

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

<b>Date of Decision:</b>	October 13, 2023
<b>Panel:</b>	1 - Urban
<b>File No(s):</b>	D08-02-23/A-00173
<b>Application:</b>	Minor Variance under section 45 of the <i>Planning Act</i>
<b>Owner(s)/Applicant(s):</b>	2707120 Ontario Inc.
<b>Property Address:</b>	96 Jolliet Avenue
<b>Ward:</b>	12 – Rideau-Vanier
<b>Legal Description:</b>	Lot 151, Registered Plan M-27
<b>Zoning:</b>	R4UA
<b>Zoning By-law:</b>	2008-250
<b>Hearing Date:</b>	October 4, 2023, in person and by videoconference

**APPLICANT’S PROPOSAL AND PURPOSE OF THE APPLICATION**

- [1] The Owner wants to construct a four storey, eight-unit, low-rise apartment building. The existing dwelling will be demolished.
- [2] At the August 16, 2023 hearing, the Committee adjourned the application to allow the Agent to confirm the accuracy of the minor variances.

**REQUESTED VARIANCE**

- [3] The Applicant requires the Committee’s authorization for minor variances from the Zoning By-law as follows:
  - a. To permit a reduced rear yard setback of 6.76 meters, whereas the By-law states that the minimum required rear yard setback is 30% of the lot depth or 9.15 metres in this case.
  - b. To permit a reduced rear yard area of 22% of the lot depth or 82.50 square metres, whereas the By-law states the minimum required rear yard area is 25% of the lot area or 93.08 square meters in this case.

## PUBLIC HEARING

### Oral Submissions Summary

- [4] Alison Clarke, 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. Ms. Clarke also responded to questions from the Committee and confirmed that the reason for the requested variances was tied to the applicant's desire to construct eight two-bedroom units.
- [5] The Committee also heard oral submissions from the following individuals:
- C. Viau, resident, raised concerns regarding the application, stating that the application would result in a loss of privacy and sunlight. Mr. Viau also provided a slide presentation, a copy of which is on file with the Secretary-Treasurer and available from the Committee Coordinator upon request.
- [6] City Planner Margot Linker raised concerns with the application, specifically with the massing of the proposed development and the break in the continuous rear yard setback seen throughout this block of Jolliet Avenue. Ms. Linker further noted that a compliant rear yard setback would have also deviated from this existing rear yard pattern.
- [7] Following the public hearing, the Committee reserved its decision and advised that a written one with reasons would be issued within ten days.

## DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED

### Application Must Satisfy Statutory Four-Part Test

- [8] 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

- [9] 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 and tree replanting plan, recirculated site plan, a photo of the posted sign, and a sign posting declaration.

- City Planning Reports received September 28, 2023, with some concerns; received August 10, 2023, requesting adjournment.
- Rideau Valley Conservation Authority emails dated September 29, 2023, with no objections; dated August 10, 2023, with no objections.
- Ministry of Transportation emails dated September 21, 2023, with no comments; dated August 10, 2023, with no comments.
- K. Walsh, resident, emails dated September 21, 2023, in support; dated August 2, 2023, in support.
- C. Viau, resident, emails dated October 3, 2023, in opposition; dated August 16, 2023, in opposition.
- T. Anchel, resident, email dated August 9, 2023, with concerns.
- C. Greenshields, Interim President, Vanier Community association, email dated August 14, 2023, with concerns.
- Agent email dated August 9, 2023, responding to resident.
- Agent email dated August 10, 2023, requesting adjournment.
- Hydro Ottawa email dated August 16, 2023, with no concerns.

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

- [10] The Committee considered all written and oral submissions relating to the application in making its decision and granted the application.
- [11] Based on the evidence, the Committee is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.
- [12] The Committee notes that the City's Planning Report raises 'some concerns' with the application. The report highlights that, "Staff have concerns with how the proposal's increased massing would integrate into the current character of the neighbourhood." However, the report further highlights that, "The proposed minor variances do not appear to compromise the functionality of the site as adequate space is provided in the rear yard for waste management, bicycle storage, and pedestrian ingress and egress. Staff acknowledge that the proposed rear yard setback does not compromise the required rectangular aggregate soft landscaping. Additionally, staff recognize that the proposal substantially exceeds the required percentage of soft landscaping in the front yard."
- [13] The Committee also notes that no compelling evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.

- [14] 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.
- [15] 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.
- [16] 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.
- [17] 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.
- [18] THE COMMITTEE OF ADJUSTMENT therefore authorizes the requested variances, **subject to:**
- a. The location and size of the proposed construction being in accordance with the plans filed, Committee of Adjustment date stamped September 26, 2023.
  - b. The second-floor rear balconies being limited to 1.2 metres in depth with an opaque railing on all sides and a 2.1-metre high privacy screen on both ends of each balcony.

Absent  
ANN M. TREMBLAY  
CHAIR

*"John Blatherwick"*  
JOHN BLATHERWICK  
ACTING CHAIR

Absent  
SIMON COAKELEY  
MEMBER

*"Arto Keklikian"*  
ARTO KEKLIKIA  
MEMBER

*"Sharon Lécuyer"*  
SHARON LÉCUYER  
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 **October 13, 2023**.



Matthew Garnett  
Acting 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 **November 2, 2023**, 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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