

**DECISION
MINOR VARIANCE / PERMISSION**

Date of Decision:	March 1, 2024
Panel:	2 - Suburban
File No(s):	D08-02-23/A-00309 to A-00314
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Owner(s)/Applicant(s):	777 Somerset St. Inc.
Property Address:	1303, 1303A, 1305, 1307, 1309, 1311, 1313 and 1313A Coldrey Avenue
Ward:	16 - River
Legal Description:	Part of Block 2, Registered Plan 221
Zoning:	R3A
Zoning By-law:	2008-250
Hearing Date:	February 20, 2024, in person and by videoconference

APPLICANT'S PROPOSAL AND PURPOSE OF THE APPLICATIONS

- [1] The Owner wants to subdivide the existing 8-unit townhouse building into 8 separate parcels of land, with shared access and parking at the rear.

REQUESTED VARIANCES

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

A-00309: 1303A Coldrey Avenue, Parts 27 to 31, proposed townhouse dwelling:

- a) To permit a reduced lot area of 173 square metres, whereas the By-law requires a minimum lot area of 180 square metres.
- b) To permit a reduced lot width of 4.92 metres, whereas the By-law requires a minimum lot width of 6 metres.

A-00310: 1305 Coldrey Avenue, Parts 22 to 26, proposed townhouse dwelling:

- c) To permit a reduced lot area of 174 square metres, whereas the By-law requires a minimum lot area of 180 square metres.

- d) To permit a reduced lot width of 4.85 metres, whereas the By-law requires a minimum lot width of 6 metres.

A-00311: 1307 Coldrey Avenue, Parts 17 to 21, proposed townhouse dwelling:

- e) To permit a reduced lot area of 174 square metres, whereas the By-law requires a minimum lot area of 180 square metres.
- f) To permit a reduced lot width of 4.98 metres, whereas the By-law requires a minimum lot width of 6 metres.

A-00312: 1309 Coldrey Avenue, Parts 12 to 16, proposed townhouse dwelling:

- g) To permit a reduced lot area of 175 square metres, whereas the By-law requires a minimum lot area of 180 square metres.
- h) To permit a reduced lot width of 4.86 metres, whereas the By-law requires a minimum lot width of 6 metres.

A-00313: 1311 Coldrey Avenue, Parts 7 to 11, proposed townhouse dwelling:

- i) To permit a reduced lot area of 169 square metres, whereas the By-law requires a minimum lot area of 180 square metres.
- j) To permit a reduced lot width of 4.88 metres, whereas the By-law requires a minimum lot width of 6 metres.

A-00314: 1313 Coldrey Avenue, Parts 4 to 6, proposed townhouse dwelling:

- k) To permit a reduced lot area of 149 square metres, whereas the By-law requires a minimum lot area of 180 square metres.
- l) To permit a reduced lot width of 4.92 metres, whereas the By-law requires a minimum lot width of 6 metres.

PUBLIC HEARING

Oral Submissions Summary

- [3] Erin Duncan, Agent for the Applicant, responded to questions from the Committee and provided a slide presentation, a copy of which is on file with the Secretary-Treasurer and available from the Committee Coordinator upon request.
- [4] City Planner Siobhan Kelly was present.
- [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, parcel register, plans, tree information, photo of the posted sign, and a sign posting declaration.
 - City Planning Report received February 15, 2024, with no concerns.
 - Rideau Valley Conservation Authority email received February 14, 2024, with no concerns.
 - Hydro Ottawa email dated February 13, 2024, with conditions.

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 applications.
- [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 applications.
- [11] The Committee also notes that no 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 neighborhood.
- [14] 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 that is compatible with the 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.

"Fabian Poulin"
FABIAN POULIN
VICE-CHAIR

"Jay Baltz"
JAY BALTZ
MEMBER

"George Barrett"
GEORGE BARRETT
MEMBER

"Heather MacLean"
HEATHER MACLEAN
MEMBER

"Julianne Wright"
JULIANNE WRIGHT
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 Centrepointhe 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.

Committee of Adjustment
City of Ottawa
Ottawa.ca/CommitteeofAdjustment
cofa@ottawa.ca
613-580-2436



Comité de dérogation
Ville d'Ottawa
Ottawa.ca/Comitedederogation
cded@ottawa.ca
613-580-2436