

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

|                           |  |
|---------------------------|--|
| <b>Date of Decision:</b>  | November 10, 2023  |
| <b>Panel:</b>             | 1 - Urban  |
| <b>File Nos.:</b>         | D08-02-23/A-00196 and D08-01-23/A-00197                    |
| <b>Application:</b>       | Minor Variance under section 45 of the <i>Planning Act</i> |
| <b>Owner/Applicant:</b>   | 14007930 Canada Inc.                                       |
| <b>Property Address:</b>  | 60 Lees Avenue   |
| <b>Ward:</b>              | 17 - Capital   |
| <b>Legal Description:</b> | Part of Lot 8 Registered Plan 28                           |
| <b>Zoning:</b>            | R3P  |
| <b>Zoning By-law:</b>     | 2008-250   |
| <b>Hearing Date:</b>      | November 1, 2023, in person and by videoconference         |

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

- [1] The Owner wants to subdivide its property into two separate parcels of land for the construction of two, three-storey long semi-detached dwellings, each with secondary dwelling units. The existing dwelling will be demolished.

**REQUESTED VARIANCES**

- [2] The Owners/Applicants requires the Committee's authorization for minor variances from the Zoning By-law as follows:

**A-00196: 58 Lees Avenue, Parts 1 & 2 on Draft 4R Plan**

- a) To permit a reduced lot width of 7.93 metres, whereas the By-law requires a minimum lot width of 10 metres.
- b) To permit a reduced lot area of 245.9 square metres, whereas the By-law requires a minimum lot area of 300 square metres.

**A-00197: 60 Lees Avenue, Parts 3 & 4 on Draft 4R Plan**

- c) To permit a reduced lot width of 7.93 metres, whereas the By-law requires a minimum lot width of 10 metres.

- d) To permit a reduced lot area of 244.7 square metres, whereas the By-law requires a minimum lot area of 300 square metres.

## **PUBLIC HEARING**

- [3] The applications were adjourned on September 20, 2023, at the request of the Old Ottawa East Community Association, to allow time for the Applicant to consult with neighbours.

### **Oral Submissions Summary**

- [1] 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. She confirmed that the Applicant had met with the neighbours and community association prior to the hearing and while she was not in attendance, it was her understanding that the Applicant was willing to adjust the location of the dwellings to address concerns with the massing in the rear yard and for tree planting; however, the requested road widening would have to be addressed to see if the revision could be accommodated.
- [2] City Planner, Margot Linker highlighted that, while City staff would like trees planted in the front yard, shifting the building forward would not be favoured. She confirmed that the noise study condition was to identify types of materials that would help reduce the impact of noise from the 417 and would prefer to see the condition remain as requested.
- [3] Yuri Mitnik, the Applicant, confirmed that the development would consist of two primary units, each with an additional unit, for a total of four units on each newly created parcel.
- [4] The Committee also heard oral submissions from the following individuals:
- J. Dance, representing the Ottawa East Community Association, confirmed that while there was community discussion with the Applicant prior to the hearing, there were still concerns with the applications and the community association would like to see specific conditions imposed.
  - M. Versailles, resident, stated that while she was pleased with the conversation with the Applicant, she had concerns with the lack of parking.
  - W. McRae, resident, stated that she was also pleased with the changes the Applicant was willing to make to the proposed dwellings but was looking for written guarantees regarding snow, windows, air conditioning units and garbage.
- [5] Following the public hearing, the Committee reserved its decision.

## **DECISION AND REASONS OF THE COMMITTEE: APPLICATIONS GRANTED**

### **Applications Must Satisfy Statutory Four-Part Test**

- [6] 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**

- [7] 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, revised site plan, tree information, parcel register, photo of the posted sign, and a sign posting declaration.
  - City Planning Report received October 26, 2023, with no concerns; received September 18, 2023, with no concerns.
  - Rideau Valley Conservation Authority email received October 25, 2023, with no objections; email received September 14, 2023, with no objections.
  - Hydro Ottawa email received October 24, 2023 with comments; email received September 14, 2023, with comments.
  - Hydro One email received October 25, 2023, with no concerns; email received September 14, 2023, with comments.
  - Ministry of Transportation email received October 31, 2023 with no concerns.
  - J. Dance, Chair, Old Ottawa East Community Association email received October 31, 2023, with comments; email received September 19, 2023, requesting adjournment.
  - Ottawa-Carleton District School Board email received October 25, 2023, with comments; email received September 8, 2023, with comments
  - C. and A. Janson email received September 14, 2023, opposed.

- L. Yeomans and S. Smeathers email received September 18, 2023, opposed.
- M. Versailles and M. McEntee email received September 18, 2023, opposed.
- W. McRae email received September 19, 2023, opposed.

### **Effect of Submissions on Decision**

- [8] The Committee considered all written and oral submissions relating to the application in making its decision and granted the application.
- [9] Based on the evidence, the Committee is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.
- [10] The Committee notes that the City's Planning Report raises "no concerns" regarding the application highlighting that "all elements associated with the introduction of long semi-detached dwellings can be adequately accommodated on site".
- [11] The Committee also notes that no compelling evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.
- [12] 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.
- [13] 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.
- [14] In addition, the Committee finds that the requested variances maintain the general intent and purpose of the Zoning By-law because variances represent orderly development that is compatible with surrounding area.
- [15] 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.

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

*"Ann M. Tremblay"*  
ANN M. TREMBLAY  
CHAIR

*"John Blatherwick"*  
JOHN BLATHERWICK  
MEMBER

*"Simon Coakeley"*  
SIMON COAKELEY  
MEMBER

*"Arto Keklikian"*  
ARTO KEKLIKIAN  
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 **NOVEMBER 10, 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 **NOVEMBER 30, 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**  
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