

DECISION
MINOR VARIANCE / PERMISSION

Date of Decision:	September 13, 2024
Panel:	2 - Suburban
File No.:	D08-02-24/A-00203
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Applicant:	1000377383 Ontario Inc.
Property Address:	81 Burland Street
Ward:	7 – Bay
Legal Description:	Lot 310, Registered Plan 384
Zoning:	AM [2181] H(11)
Zoning By-law:	2008-250
Heard:	September 3, 2024, in person and by videoconference

APPLICANT'S PROPOSAL AND PURPOSE OF THE APPLICATION

- [1] The Applicant wants to construct a seven-unit low rise apartment building, as shown on the plans filed with the Committee. The existing dwelling and detached garage 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 interior (north) side yard setback of 3 metres, whereas the By-law requires a minimum side yard setback of 7.5 metres.
 - b) To permit a reduced parking space rate for resident parking of 0.4 spaces per dwelling unit, for a total of 3 spaces, whereas the By-law requires a parking space rate of 1.2 spaces per dwelling unit, for a total of 8 resident parking spaces.
 - c) To permit a reduced parking space rate for visitor parking of 0 spaces per dwelling unit, whereas the By-law requires a parking space rate of 0.2 spaces per dwelling unit, for a total of 1 visitor parking space.
- [3] The subject property is not the subject of any other current application under the *Planning Act*.

PUBLIC HEARING

Oral Submissions Summary

- [4] Paul Robinson, 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.
- [5] Cory Dubeau, project designer for the Applicant, highlighted that the area is in transition and located close to public transit, He stated that the reduction in parking spaces was in line with the City's Official Plan.
- [6] In response to the Committee's questions, City Planner Elizabeth King confirmed no concerns with the reduced side yard setback and reduction in resident parking spaces. Ms. King expressed concerns about the reduction in visitor parking spaces, noting that during pre-consultation with the Applicant, City staff suggested that one of the three residential parking spaces could be reallocated for visitor parking to satisfy the Zoning By-law requirement for one visitor parking space.
- [7] The Committee also heard oral submissions from the following individuals:
- A. Cullen, resident, highlighted concerns regarding the reduction in the number of proposed parking spaces. He further expressed concerns relating to the availability of on-street parking, noting the high demand for parking because of the existing commercial uses in the immediate area.
 - D. Downing, resident, highlighted concerns regarding the number of proposed parking spaces, vehicle and pedestrian safety, and the demand for on-street parking.
- [8] Following the public hearing, the Committee reserved its decision.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION REFUSED

Application(s) 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 cover letter, plans, tree information report, photo of the posted sign, and a sign posting declaration.
- City Planning Report received August 29, 2024, with some concerns.
- Rideau Valley Conservation Authority email received August 29, 2024, with no comments.
- C. and J. Lafrance, residents, email received August 27, 2024, with comments.
- K. Kim, resident, email received August 27, 2024, with comments.
- A. Cullen, resident, email received August 29, 2024, opposed.
- A. Scott, resident, email received September 2, 2024, with comments.
- S. Gondermann, resident, email received September 3, 2024, with comments.

Effect of Submissions on Decision

- [11] The Committee considered all written and oral submissions relating to the application in making its decision and refused the application.
- [12] Based on the evidence, the Committee is not 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 "some concerns" regarding the application, specifically with the reduction to zero visitor parking spaces. Regarding variance (c), the report highlights, "[w]hile the variance is a small reduction, it may be difficult mitigate the impacts of no designated off-street parking space for visitors".
- [14] Based on the circumstances, the Committee is not satisfied that sufficient evidence was presented to conclude that, from a planning and public interest point of view, the requested variances are desirable for the appropriate development or use of the land, building or structure on the property, and relative to neighbouring lands.
- [15] In addition, the Committee finds that the requested variances do not maintain the general intent and purpose of the Zoning By-law because, while intensification may be possible on the site, this proposal, including the proposed parking solution, does not represent orderly development that is compatible with surrounding uses.

[16] Additionally, the Committee finds that the requested variances are not minor because no substantial evidence such as a parking demand study was presented demonstrating that the proposal would not create an unacceptable adverse impact on the neighbourhood.

[17] Failing three of the four statutory tests, the Committee is unable to grant the application.

[18] THE COMMITTEE OF ADJUSTMENT therefore does not authorize the requested variances.

Fabian Poulin
FABIAN POULIN
VICE-CHAIR

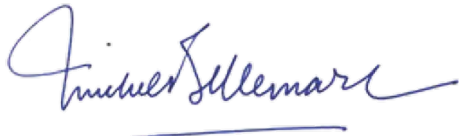
Absent
JAY BALTZ
MEMBER

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 September 13, 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 **October 3, 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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