date of Decision:	April 14, 2023
File No(s):	D08-02-22/A-00058
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Owner(s)/Applicant(s):	Rafael Quijada and Anick Lavallee
Property Address:	184 Marier Avenue
Ward:	12 - Rideau-Vanier
Legal Description:	Lot 176, Reg. Plan No. 4M-44
Zoning:	R4UA-c
Zoning By-law:	2008-250
Hearing Date:	April 5, 2023

APPLICANTS' PROPOSAL AND PURPOSE OF THE APPLICATION

- [1] The Owners want to construct a three-storey addition at the rear of the existing building, to create a six-unit low rise apartment building, as shown on plans filed with the Committee. The accessory structure at the rear of the property is to be demolished.
- [2] The Committee adjourned this application from its hearing on February 1 to allow the Owners to revise the requested variances and to submit a Tree Information Report.

REQUESTED VARIANCES

- [3] The Owners require the Authority of the Committee for the following Minor Variances from the Zoning By-law:
 - a) To permit a reduced westerly interior side yard setback of 0.70 metres, whereas the By-law requires a minimum interior side yard setback of 1.50 metres.
 - b) To permit a reduced front yard setback of 0.48 metres, whereas the By-law requires a minimum front yard setback of 1.50 metres.
 - c) To permit a reduced rear yard depth of 4.93 metres or 23% of the lot depth, whereas the By-law requires a minimum rear yard depth of 5.20 metres or 25% of the lot depth.

d) To permit a reduced lot area of 259.12 square metres, whereas the By-law requires a minimum lot area of 360.00 square metres

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

PUBLIC HEARING

[5] The Panel Chair administered an oath to Peter Valiquet, Agent for the Owners, who confirmed that the statutory notice posting requirements were satisfied.

Oral Submissions Summary

[6] Mr. Valiquet provided an overview of the application and responded to questions from the Committee.

[7] The Committee also heard oral submissions from the following individual:

- David Prichard, 219 Montford Street, raised concerns pertaining to the overdevelopment of the site, the lack of parking and possible drainage issues.

[8] City Planner Siobhan Kelly was also present.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED

Application Must Satisfy Statutory Four-Part Test

[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.

Evidence

[10] Evidence considered by the Committee included any oral submissions made at the hearing, as highlighted above, and the following written submissions held on file with the Secretary-Treasurer and available from the Committee Coordinator upon request:

- Application and supporting documents, including a covering letter, plans, and tree information, with revisions
- City of Ottawa, Planning Reports, received March 31, 2023, with no concerns, January 30, 2023, adjournment request, and October 28, 2022, adjournment request

- Rideau Valley Conservation Authority, dated March 24, 2023, January 24, 2023, and October 19, 2022, with no objections
- Hydro Ottawa, comments dated March 29, 2023, January 20, 2023, and October 26, 2022, with no concerns
- Chris Greenshields, Interim President, Vanier Community Association, emails dated April 4, 2023, and October 31, 2022, in opposition
- David Prichard, emails dated April 5, 2023, and October 31, 2022, opposed
- Greg Simpson, emails dated March 29, 2023, and October 24, 2022, opposed
- Ministry of Transportation, dated March 23, 2023, with no comments

Effect of Submissions on Decision

- [11] The Committee considered all written and oral submissions relating to the application in making its decision and granted the application.
- [12] Based on the evidence, the Committee is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.
- [13] The Committee notes that the City's Planning Report raises "no concerns" regarding the application. The report indicates that the requested variances for reduced front and interior side yards will "legalize and expand an existing condition" and concludes regarding the reduced lot area that "there is adequate space on site for soft landscaping and waste management". The report also acknowledges the applicant's efforts to respond to concerns raised, highlighting that "the applicant revised the proposal by removing the balconies on the rear façade to reduce potential impacts associated with the reduced rear yard".
- [14] The Committee also notes that no compelling evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.
- [15] 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.
- [16] The Committee also finds that the requested variances maintain the general intent and purpose of the Official Plan because a six-unit low-rise apartment dwelling is a building form and density that is contemplated for the Inner Urban Transect.
- [17] 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.

[18] 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.

[19] 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 April 4, 2023, and the elevations filed, Committee of Adjustment date stamped March 1, 2023, as they relate to the requested variances.

"Ann M. Tremblay"
ANN M. TREMBLAY
CHAIR

"Kathleen Willis"
KATHLEEN WILLIS
MEMBER

"Scott Hindle"
SCOTT HINDLE
MEMBER

"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 **April 14, 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 **May 4, 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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