

**DECISION
MINOR VARIANCE**

Date of Decision:	January 26, 2024
Panel:	1 - Urban
File No(s):	D08-02-23/A-00279
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Owner(s)/Applicant(s):	Cava Holdings
Property Address:	90 Elm Street
Ward:	14 - Somerset
Legal Description:	Part of lots 55 and 56, Registered Plan No.13
Zoning:	R4UB
Zoning By-law:	2008-250
Hearing Date:	January 17, 2024, in person and by videoconference

APPLICANT'S PROPOSAL AND PURPOSE OF THE APPLICATION

- [1] The Owner wants to construct a three-storey low-rise apartment building, as shown on the plans filed with the application. The existing dwelling will be demolished.

REQUESTED VARIANCES

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

a) To permit a reduced lot area of 266.8 square metres, whereas the By-law requires a minimum lot area of 300 square metres.

b) To permit a reduced lot width of 8.8 metres, whereas the By-law requires a minimum lot width of 10 metres.

- [3] The application indicates that the Property is not the subject of any other current application under the *Planning Act*.

PUBLIC HEARING

Oral Submissions Summary

- [4] Christine McCuaig, 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. McCuaig also noted that concerns raised by a neighbour had been addressed to their satisfaction.

- [5] Addressing a comment in the City’s Planning Report recommending that “the decision clarifies that the request is for a four-unit low-rise apartment building, as a low-rise apartment building with over eight units has different performance standards,” Ms. McCuaig agreed to the imposition of a condition tying any approval of the application to the construction of a low-rise apartment building containing no more than eight units.
- [6] City Planner Margot Linker was also in attendance.

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 a cover letter, plans, a tree information report, and a sign posting declaration.
 - City Planning Report received January 10, 2024, with no concerns.
 - Rideau Valley Conservation Authority email dated January 10, 2024, with no objections.
 - Hydro Ottawa email dated December 21, 2024, with comments.
 - Ministry of Transportation email dated December 19, 2024, with no comments.
 - G. Magnan, neighbour, email dated December 28, 2024

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, highlighting that "all elements associated with introducing a low-rise apartment dwelling can be adequately accommodated on site."
- [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 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.
- [14] 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.
- [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 proposed construction being limited to a maximum of 8 units for a low-rise apartment building.

"Ann M. Tremblay"
ANN M. TREMBLAY
CHAIR

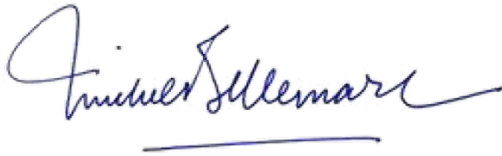
"John Blatherwick"
JOHN BLATHERWICK
MEMBER

"Simon Coakeley"
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 **January 26, 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 **February 15, 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.

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