

**DECISION**  
**MINOR VARIANCE / PERMISSION**

<b>Date of Decision:</b>	March 15, 2024
<b>Panel:</b>	1 - Urban
<b>File Nos.:</b>	D08-02-23/A-00292 and D08-02-23/A-00293
<b>Application:</b>	Minor Variance under section 45 of the <i>Planning Act</i>
<b>Owners/Applicants:</b>	Michael Krapez and Clara Mustata
<b>Property Address:</b>	454 and 456 Nelson Street
<b>Ward:</b>	12 – Rideau-Vanier
<b>Legal Description:</b>	Lot 29 (west Nelson Street), Registered Plan 45224
<b>Zoning:</b>	R4-UB [480]
<b>Zoning By-law:</b>	2008-250
<b>Hearing Date:</b>	March 6, 2024, in person and by videoconference

**APPLICANTS' PROPOSAL AND PURPOSE OF THE APPLICATIONS**

- [1] The Owners want to convert the existing two-storey, semi-detached dwelling into a low-rise apartment building with eight units in total. They are proposing to add a third storey and to construct a three-storey addition at the rear, as shown on the plans filed with the application.
- [2] On February 21, 2024, the Committee adjourned the scheduled hearing to allow the Applicant more time to discuss the application with the City.

**REQUESTED VARIANCES**

- [3] The Owners require the Committee's authorization for minor variances from the Zoning By-law as follows:

**A-00292 454 Nelson Street:**

- a) To permit a reduced interior side yard setback (north) of 0.90 metres, whereas the By-law requires a minimum interior side yard setback of 1.50 metres.
- b) To permit a reduced rear yard setback of 8 metres, or 25.9% of the lot depth, whereas the By-law requires a minimum rear yard setback of 30% of the lot depth, or in this case, 9.11 metres.

**A-00293 456 Nelson Street:**

- c) To permit a reduced interior side yard setback (south) of 0.287 metres, whereas the By-law requires a minimum interior side yard setback of 1.50 metres.
- d) To permit a reduced rear yard setback of 8 metres, or 25.9% of the lot depth, whereas the By-law requires a minimum rear yard setback 30% of the lot depth, or in this case, 9.11 metres.

**PUBLIC HEARING**

**Oral Submissions Summary**

- [4] Mark Krapez, 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. In response to questions from the Committee, Mr. Krapez confirmed that the Applicant would be utilizing the existing narrow paved driveway that leads to the rear yard for garbage removal.
- [5] City Planner Margot Linker was also in attendance.
- [6] The Committee also heard oral submissions from the following individual:
  - D. Collister, resident, provided a slide presentation highlighting concerns, a copy of which is on file with the Secretary-Treasurer and available from the Committee Coordinator upon request.
- [7] Following the public hearing, the Committee reserved its decision.

**DECISION AND REASONS OF THE COMMITTEE: APPLICATIONS GRANTED**

**Applications 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, architectural drawings, revised plans, photos of the posted sign, and a sign posting declaration.
- City Planning Report revised March 4, 2024 with no concerns; received March 4, 2024, with no concerns; received February 16, 2024, requesting an adjournment.
- Rideau Valley Conservation Authority email received February 14, 2024, with no concerns; received March 1, 2024, with no concerns.
- Hydro Ottawa email received February 14, 2024, with comments.
- Ministry of Transportation email received February 14, 2024, with no concerns; received March 1, 2024, with no concerns.
- J. Finlay, resident, email received February 20, 2024, with concerns.
- D. Collister and J. Whiteford, residents, email received February 21, 2024, with concerns.

### **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 "Staff do not anticipate negative massing impacts in general from the addition as it appears that smaller interior side yard setbacks and shallow rear yards are not uncommon within this block of Nelson Street and the rear yard is being reinstated with soft landscaping to meet zoning requirements."
- [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 on the property that is compatible with the surrounding areas.
- [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 site plan filed, Committee of Adjustment date stamped February 20, 2024.

*"Jay Baltz"*  
JAY BALTZ  
ACTING PANEL CHAIR

*"John Blatherwick"*  
JOHN BLATHERWICK  
MEMBER

*"Julianne Wright"*  
JULIANNE WRIGHT  
MEMBER

*Declared Interest*  
ARTO KEKLIKIAN  
MEMBER

*"Sharon Lécuyer"*  
SHARON LÉCUYER  
MEMBER

*Absent*  
ANN M. TREMBLAY  
CHAIR

*Absent*  
SIMON COAKELEY  
MEMBER

I certify this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa, dated **March 15, 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 **April 4, 2024**, delivered by email at [cofa@ottawa.ca](mailto:cofa@ottawa.ca) and/or by mail or courier to the following address:

Secretary-Treasurer, Committee of Adjustment,  
101 Centrepointe Drive, 4<sup>th</sup> 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](mailto: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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