

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

<b>Date of Decision:</b>	June 16, 2023
<b>File No(s):</b>	D08-02-23/A-00103
<b>Application:</b>	Minor Variance under section 45 of the <i>Planning Act</i>
<b>Owner(s)/Applicant(s):</b>	6176382 Canada Inc.
<b>Property Address:</b>	149 Willow Street
<b>Ward:</b>	14 - Somerset
<b>Legal Description:</b>	Part of lot 14, Registered Plan 62
<b>Zoning:</b>	R4UB
<b>Zoning By-law:</b>	2008-250
<b>Hearing Date:</b>	June 7, 2023

**APPLICANT'S PROPOSAL AND PURPOSE OF THE APPLICATION**

- [1] The Owner wants to convert the existing triplex to a low-rise apartment building with the addition of a fourth unit in the basement, as shown on plans filed with the Committee.

**REQUESTED VARIANCES**

- [2] The Owner requires the Committee's authorization for Minor Variances from the Zoning By-law as follows:
- a) To permit a reduced lot area of 249.4 square metres, whereas the By-law requires a minimum lot area of 300 square metres.
  - b) To permit a reduced lot width of 7.62 metres, whereas the By-law requires a minimum lot width of 10 metres.
  - c) To permit a reduced interior side yard of 1.2 metres, whereas the By-law requires a minimum interior side yard setback of 1.5 metres.
  - d) To permit a parking space, whereas the By-law states that no motor vehicle parking is permitted on lots less than 450 square metres in area.
  - e) ~~To permit a reduced aggregated soft landscaped area of 26% of the front yard (8.98 square metres), whereas the By-law requires a minimum aggregated soft landscaped area of 30% of the front yard (10.28 square metres).~~

- f) To permit reduced fenestration on the front façade of 14.75%, whereas the By-law requires a minimum of 25% fenestration on the front façade.

## **PUBLIC HEARING**

### **Oral Submissions Summary**

- [3] Margot Linker, City Planner, stated she had no concerns with the application.
- [4] Christine McCuaig, agent for the Applicant, provided a summary of the application.
- [5] The Committee noted that, based on the revised site plan filed by Ms. McCuaig and comments in the City's Planning Report, **variance e) should be deleted**. With the agreement of Ms. McCuaig, the application was amended accordingly. Following the public hearing, the Committee reserved its decision.

## **DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED AS AMENDED**

### **Application Must Satisfy Statutory Four-Part Test:**

- [6] 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**

- [7] 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 planning rationale, plans, tree information, and a sign posting declaration.
  - City Planning Report received June 1, 2023, with no concerns.
  - Rideau Valley Conservation Authority email dated June 2, 2023, with no objections.
  - Hydro Ottawa email dated May 31, 2023, with comments.
  - Ministry of Transportation email dated May 24, 2032, with no objections.

### Effect of Submissions on Decision

- [8] The Committee considered all written and oral submissions relating to the application in making its decision and granted the application.
- [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 requested variances relate to existing conditions on the property.
- [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 neighbourhood, 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 preserves the existing streetscape.
- [14] In addition, the Committee finds that the requested variances maintain the general intent and purpose of the Zoning By-law, because the proposal is compatible with the land use patterns and low-rise residential character of 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 revised site plan filed, Committee of Adjustment date stamped **May 31, 2023**, and the elevations filed, Committee of Adjustment date stamped **May 5, 2023**, as they relate to the requested variances.

*"Ann M. Tremblay"*  
ANN M. TREMBLAY  
CHAIR

*"John Blatherwick"*  
JOHN BLATHERWICK  
MEMBER

*"Simon Coakeley"*  
SIMON COAKELEY  
MEMBER

*“Arto Keklikia”*  
ARTO KEKLIKIA  
MEMBER

*“Sharon Lécuyer”*  
SHARON LÉCUYER  
MEMBER

I certify this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa, dated **June 16, 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 **July 6, 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**  
City of Ottawa  
[Ottawa.ca/CommitteeofAdjustment](http://Ottawa.ca/CommitteeofAdjustment)  
[cofa@ottawa.ca](mailto:cofa@ottawa.ca)  
613-580-2436



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Ville d'Ottawa  
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[cded@ottawa.ca](mailto:cded@ottawa.ca)  
613-580-2436