

**DECISION
MINOR VARIANCE**

Date of Decision:	August 16, 2024
Panel:	1 - Urban
File No.:	D08-02-24/A-00140
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Applicant:	1395195 Ontario Inc.
Property Address:	82 and 84 Norman Street, 117 Pamilla Street
Ward:	14 – Somerset
Legal Description:	Lot 1512 & 1517, Registered Plan 38.
Zoning:	R4UD
Zoning By-law:	2008-250
Heard:	August 7, 2024, in person and by videoconference

APPLICANT’S PROPOSAL AND PURPOSE OF THE APPLICATION

- [1] The Applicant wants to construct a two-storey detached dwelling containing a studio space, as shown on plans submitted with the application. The three existing detached dwellings on the consolidated lot will be demolished.

REQUESTED VARIANCE:

- [2] The Applicant requires the Committee’s authorization for a minor variance from the Zoning By-law to permit Section 144(8) to not apply, whereas By-law Section 144(8) requires that, on a through lot with a depth of 60 metres or greater, the minimum rear yard area of 139.49 square metres and minimum rear yard setback of 9.15 metres apply to a hypothetical lot line bisecting the lot at 50% of the lot depth.
- [3] The proposed dwelling will be setback 4.3 metres from the lot line fronting on Norman Street and 1.5 metres from the lot line fronting on Pamilla Street.
- [4] The subject property is not the subject of any other current application under the *Planning Act*.

PUBLIC HEARING

Oral Submissions Summary

- [5] Jason Grant-Henley, Agent for the Applicant, responded to questions from the Committee, highlighting that the proposed building is a residential detached dwelling with a large studio space that would contain a private art collection.
- [6] City Planner Margot Linker confirmed that, through their review of the related building permit application, City staff had determined that the proposal meets the definition of a detached dwelling under the Zoning By-law. Ms. Linker also noted that the R4UD subzone only permits residential uses.
- [7] J. Cortroneo of 1395195 Ontario Inc., the Applicant, responded to a question regarding the status of demolition of the existing dwellings on the lot. He explained that sewage and water services had been disconnected and tenants had vacated.
- [8] City Planner Samantha Gatchene addressed the possibility of restricting future uses on the property, stating that restrictions on the use of land would be more appropriately considered by City Council through a Zoning By-Law Amendment application.
- [9] Following the public hearing, the Committee reserved its decision.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED

Application Must Satisfy Statutory Four-Part Test

- [10] 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

- [11] 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 cover letter, plans, tree information report, streetscape photos, letters of support, photo of the posted sign, and a sign posting declaration.
 - City Planning Report received July 31, 2024, with no concerns.

- Rideau Valley Conservation Authority email received August 2, 2024, with no objections.
- Hydro Ottawa email received August 2, 2024, with comments.
- Ontario Ministry of Transportation email received August 6, 2024, with comments.

Effect of Submissions on Decision

- [12] The Committee considered all written and oral submissions relating to the application in making its decision and granted the application.
- [13] Based on the evidence, the majority of the Committee (Members Lécuyer and Coakeley dissenting) is satisfied that the requested variance meets all four requirements under subsection 45(1) of the *Planning Act*.
- [14] The majority of the Committee notes the evidence presented by the City Planner that, under the Zoning By-law, the proposed building qualifies as a detached dwelling. The majority further notes that the City's Planning Report raises "no concerns" with the application, highlighting that the lot "is adjacent to properties that front onto Preston Street and does not have a mid-block condition, so will not interrupt the massing pattern of the block." The report also states that the proposed construction will have no impact on the privacy of neighbours and will not require the removal of soft landscaping.
- [15] The majority of the Committee also notes that no evidence was presented that the variance would result in any unacceptable adverse impact on neighbouring properties.
- [16] Considering the circumstances, the majority of 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.
- [17] The majority of 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.
- [18] In addition, the majority of 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 areas.
- [19] Moreover, the majority of 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.

[20] 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 and Committee of Adjustment date-stamped May 27, 2024, as they relate to the requested variance

[21] Members S. Lécuyer and S. Coakeley dissent, finding that, from a planning and public interest point of view, the proposal is not desirable for the appropriate development or use of the land.

Ann M. Tremblay
ANN M. TREMBLAY
CHAIR

John Blatherwick
JOHN BLATHERWICK
MEMBER

Dissenting
SIMON COAKELEY
MEMBER

Arto Keklikian
ARTO KEKLIKIAN
MEMBER

Dissenting
SHARON LÉCUYER
MEMBER

I certify this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa, dated **August 16, 2024**.



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 **September 5, 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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