

DECISION
MINOR VARIANCE / PERMISSION

Date of Decision:	March 1, 2024
Panel:	1 - Urban
File No(s):	D08-02-24/A-00003
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Owner(s)/Applicant(s):	Falsetto Homes Inc.
Property Address:	145 Waverley Street
Ward:	14 – Somerset
Legal Description:	Part of Lot 52, North side of Waverley Street, Registered Plan 15558
Zoning:	R4UC [478]
Zoning By-law:	2008-250
Hearing Date:	February 21, 2024, in person and by videoconference

APPLICANT’S PROPOSAL AND PURPOSE OF THE APPLICATION

- [1] The Owner wants to construct an eight-unit, low-rise apartment building as shown on the plans filed with the application. The existing detached dwelling will be demolished.

REQUESTED VARIANCES

- [2] The Owner requires the Committee’s authorization for minor variances from the Zoning By-law as follows:
- a) To permit a reduced lot width of 7.6 metres, whereas the By-law requires a minimum lot width of 10.0 metres.
 - b) To permit a reduced lot area of 216 square metres, whereas the By-law requires a minimum lot area of 300 square metres.
 - c) To permit a reduced interior side yard setback of 0.6 metres (west), whereas the By-law requires a minimum side yard setback of 1.5 metres.
 - d) To permit a reduced interior side yard setback of 0.9 metres (east), whereas the By-law requires a minimum side yard setback of 1.5 metres.

PUBLIC HEARING

Oral Submissions Summary

- [3] Jeff Kelly, Agent for the Applicant, provided a slide presentation, a copy of which is on file with Secretary-Treasurer and available from the Committee Coordinator upon request. In response to questions from the Committee, Mr. Kelly stated that the proposed structure met the minimum requirement for soft landscaping and height. He confirmed that three above grade units feature balconies. Mr. Kelly also highlighted that the proposed rooftop terrace, as indicated on the submitted plans, meets all requirements under the Zoning By-law. Additionally, Mr. Kelly confirmed that the property will undergo stormwater management, water and sanitary, and grading service studies at the building permit stage.
- [4] City Planner Margot Linker confirmed that onsite vehicle parking for a low-rise apartment dwelling is prohibited under the Zoning By-law and could not be provided without an additional variance.
- [5] The Committee also heard oral submissions from the following individuals:
- E. Oscapella, resident, expressed concerns regarding the reduced side yard setback and the potential impact on access to his own side and rear yards. He also expressed concerns that the rooftop terrace could result in excess noise and litter. D. Perrier, resident, raised concerns regarding the design and scale of the proposed building and suggested that a 6-unit dwelling would be a better fit for the site.
 - E. D'Andrea, resident, raised concerns regarding the design and scale of the proposed building as well as environmental impacts, including the addition of hard landscaping in the front and a lack of greenspace.
 - C. Grou-Szabo, resident, raised concerns that the construction of an 8-unit dwelling was not a reasonable use for the size of the lot.
- [6] Following the public hearing, the Committee reserved its decision.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED

Application Must Satisfy Statutory Four-Part Test

- [7] 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

[8] 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, a photo of the posted sign, and a sign posting declaration.
- City Planning Report received February 14, 2024, with no concerns.
- Rideau Valley Conservation Authority email received February 14, 2024, with no objections.
- Hydro Ottawa email received February 14, 2024, with comments.
- Ministry of Transportation email received February 14, 2024, with no comments.
- W. Kramer, resident, email received February 15, 2024, with concerns.
- L. Delaney, resident, email received February 15, 2024, with concerns.
- M. Toffin, resident, email received February 15, 2024, with concerns.
- E. Oscapella, resident, by phone February 15, 2024, with concerns; email received February 16, 2024, with concerns.
- J. Maricau, resident, email received February 16, 2024, with concerns.
- F. Wong, resident, email received February 16, 2024, with concerns.
- H. Apouchtine, resident, email received February 20, 2024, with concerns.
- L. Anderson, resident, email received February 20, 2024, with concerns.
- A.V. Clive, resident, email received February 20, 2024, with concerns.
- S. Speranze, resident, email received February 20, 2024, with concerns.
- G. Abernathy, resident, email received February 20, 2024, with concerns.
- G. & S. Parker, residents, email received February 20, 2024, with concerns.
- N. Attani, resident, email received February 20, 2024, in support.
- E. D'Andrea, resident, email received February 20, 2024, with concerns.

Effect of Submissions on Decision

- [9] The Committee considered all written and oral submissions relating to the application in making its decision and granted the application.
- [10] Based on the evidence, the Committee is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.
- [11] The Committee notes that the City's Planning Report raises "no concerns" regarding the application, highlighting that "the existing dwelling as well as the existing pattern on the street appears to be more narrow interior side yard setbacks, so it appears that the proposed massing will not be out of character from the existing context in this regard." The report also highlights that "the development meets the minimum soft landscaping requirements, provides sufficient bicycle parking, and has adequate space for waste management."
- [12] The Committee also notes that no compelling evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.
- [13] 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.
- [14] 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 while contributing mild intensification and supporting a variety of housing types within the Downtown Core Transect.
- [15] 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.
- [16] 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.
- [17] 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 January 16, 2022, 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 **March 1, 2024**.



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 **March 21, 2024**, 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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