

**DECISION  
MINOR VARIANCE / PERMISSION**

<b>Date of Decision</b>	May 24, 2024
<b>Panel:</b>	2 - Suburban
<b>File Nos.:</b>	D08-02-24/A-00093 & D08-02-24/A-00094
<b>Application:</b>	Minor Variance under section 45 of the <i>Planning Act</i>
<b>Owner/Applicant:</b>	Sherbrooke Urban Developments Ltd.
<b>Property Address:</b>	274 Compton Avenue
<b>Ward:</b>	7 – Bay
<b>Legal Description:</b>	Lot 26, Registered Plan 446
<b>Zoning:</b>	R2F
<b>Zoning By-law:</b>	2008-250
<b>Heard:</b>	May 14, 2024, in person and by videoconference

**APPLICANT’S PROPOSAL AND PURPOSE OF THE APPLICATIONS**

- [1] The Owner/Applicant wants to subdivide their property into two separate parcels of land for the construction of a two-storey, semi-detached dwelling. The existing dwelling will be demolished.

**REQUESTED VARIANCES**

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

**A-00092: 274 Compton Avenue, Part 1 on Draft 4R- Plan, proposed two-storey, semi-detached dwelling unit:**

- a) To permit a reduced lot width of 7.5 metres, whereas the By-law requires a minimum lot width of 9 metres.
- b) To permit a reduced lot area of 229.8 square metres, whereas the By-law requires a minimum lot area of 270 square metres.
- 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.

- d) To permit an attached front-facing garage, whereas the By-law does not permit a front-facing garage based on the conclusions of a Streetscape Character Analysis.

**A-00093: 276 Compton Avenue, Part 2 on Draft 4R- Plan, proposed two-storey, semi-detached dwelling unit:**

- e) To permit a reduced lot width of 7.5 metres, whereas the By-law requires a minimum lot width of 9 metres.
- f) To permit a reduced lot area of 229.9 square metres, whereas the By-law requires a minimum lot area of 270 square metres.
- g) 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.
- h) To permit an attached front-facing garage, whereas the By-law does not permit a front-facing garage based on the conclusions of a Streetscape Character Analysis.

**PUBLIC HEARING**

**Oral Submissions Summary**

- [3] Rosaline Hill, 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. Ms. Hill referred the Committee to letters on file from area residents indicating they had no objection to the applications. Also, she confirmed her agreement with the City's requested conditions of provisional consent.
- [4] City Planner Samantha Gatchene summarized the City's concerns with the applications that would permit a front-facing attached garage because that would contribute to the visual dominance of the automobile on the streetscape. Ms. Gatchene explained that the City does not support variances from Streetscape Character Analysis provisions that, if approved, would incrementally alter the character of the neighbourhood.
- [5] Following the public hearing, the Committee reserved its decision.

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

**Application(s) Must Satisfy Statutory Four-Part Test**

- [6] 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**

[7] 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, plans, parcel register, tree information, photo of the posted sign, and a sign posting declaration.
- City Planning Report received May 8, 2024, with some concerns.
- Rideau Valley Conservation Authority email received May 10, 2024, with no objections.
- Ontario Ministry of Transportation email received April 30, 2024, with no comments.
- Hydro One email received May 10, 2024, with no comments.
- K. Laryea, resident, email received May 8, 2024, with no objections.
- J. Thomson, resident, email received May 8, 2024, with no objections.
- S. Fleck, resident, email received May 8, 2024, with no objections.
- S. Buchanan & E. Boisvert, residents, email received May 8, 2024, with no objections.
- G. Myres, resident, email received May 8, 2024, with no objections.

### **Effect of Submissions on Decision**

- [8] The Committee considered all written and oral submissions relating to the applications in making its decision and granted the applications.
- [9] Based on the evidence, the majority of the Committee (Member J. Wright dissenting) is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.
- [10] The Committee also notes that no compelling evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.

- [11] 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.
- [12] The Committee also finds that the requested variances maintain the general intent and purpose of the Official Plan because the proposal contributes mild intensification in the Inner Urban Transect and respects the character of the neighbourhood.
- [13] 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.
- [14] 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.
- [15] 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 April 12, 2024, as they relate to the requested variances.

*"Fabian Poulin"*  
FABIAN POULIN  
VICE-CHAIR

*"Jay Baltz"*  
JAY BALTZ  
MEMBER

*"George Barrett"*  
GEORGE BARRETT  
MEMBER

*"Heather MacLean"*  
HEATHER MACLEAN  
MEMBER

*Dissent*  
JULIANNE WRIGHT  
MEMBER

I certify this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa, dated **MAY 24, 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 **JUNE 13, 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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