

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

<b>Date of Decision:</b>	August 25, 2023
<b>Panel:</b>	1 - Urban
<b>File No(s):</b>	D08-02-23/A-00171
<b>Application:</b>	Minor Variance under section 45 of the <i>Planning Act</i>
<b>Owner(s)/Applicant(s):</b>	2431978 Ontario Inc.
<b>Property Address:</b>	24 Lowrey Street
<b>Ward:</b>	15 - Kitchissippi
<b>Legal Description:</b>	Part of Lot 69, Registered Plan 57
<b>Zoning:</b>	R4UB
<b>Zoning By-law:</b>	2008-250
<b>Hearing Date:</b>	August 16, 2023, in person and by videoconference

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

- [1] The Owner wants to demolish part of the rear of the existing building to construct a Three-storey addition containing four dwelling units for a total of 6 units, as shown on the plans filed with the Committee.

**REQUESTED VARIANCES**

- [2] The Owner/Applicant requires the Committee's authorization for Minor Variances from the Zoning By-law as follows:
- a) To permit a reduced interior side yard setback of 0.42 metres, whereas the By-law requires a minimum interior side yard setback of 1.5 metres.
  - b) To permit a front façade to be comprised of 14% windows, whereas the By-law requires that a front façade must comprise of at least 25% windows.
  - c) To permit a motor vehicle parking space, whereas the By-law does not permit motor vehicle parking spaces on lots less than 450 square metres.
  - d) To permit access to the garbage storage area through a parking space, whereas the By-law requires a path be a minimum of 1.2 metre wide for the movement of garbage containers between the garbage storage area and the street.

## PUBLIC HEARING

### Oral Submissions Summary

- [3] 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. He also stated that the proposal respects the fire code, and that the access at the rear of the proposed parking leads to storage in the basement of the dwelling.
- [4] Further to questions from the Committee, Mr. Jalkotzy stated that the movement of garbage containers can be achieved through the proposed parking space with the cooperation from the residents. He also stated that he believes the existing parking space complies with the By-law, and that the Applicant would take the necessary steps to resolve any infraction. He further stated that the driveway is not a shared driveway with the abutting neighbour, that the distance between the front porch and the property line is 2.8 metres, and that the applicant would prefer retaining the existing porch over the parking space.
- [5] City Planner Basma Alkhatib stated concerns regarding variance (c) and (d), noting that the parking space limits accessibility to the rear of the property and the movement of garbage containers. She also stated that the side yard on the property to the south is smaller than the side yard of the subject property.
- [6] The Committee also heard oral submissions from the following individual:
- L. Hoad, Hintonburg Community Association, highlighted objections to the proposal due to the size of the proposed parking space and the lack of soft landscaping.
- [7] Following the public hearing, the Committee reserved its decision.

## DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED IN PART

### 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, a parcel register, a tree information report, copies of correspondence with City Staff, a photo of the posted sign, and a sign posting declaration.
- City Planning Report received August 11, 2023, with some 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 comments.
- L. Hoad, Hintonburg Community Association, email dated August 10, 2023, opposed.
- N. Brodie, neighbour, email dated August 14, 2023, with concerns.

## 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 in part.
- [11] Based on the evidence, the Committee is satisfied that variances a) and b) meet all four requirements under subsection 45(1) of the *Planning Act*.
- [12] The Committee notes that the City's Planning Report raises "some concerns" regarding the application, highlighting that variances (a) and (b) are existing conditions, and that with the addition of four rear units, the proposed parking space will block access to the main entrance of the added dwellings and will block bicycle and garbage container mobility.
- [13] The Committee also notes that no evidence was presented that variances (a) and (b) 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, variances (a) and (b) 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 variances (a) and (b) 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 variances (a) and (b) 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 neighbourhood.
- [17] Moreover, the Committee finds that variances (a) and (b), both individually and cumulatively, are minor because they will not create any unacceptable adverse impact on abutting properties or the neighbourhood in general.
- [18] Conversely, based on the evidence, the Committee is not satisfied that variances (c) and (d), meet the four tests under subsection 45(1) of the *Planning Act*.
- [19] Specifically, the Committee finds that requested variances (c) and (d) do not represent orderly development and do not maintain the general intent and purpose of the Zoning By-law as it relates to accessibility and safety when a vehicle is present in the parking space,
- [20] Failing one of the four statutory requirements, the Committee is unable to authorize variances (c) and (d)
- [21] THE COMMITTEE OF ADJUSTMENT therefore authorizes variances (a) and (b), **subject to** the location and size of the proposed construction being in accordance with the plans filed, Committee of Adjustment date stamped July 14, 2023, as they relate to the requested variances.
- [22] THE COMMITTEE OF ADJUSTMENT does not authorize variances (c) and (d).

*"Simon Coakeley"*  
SIMON COAKELEY  
ACTING PANEL CHAIR

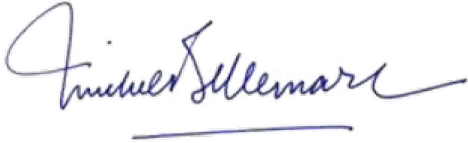
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SHARON LECUYER  
MEMBER

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](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  
[Ottawa.ca/Comitedederogation](http://Ottawa.ca/Comitedederogation)  
[cded@ottawa.ca](mailto:cded@ottawa.ca)  
613-580-2436