

DECISION
MINOR VARIANCE / PERMISSION

Date of Decision:	June 16, 2023
File No(s):	D08-02-23/A-00093
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Owner(s)/Applicant(s):	Hybrid Urban Development Inc.
Property Address:	22 Sims Avenue
Ward:	15 - Kitchissippi
Legal Description:	Lot 36, Registered Plan 106706
Zoning:	R4UB
Zoning By-law:	2008-250
Hearing Date:	June 7, 2023

APPLICANT'S PROPOSAL AND PURPOSE OF THE APPLICATION

- [1] The Owner wants to construct a three-storey low-rise apartment building with seven dwelling units. The existing dwelling is to be demolished.

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 260.5 square metres, whereas the By-law requires a minimum lot area of 300 square metres.
 - b) To permit a reduced front yard setback of 2.4 metres, whereas the By-law requires a minimum front yard setback of 2.9 metres.
 - c) To permit a reduced rear yard setback of 18% of the lot depth or 4.0 metres, whereas the By-law states that the minimum required rear yard setback is 25% of the lot depth in this case 5.62 metres.
 - d) To permit a reduced rear yard area of 18% of the lot area or 47.0 square metres, whereas the By-law requires a minimum rear yard area of 25% of the lot area, or in this case, 65.13 square metres.

PUBLIC HEARING

Oral Submissions Summary

- [3] Jessica D’Aoust, Agent for the Applicant, provided a slide presentation, a copy of which is on file with the Secretary-Treasurer and available from the Committee Coordinator upon request. Referring to a site plan filed with the application, Ms. D’Aoust highlighted that the requested variances were required in part due to the configuration of the lot, which features angled front and rear lot lines. She also noted that the proposal exceeds the requirements of the Zoning By-law for soft landscaping and bicycle parking. Additionally, Ms. D’Aoust summarized the Applicant’s efforts to provide additional tree planting and to mitigate the impact of the proposed garbage storage shed.
- [4] City Planners Basma Alkhatib and Margot Linker were also present.
- [5] The Committee also heard oral submissions from the following individuals:
- L. Hoad of the Hintonburg Community Association who raised concerns regarding limited parking availability and reductions to rear yards in general, which limit the amount of soft landscaping on site.
 - L. Collette, a neighbour, who raised concerns regarding construction activity, drainage, and the location of the garbage storage shed.
- [6] In response to the concerns raised by Ms. Hoad and Ms. Collette, Ms. D’Aoust confirmed that no parking is required or permitted as a part of this development, and that the Applicant intended to rent to residents without vehicles.
- [7] Following the public hearing, the Committee reserved its decision.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED

Application Must Satisfy Statutory Four-Part Test:

- [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.

Evidence

- [9] 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 report 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; dated May 15, 2023, with no objections.
- Hydro Ottawa email dated May 31, 2023, with comments; dated May 10, 2023, with comments.
- Ministry of Transportation email dated May 24, 2023, with no concerns.
- C. Beach, neighbour, email dated May 16, with concerns.
- L. Collette, neighbour, email dated May 16, 2023, with concerns.
- Residents of Sims Avenue, email dated June 6, 2023, with objections.
- L. Hoad, representing the Hintonburg Community Association, email dated May 16, 2023, in opposition.
- T. McKay and E. Eagen, neighbours, email dated May 15, 2023, with comments.

Effect of Submissions on Decision

- [10] The Committee considered all written and oral submissions relating to the application in making its decision and granted the application.
- [11] Based on the evidence, the majority of the Committee (Member J. Blatherwick dissenting on requested variances (c) and (d) for reasons noted below) is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.
- [12] The Committee notes that the City's Planning Report raises "no concerns" regarding the application, highlighting that the proposal aligns with the Official Plan and the Zoning By-law, and will have a minimal impact.
- [13] The majority of the Committee also notes that no compelling evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.
- [14] Considering the circumstances, the majority of the Committee finds that 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.

- [15] 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.
- [16] 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.
- [17] Moreover, the Committee finds that the requested variances are minor because they will not create any unacceptable adverse impact on abutting properties or the neighbourhood in general.
- [18] 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 June 7, 2023, as they relate to the requested variances.
- [19] *Member J. Blatherwick dissents on variances (c) and (d), finding that these variances would result in development that does not fit well in the neighbourhood and are therefore not desirable for the appropriate development or use of the land.*

"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 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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