

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

<b>Date of Decision:</b>	April 12, 2024
<b>Panel:</b>	1 - Urban
<b>File No.:</b>	D08-02-21/A-00345
<b>Application:</b>	Minor Variance under section 45 of the <i>Planning Act</i>
<b>Owner/Applicant:</b>	2672616 Ontario Inc.
<b>Property Address:</b>	469 Wilbrod Street
<b>Ward:</b>	12 – Rideau-Vanier
<b>Legal Description:</b>	Part of Lot 44 (North Wilbrod Street) and Part of Lot 44 (South Stewart Street), Registered Plan 6
<b>Zoning:</b>	R4UD [481]
<b>Zoning By-law:</b>	2008-250
<b>Hearing Date:</b>	April 3, 2024, in person and by videoconference

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

- [1] The Owner wants to convert the existing two-story, three-unit dwelling into a four-unit, low-rise apartment building, as shown on plans filed with the Committee.
- [2] On February 7, 2024, this application was adjourned to allow the Owner to apply for an additional minor variance. The applicant submitted revised documents and an additional variance request.

**REQUESTED VARIANCES**

- [3] The Owner requires the Committee's authorization for minor variances from the Zoning By-law as follows:
  - a) To permit a reduced front yard setback of 3.9 metres, whereas the By-law requires a minimum front yard setback of 4.5 metres.
  - b) To permit a reduced rear yard setback of 9.4 metres, whereas the By-law requires a minimum rear yard setback of 9.5 metres.
  - c) To permit two rear yard parking spaces, whereas the By-law states that no motor vehicle parking is permitted on a lot less than 450 square metres.

## **PUBLIC HEARING**

### **Oral Submissions Summary**

- [4] Robert Viau and Charles Viau, both acting as Agents for the Applicant, were present.
- [5] City Planner Margot Linker was also present.
- [6] There were no objections to granting this unopposed application as part of the Panel's fast-track consent agenda.

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

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

- [7] 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**

- [8] 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, photo of the posted sign, and a sign posting declaration.
  - City Planning Report received March 26, 2024, with no concerns; received February 2, 2024, requesting adjournment.
  - 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

- [9] The Committee considered all written and oral submissions relating to the application in making its decision and granted the application.
- [10] Based on the evidence, the Committee is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.
- [11] The Committee notes that the City's Planning Report raises "no concerns" regarding the application. Regarding the reduced front and rear yard setbacks, the report highlights that, "considering that the dwelling is existing and [the] majority of the changes will be done in the interior, Staff are satisfied that variances a) and b) are minor in nature and will not create adverse impacts on the surrounding area." The report also indicates that the City has no concerns with the proposed parking spaces because "Staff have determined the requirements in the Zoning By-law regarding soft landscaping areas, proposed waste storage and bicycle parking are met."
- [12] The Committee also notes that no evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.
- [13] Considering the circumstances, the Committee finds that 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.
- [14] The Committee also finds that the requested variances maintain the general intent and purpose of the Official Plan because the proposal preserves the character of the neighbourhood and contributes discreet intensification in the Downtown Core Transect.
- [15] 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.
- [16] 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.
- [17] THE COMMITTEE OF ADJUSTMENT therefore authorizes the requested variances, **subject to** the location and size of the proposed construction being in accordance with the plans filed, Committee of Adjustment date stamped February 28, 2024, as they relate to the requested variances.

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

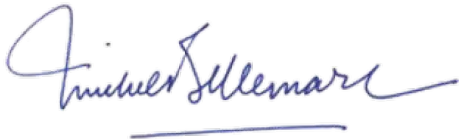
*"John Blatherwick"*  
JOHN BLATHERWICK  
MEMBER

*"Simon Coakeley"*  
SIMON COAKELEY  
MEMBER

*Declared Interest*  
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](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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