

DECISION
MINOR VARIANCE / PERMISSION

Date of Decision:	April 26, 2024
Panel:	2 - Suburban
File Nos.:	D08-02-24/A-00032
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Owners/Applicants:	1000681380 Ontario Inc.
Property Address:	512 Moodie Drive
Ward:	8 – College
Legal Description:	Part of Lot 33 Concession 5 (Rideau Front) Geographic Township of Nepean
Zoning:	R1FF
Zoning By-law:	2008-250
Hearing Date:	April 16, 2024, in person and by videoconference

APPLICANT’S PROPOSAL AND PURPOSE OF THE APPLICATION:

- [1] The Owner wants to convert the existing detached dwelling into a twelve-unit rooming house, as shown on plan filed with the Committee.
- [2] At the scheduled hearing on April 2, 2024, the Committee adjourned the application for two weeks to allow the Applicant time to consult with neighbours.

REQUESTED VARIANCES

- [3] The Owner/Applicant requires the Committee’s authorization for minor variances from the Zoning By-law as follows:
 - To permit an increased number of 12 rooming units along an arterial road, whereas the By-law permits a maximum of 7 rooming units where there is direct vehicular access to an arterial or major collector road.
 - To permit a driveway to be located between the front wall of the dwelling and the street, whereas the By-law does not permit any part of the driveway to be located between the front wall of the dwelling and the street.
 - To permit a reduced driveway width of 3.00 metres for access to a parking lot, whereas the By-law requires a minimum double driveway width of 6.0 metres for access to a parking lot.

- To permit a reduced minimum length for a parallel parking space of 4.6 metres, whereas the By-law requires a minimum length for parallel parking space of 6.7 metres.

PUBLIC HEARING

Oral Submissions Summary

- [4] Thomas Freeman and Jacob Bolduc, 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.
- [5] In response to questions from the Committee, Mr. Freeman confirmed the size of the existing building, the size and number of the proposed bedroom units, and the percentage of shared amenity space within the dwelling. Mr. Bolduc confirmed the approximate percentage of circulation space for residents to enter the dwelling and their individual units. Mr. Freeman also confirmed that the existing shed will be converted to garbage and bicycle storage for residents while the remaining rear yard area will be used as an amenity space.
- [6] Mr. Bolduc highlighted that the proposal maintains the existing building envelope and converts the garage to additional living space. He also highlighted that, due to its size, the dwelling can accommodate twelve rooming units while maintaining the appearance of a detached dwelling. Additionally, he highlighted that the proposed six parking spaces meet the minimum parking requirement for a rooming house, and their placement will maintain the existing mature trees. Mr. Bolduc further stated that the proposal would not increase density on the site.
- [7] City Planner Samantha Gatchene highlighted that the City encourages the creation of legal rooming houses and confirmed she had no concerns with the application, noting that the layout, parking, and greenery make sense for the proposal. In response to questions from the Committee, Ms. Gatchene stated that the maximum seven-unit requirement for a rooming house predates the current Zoning By-law. She also confirmed that the Zoning By-Law does not specify the size requirements for communal amenity area within the building.
- [8] The Committee also heard oral submissions from the following individuals:
- C. Ritchie, resident, highlighted parking, pedestrian traffic and safety concerns.
 - M. Laflamme, resident, highlighted concerns regarding privacy, traffic, pedestrian safety, and the impact on her property. Ms. Laflamme also highlighted that the construction of a fence would alleviate her privacy concerns.
 - L. Ward, resident, highlighted concerns with parking.

[9] Following the public hearing, the Committee reserved its decision.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED IN PART
Application Must Satisfy Statutory Four-Part Test

[10] 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

[11] 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 April 11, 2024, with no concerns; received March 27, 2024, with no concerns.
- Rideau Valley Conservation Authority email received April 11, 2024, with no objections; received March 27, 2024, with no objections.
- Hydro Ottawa email received March 26, 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.
- T. Ladurantaye, resident, email received April 17, 2024, in opposition.
- R. Adamczyk, resident, email received April 9, 2024, in opposition.
- M. Laflamme, resident, email received April 9, 2024, in opposition.
- C. Ritchie, resident, email received March 20, 2024, with comments.
- B. O'Connell, resident, email received March 27, 2024, in opposition.

- K. Lam, resident, petition on behalf of herself and 75 residents received April 1, 2024, in opposition.
- K. Francis, resident, email received April 1, 2024, in opposition.
- N. Srickard, resident, email received April 1, 2024, in opposition.
- I. Ram and others, residents, email received April 1, 2024, in opposition.

Effect of Submissions on Decision

- [12] The Committee considered all written and oral submissions relating to the application in making its decision and granted the application in part.
- [13] Based on the evidence, the Committee is satisfied that variances (b), (c), and (d) meet all four requirements under subsection 45(1) of the *Planning Act*.
- [14] The Committee notes that the City's Planning Report raises "no concerns" regarding the requested variances highlighting that "[t]he Zoning By-law effectively permits 12 bedrooms in detached dwellings by allowing three units with 4 bedrooms each for a total of 12-bedrooms." And also highlights that "The reduced driveway enables the parallel parking spaces along the southern façade of the dwelling while providing access to the parking lot." while "maneuvering space is provided in front by the driveway and behind by the parking lot".
- [15] The Committee also notes that no compelling evidence was presented that variances (b), (c), and (d) would result in any unacceptable adverse impact on neighbouring properties.
- [16] Considering the circumstances, the Committee finds that, because the proposed development fits well in the area, variances (b), (c), and (d) 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.
- [17] The Committee also finds that variances (b), (c), and (d) maintain the general intent and purpose of the Official Plan because the proposed development respects the character of the neighbourhood.
- [18] In addition, the Committee finds that variances (b), (c), and (d) maintain the general intent and purpose of the Zoning By-law because the proposed development represents orderly development on the property that is compatible with the neighbourhood.
- [19] Moreover, the Committee finds that variances (b), (c), and (d), both individually and cumulatively, are minor because they will not create any unacceptable adverse impact on abutting properties or the neighbourhood in general.

[20] Conversely, based on the evidence, the Committee is not satisfied that variance (a) meets all four requirements under subsection 45(1) of the *Planning Act*.

[21] Specifically, the Committee finds insufficient evidence was presented that variance (a) is, from a planning a 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.

[22] Failing one of the four statutory requirements, the Committee is unable to authorize variance (a).

[23] THE COMMITTEE OF ADJUSTMENT therefore authorizes variances (b), (c), and (d):

- **subject to** the location of the proposed construction being in accordance with the plans filed, Committee of Adjustment date stamped February 26, 2024, as they relate to the request variances.
- **AND subject to** the requested variances being restricted to the life of the building only.

[24] THE COMMITTEE OF ADJUSTMENT does not authorize variance (a).

"Fabian Poulin"
FABIAN POULIN
VICE-CHAIR

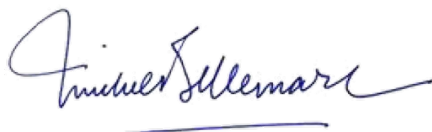
"Jay Baltz"
JAY BALTZ
MEMBER

"George Barrett"
GEORGE BARRETT
MEMBER

"Heather MacLean"
HEATHER MACLEAN
MEMBER

Absent
JULIANNE WRIGHT
MEMBER

I certify this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa, dated **April 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 **May 16, 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
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