

**DECISION
MINOR VARIANCE**

Date of Decision:	August 16, 2024
Panel:	1 - Urban
File Nos:	D08-02-23/A-00323 to D08-02-23/A-00326
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Applicants:	Donald Wright and Michael Szczygiel
Property Address:	263 St. Laurent Boulevard
Ward:	13 – Rideau-Rockcliffe
Legal Description:	Lot 105, Registered Plan 344
Zoning:	R3B
Zoning By-law:	2008-250
Heard:	August 7, 2024, in person and by videoconference

APPLICANTS' PROPOSAL AND PURPOSE OF THE APPLICATIONS

- [1] On February 21, 2024, the Committee adjourned the applications to allow the Applicants time to address a zoning deficiency and to continue discussions with City staff regarding tree preservation.
- [2] The Applicants want to subdivide the property into four separate parcels of land and construct four townhouse dwellings, one on each newly created parcel, as shown on the plans filed with the Committee. The existing dwelling and shed will be demolished.

REQUESTED VARIANCES

- [3] The Owners require the Committee's authorization for minor variances from the Zoning By-law as follows:

A-00323: 315 Mart Circle, Part 7 on 4R-Draft Plan:

- a) To permit a reduced lot area of 148 square metres, whereas the By-law requires a minimum lot area of 180 square metres.
- b) To permit an increased building height of 12 metres, whereas the By-law permits a maximum building height of 10 metres.

A-00324: 317 Mart Circle, Part 6 on 4R-Draft Plan:

- c) To permit a reduced lot area of 114 square metres, whereas the By-law requires a minimum lot area of 180 square metres.
- d) To permit an increased building height of 12 metres, whereas the By-law permits a maximum building height of 10 metres.

A-00325: 319 Mart Circle. Part 4 & 5 on 4R-Draft Plan:

- e) To permit a reduced lot area of 114 square metres, whereas the By-law requires a minimum lot area of 180 square metres.
- f) To permit an increased building height of 12 metres, whereas the By-law permits a maximum building height of 10 metres.

A-00326: 321 Mart Circle, Parts 1, 2 & 3 on 4R-Draft Plan:

- g) To permit a reduced lot area of 172 square metres, whereas the By-law requires a minimum lot area of 180 square metres.
- h) To permit an increased building height of 12 metres, whereas the By-law permits a maximum building height of 10 metres.

- [4] The subject property is not the subject of any other current application under the *Planning Act*.

PUBLIC HEARING

Oral Submissions Summary

- [5] Jacob Bolduc, Agent for the Applicant, and City Planner Margot Linker were in attendance.
- [6] There were no objections to granting this unopposed application as part of the Panel's fast-track consent agenda.

DECISION AND REASONS OF THE COMMITTEE: APPLICATIONS GRANTED

Applications Must Satisfy Statutory Four-Part Test

- [7] 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

- [8] 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, plans, tree information report, photos of the posted sign, and a sign posting declaration.
 - City Planning Report received August 1, 2024, with no concerns; received February 16, 2024, requesting adjournment.
 - Rideau Valley Conservation Authority email received August 2, 2024, with no objections; received February 14, 2024, with no objections.
 - Hydro Ottawa email received August 2, 2024, with comments; received February 14, 2024, with comments.
 - Hydro One email received July 24, 2024, with no comments.
 - Ontario Ministry of Transportation email received February 14, 2024, with no comments.

Effect of Submissions on Decision

- [9] The Committee considered all written and oral submissions relating to the applications in making its decision and granted the applications.
- [10] Based on the evidence, the Committee is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.
- [11] The Committee notes that the City's Planning Report raises "no concerns" regarding the application, highlighting that, "Staff have no concerns with the proposed lot sizes as they appear to still [be] able to meet the minimum requirements for setbacks and landscaping. The proposed height remains consistent with what is permitted along minor corridors."
- [12] The Committee also notes that no evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.
- [13] 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.

- [14] 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.
- [15] 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.
- [16] 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.
- [17] THE COMMITTEE OF ADJUSTMENT therefore authorizes the requested variances, **subject to** the location and size of the proposed construction being in accordance with the site plan filed, Committee of Adjustment date stamped July 4, 2024, as they relate to the requested variances.

Ann M. Tremblay
ANN M. TREMBLAY
CHAIR

John Blatherwick
JOHN BLATHERWICK
MEMBER

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 **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.

Committee of Adjustment
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