

DECISION
MINOR VARIANCE / PERMISSION

Date of Decision:	April 26, 2024
Panel:	1 - Urban
File No.:	D08-02-24/A-00062
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Owner/Applicant:	VIKA Land Development
Property Address:	255 MacKay Street
Ward:	13 – Rideau-Rockcliffe
Legal Description:	Part of Lots 23 & 24, Registered Plan 42
Zoning:	R4UD [2502]
Zoning By-law:	2008-250
Hearing Date:	April 17, 2024, in person and by videoconference

APPLICANT'S PROPOSAL AND PURPOSE OF THE APPLICATION

- [1] The Owner wants to subdivide their property into two separate parcels of land to create one new lot for future residential development. The existing dwelling will remain on the other lot.

REQUESTED VARIANCES

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

A-00062: 255 MacKay, Parts 1 and 4 on Draft Reference Plan:

- a) To permit a reduced minimum rear yard setback of 2.84 metres, whereas the By-law requires a minimum rear yard setback of 8.59 metres.
- b) To permit a reduced minimum rear yard area of 49.5 square metres, whereas the By-law requires a minimum rear yard area of 150.75 square metres.

PUBLIC HEARING

Oral Submissions Summary

- [3] Alain Scott, 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.

- [4] The Committee also heard oral submissions from Gail McEachern of the New Edinburgh Community Alliance, who highlighted that the community supports the proposed severance of this unique lot, provided that it does not establish a precedent for further severances of through-lots on MacKay Street and that no front yard parking space is proposed for the existing dwelling.
- [5] Mr. Scott confirmed that front yard parking was not proposed and would not be permitted by the Zoning By-law.
- [6] City Planner Margot Linker was also present.
- [7] Following the public hearing, the Committee reserved its decision.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION 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:
 - Application and supporting documents, including cover letter, plans, Heritage Impact Assessment, photo of the posted sign, and a sign posting declaration.
 - City Planning Report received April 11, 2024, with no concerns.
 - Rideau Valley Conservation Authority email received April 11, 2024, with no objections.
 - Hydro Ottawa email received April 10, 2024, with comments.
 - Hydro One email received April 16, 2024, with no comments.
 - J. Amado, resident, email received April 16, 2024, with comments.

- Gail McEachern, New Edinburgh Community Alliance, email received April 17, 2024, in support.

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 application.
- [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 "the subject site has large softly landscaped front and side yards" and that staff anticipate "minimal privacy impacts" on the future development to the rear.
- [13] The Committee also notes that no compelling 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.
- [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 variances applying to the existing dwelling known municipally as 255 MacKay Street and being restricted to the life of this dwelling only.

"Ann M. Tremblay"
ANN M. TREMBLAY
CHAIR

"John Blatherwick"
JOHN BLATHERWICK
MEMBER

"Jay Baltz"
JAY BALTZ
MEMBER

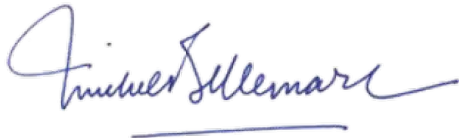
"Arto Keklikian"
ARTO KEKLIKIAN
MEMBER

"William Hunter"
WILLIAM HUNTER
VICE-CHAIR

"Absent"
SIMON COAKELEY
MEMBER

"Absent"
SHARON LÉCUYER
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.

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