

DECISION
MINOR VARIANCE / PERMISSION

Date of Decision:	October 13, 2023
Panel:	1 - Urban
File No(s):	D08-02-23/A-00219
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Owner(s)/Applicant(s):	1000601053 Ontario Inc.
Property Address:	286-288 Arlington Avenue
Ward:	14 - Somerset
Legal Description:	Part of Lot 41 (South Arlington Avenue Registered Plan 30)
Zoning:	R4UD (478)
Zoning By-law:	2008-250
Hearing Date:	October 4, 2023, in person and by videoconference

APPLICANT'S PROPOSAL AND PURPOSE OF THE APPLICATION

- [1] The Owner wants to remodel the interior of the building to accommodate three additional dwelling units for a total of six dwelling units on their property, as shown on the plans filed with the committee.

REQUESTED VARIANCES

- [2] The Owner/Applicant requires the Committee's authorization for minor variances from the Zoning By-law as follows:
- a. To permit a reduced interior side yard setback of 1.07 metres (West), whereas the By-law requires a minimum side yard setback of 1.5 metres.
 - b. To permit a reduced interior side yard setback of 0.16 metres (East), whereas the By-law requires a minimum interior side yard setback of 1.5 metres.
 - c. To permit a reduction of soft landscaping in the front yard to ~~44.2%~~, **23%** whereas the By-law requires 40% of the front yard setback to be soft landscaping.

- d. To permit 14% of the front façade be comprised of windows, whereas the By-law requires that 25% of the front façade be comprised of windows.

PUBLIC HEARING

Oral Submissions Summary

- [3] Erica Beaseley and Brian Casagrande, Agents 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.
- [4] The Committee noted the revised plans submitted by Mr. Casagrande and Ms. Beaseley prior to the hearing, which relocated the bicycle parking from the front to the rear yard. It was further noted that the application needed to be revised in accordance with the revised plans, as follows:
 - c. To permit a reduction of soft landscaping in the front yard to ~~44.2%~~, **23%** whereas the By-law requires 40% of the front yard setback to be soft landscaping.
- [5] With the agreement of Mr. Casagrande, the application was amended accordingly.
- [6] City Planner Basma Alkhatib was also present.
- [7] Following the public hearing, the Committee reserved its decision.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED AS AMENDED

Application 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 revised cover letter, plans, tree information report, a photo of the posted sign, and a sign posting declaration.
- City Planning Report received September 28, 2023, with no concerns.
- Rideau Valley Conservation Authority email dated September 29, 2023.
- Building Code Services email dated September 29, 2023, with an Outstanding Order to Comply dated November 22, 2004.
- P. Thurner, resident, email dated October 3, 2023, in opposition.
- S. Robinson, resident, email dated October 3, 2023, in support.
- O. Artzy, resident, email dated October 4, 2023, in opposition.

Effect of Submissions on Decision

- [10] The Committee considered all written and oral submissions relating to the application in making its decision and granted the application.
- [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 application. The report highlights that "staff have no concern with minor variances a, b, and d, because it is an existing situation that is not created by changing the use from a semi-detached to low-rise apartments." The report also indicated that the proposal offered more soft landscaping than the existing situation which mostly includes hard surfaced areas.
- [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 revised site plan filed, Committee of Adjustment date stamped September 25, 2023, as it relates to the requested variances.

Absent
ANN M. TREMBLAY
CHAIR

"John Blatherwick"
JOHN BLATHERWICK
ACTING CHAIR

Absent
SIMON COAKELEY
MEMBER

"Arto Keklikian"
ARTO KEKLIKIA
MEMBER

"Sharon Lécuyer"
SHARON LÉCUYER
MEMBER

"Julianne Wright"
JULIANNE WRIGHT
MEMBER

I certify this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa, dated **October 13, 2023**.



Matthew Garnett
Acting 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 **November 2, 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.

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