

DECISION
MINOR VARIANCE / PERMISSION

Date of Decision:	June 14, 2024
Panel:	2 - Suburban
File Nos.:	D08-02-24/A-00106 to D08-02-23/A-00109
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Owner/Applicant:	1384662 Ontario Inc.
Property Address:	786 McKellar Avenue
Ward:	7 - Bay
Legal Description:	Lot 13, Registered Plan M-98
Zoning:	R3A
Zoning By-law:	2008-250
Heard:	June 4, 2024, in person and by videoconference

APPLICANT'S PROPOSAL AND PURPOSE OF THE APPLICATIONS

- [1] The Applicant wants to subdivide their property into four separate parcels of land to construct four townhouse dwellings each with an additional dwelling unit. The existing three-unit dwelling will be demolished.

REQUESTED VARIANCES

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

A-00106: 780 McKellar Avenue, Parts 1 & 5 on 4R-Draft Plan:

- a) To permit a reduced front yard setback of 2.5 metres, whereas the By-law requires a minimum front yard setback of 4.7 metres.
- b) To permit a front balcony projection of 1.3 metres, whereas the By-law does not permit a front balcony projection.

A-00107: 782 McKellar Avenue, Parts 2 & 6 on 4R-Draft Plan:

- c) To permit a reduced lot area of 118.2 square metres, whereas the By-law requires a minimum lot area of 180 square metres.
- d) To permit a reduced front yard setback of 2.5 metres, whereas the By-law requires a minimum front yard setback of 4.7 metres.

- e) To permit a front balcony projection of 1.3 metres, whereas the By-law does not permit a front balcony projection.

A-00108: 784 McKellar Avenue, Parts 3 & 7 on 4R-Draft Plan:

- f) To permit a reduced lot area of 111.7 square metres, whereas the By-law requires a minimum lot area of 180 square metres.
- g) To permit a reduced front yard setback of 2.5 metres, whereas the By-law requires a minimum front yard setback of 4.7 metres.
- h) To permit a front balcony projection of 1.3 metres, whereas the By-law does not permit a front balcony projection.

A-00109: 786 McKellar Avenue, Parts 4 & 8 on 4R-Draft Plan:

- i) To permit a reduced lot area of 130.6 square metres, whereas the By-law requires a minimum lot area of 180 square metres.
- j) To permit a reduced front yard setback of 2.5 metres, whereas the By-law requires a minimum front yard setback of 4.7 metres.
- k) To permit a front balcony projection of 1.3 metres, whereas the By-law does not permit a front balcony projection.

PUBLIC HEARING

Oral Submissions Summary

- [3] Simran Soor and Murray Chown, Agents 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.
- [4] Ms. Soor confirmed that the columns supporting the front balconies were considered ~~a~~-permitted projections under the Zoning By-law. Brandon Lawrence, project architect, confirmed that the columns projected roughly 508 mm into the front yard.
- [5] The Committee also heard oral submissions from the following individuals:
 - L. King, resident, highlighted concerns about the setback of the proposed building in relation to her property and the proposed building height.
- [6] City Planner Penelope Horn confirmed she had no concerns with the applications.
- [7] Following the public hearing, the Committee reserved its decision.

DECISION AND REASONS OF THE COMMITTEE: APPLICATIONS GRANTED

Application(s) 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:

- Applications and supporting documents, including cover letter, plans, revised tree information Report, parcel abstract, photo of the posted sign, and a sign posting declaration.
- City Planning Report received May 30, 2024, with no concerns.
- Rideau Valley Conservation Authority email received May 29, 2024, with no objections.
- Hydro Ottawa email received May 30, 2024, with comments.
- L. King, resident, letter received May 31, 2024, with comments.

Effect of Submissions on Decision

- [10] The Committee considered all written and oral submissions relating to the applications 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 applications, highlighting that "the proposed lot width reflects the diversity of lot sizes in the surrounding area and Inner Urban Transect. The report also highlights that the "reduced front setback allows parking to be accommodated in the rear yard, which reduces the prominence of automobiles on the streetscape." As for the requested balcony projections, the report highlights, that the intent of the balcony provisions is to limit overlook on neighbouring properties, given their location and the site context, the proposed balconies are not expected to impact the privacy of surrounding properties.

- [13] The Committee also notes that no evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.
- [14] 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.
- [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 while providing gentle intensification 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 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, **subject to** the location and size of the proposed construction being in accordance with the plans filed, Committee of Adjustment date stamped April 25, 2024, as they relate to the requested variances.

"Fabian Poulin"
FABIAN POULIN
VICE-CHAIR

"Jay Baltz"
JAY BALTZ
MEMBER

"George Barrett"
GEORGE BARRETT
MEMBER

"Heather MacLean"
HEATHER MACLEAN
MEMBER

"Julianne Wright"
JULIANNE WRIGHT
MEMBER

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.

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