

DECISION
MINOR VARIANCE / PERMISSION

Date of Decision:	July 14, 2023
Panel:	1 - Urban
File No(s):	D08-02-23/A-00035
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Owner(s)/Applicant(s):	556 Riverdale Inc.
Property Address:	556 Riverdale Avenue
Ward:	17 - Capital
Legal Description:	Part of Lot M, Concession C (Rideau Front) Geographic Township of Nepean
Zoning:	R4UD
Zoning By-law:	2008-250
Hearing Date:	July 5, 2023, in person and by videoconference

APPLICANT'S PROPOSAL AND PURPOSE OF THE APPLICATION

- [1] The Owner wants to convert the existing triplex building to a low-rise apartment building, as shown on the plans filled with Committee.
- [2] At the scheduled hearing on April 19, 2023, the Committee adjourned the application *sine die* to allow the Owner time to apply for additional relief and to further consult with the City Planner.

REQUESTED VARIANCES

- [3] The Owner/Applicant require the Committee's authorization for minor variances from the Zoning By-law as follows:
 - a) To permit a motor vehicle parking whereas the By-law does not permit parking for low-rise apartment buildings on lots less than 450 square metres.
 - b) To permit a reduced soft landscaping aggregated area of 12 square metres within the rear yard, whereas the By-law requires at least 35 square metres in the rear yard and at least one aggregated rectangular area of at least 25

square metres and whose longer dimension is not more than twice its short dimension.

- c) To permit a reduced interior side yard setback of 1.2 metres, whereas the By-law requires a minimum interior side yard setback of 1.5 metres.

PUBLIC HEARING

Oral Submissions Summary

- [4] Luca Diaconescu, Agent for the Applicant, responded to questions from the Committee, explaining that the existing parking space was legally established when the triplex building was constructed in 2020.
- [5] City Planner Margot Linker confirmed that the Zoning By-law permits parking for a triplex, however, parking is prohibited for a low-rise apartment building on lots less than 450 square metres in area. As it is proposed to convert the triplex to a low-rise apartment building, the existing parking space would no longer be permitted.
- [6] Following the public hearing, the Committee reserved its decision.

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 all 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 a cover letter, plans, tree information, a photo of the posted sign, and a sign posting declaration.
 - City Planning Report received June 29, 2023, with no concerns; received April 14, 2023, with an adjournment request
 - Rideau Valley Conservation Authority email dated June 30, 2023, with no objections; dated April 13, 2023, with no objections

- Hydro Ottawa email dated June 28, 2023, with comments; dated April 12, 2023, 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 Committee 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, "1.2 metres provides sufficient space for maintenance of the façade and access" along the interior side yard. Regarding parking and landscaping, report concludes that: "Although staff recognize the removal of the parking space would allow for compliance with the relevant zoning, these are existing conditions that won't be worsened and which will contribute to providing missing middle housing within the Inner Urban Transect, consistent with broad Official Plan objectives."
- [12] The Committee also notes that no evidence was presented that the requested variances would result in any unacceptable adverse impact on neighbouring properties.
- [13] 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.
- [14] 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 and contributes new housing in the Inner Urban Transect.
- [15] 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 neighbourhood.
- [16] 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.
- [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 13, 2023, as they relate to the requested variances.

"Ann M. Tremblay"
ANN M. TREMBLAY
CHAIR

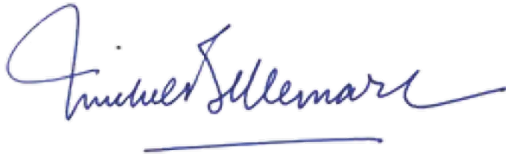
"John Blatherwick"
JOHN BLATHERWICK
MEMBER

"Simon Coakeley"
SIMON COAKELEY
MEMBER

"Arto Keklikian"
ARTO KEKLIKIA
MEMBER

Absent
SHARON LECUYER
MEMBER

I certify this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa, dated **July 14, 2023**.



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 **August 3, 2023**, 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
City of Ottawa
Ottawa.ca/CommitteeofAdjustment
cofa@ottawa.ca
613-580-2436



Comité de dérogation
Ville d'Ottawa
Ottawa.ca/Comitedederogation
cded@ottawa.ca
613-580-2436