

DECISION
MINOR VARIANCE / PERMISSION

Date of Decision:	March 15, 2024
Panel:	1 - Urban
File Nos.:	D08-02-23/A-00226, D08-02-23/A-00287 and D08-02-23/A-00289
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Owner/Applicant:	1470475 Ontario Inc.
Property Address:	407, 409 and 411 Queen Street
Ward:	14 – Somerset
Legal Description:	Lot 18 & Part of Lot 19 Numbering Westward North Side of Queen Street Registered Plan No 3922
Zoning:	GM [185] S85
Zoning By-law:	2008-250
Hearing Date:	March 6, 2024, in person and by videoconference

APPLICANT'S PROPOSAL AND PURPOSE OF THE APPLICATIONS

- [1] The Owner wants to establish **three** ~~five~~ front yard parking spaces and add soft landscaping in the front yard of the three existing multi-unit dwellings, as shown on plans filed with the Committee.

REQUESTED VARIANCES

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

A-00226 407 Queen Street, existing multi-unit dwelling

- a) To permit ~~2~~ **1** front yard parking space whereas the By-law does not permit front yard parking.
- b) ~~To permit reduced landscape widths abutting a street of 2.5 metres, whereas the By-law requires a minimum of 3 metres.~~
- c) To permit a reduced landscape width of 0.5 metres abutting a residential zone, whereas the By-law requires a minimum of 3 metres.

The applications indicate that **there is a drive aisle and loading zone used for garbage and recycling collection** ~~the parking space shown on the site plan as "1" that~~ has previously been legally established. ~~Two~~ **One** additional front yard parking space **on 407 Queen Street** ~~are~~ **is** proposed as part of the applications.

A-00287: 409 Queen Street, existing multi-unit dwelling

- d) To permit a reduced parking width of 2.4 metres, whereas the By-law requires a minimum width of 2.6 metres.
- e) To permit a reduced parking length of 4.6 metres, whereas the By-law requires a minimum parking length of 5.2 metres.
- f) To permit reduced landscape widths abutting a street of 2.5 metres, whereas the By-law requires a minimum of 3 metres.
- g) To permit **1** front yard parking **space** whereas the By-law does not permit front yard parking.

A-00288: 411 Queen Street, existing multi-unit dwelling

- h) To permit ~~two~~ one parking space with a reduced width of 2.4 metres, whereas the By-law requires a minimum width of 2.6 metres.
- i) To permit ~~two~~ one parking space with a reduced length of 4.6 metres, whereas the By-law requires a minimum parking length of 5.2 metres.
- j) To permit **1** 2-front yard parking space whereas the By-law does not permit front yard parking.
- k) To permit reduced landscape widths abutting a street of 2.5 metres, whereas the By-law requires a minimum of 3 metres.

PUBLIC HEARING

- [3] The application was adjourned on February 7, 2024, to allow the Applicant time to review the City's comments and confirm soil volumes for tree planting.

Oral Submissions Summary

- [4] The Panel Chair noted that, based on revised plans received from the Applicant's Agent, the applications should be amended as follows:

A-00226 407 Queen Street, existing multi-unit dwelling

- a) To permit ~~2~~ **1** front yard parking **spaces** whereas the By-law does not permit front yard parking.
- b) ~~To permit reduced landscape widths abutting a street of 2.5 metres, whereas the By-law requires a minimum of 3 metres.~~

The application indicates that **there is a drive aisle and loading zone used for garbage and recycling collection** ~~the parking space shown on the site plan as "1" that~~ has previously been legally established. ~~Two~~ **One** additional front yard parking spaces **on 407 Queen Street** ~~are~~ **is** proposed as part of this application.

A-00287: 409 Queen Street, existing multi-unit dwelling

g) To permit **1** front yard parking **space** whereas the By-law does not permit front yard parking.

