

**DECISION  
MINOR VARIANCE**

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|---------------------------|--|
| <b>Date of Decision:</b>  | July 12, 2024  |
| <b>Panel:</b>             | 1 - Urban  |
| <b>File No.:</b>          | D08-02-24/A-00127  |
| <b>Application:</b>       | Minor Variance under section 45 of the <i>Planning Act</i> |
| <b>Applicant:</b>         | LSC Developments Ltd.                                      |
| <b>Property Address:</b>  | 37 Ella Street   |
| <b>Ward:</b>              | 17 - Capital   |
| <b>Legal Description:</b> | Part of Lot 20 (North Ella Street), Registered Plan 36     |
| <b>Zoning:</b>            | R3P  |
| <b>Zoning By-law:</b>     | 2008-250   |
| <b>Heard:</b>             | July 3, 2024, in person and by videoconference             |

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

- [1] The Applicant wants to construct a three-storey, long semi-detached dwelling, with two additional dwelling units for each principal dwelling unit (six dwelling units in total), as shown on plans filed with the Committee. The existing dwelling and accessory building will be demolished.

**REQUESTED VARIANCES**

- [2] The Applicant requires the Committee's authorization for minor variances from the Zoning By-law as follows:
- a) To permit a reduced lot area of 271.5 square metres for a long semi-detached dwelling, whereas the By-law requires a minimum lot area of 300 square metres.
  - b) To permit a reduced rear yard setback of 5.6 metres, or 22% of the lot depth, whereas the By-law requires a minimum rear yard setback of 7.72 metres or 30% of the lot depth.
  - c) To permit a reduced rear yard area of 59.73 square metres, or 22% of the lot area, whereas the By-law requires a minimum rear yard area of 67.88 square metres or 25% of the lot area.

## PUBLIC HEARING

### Oral Submissions Summary

- [3] Jessica D'Aoust, 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. D'Aoust also summarized the revisions made to the site plan in response to comments from the City, highlighting that the proposed easterly side yard setback was increased to provide adequate space for servicing to the rear unit.
- [4] In response to questions from the Committee, City Planner Margot Linker advised that a preliminary review of service capacity identified no concerns with the proposed development, however a servicing capacity study may be required at the building permit stage, if the City deems it necessary.
- [5] City Planning Forester Julian Alvarez-Barkham corrected a comment in the Planning Report, noting that permission was not required from adjacent neighbours prior to the submission of a permit application for tree injury. However, he recommended that the Applicant share the Tree Information Report with affected neighbours, for their information. Mr. Alvarez-Barkham confirmed that he had no concerns with the application.
- [6] The Committee also heard oral submissions from the following individuals:
- C. Lewis, resident, highlighted concerns over the lack parking provided for the development, and the extent and impact of the requested variances.
  - S. Juden, resident, highlighted concerns regarding the height and massing of the proposal compared to the surrounding buildings, as well as the impacts of increased density.
- [7] In response to questions from the Committee, Ms. Linker explained that a Streetscape Character Analysis was not required since no new driveway or garage was proposed, and the front entrance faces Ella Street.
- [8] Following the public hearing, the Committee reserved its decision.

## DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED

### Application Must Satisfy Statutory Four-Part Test

- [9] 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**

[10] 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, tree information, photo of the posted sign, and a sign posting declaration.
- City Planning Report received June 26, 2024, with no concerns.
- Rideau Valley Conservation Authority email received June 28, 2024, with no objections.
- Hydro Ottawa email received July 1, 2024, with comments.
- R. Shields, resident, email received July 2, 2024, in opposition.
- D. McGuire and M. Mclsaac, residents, email received July 2, 2024, in opposition.
- B. Dutka, resident, email received July 2, 2024, in opposition.
- S. Juden, resident, email received July 3, 2024, in opposition.
- A. Richter, resident, email received July 3, 2024, in opposition.

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

[11] The Committee considered all written and oral submissions relating to the application in making its decision and granted the application.

[12] Based on the evidence, the Committee is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.

[13] The Committee notes that the City's Planning Report raises "no concerns" regarding the application, highlighting that "staff do not anticipate negative massing impacts as the current context of the subject block has a variety of rear yard setbacks and large rear yard accessory structures, and the proposed rear yard can accommodate sufficient waste storage and soft landscaping." The report also states that the City has "no concerns" regarding the requested reduced lot area to facilitate the development of the long semi-detached dwelling, based on the updated plans filed with the Committee."

[14] The Committee also notes that no compelling evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.

- [15] 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.
- [16] 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.
- [17] 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.
- [18] 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.
- [19] 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 June 26, 2024, and the elevations filed, Committee of Adjustment date stamped May 15, 2024, as they relate to the requested variances.

*Ann M. Tremblay*  
ANN M. TREMBLAY  
CHAIR

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JOHN BLATHERWICK  
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*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 **July 12, 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 1, 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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