

**DECISION
MINOR VARIANCE**

Date of Decision:	July 26, 2024
Panel:	2 - Suburban
File No.:	D08-02-24/A-00148
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Applicant:	15835682 Canada Inc.
Property Address:	1128 Maisonneuve Street
Ward:	1 – Orléans East-Cumberland
Legal Description:	Part of Lots 45 and, 46, 37 & 38, Registered Plan 86 Geographic Township of Gloucester
Zoning:	R5A [2179] H(40)
Zoning By-law:	2008-250
Heard:	July 16, 2024, in person and by videoconference

APPLICANT’S PROPOSAL AND PURPOSE OF THE APPLICATION

- [1] The Applicant wants to construct a four-storey low-rise apartment building containing 10 dwelling units, as shown on the plans filed with the application. The existing dwelling will be demolished.

REQUESTED VARIANCE

- [2] The Applicant requires the Committee’s authorization for a minor variance from the Zoning By-law to permit a reduced lot width of 15.43 metres, whereas the By-law requires a minimum lot width of 18.0 metres.
- [3] The subject property is not the subject of any other current application under the *Planning Act*.

PUBLIC HEARING

Oral Submissions Summary

- [4] Jennifer Murray, Agent for the Applicant, provided an overview of the application.
- [5] City Planner Samantha Gatchene confirmed no concerns with the proposed variance while noting deficiencies with the proposed driveway width. She highlighted that the proposal is located within an exception zone implemented in 2015 to permit a four-storey height minimum.

[6] In response to the City Planner's comments, Ms. Murray confirmed that the driveway width would be reduced to meet the minimum requirement.

[7] Following the public hearing, the Committee reserved its decision.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED

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 cover letter, purchase of sale agreement, plans, tree information, photo of the posted sign, and a sign posting declaration.
- City Planning Report received July 11, 2024, with no concerns.
- Rideau Valley Conservation Authority email received July 10, 2024, with no objections.
- Hydro Ottawa email received July 10, 2024, with comments.
- Ontario Ministry of Transportation email received July 11, 2024, with no comments.
- C. and R. Stamatov, residents, email received July 12, 2024, with concerns.

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 variance meets 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, highlighting that, “[t]he requested variance for reduced lot width will enable the construction of a 4-storey apartment building on the site.”
- [13] The Committee also notes that no compelling evidence was presented that the variance 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 variance is, 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 variance maintains 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 variance maintains the general intent and purpose of the Zoning By-law because the proposal represents orderly development that is compatible with the surrounding area.
- [17] Moreover, the Committee finds that the requested variance is minor because it will not create any unacceptable adverse impact on abutting properties or the neighbourhood in general.
- [18] THE COMMITTEE OF ADJUSTMENT therefore authorizes the requested variance, **subject to** the location and size of the proposed construction being in accordance with the plans filed, Committee of Adjustment date stamped May 30, 2024, as they relate to the requested variance.

Fabian Poulin
FABIAN POULIN
VICE-CHAIR

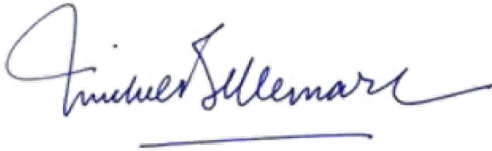
Absent
JAY BALTZ
MEMBER

George Barrett
GEORGE BARRETT
MEMBER

Heather MacLean
HEATHER MACLEAN
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 **July 26, 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 **August 15, 2024**, 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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