A-00288: 411 Queen Street, existing multi-unit dwelling

h) To permit ~~two~~ one parking space with a reduced width of 2.4 metres, whereas the By-law requires a minimum width of 2.6 metres.

i) To permit ~~two~~ one parking space with a reduced length of 4.6 metres, whereas the By-law requires a minimum parking length of 5.2 metres.

j) To permit **1** 2-front yard parking space whereas the By-law does not permit front yard parking.

- [5] Tamara Nahal, Agent for the Applicant, confirmed the amendments to the variances.
- [6] Ms. Nahal provided a slide presentation, a copy of which is on file with the Secretary-Treasurer and available from the Committee Coordinator upon request.
- [7] In response to questions from the Committee, she confirmed that the Applicant had worked with the City's Rights of Way branch to have the fewest number of curb cuts possible on the site and worked with the Planning Forester to plant trees to prevent further front yard parking and provide screening. Ms. Nahal also confirmed that there was rear yard parking available for 407 Queen Street which formed part of the leases for that property.
- [8] Jacob Bolduc, also representing the Applicant, highlighted that existing and proposed physical barriers, such as hydro poles, lack of depressed curb cuts and trees will ensure that there is no illegal front yard parking.
- [9] The Committee also heard oral submissions from the following individual:
- D. Barton, Dalhousie Community Association, raised concerns that, despite the revisions to the applications, front yard parking was not permitted, and that the area was well served by public transit. She further expressed concerns with the removal of soft landscaping and greenspace.
- [10] In response to questions from the Committee, City Planner Margot Linker stated under a previous zoning bylaw one parking space per lot was permitted prior to the conversion of the dwellings and City staff were in the process of confirming the legal non-complying parking spaces.
- [11] Following the public hearing, the Committee reserved its decision.

DECISION AND REASONS OF THE COMMITTEE: APPLICATIONS REFUSED

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, revised cover letter, plans, photos of the posted sign, and a sign posting declaration.
- City Planning Report received March 1, 2024, with no concerns.
- Rideau Valley Conservation Authority email received March 1, 2024, with no concerns.
- Hydro Ottawa email received February 27, 2024, with no concerns.
- Ministry of Transportation email received March 1, 2024, with no comments.
- J. Murchison email received January 25, 2024, opposed.
- Dalhousie Community Association email received February 5, 2024, opposed.

Effect of Submissions on Decision

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

[15] Based on the evidence, the Committee is not satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.

[16] The Committee notes that the City's Planning Report raises "no concerns" regarding the applications highlighting "the Official Plan's direction is focusing more strongly on building form rather than typology. In addition, the lots might be able to benefit from Section 109(5) in the Zoning By-law to permit one front yard parking space per lot historically".

- [17] Considering the circumstances, the Committee finds that, because of the effect front yard parking would have on the character of streetscape and the neighborhood, the requested variances are, from a planning and public interest point of view, not 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 variances do not maintain the general intent and purpose of the Official Plan because the proposal does not respect the character of the neighbourhood.
- [19] In addition, the Committee finds that the requested variances do not maintain the general intent and purpose of the Zoning By-law because the proposal does not represent orderly development of the property that is compatible with the surrounding area.
- [20] Moreover, the Committee finds that the requested variances are not minor because they would create an unacceptable adverse impact on abutting properties or the neighbourhood in general.
- [21] THE COMMITTEE OF ADJUSTMENT therefore does not authorize the requested variances.

"Jay Baltz"
JAY BALTZ
ACTING PANEL CHAIR

"John Blatherwick"
JOHN BLATHERWICK
MEMBER

"Julianne Wright"
JULIANNE WRIGHT
MEMBER

"Arto Keklikian"
ARTO KEKLIKIAN
MEMBER

"Sharon Lécuyer"
SHARON LÉCUYER
MEMBER

Absent
ANN M. TREMBLAY
CHAIR

Absent
SIMON COAKELEY
MEMBER

I certify this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa, dated **March 15, 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 4, 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.

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