

DECISION
MINOR VARIANCE / PERMISSION

Date of Decision:	September 15, 2023
Panel:	2 - Suburban
File No(s):	D08-02-23/A-0090 & D08-02-23/A0091
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Owner(s)/Applicant(s):	Intek Building Inc
Property Address:	304 Olmstead Street & 206 Lévis Avenue
Ward:	12 – Rideau-Vanier
Legal Description:	Lots 33 and 34, Registered Plan 121
Zoning:	R4UA and R4UA-c
Zoning By-law:	2008-250
Hearing Date:	September 5, 2023, in person and by videoconference

APPLICANT'S PROPOSAL AND PURPOSE OF THE APPLICATIONS

- [1] The Owner wants to convey a portion of its property (Part of Lot 33) to the adjacent parcel (Lot 34). It is proposed to create two new parcels of land with new two, three-storey semi-detached dwellings, all with secondary dwelling units, on each newly created parcel. A three-storey detached dwelling, with secondary dwelling unit, is proposed to be constructed on the retained land. The two existing detached dwellings will be demolished.

REQUESTED VARIANCES

- [2] The Owner/Applicant requires the Committee's authorization for the minor variances from the Zoning By-Law as follows:

A-00090: 306 (306B) Olmstead Street, Parts 3 and 5 on a draft 4R-plan, proposed semi-detached dwelling with secondary dwelling unit:

- a. ~~To permit a single driveway where the minimum permitted lot width for a semi-detached is less than 6 metres, whereas the By-law states that no driveway is permitted where the minimum permitted lot width for a semi-detached is less than 6 metres.~~

- ~~b. To permit a single driveway where the minimum permitted lot width for a semi-detached is less than 6 metres, whereas the By-law states that no driveway is permitted where the minimum permitted lot width for a semi-detached is less than 6 metres.~~
- e. To permit a reduced lot area of 159.8 square metres, whereas the By-law requires a minimum lot area of 180 square metres.
- d. To permit a reduced lot area of 159.8 square metres, whereas the By-law requires a minimum lot area of 180 square metres.

A-00090: 304 (304B) Olmstead Street, Parts 2, 4 and 6 on a draft 4R-plan, proposed semi-detached dwelling with secondary dwelling unit:

- ~~e. To permit a single driveway where the minimum permitted lot width for a semi-detached is less than 6 metres, whereas the By-law states that no driveway is permitted where the minimum permitted lot width for a semi-detached is less than 6 metres.~~
- ~~f. To permit a single driveway where the minimum permitted lot width for a semi-detached is less than 6 metres, whereas the By-law states that no driveway is permitted where the minimum permitted lot width for a semi-detached is less than 6 metres.~~
- g. To permit a reduced lot area of 159.8 square metres, whereas the By-law requires a minimum lot area of 180 square metres.

PUBLIC HEARING

- [3] Prior to the scheduled hearing on June 6, 2023, the Committee received an adjournment request from City Planner Cass Scлаuzero, on the basis that additional variances were required. The Committee also received an adjournment request from residents M. Hadwen and J.Greenwood, both requesting additional time to consult with the Applicant, area residents, and the City's Heritage Planner.
- [4] At the hearing on June 6, 2023, the Committee heard from Christoph Jalkotzy, Agent for the Applicant, who was in agreement with the adjournment request.
- [5] Mr. Hadwen was also present and concurred with the adjournment *sine die* request.
- [6] With the concurrence of all parties, the applications were adjourned *sine die*.

Oral Submissions Summary

- [7] At the hearing on September 5, 2023, 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. Mr. Jalkotzy provided an overview of the application and responded to questions from the Committee, confirming that while the variances for the driveways were applied for in an abundance of caution, they were not required.

[8] The Committee also heard oral submissions from the following individuals:

- M. Hadwen, resident, expressed concerns regarding the heritage status of the existing dwelling and the impact of that status on community interest.

[9] City Planner Cass Sclauzero confirmed that the driveways are compliant with Zoning By-law due to the proposed lot widths and therefore variances (a), (b), (e) and (f) are no longer required.

[10] The application was amended accordingly.

[11] Following the public hearing, the Committee reserved its decision.

DECISION AND REASONS OF THE COMMITTEE: APPLICATIONS GRANTED AS AMENDED

Applications Must Satisfy Statutory Four-Part Test

[12] 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

[13] 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 cover letter, plans, tree information, tree replacement plans, and a sign posting declaration.
- City Planning Report received August 31, 2023, with no concerns; received June 1, 2023, requesting an adjournment *sine die*.
- Rideau Valley Conservation Authority email dated September 1, 2023, with no objections; dated June 2, 2023, with no objections.
- Hydro Ottawa email dated September 1, 2023, with no objections; dated May 31, 2023, with comments.

- Ottawa International Airport Authority email dated August 23, 2023, with no comments.
- C. Greenshields President, Vanier Community Association email dated August 31, 2023, in opposition to the application.
- Councillor Stéphanie Plante, Ward 12, email dated September 4, 2023, with comments.
- M. Hadwen, resident, email dated May 27, 2023, requesting an adjournment.
- J. Greenwood, resident, email dated June 2, 2023, requesting an adjournment.
- K. Walsh, resident, email dated May 31, 2023, in support.

Effect of Submissions on Decision

- [14] The Committee considered all written and oral submissions relating to the application in making its decision and granted the application.
- [15] Based on the evidence, the Committee is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.
- [16] The Committee notes that the City's Planning Report raises "no concerns" regarding the variances, highlighting that "the reduction in lot area is minor and the proposed dwellings are zoning compliant with respect to required setbacks, rear yard area, and landscaping requirements."
- [17] The Committee also notes that no compelling evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.
- [18] Considering the circumstances, the Committee finds that because the proposal fits well with 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.
- [19] 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 area.
- [20] 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.

[21] 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.

[22] THE COMMITTEE OF ADJUSTMENT therefore authorizes the requested variances.

"Fabian Poulin"
FABIAN POULIN
VICE-CHAIR

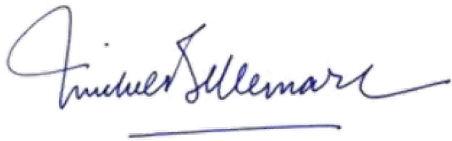
Absent
JAY BALTZ
MEMBER

"George Barrett"
GEORGE BARRETT
MEMBER

"Heather MacLean"
HEATHER MACLEAN
MEMBER

"Julianne Wright"
JULIANNE WRIGHT
MEMBER

I certify this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa, dated **September 15, 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 **October 5, 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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