

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

<b>Date of Decision:</b>	September 29, 2023
<b>Panel:</b>	1 - Urban
<b>File No(s):</b>	D08-02-23/A-00202 to D08-02-23/A-00204
<b>Application:</b>	Minor Variance under section 45 of the <i>Planning Act</i>
<b>Owner(s)/Applicant(s):</b>	C.K.T. Partners Ltd.
<b>Property Address:</b>	280 Queen Mary Street
<b>Ward:</b>	13 – Rideau-Rockcliffe
<b>Legal Description:</b>	Lots 654 and 655, Registered Plan 342
<b>Zoning:</b>	R4UC
<b>Zoning By-law:</b>	2008-250
<b>Hearing Date:</b>	September 20, 2023, in person and by videoconference

**APPLICANT(S)' PROPOSAL AND PURPOSE OF THE APPLICATION**

- [1] The Owner wants to construct a three-storey, three-unit townhouse dwelling, with two secondary dwelling units to each principal unit. The existing dwelling and shed will be demolished.

**REQUESTED VARIANCES**

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

A-00202: 280 Queen Mary, Part 1 on 4R-Draft Plan, Proposed dwelling:

- a) To permit two secondary dwelling units, whereas the By-law permits a maximum of one secondary dwelling unit per principal dwelling.
- b) To permit a doorway entrance to the secondary dwelling units on the front wall of the building, whereas the By-law states that the creation of a secondary dwelling unit must not result in an entrance added to the front wall.
- c) To permit an increased gross floor area for secondary dwelling units of 55% of the floor area of the principal dwelling, whereas the By-law permits a maximum

gross floor area for secondary dwelling units of 40% of the floor area of the principal dwelling.

A-00203: 280A Queen Mary, Part 2 on 4R-Draft Plan, Proposed dwelling:

- d) To permit two secondary dwelling units, whereas the By-law permits a maximum of one secondary dwelling unit per principal dwelling.
- e) To permit a doorway entrance to the secondary dwelling units on the front wall of the building, whereas the By-law states that the creation of a secondary dwelling unit must not result in an entrance added to the front wall.
- f) To permit an increased gross floor area for secondary dwelling units of 55% of the floor area of the principal dwelling, whereas the By-law permits a maximum gross floor area for secondary dwelling units of 40% of the floor area of the principal dwelling.
- g) To permit a reduced lot area of 108.3 square metres, whereas the By-law requires a minimum lot area of 135 square metres.
- h) To permit a reduced lot width of 4.18 metres, whereas the By-law requires a minimum lot width of 4.5 metres.

A-00204: 280B Queen Mary Street, Parts 3 & 4 on 4R-Plan, Proposed dwelling:

- i) To permit two secondary dwelling units, whereas the By-law permits a maximum of one secondary dwelling unit per principal dwelling.
- j) To permit a doorway entrance to the secondary dwelling units on the front wall of the building, whereas the By-law states that the creation of a secondary dwelling unit must not result in an entrance added to the front wall.
- k) To permit an increased gross floor area for secondary dwelling units of 55% of the floor area of the principal dwelling, whereas the By-law permits a maximum gross floor area for secondary dwelling units of 40% of the floor area of the principal dwelling.

**PUBLIC HEARING**

**Oral Submissions Summary**

- [3] Chris Jalkotzy, Agent for the Applicant, responded to questions from the Committee, highlighting that the proposed soft landscaping exceeds zoning requirements to satisfy the City's expectations for new tree planting, and that the proposed site design would maximize the availability of on-street parking.

- [4] City Planner Margot Linker stated that the requested variances related to secondary dwelling units would not be required if a Zoning By-law amendment proposed by City staff, developed in response to recent changes to provincial legislation, was currently in force.
- [5] City Forester Hayley Murray stated that the tree planting plan requested as a condition of provisional consent would not impact the site plan and would focus only on landscape design.
- [6] The Committee also heard oral submissions from R. Lapensée, neighbour, who raised concerns regarding the compatibility of the proposal with surrounding development, the increased density, the loss of trees, the consultation undertaken by the Applicant, and parking.
- [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:
  - Application and supporting documents, including a planning rationale, plans, a tree information report, a parcel register, a photo of the posted sign, and a sign posting declaration.
  - City Planning Report received September 14, 2023, with no concerns.
  - Rideau Valley Conservation Authority email dated September 14, 2023, with no objections.
  - Hydro Ottawa email dated September 20, 2023, with comments.
  - Hydro One email dated September 14, 2023, with no comments.

- N. Benamra, Overbrook Committee Association, email dated September 19, 2023, in support.
- H. Li, neighbour, email dated September 19, 2023, 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, explaining that: "The mandated province-wide legislation permitting up to two additional units for all lands serviced by municipal services has triggered the need to modify the Zoning By-law in line with this requirement to respond to critical issues of interpretation. Therefore, staff believe variances a), b), c), d), e), f), i), j), and k) would not be required. However, until the Zoning By-law Amendment is approved by Council, many of the current zoning provisions still apply." Regarding the reduced lot width and area for the middle townhouse unit, the report highlights that, "the lot will have sufficient soft landscaping and will have access to the rear yard through an easement."
- [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 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 location and size of the proposed construction being in

accordance with the plans filed, Committee of Adjustment date stamped August 15, 2023, as they relate to the requested variances.

*"Ann M. Tremblay"*  
ANN M. TREMBLAY  
CHAIR

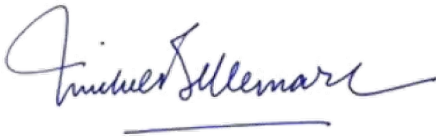
*Absent*  
JOHN BLATHERWICK  
MEMBER

*"Simon Coakeley"*  
SIMON COAKELEY  
MEMBER

*"Arto Keklikian"*  
ARTO KEKLIKIAN  
MEMBER

*"Sharon Lécuyer"*  
SHARON LÉCUYER  
MEMBER

I certify this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa, dated **September 29, 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 **October 19, 2023**, 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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