

**DECISION**  
**MINOR VARIANCE / PERMISSION**

<b>Date of Decision:</b>	May 12, 2023
<b>File No(s):</b>	D08-02-23/A-00050 & D08-02-23/A-00051
<b>Application:</b>	Minor Variance under section 45 of the <i>Planning Act</i>
<b>Owner(s)/Applicant(s):</b>	Julian Gallarino, Miranda Gillingham, Jean-Gregoire Leduc and Melanie Meehan
<b>Property Address:</b>	106 Prince Albert Street
<b>Ward:</b>	13 – Rideau-Rockcliffe
<b>Legal Description:</b>	Lots 192 & 193, Registered Plan 341
<b>Zoning:</b>	R3M
<b>Zoning By-law:</b>	2008-250
<b>Hearing Date:</b>	May 3, 2023

**APPLICANTS' PROPOSAL AND PURPOSE OF THE APPLICATION(S)**

- [1] The Owners have filed Consent Application D08-01-23/B-00059 which, if approved, will have the effect of creating two separate parcels of land for the construction of a two-storey, semi-detached dwelling. The proposed development will not be in accordance with the Zoning By-law.
- [2] On April 5, 2023, the Committee adjourned the applications, to allow the Owners time to revise their plans and apply for additional variances.

**REQUESTED VARIANCES**

- [3] The Owners require the Authority of the Committee for Minor Variances from the Zoning By-law as follows:
- [4] A-00050: 106A Prince Albert Street, Part 1, one half of the proposed semi-detached dwelling:
  - a) To permit an increased building height of 8.9 metres, whereas the By-Law permits a maximum building height of 8 metres.
  - b) To permit the entrance to the garage to be 0.6 metres closer to the front lot line than the principal building entrance, whereas the By-Law requires that an entrance to the garage must be set back at least 0.6 metres further from the applicable lot line than the principal building entrance.

- c) To permit a reduced rear yard setback of 7.21 metres or 25.66% of the lot depth, whereas the By-law requires a minimum rear yard setback of 7.86 metres, or 28% of the lot depth.

[5] A-00051: 106B Prince Albert Street, Part 2, one half of the proposed semi-detached dwelling:

- d) To permit an increased building height of 8.9 metres, whereas the By-Law permits a maximum building height of 8 metres.
- e) To permit the entrance to the garage to be 0.6 metres closer to the front lot line than the principal building entrance, whereas the By-Law requires that an entrance to the garage must be set back at least 0.6 metres further from the applicable lot line than the principal building entrance.
- f) To permit a reduce rear yard setback of 7.21 metres or 25.66% of the lot depth, whereas the By-law requires a minimum rear yard setback of 7.86 metres, or 28% of the lot depth.

- [6] The applications indicate that the Property is the subject of the above-noted Consent application under the *Planning Act*.

## **PUBLIC HEARING**

- [7] The Panel Chair administered an oath to Hugo Latreille, Agent for the Applicants, who confirmed that the statutory notice posting requirements were satisfied.

### **Oral Submissions Summary**

- [8] Mr. Latreille provided an overview of the application and responded to questions from the Committee.
- [9] City Planner Margot Linker was also present.

## **DECISION AND REASONS OF THE COMMITTEE: APPLICATIONS GRANTED**

### **Applications Must Satisfy Statutory Four-Part Test**

- [10] 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**

[11] 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 cover letter, plans, and tree information.
- City Planning Reports, received April 28, 2023, with no concerns, and received March 31, 2023, requesting an adjournment
- Rideau Valley Conservation Authority, emails dated March 24, 2023, and April 27, 2023, with no objections
- Hydro Ottawa, emails dated April 27, 2023, and March 29, 2023, with no concerns
- Hydro One, emails dated April 28, 2023, and March 24, 2023, with no concerns
- Steven Boyle, Overbrook Community Association, email dated March 29, 2023, with concerns

### **Effect of Submissions on Decision**

- [12] The Committee considered all written and oral submissions relating to the application in making its decision and granted the applications.
- [13] Based on the evidence, the Committee is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.
- [14] The Committee notes that the City's Planning Report raises "no concerns" regarding the application. The report highlights that City staff "recognize that the proposed design includes porch, stair and façade treatments that project into the required 6 metre front yard as well as large amounts of glazing to emphasize living space, which reduces the visual impact of the permitted attached garage."
- [15] The Committee also notes that no evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.
- [16] 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.

- [17] 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 surrounding development and contributes mild intensification in a neighbourhood within the Inner Urban Transect.
- [18] 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.
- [19] 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.
- [20] 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 March 30, 2023, as they relate to the requested variances.

Absent  
JOHN BLATHERWICK  
VICE-CHAIR

*"Stan Wilder"*  
STAN WILDER  
MEMBER

Absent  
HEATHER MACLEAN  
MEMBER

*"Steven Lewis"*  
STEVEN LEWIS  
MEMBER

*"Michael Wildman"*  
MICHAEL WILDMAN  
ACTING CHAIR

I certify this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa, dated **May 12, 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 **June 1, 2023**, delivered by email at [cofa@ottawa.ca](mailto:cofa@ottawa.ca) and/or by mail or courier to the following address:

Secretary-Treasurer, Committee of Adjustment,  
101 Centrepointe Drive, 4<sup>th</sup> 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](mailto: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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