

DECISION
MINOR VARIANCE / PERMISSION

Date of Decision:	April 26, 2024
Panel:	1 - Urban
File No.:	D08-02-24/A-00016
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Owners/Applicants:	Adam Ali and Irena Podgurski
Property Address:	72 Armstrong Street
Ward:	15 - Kitchissippi
Legal Description:	Part of Lot 23, Registered Plan 55
Zoning:	R4UD
Zoning By-law:	2008-250
Hearing Date:	April 17, 2024, in person and by videoconference

APPLICANTS' PROPOSAL AND PURPOSE OF THE APPLICATION

- [1] The Owners want to convert their existing three-unit dwelling to a five-unit low-rise apartment building, as shown on plans filed with the Committee.

REQUESTED VARIANCES

- [2] The Owners/Applicants require the Committee's authorization for minor variances from the Zoning By-law as follows:
- a) To permit a reduced rear yard setback of 7.59 metres, whereas the By-law requires a minimum rear yard setback of 8.31 metres.
 - b) To permit reduced interior side yard setbacks of 1.25 metres (east) and 1.35 metres (west), whereas the By-law requires a minimum interior side yard setback of 1.5 metres.
 - c) To permit an increased building height of 10.89 metres, whereas the By-law permits a maximum building height of 10 metres.
 - d) To permit a front façade comprising 18.8% windows, whereas the By-law requires the front façade to comprise at least 25% windows.

- e) To permit one motor vehicle parking space on a lot measuring 411.44 square metres in area, whereas the By-law states that no motor vehicle parking is permitted on a lot less than 450 square metres in area.

The application indicates that the property is not the subject of any other current application under the *Planning Act*.

PUBLIC HEARING

Oral Submissions Summary

- [3] Nicole Chilton-Jones and Amanda Sanford appeared as Agents on behalf of the Applicants.
- [4] Ms. Sandford responded to questions from the Committee, confirming that the construction of the triplex was completed in 2019 and a fourth unit was later constructed without the benefit of a building permit. She explained that the unit was unoccupied and that all required building and occupancy permits for the proposal, which now comprised five units in total, would be issued pending the approval of this minor variance application.
- [5] City Planner Margot Linker was also present.

[6] **DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED**
Application Must Satisfy Statutory Four-Part Test:

- [7] 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

- [8] 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, 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.
- Linda Hoad, Hintonburg Community Association email received April 16, 2024, with comments.

Effect of Submissions on Decision

- [9] The Committee considered all written and oral submissions relating to the application in making its decision and granted the application.
- [10] Based on the evidence, the majority of Committee (Member J. Blatherwick dissenting) is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.
- [11] The Committee notes that the City's Planning Report raises "no concerns" regarding the application, highlighting that "the increased height, reduced fenestration on the front façade, reduced rear yard setback and reduced interior side yard setbacks [...] are existing conditions and do not create new impacts on the abutting properties". The report also identified no concerns with the proposed parking space, concluding that, "the site and building design can support one parking space without compromising the ability to have sufficient bicycle parking, waste management, and soft landscaping."
- [12] The majority of the Committee also notes that no evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.
- [13] Considering the circumstances, the majority of 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.
- [14] The majority of the Committee also finds that the requested variances maintain the general intent and purpose of the Official Plan because the proposal maintains the character of the neighbourhood while achieving discreet intensification within the Inner Urban Transect.
- [15] In addition, the majority of 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.
- [16] Moreover, the majority of 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.

[17] 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 March 11, 2024, as they relate to the requested variances.

"Ann M. Tremblay"
ANN M. TREMBLAY
CHAIR

Dissent
JOHN BLATHERWICK
MEMBER

Declared interest
JAY BALTZ
MEMBER

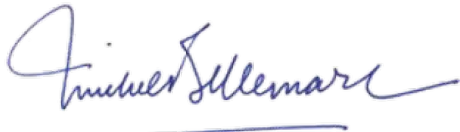
"Arto Keklikian"
ARTO KEKLIKIAN
MEMBER

"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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