

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

<b>Date of Decision</b>	November 24, 2023
<b>Panel:</b>	1 - Urban
<b>File Nos:</b>	D08-02-23/A-00255 to D08-02-23/A-00257
<b>Application:</b>	Minor Variance under section 45 of the <i>Planning Act</i>
<b>Owner/Applicant:</b>	10947342 Canada Inc.
<b>Property Address:</b>	49 Fairmont Avenue
<b>Ward:</b>	15 - Kitchissippi
<b>Legal Description:</b>	Part of Lot 11 & Lot 12, (in Block 1) East Fairmont Avenue, Registered Plan 111
<b>Zoning:</b>	R4UB
<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 APPLICATIONS**

- [1] The Owner wants to subdivide their property into three separate parcels of land to create two new lots for the construction of three long semi-detached dwellings all with two primary and two secondary units. The existing dwelling will be demolished.

**REQUESTED VARIANCES**

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

**A-00255: 47A & 47B Fairmont, Part 1 & 2 on 4R-Draft:**

- a) To permit a reduced lot width of 7.10 metres, whereas the By-law requires a minimum lot width of 10.0 metres.
- b) To permit a reduced lot area of 211.3 square metres, whereas the By-law requires a minimum lot area of 300.0 square metres.

- c) To permit a reduced rear yard setback of 28% of the lot depth or 8.33 metres, whereas the By-law requires a minimum rear yard setback of 30% of the lot depth, or 8.93 metres in this case.
- d) To permit a principal entrance to be located on the side façade of the dwelling unit not facing the street, whereas the By-law states at least one principal entrance must be located on the front façade of the dwelling unit and facing the street, as per the outcome of the Streetscape Character Analysis.
- e) To permit an entrance on the front wall for a secondary dwelling unit, whereas the By-law states the creation of a secondary dwelling unit must not result in any new entrance added to the front wall.
- f) To permit a canopy to project 0.0 metres to the interior side lot line, whereas the By-law states a canopy can project no closer than 0.6 metres to a lot line.

**A-00256: 49A & 49B Fairmont, Part 3 to 7 on 4R-Draft:**

- g) To permit a reduced lot width of 6.49 metres, whereas the By-law requires a minimum lot width of 10.0 metres.
- h) To permit a reduced lot area of 193.1 square metres, whereas the By-law requires a minimum lot area of 300.0 square metres.
- i) To permit a reduced rear yard setback of 28% of the lot depth or 8.33 metres, whereas the By-law requires a minimum rear yard setback of 30% of the lot depth, or 8.93 metres in this case.
- j) To permit reduced interior yard setbacks of 0.6 metres on both side lot lines, whereas the By-law requires a minimum interior side yard setback of 1.2 metres on one side and 0.6 metres on the other.
- k) To permit a principal entrance to be located on the side façade of the dwelling unit not facing the street, whereas the By-law states at least one principal entrance must be located on the front façade of the dwelling unit and facing the street, as per the outcome of the Streetscape Character Analysis.
- l) To permit an entrance on the front wall for a secondary dwelling unit, whereas the By-law states the creation of a secondary dwelling unit must not result in any new entrance added to the front wall.
- m) To permit a canopy to project 0.0 metres to the interior side lot line, whereas the By-law states a canopy can project no closer than 0.6 metres to a lot line.

- n) To permit a reduced setback of 0.0 metres to the rear lot line for an accessory building, whereas the By-law requires a minimum setback of 0.6 metres for an accessory building to a lot line.
- o) To permit a bay window to project 0.0 metres to the interior side lot line, whereas the By-law permits a bay window to project no closer than 1.2 metres to any lot line.

**A-00257: 51A & 51B Fairmont, Part 8 to 9 on 4R-Draft:**

- p) To permit a reduced lot width of 7.14 metres, whereas the By-law requires a minimum lot width of 10.0 metres.
- q) To permit a reduced lot area of 212.4 square metres, whereas the By-law requires a minimum lot area of 300.0 square metres.
- r) To permit a reduced rear yard setback of 28% of the lot depth or 8.33 metres, whereas the By-law requires a minimum rear yard setback of 30% of the lot depth, or 8.93 metres in this case.
- s) To permit a principal entrance to be located on the side façade of the dwelling unit not facing the street, whereas the By-law states at least one principal entrance must be located on the front façade of the dwelling unit and facing the street, as per the outcome of the Streetscape Character Analysis.
- t) To permit an entrance on the front wall for a secondary dwelling unit, whereas the By-law states the creation of a secondary dwelling unit must not result in any new entrance added to the front wall.
- u) To permit a canopy to project 0.0 metres to the interior side lot line, whereas the By-law states a canopy can project no closer than 0.6 metres to a lot line.

**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 highlighted that despite the number of requested variances, the overall development demonstrates that the requested variances are minor. Ms. D'Aoust also highlighted that the Official Plan policies support this type of infill.
- [6] City Forester Hayley Murray was also present.
- [7] City Planner Margot Linker highlighted that there was no negative impact on the subject site despite the number of variances being requested.
- [8] Jim Colizza, also acting as Agent for the Applicant, spoke to the turning radius information provided in the application and the fact that despite the number of variances being requested, the proposal fits well with the streetscape.
- [9] H. De Costa, one of the Applicants, confirmed that each of the primary unit would contain three bedrooms.
- [10] The Committee also heard oral submissions from the following individuals:
- L. Hoad, of the Hintonburg Community association, highlighting that there had been extensive consultation with the neighbours and the proposal represents good infill housing while maintaining the streetscape.
- [11] Following the public hearing, the Committee reserved its decision.

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

### **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:

- Applications and supporting documents, including cover letter, plans, tree information, parcel register, photo of the posted sign, and a sign posting declaration.
- City Planning Report received November 10, 2023, with no objections.
- 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 received November 13, 2023, with no concerns.
- Ministry of Transportation email received November 14, 2023, with no concerns.
- L. Hoad, Hintonburg Community Association, email received November 13, 2023, with no objections.
- D. Tester, Making Housing Affordable Ottawa, email received November 12, 2023, in support.
- W. Mullett and K. Skoutajan email received November 11, 2023, in support.
- T. Evans email received November 2, 2023, with comments.

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

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

[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. 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.

[16] The Committee notes that the City's Planning Report raises "no concerns" regarding the applications highlighting that "[t]he reduced lot sizes do not appear to compromise the functionality of the site, and there appears to be adequate space to provide the required soft landscaping, tree planting, as well as bicycle and waste storage." The report also highlights that "[s]taff have made the applicant aware that the long semi-detached dwellings cannot be further severed in the future."

- [17] The Committee also notes that no 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 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.
- [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 neighborhood.
- [20] 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.
- [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, subject to the location and size of the proposed construction being in accordance with the plans 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  
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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