

DECISION
MINOR VARIANCE / PERMISSION

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| Date of Decision: | April 12, 2024 |
| Panel: | 1 - Urban |
| File No.: | D08-02-24/A-00033 |
| Application: | Permission under section 45 of the <i>Planning Act</i> |
| Owners/Applicants: | Alfonso Capretta, Davide Capretta and Steve Capretta |
| Property Address: | 507 Bay Street |
| Ward: | 14 - Somerset |
| Legal Description: | Part of Lot 1, East side of Bay Street, Registered Plan 30 |
| Zoning: | TM14 (H17) |
| Zoning By-law: | 2008-250 |
| Hearing Date: | April 3, 2024, in person and by videoconference |

APPLICANTS'S PROPOSAL AND PURPOSE OF THE APPLICATION

- [1] The Owners want to construct a three-storey addition containing 7 apartment dwellings at the rear of the existing building, resulting in a 10-unit, low-rise apartment dwelling on the property, as shown on plans filed with the Committee. Existing one-and two-storey portions at the rear of the building will be demolished.

REQUESTED PERMISSION

- [2] The Owners/Applicants require the Permission of the Committee to enlarge or extend the existing non-conforming apartment dwelling for a proposed rear addition.

PUBLIC HEARING

Oral Submissions Summary

- [3] Christine McCuaig, Agent for the Applicants, responded to questions from the Panel Chair and agreed that the Purpose of the Application should be clarified as follows:

The Owners want to construct a three-storey addition containing **7 apartments dwellings** at the rear of the existing building, resulting in a 10-unit, low-rise apartment dwelling on the property, as shown on plans

filed with the Committee. Existing one-and two-storey portions at the rear of the building will be demolished.

[4] City Planner Margot Linker was also present.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED

Application Must Satisfy Two-Part Test

[5] The Committee has the power to permit an extension or enlargement of a legal non-conforming building or use under subsection 45(2) of the *Planning Act* based upon both the desirability for development of the property in question and the impact on the surrounding area.

Evidence

[6] 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 planning rationale, plans, photo of the posted sign, and a sign posting declaration.
- City Planning Report received March 27, 2024, with no concerns.
- Rideau Valley Conservation Authority email received March 27, 2024, with no objections.
- Hydro Ottawa email received March 27, 2024, with comments.
- Ottawa Macdonald-Cartier International Airport Authority email received March 20, 2024, with no comments.
- Ontario Ministry of Transportation email received March 22, 2024, with no comments.

Effect of Submissions on Decision

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

[8] Based on the evidence, the Committee is satisfied that the requested permission meets the two-fold test relating to desirability and impact.

[9] The Committee notes that the City's Planning Report raises "no concerns" regarding the application.

- [10] The Committee further notes that no evidence was presented that the proposal would create any unacceptable impact on abutting properties or the neighbourhood in general.
- [11] Considering the circumstances, the Committee finds that, because the proposal fits well in the area, the requested permission 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.
- [12] The Committee also finds that the proposal will not create any unacceptable adverse impact on abutting properties or the neighbourhood in general.
- [13] THE COMMITTEE OF ADJUSTMENT therefore permits the extension or enlargement of the dwelling, **subject to** the proposed construction being in accordance with the plans filed, Committee of Adjustment date stamped **February 28, 2024**, as they relate to the requested permission.

"Ann M. Tremblay"
ANN M. TREMBLAY
CHAIR

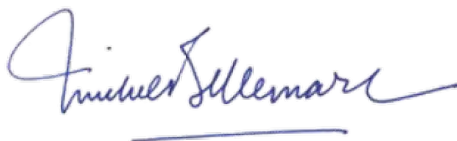
"John Blatherwick"
JOHN BLATHERWICK
MEMBER

"Simon Coakeley"
SIMON COAKELEY
MEMBER

"Arto Keklikian"
ARTO KEKLIKIAN
MEMBER

Absent
SHARON LÉCUYER
MEMBER

I certify this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa, dated **April 12, 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 **May 2, 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
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