

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

<b>Date of Decision:</b>	November 24, 2023
<b>Panel:</b>	1 - Urban
<b>File No.:</b>	D08-02-23/A-00253
<b>Application:</b>	Minor Variance under section 45 of the <i>Planning Act</i>
<b>Owner/Applicant:</b>	Mattamy Rockcliffe Inc.
<b>Property Address:</b>	101 Vedette Way (Phase 3A, Wateridge Village)
<b>Ward:</b>	13 – Rideau-Rockcliffe
<b>Legal Description:</b>	Part of Lot 24 Concession 1 (Ottawa Front) and Part of Reserve Blocks 116 & 117, Registered Plan 4M-1559
<b>Zoning:</b>	R5Y [2312]
<b>Zoning By-law:</b>	2008-250
<b>Hearing Date:</b>	November 15, 2023, in person and by videoconference

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

- [1] The Owner wants to construct a Planned Unit Development containing 9 blocks of stacked dwellings, for a total of 172 dwelling units, with 86 upper-level units featuring rooftop terraces, as shown on plans filed with the Committee.

**REQUESTED VARIANCE**

- [2] The Owner/Applicant requires the Committee’s authorization for a minor variance from the Zoning By-law to permit a reduced setback of 0 metres from the exterior wall of the building for 86 rooftop terraces, whereas the By-law requires a minimum setback of 1.5 metres from the exterior wall of a building for a rooftop terrace.
- [3] The requested variance applies to dwelling units to be known municipally as:
- Block 1: 318, 320, 326, 328, 302, 304, 310, 312 Mishi Private.
  - Block 2: 226, 228, 234, 236, 242, 244, 202, 204, 210, 212, 218, 220 Mishi Private.

- Block 3: 118,120, 126, 128, 102, 104, 110, 112 Mishi Private.
- Block 4: 402, 404, 410, 412, 418, 420, 426, 428 Mishi Private.
- Block 5: 502, 504, 510, 514, 516, 522, 524, 528, 534, 536 Mishi Private.
- Block 6: 602, 604, 610, 612, 618, 620, 626, 628 Mishi Private.
- Block 7: 925, 929, 935, 937, 943, 945, 903, 905, 911, 913, 919, 921 Mishi Private.
- Block 8: 702, 704, 710, 712, 718, 720, 726, 728, 734, 736, 742, 744 Mishi Private
- Block 9: 802, 804, 810, 812, 818, 820, 826, 828 Mishi Private.

## **PUBLIC HEARING**

[4] Ellory Vincent, Agent for the Applicant, was present.

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

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

[5] 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**

[6] 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, planning report, plans, tree information, photo of the posted sign, and a sign posting declaration.
- City Planning Report received November 9, 2023, with no concerns.

- Rideau Valley Conservation Authority email dated November 10, 2023, with no objections.
- Hydro Ottawa received dated November 8, 2023, with no comments.
- J. Thompson, Wateridge Village Community Association, email received November 14, 2023, in support.

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

- [7] The Committee considered all written and oral submissions relating to the application in making its decision and granted the application.
- [8] Based on the evidence, the Committee is satisfied that the requested variance meets all four requirements under subsection 45(1) of the Planning Act.
- [9] The Committee notes that the City's Planning Report raises "no concerns" regarding the application highlighting that: "The proposed reduction in rooftop terrace setbacks is appropriate because the proposed terraces do not face rear yards or infringe on the privacy of surrounding homes. The terraces are oriented towards the public realm. Moreover, terraces and rooftops are a common approach to private amenity area for stacked dwellings in general and are common within Wateridge Village".
- [10] The Committee also notes that no evidence was presented that the variance would result in any unacceptable adverse impact on neighbouring properties.
- [11] Considering the circumstances, the Committee finds that, because the proposal fits well in the area, the requested variance is, 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.
- [12] The Committee also finds that the requested variance maintains the general intent and purpose of the Official Plan because the proposal respects the character of the neighborhood.
- [13] In addition, the Committee finds that the requested variance maintains the general intent and purpose of the Zoning By-law because the variances represent orderly development that is compatible with the surrounding area.
- [14] Moreover, the Committee finds that the requested variance is minor because it will not create any unacceptable adverse impact on abutting properties or the neighbourhood in general.
- [15] THE COMMITTEE OF ADJUSTMENT therefore authorizes the requested variance, **subject to** the location and size of the proposed construction being in accordance with the plans filed, Committee of Adjustment date stamped October 5, 2023, as they relate to the requested variance.

*"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 24, 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 **DECEMBER 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**  
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