

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

<b>Date of Decision:</b>	March 28, 2024
<b>Panel:</b>	1 - Urban
<b>File No.:</b>	D08-02-23/A-00321
<b>Application:</b>	Minor Variance under section 45 of the <i>Planning Act</i>
<b>Owner/Applicant:</b>	12445263 Canada Inc.
<b>Property Address:</b>	258 Montfort Street
<b>Ward:</b>	12 - Rideau-Vanier
<b>Legal Description:</b>	Lot 227, Registered Plan 246
<b>Zoning:</b>	R4UA
<b>Zoning By-law:</b>	2008-250
<b>Hearing Date:</b>	March 20, 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 plans filed with the Committee. The existing detached dwelling will be demolished.
- [2] At the scheduled hearing on February 7, 2024, the Committee adjourned the application to allow the Applicant time to apply for an additional minor variance (lot area).

**REQUESTED VARIANCE**

- [3] 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 9.42 metres, whereas the By-law requires a minimum lot width of 12 metres.
  - b) To permit a reduced lot area of 358.9 square metres, whereas the By-law requires a minimum lot area of 360 square metres.
- [4] The Application indicates that the Property is not the subject of any other current application under the Planning Act.

## **PUBLIC HEARING**

### **Oral Submissions Summary**

- [5] Chris Jalkotzy, Agent for the Applicant, addressed the concerns raised in correspondence received from area residents. In particular, he confirmed that no parking was required for the subject property and that development on the site would meet all requirements under the Zoning Bylaw, including landscaping. He also confirmed that stormwater management would be addressed within the property.
- [6] The Committee also heard oral submissions from the following individuals:
- D. Lacroix, resident, highlighted concerns with the impact on the character of the neighborhood, the lack of images showing the proposal, the impact of noise, and lack of parking.
  - S. Carbonneau, resident, highlighted concerns with the proposal's size, density, height, lack of parking, and impact on the streetscape. He also questioned the proposal's consistency with the City's infill design guidelines. Two copies of his printed material were shared with the three in-person Panel Members (Member J. Blatherwick participating remotely) and a copy was shared with the Applicant's Agent.
- [7] City Planner Margot Linker confirmed that parking is prohibited on the site and that the lot size is in keeping with the existing lot fabric. Ms. Linker also confirmed that the infill design guidelines are not applicable in this situation as the proposed development, except for the variances for lot size, will be in conformity with all requirements under the Zoning Bylaw.
- [8] In response to questions from the Committee, Ms. Linker advised that a site servicing study would be required as part of the building permit process.

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

### **Application Must Satisfy Statutory Four-Part Test**

- [9] 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**

[10] 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 report, photo of the posted sign, and a sign posting declaration.
- City Planning Report received March 14, 2024, with no concerns; received February 1, 2024, requesting adjournment.
- Rideau Valley Conservation Authority email received March 12, 2024, with no objections; received January 31, 2024, with no objections.
- Hydro Ottawa email received March 13, 2024; received January 30, 2024.
- Ministry of Transportation email received February 2, 2024.
- Vanier Community Association email received March 10, 2024, with comments.
- P. Parisien, resident, petition on behalf of himself and five residents, email received March 18, 2024, opposed.
- S. Carbonneau, neighbour, email received March 19, 2024, opposed.
- D. Lacroix, neighbour, email received March 19, 2024, opposed.
- K. Walsh, resident, email received January 25, 2024, in support.
- J. Chamberland, resident, email received February 5, 2024, opposed.

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

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

[12] Based on the evidence, the Committee is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.

[13] The Committee notes that the City's Planning Report raises "no concerns" regarding the application highlighting that "[t]he proposed development is still able to meet the minimum setback requirements, as well as suitably provide for soft landscaping, waste management, and bike parking". It further highlights that within the Evolving Neighbourhood Overlay "[t]he overlay signals an evolution in character, to support intensification and to evolve towards an urban built form".

- [14] The Committee also notes that no compelling evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.
- [15] 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.
- [16] 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.
- [17] 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.
- [18] 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.
- [19] THE COMMITTEE OF ADJUSTMENT therefore authorizes the requested variances.

*"Ann M. Tremblay"*  
ANN M. TREMBLAY  
CHAIR

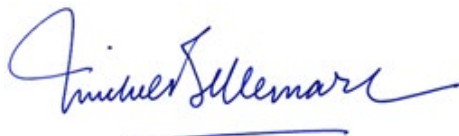
*"John Blatherwick"*  
JOHN BLATHERWICK  
MEMBER

*Absent*  
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 28, 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 **April 18, 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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