

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

<b>Date of Decision:</b>	February 16, 2024
<b>Panel:</b>	2 - Suburban
<b>File No.:</b>	D08-02-23/A-00190
<b>Application:</b>	Minor Variance under section 45 of the <i>Planning Act</i>
<b>Owners/Applicants:</b>	Robert Mariani, Robert Noel, Gianluca Guercio and Rocco Manfredi
<b>Property Address:</b>	243 Bradford Street
<b>Ward:</b>	7 - Bay
<b>Legal Description:</b>	Lot 4, Registered Plan 284
<b>Zoning:</b>	LC [772]
<b>Zoning By-law:</b>	2008-250
<b>Hearing Date:</b>	February 6, 2024, in person and by videoconference

**APPLICANTS' PROPOSAL AND PURPOSE OF THE APPLICATION**

- [1] The Owners want to construct a 6-unit townhouse dwelling, as shown on plans filed with the Committee. The existing 3-unit townhouse dwelling will be demolished.
- [2] The Owners/Applicants previously filed Consent and Minor Variance Applications (D08-01-23/B-00201-202 and D08-02-23/A-00190-191) for the construction of two low-rise apartment buildings on this property. On December 12, 2023, the Committee adjourned the applications to allow time for notice of the Owners' revised proposal to be circulated. The Owners now want to proceed with this Minor Variance Application only.

**REQUESTED VARIANCE**

- [3] The Owners/Applicants require the Committee's authorization for a minor variance from the Zoning By-law to permit a reduced interior side yard setback (south side) of 0.92 metres, whereas the By-law requires a minimum interior side yard setback of 1.2 metres.

## PUBLIC HEARING

### Oral Submissions Summary

- [4] Christoph Jalkotzy, Agent for the Applicant, provided a slide presentation, a copy of which is on file with the Secretary-Treasurer and available from the Committee Coordinator upon request.
- [5] Mr. Jalkotzy responded to questions from the Committee and provided an overview of the application and modifications made to it in response to community feedback, highlighting changes to the building form, entrance locations, garbage storage, bicycle parking, and entrance accessibility.
- [6] City Planner Solé Soyak advised that the City had no concerns with the application.
- [7] City Planning Forester Julian Alvarez-Barkham responding to a question regarding the option of replacing a mature tree in fair but deteriorating health, highlighted that the tree in question is owned by the National Capital Commission and that the City cannot require its replacement.
- [8] The Committee also heard oral submissions from the following individuals:
- K. Patzer, resident and representative of the Britannia Village Community Association, noted concerns regarding the scale and density of the proposed development, potential impacts on community access to, and use of, adjacent park space, and the number of additional dwelling units that may be permitted, resulting in overdevelopment on the site.

E. St. Amour, resident, raised concerns regarding the property's Local Commercial zoning designation and its appropriateness for this residential street, and the potential density of the development.

  - B. Reichert, resident and representative of the Britannia Village Community Association, highlighted concerns regarding traffic maneuverability and safety along this portion of Bradford Street, the density of the development, and parking configurations that may impact traffic.
- [9] Brian Casagrande, also acting as Agent for the Applicant, emphasized that the requested variance is for a reduction to the side yard in one location only, resulting from the angle of the lot line, and that the proposal otherwise complies with all zoning requirements. He argued that many of the concerns raised relate to the zoning on the property as opposed to the reduced side yard setback.
- [10] Following the public hearing, the Committee reserved its decision.

## DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED

### Application Must Satisfy Statutory Four-Part Test

[11] 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

[12] 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 a cover letter, plans and a planning rationale, with revisions, tree information, photo of the posted sign, and a sign posting declaration.
- City Planning Report received February 1, 2024, with no concerns; received December 8, 2023, requesting adjournment; received October 27, 2023, with concerns.
- Rideau Valley Conservation Authority email received January 31, 2024, with no objections; received December 7, 2023, with no objections; received October 26, 2023, with no objections.
- Hydro Ottawa email received January 30, 2024, with no concerns; received December 6, 2023, with comments, received October 26, 2023, with comments.
- Hydro One email received December 5, 2023, with no concerns; received October 25, 2023, with no comments.
- Ministry of Transportation email received February 2, 2024, with no comments; received October 30, 2023, with no comments.
- National Capital Commission email received December 11, 2023, with no objections; received October 26, 2023, with concerns, requesting adjournment.
- K. Patzer, President, Britannia Village Community Association, emails received February 5, 2024, opposed; October 30, 2023, opposed.

- A. Tivy, resident, email received November 3, 2023, with concerns.
- K. Allidina, resident, emails received November 14, 2023, opposed; received October 20, 2023, opposed.
- L. McLaughlin, resident, email received November 21, 2023, opposed.
- A. Millson, resident, emails received November 21, 2023, opposed; received November 28, 2023, opposed.
- E. Fuller, resident, email received October 13, 2023, opposed.
- C. Fortin, resident, email received October 16, 2023, opposed.
- R. Reichart, resident, email received October 18, 2023, opposed.
- P. Kivikink, resident, email received October 19, 2023, opposed.
- B. Hewitt, resident, email received October 19, 2023, opposed.
- H. & J. Lafleur, resident, email received October 20, 2023, opposed.
- B. McDonald and R. Tivy, residents, email received October 20, 2023, opposed.
- D. Gantous, resident, email received October 23, 2023, opposed.
- S. Bragg, resident, email received October 25, 2023, in support.
- R. Cheam, resident, email received October 25, 2023, in support.
- J. Beardall, resident, email received October 26, 2023, opposed.
- M. Adamache, resident, email received October 26, 2023, opposed.
- M. Hurley, resident, email received October 26, 2023, opposed.
- R. MacLeod, resident, email received October 26, 2023, opposed.
- M. Kierkus, resident, email received October 26, 2023, opposed.
- S. Merrill, resident, email received October 27, 2023, opposed.
- O. McDonald, resident, email received October 26, 2023, with concerns.

- M. Constantinidi, resident, email received October 30, 2023, opposed.
- J. Rudkoski, resident, email received October 30, 2023, opposed.
- B. and C. Ouellette, residents, email received October 30, 2023, opposed.

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

- [13] The Committee considered all written and oral submissions relating to the application in making its decision and granted the application.
- [14] Based on the evidence, the Committee is satisfied that the requested variance meets all four requirements under subsection 45(1) of the *Planning Act*.
- [15] The Committee notes that the City's Planning Report raises "no concerns" regarding the application, highlighting that "only the southwest corner of the building is not compliant with the minimum interior side yard setback" and that "given that most of the side yard is preserved, staff is of the opinion that the reduction of the side yard would still maintain its function."
- [16] The Committee also notes that no compelling evidence was presented that the variance would result in any unacceptable adverse impact on neighbouring properties.
- [17] Considering the circumstances, the Committee finds that, because the proposal fits with the type and form of development that is contemplated for this lot, 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.
- [18] 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 neighbourhood.
- [19] In addition, the Committee finds that the requested variance maintains the general intent and purpose of the Zoning By-law because the proposal represents orderly development that is compatible with the surrounding area.
- [20] 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, and because much of the affected side yard meets or exceeds the required setback.
- [21] THE COMMITTEE OF ADJUSTMENT therefore authorizes the requested variance, **subject to** the location and size of the proposed construction being in accordance with the revised plans filed, Committee of Adjustment date stamped January 26, 2024, as they relate to the requested variance.

*"Absent"*  
FABIAN POULIN  
VICE-CHAIR

*"Jay Baltz"*  
JAY BALTZ  
ACTING PANEL CHAIR

*"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 **FEBRUARY 16, 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 7, 2024**, 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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