

**DECISION
MINOR VARIANCE**

Date of Decision:	June 14, 2024
Panel:	1 - Urban
File No.:	D08-02-24/A-00040
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Owner/Applicant:	Centretown Citizens Ottawa Corporation
Property Address:	212 Carruthers Avenue
Ward:	15 – Kitchissippi
Legal Description:	Part of Lot 15, Registered Plan 83
Zoning:	R4UB
Zoning By-law:	2008-250
Heard:	June 5, 2024, in person and by videoconference

APPLICANT’S PROPOSAL AND PURPOSE OF THE APPLICATION

- [1] The Applicant wants to construct a three-storey, low-rise apartment dwelling, as shown on the plans filed with the application. The existing two-storey multi-unit dwelling will be demolished.
- [2] On April 3, 2024, the hearing of the application was adjourned to allow the Applicant time to revise the requested variances. The Applicant subsequently submitted revised documents.

REQUESTED VARIANCES

- [3] The Owner/Applicant requires the Committee’s authorization for minor variances from the Zoning By-law as follows:
 - a) To permit a reduced bicycle parking space width of 0.315 metres, whereas the By-law requires a minimum bicycle parking space width of 0.6 metres.
 - b) To permit an increased front yard walkway width of 3.295 metres, whereas the By-law permits a maximum width of 1.8 metres for a front yard walkway to a low-rise apartment dwelling.

- c) To permit an increased building height of 12.1 metres, whereas the By-law permits a maximum building height of 11 metres.
- d) To permit 0% of the area of the front façade to be setback from the front setback line with no recess, whereas the By-law requires a minimum of at least 20% of the area of the front façade be recessed an additional 0.6 metres from the front setback line.

PUBLIC HEARING

- [4] Nadia De Santi, Agent for the Applicant, and City Planner Margot Linker were present.
- [5] 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(s) Must Satisfy Statutory Four-Part Test

- [6] 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

- [7] 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, photo of the posted sign, and a sign posting declaration.
 - City Planning Report received May 30, 2024, with no concerns; received March 27, 2024, requesting adjournment.
 - Rideau Valley Conservation Authority email received May 29, 2024, with no objections; received March 27, 2024, with no objections.
 - Hydro Ottawa email received May 30, 2024, with no concerns; received March 27, 2024, with no concerns.

- Ontario Ministry of Transportation email received March 22, 2024, with no comments
- City of Ottawa Building Code Services email received May 27, 2024, with no comments.
- R. Kemp, resident, email received May 24, 2024, in support; received March 25, 2024, in support.
- Hintonburg Community Association email received June 3, 2024, with no concerns.

Effect of Submissions on Decision

- [8] The Committee considered all written and oral submissions relating to the application in making its decision and granted the application.
- [9] Based on the evidence, the Committee is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.
- [10] The Committee notes that the City's Planning Report raises "no concerns" regarding the application, highlighting that "[t]he applicant has provided sufficient evidence demonstrating how this size of a parking space can adequately accommodate bicycles". The report also highlights that "the front façade proposes a high percentage of glazing and different materiality to still address the street rather than through building articulation".
- [11] The Committee also notes that no evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.
- [12] 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.
- [13] 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.
- [14] In addition, the Committee finds that the requested variances maintain the general intent and purpose of the Zoning By-law because the variances represent orderly development that is compatible with the surrounding area.
- [15] 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.

[16] 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 May 1, 2024, as they relate to the requested variances.

"Simon Coakeley"
SIMON COAKELEY
ACTING PANEL CHAIR

"John Blatherwick"
JOHN BLATHERWICK
MEMBER

"Heather MacLean"
HEATHER MACLEAN
MEMBER

"Arto Keklikian"
ARTO KEKLIKIAN
MEMBER

Absent
SHARON LÉCUYER
MEMBER

"Ann M. Tremblay"
ANN M. TREMBLAY
CHAIR

I certify this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa, dated **June 14, 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 **July 4, 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
City of Ottawa
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