

DECISION
MINOR VARIANCE / PERMISSION

Date of Decision:	November 24, 2023
Panel:	1 - Urban
File No.:	D08-02-23/A-00260
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Owner/Applicant:	2724615 Ontario Inc.
Property Address:	425 Blake Boulevard
Ward:	12 – Rideau-Vanier
Legal Description:	Part of Lot 9 Registered Plan 504 and Part of Lot 3, Block 5, Registered Plan 29
Zoning:	R4UA
Zoning By-law:	2008-250
Hearing Date:	November 15, 2023, in person and by videoconference.

APPLICANT’S PROPOSAL AND PURPOSE OF THE APPLICATION

- [1] The Applicant wants to subdivide their property into two separate parcels of land to create two new lots for the construction of two, three-storey low rise apartment buildings. The existing dwelling will be demolished.

REQUESTED VARIANCES

- [2] The Applicant requires the Committee’s authorization for minor variances from the Zoning By-law as follows:

A-00260: 427 Blake Boulevard, Parts 4, 5 & 6 on Draft 4R-plan

- a) To permit a reduced lot width of 11.42 metres, whereas the By-law requires a minimum lot width of 12 metres.
- b) To permit reduced soft landscaping area in the rear yard of 47% of rear yard area, whereas the By-law requires a minimum 50% of the rear yard area to be soft landscaping.
- c) To permit a reduced aggregated rectangular soft landscaping area in the rear yard of 20.2 square metres, whereas the By-law a requires a minimum of 25 square metres of soft aggregated soft landscaping in the rear yard.

PUBLIC HEARING

Oral Submissions Summary

- [3] The Committee called the application forward to discuss a possible adjournment to allow the Applicant time to provide sufficient information regarding the turning radius shown on the plans. Jessica D'Aoust, Agent for the Applicant, confirmed that the proposed laneway to access the parking spaces was compliant and there would be no issue with cars accessing the proposed parking spaces.
- [4] The Committee agreed to hear the applications without delay.
- [5] Ms. D'Aoust provided an overview of the application and responded to questions from the Committee. She confirmed that the laneway leading to the parking spaces was greater than required and that a turning radius, as indicated on the site plan filed, would allow for access of motor vehicles to the parking spaces. She further advised that the functionality of the parking spaces would be further reviewed at the building permit stage.
- [6] Ms. D'Aoust highlighted that snow storage and removal was possible without impacting soft landscaping or site design elements. She also confirmed that the site had gone through a previous site plan control process and a stormwater management brief was done at that time for a low-rise apartment building.
- [7] City Forester Hayley Murray was present.
- [8] City Planner Margot Linker noted that while there was sufficient space onsite to move garbage, the latter's location could be shifted north to provide for more of a buffer with the parking area.
- [9] Following the public hearing, the Committee reserved its decision.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED

Application(s) Must Satisfy Statutory Four-Part Test

- [10] 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

[11] 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, photo of the posted sign, and a sign posting declaration.
- City Planning Report received November 10, 2023, with no concerns and received November 9, 2023, with no concerns.
- Rideau Valley Conservation Authority email dated November 10, 2023, with no objections.
- Hydro Ottawa email received November 8, 2023, with no concerns.
- Hydro One email dated November 8, 2023, with no concerns.
- Bell received dated November 10, 2023, with easement request.
- K. Walsh email dated October 31, 2023, in support.

Effect of Submissions on Decision

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

[13] Based on the evidence, the Committee is satisfied that the requested variances meet all four requirements under subsection 45(1) of the Planning Act. The industry standard use of a turning radius template was not used to provide for manoeuvring in and out of the proposed parking spaces, the Committee however accepted the evidence provided.

[14] The Committee notes that the City's Planning Report raises "no concerns" regarding the application. The evidence revealed that "the proposed lot width can adequately accommodate the building setbacks and functions for the site such as appropriate driveway width and amount of front yard soft landscaping".

[15] The Committee also notes that no evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.

[16] Considering the circumstances, the Committee finds that, because the proposal fits well in the neighborhood, 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.

- [17] 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 neighborhood.
- [18] In addition, the Committee finds that the requested variances maintain the general intent and purpose of the Zoning By-law, because the variances represent orderly development that is compatible with the surrounding area.
- [19] 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.
- [20] THE COMMITTEE OF ADJUSTMENT therefore authorizes the requested variances, subject to the location and size of the proposed construction being in accordance with the site plan filed, Committee of Adjustment date stamped October 15, 2023, and the elevations filed, Committee of Adjustment date stamped October 6, 2023, as they relate to the requested variances.

"Ann M. Tremblay"
ANN M. TREMBLAY
CHAIR

"John Blatherwick"
JOHN BLATHERWICK
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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 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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