

DECISION
MINOR VARIANCE / PERMISSION

Date of Decision:	August 25, 2023
Panel:	1 - Urban
File No(s):	D08-02-23/A-00160
Application:	Minor Variance section 45 of the <i>Planning Act</i>
Owner(s)/Applicant(s):	2486299 Ontario Inc.
Property Address:	567 McLeod Street
Ward:	14 - Somerset
Legal Description:	Part of Lot 40 (North McLeod Street), Registered Plan 30
Zoning:	R4UD
Zoning By-law:	2008-250
Hearing Date:	August 16, 2023, in person and by videoconference

APPLICANT'S PROPOSAL AND PURPOSE OF THE APPLICATION

- [1] The Owner wants to construct a three-storey, 8-unit, ~~low-rise apartment building~~ **stacked dwelling**, as shown on the plans filed with the Committee.

REQUESTED VARIANCES

- [2] The Applicant requires the Committee's authorization for minor variances from the Zoning By-law as follows:
- a) To permit a reduced lot width of 10.03 metres, whereas the By-law requires a minimum lot width of 14 metres.
 - b) To permit a reduced lot area of 303.2 square metres, whereas the By-law requires a minimum lot area of 420 square metres.
 - c) To permit a reduced side yard setback of 1.2 metres (west side), whereas the By-law requires a minimum side yard setback of 1.5 metres.
 - d) ~~To permit the path for the movement of garbage containers to include four steps, whereas the By-law states that a path for the movement of garbage containers must be uninterrupted by any window well, depression or grade change that would impede the movement of a wheeled garbage container.~~

PUBLIC HEARING

Oral Submissions Summary

- [3] The Committee noted a request from the Agent for the Applicant and the City to remove variance d) because it is no longer required and to amend the building type to a **stacked dwelling**, based on a revised site plan.
- [4] The application was amended accordingly.
- [5] Chris Jalkotzy, 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.
- [6] City Planner Adrian Van Wyk was also present.
- [7] 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

- [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 cover letter, plans, revised plans, a parcel register, a tree information, a photo of the posted sign and a sign posting declaration.
 - City Planning Report received August 10, 2023, with no concerns.
 - Rideau Valley Conservation Authority email dated August 10, 2023, with no objections.
 - Hydro Ottawa email dated August 16, 2023, with comments.

- Ministry of Transportation email dated August 10, 2023, with no objections.
- J. Matthew, neighbour, email dated August 14, 2023, with concerns.
- S. Wadden, neighbour, email dated August 14, 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 Committee 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 reasonable access to the rear yard of the site is provided and that elements associated with the introduction of a stacked dwelling can be accommodated on site.
- [13] The Committee also notes that no evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.
- [14] 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.
- [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, both individually and cumulatively, 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 plans filed, Committee of Adjustment date stamped August 9, 2023, as they relate to the requested variances.

"Simon Coakeley"
SIMON COAKELEY
ACTING PANEL CHAIR

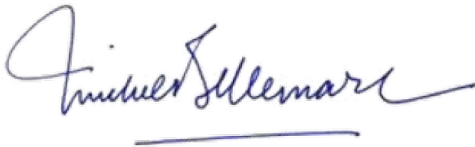
"John Blatherwick"
JOHN BLATHERWICK
MEMBER

"Ann M. Tremblay"
ANN M. TREMBLAY
MEMBER

"Arto Keklikian"
ARTO KEKLIKIAN
MEMBER

"Sharon Lecuyer"
SHARON LECUYER
MEMBER

I certify this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa, dated **August 25, 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 **September 14, 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