

**DECISION
MINOR VARIANCE**

Date of Decision:	June 30, 2023
Panel:	1 - Urban
File No(s):	D08-02-23/A-00116 & D08-02-23/A-00117
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Owner(s)/Applicant(s):	146551782 Canada Inc. And 14828160 Canada Corp.
Property Address:	360 Lacasse Avenue
Ward:	12 – Rideau-Vanier
Legal Description:	Part of Lots I and J, Plan 381
Zoning:	R4UA
Zoning By-law:	2008-250
Hearing Date:	June 21, 2023, in person and by videoconference

APPLICANTS' PROPOSAL AND PURPOSE OF THE APPLICATIONS

- [1] The Owners want to subdivide their property into two separate parcels of land for the construction of two new low rise apartment buildings.

REQUESTED VARIANCES

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

A-00116: 360 Lacasse Avenue, Part 1 on 4R-proposed:

- a) To permit a reduced lot area 358 square metres, whereas the By-law requires a minimum lot area of 360 square metres.
- b) To permit a reduced lot width of 10.51 metres, whereas the By-law requires a minimum lot width of 12 metres.

A-00117: 362 Lacasse, Part 2 on 4R-proposed:

- c) To permit a reduced lot area of 357 square metres, whereas the By-law requires a minimum lot area of 360 square metres.

- d) To permit a reduced lot width of 10.52 metres, whereas the By-law requires a minimum lot area of 12 metres.

PUBLIC HEARING

Oral Submissions Summary

- [3] In response to questions from the Committee, Thomas Freeman, Agent for the Applicant, confirmed that the proposed development will be adequately serviced. He also confirmed that the ownership of the property is accurately described in the Application submission.
- [4] City Planner Margot Linker stated no concerns with the applications.
- [5] The Committee also heard oral submissions from the following individual:
- J. Pagée, area resident, raised concerns regarding the lack of on-site parking spaces on site and resulting demand for on-street parking.
- [6] In response, Mr. Freeman and Jacob Bolduc, also Agent for the Applicants, confirmed that on-site parking in this case is not permitted under the Zoning By-law.
- [7] Following the public hearing, the Committee reserved its decision.

DECISION AND REASONS OF THE COMMITTEE: APPLICATIONS GRANTED

Applications 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 a planning rationale, plans, a letter from a solicitor, a parcel abstract, property transfer, tree information report and a sign posting declaration.
 - City Planning Report received June 16, 2023, with no concerns.

- Rideau Valley Conservation Authority, email dated June 20, 2023, with no objections.
- Hydro Ottawa, email dated June 14, 2023, with comments.
- Ministry of Transportation, email dated June 12, 2023, with no comments.
- K. Walsh, area resident, email dated June 8, 2023, in support.
- J. Pagée, area resident, email dated June 20, 2023, in opposition.

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 applications.
- [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 "no concerns" regarding the application, highlighting that: "Minimum lot sizes seek to ensure that all elements associated with introducing a low-rise apartment building can be adequately accommodated on site. Staff have no concerns with the reduced lot width and lot area to accommodate the development of this low-rise apartment dwelling as adequate waste storage, bicycle parking, and soft landscaping have been provided.
- [13] The Committee also notes that no compelling evidence was presented that the requested variances would result in any unacceptable adverse impact on adjacent properties or the neighbourhood in general.
- [14] 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.
- [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 and contributes mild intensification in an area identified as an Evolving Neighbourhood within the Inner Urban Transect.
- [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.

"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 **June 30, 2023**.



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 **July 20, 2023**, 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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