

DECISION
MINOR VARIANCE / PERMISSION

Date of Decision:	August 25, 2023
Panel:	1 - Urban
File No(s):	D08-02-23/A-00118
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Owner(s)/Applicant(s):	Marco Rayes
Property Address:	9 Ladouceur Street
Ward:	15 - Kitchissippi
Legal Description:	East Half of Lot 64, Registered Plan 57
Zoning:	R4UB
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 convert the existing three-unit building into a low-rise apartment building by adding an additional dwelling unit within the building.

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 interior side yard setback of 0.65 metres, whereas the By-law requires a minimum interior side yard setback of 1.5 metres.
 - b) To permit two parking spaces to be provided for a low-rise apartment dwelling, whereas the By-law permits no motor vehicle parking on a lot less than 450 square metres in area.

PUBLIC HEARING

- [3] Prior to the scheduled hearing on July 5, 2023, the Committee received an adjournment request from City Planner Basma Alkhatib, to allow the applicant time to file additional information regarding rear yard conditions. At the hearing, the Committee heard from Evan Saunders, Agent for the Applicant, who was in agreement with the adjournment. Mr. Saunders requested that the application be

adjourned to August 16, 2023, for additional time to consult with City Planning and the Hintonburg Community Association.

- [4] With the concurrence of all parties, the application was adjourned to the hearing scheduled for August 16, 2023.

Oral Submissions Summary

- [5] At the hearing on August 16, 2023, Evan Saunders, Agent for the Applicant, provided an overview of the application and responded to questions from the Committee.
- [6] The Committee also heard oral submissions from the following individuals:
- L. Hoad (Chair, Hintonburg Community Association Inc.), highlighted concerns regarding the lack of soft landscaping on the property, noting that the applicant does not meet the soft landscaping requirements of the zoning By-law. Ms. Hoad further requested that a condition to implement a barrier to prevent parking on the non-designated areas be imposed if the application were approved.
- [7] City Planner Basma Alkhatib confirmed that the City Planning Department had no objections to the application. Ms. Alkhatib noted that as the lot is legal non-conforming and the implementation of soft landscaping in the rear yard is not required. She further addressed questions from the Committee regarding a previous application in 2015, noting that all requested variances were granted with no conditions or requirements relating to landscaping.
- [8] Mr. Saunders referenced his presentation, a copy of which is on file with the Secretary-Treasurer and available from the Committee upon request, which highlights that the Applicant is proposing to construct planter boxes in both the rear and front yard to increase soft landscaping. He further advised that the location of planter boxes in the rear yard would prevent parking from extending to the rear of the lot.
- [9] Marco Rayes, the Applicant, responded to questions from the Committee regarding the addition of a fourth unit in the building and confirmed that he had applied for a building permit, however it is subject to Committee of Adjustment approval. He further advised that the fourth unit is unoccupied.
- [10] Jacob Bolduc, with Fotenn Planning and Design, noted that parking is no longer permitted for a low-rise apartment dwelling, but that the two parking spaces were created prior to the zoning designation change to R4UB.
- [11] City Planner Erin O'Connell, confirmed that the previous application granted by the Committee of Adjustment in 2015 tied the decision to the site plan as they relate to the authorized variances.
- [12] Following the public hearing, the Committee reserved its decision.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED

Application Must Satisfy Statutory Four-Part Test

[13] 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

[14] 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, a photo of the posted sign, and a sign posting declaration.
- City Planning Report received August 11, 2023, with no concerns.
- Rideau Valley Conservation Authority email dated August 10, 2023, with no objections.
- Hydro Ottawa email received August 16, 2023, with comments.
- Building Code Services Order to Comply issued November 5, 2018.
- L. Hoad, Chair, Hintonburg Community Association Inc., email dated August 14, 2023, opposed to the application.
- Ministry of Transportation email dated August 10, 2023, with no comments.

Effect of Submissions on Decision

[15] The Committee considered all written and oral submissions relating to the application in making its decision and granted the application.

[16] Based on the evidence, the Committee is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.

[17] The Committee notes that the City's Planning Report raises "no concerns" regarding the application. The evidence revealed that, "the Zoning By-law does not allow parking for lots less than 450 metres square, but in this case, it is an existing situation that is not exacerbated by the change in use, will not change

existing setbacks, access to bicycle parking or to the rear entrance, or require a new road cut. Similarly, the variance for reduced interior side yard setback is reflective of the existing condition and access is not being restricted further through the request.”

- [18] The Committee also notes that no evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.
- [19] 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.
- [20] 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.
- [21] 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 of the property that is compatible with the surrounding area.
- [22] 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.
- [23] THE COMMITTEE OF ADJUSTMENT therefore authorizes the requested variances, **subject to**, the relief applying to the existing dwelling known municipally as 9 Ladouceur Street and being restricted to the life of this building only.

“Simon Coakeley”
SIMON COAKELEY
ACTING PANEL CHAIR

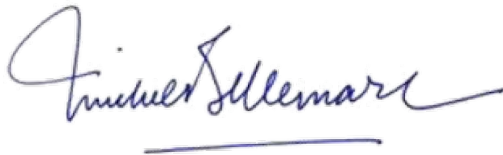
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ARTO KEKLIKIAN
MEMBER

“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.

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