

**DECISION**  
**MINOR VARIANCE / PERMISSION**

<b>Date of Decision:</b>	September 27, 2024
<b>Panel:</b>	2 - Suburban
<b>File Nos.:</b>	D08-02-24/A-00207 & D08-02-24/A-00208
<b>Application:</b>	Minor Variance under section 45 of the <i>Planning Act</i>
<b>Applicant:</b>	Albion Apartments Ltd.
<b>Property Address:</b>	3776 & 3780 Albion Road
<b>Ward:</b>	10 – Gloucester-Southgate
<b>Legal Description:</b>	Part of Lot 8, Concession 3 (Rideau Front), Geographic Township of Gloucester
<b>Zoning:</b>	R3B [2821]
<b>Zoning By-law:</b>	2008-250
<b>Heard:</b>	September 17, 2024, in person and by videoconference

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

- [1] The Applicant wants to subdivide their property into two separate parcels of land for the future construction of two 2-storey back-to-back townhouse buildings (each containing 4 dwelling units with 4 additional dwelling units) on their property. The existing detached dwellings and accessory buildings will be demolished.

**REQUESTED VARIANCES**

- [2] The Applicant requires the Committee's authorization for minor variances from the Zoning By-law as follows:

**A-00207: 3776 Albion Road, Parts 3, 4, 5 and 6 on draft 4R- Plan, proposed low-rise townhouse:**

- a) To permit a reduced driveway width of 2.4 metres, whereas the By-law requires a minimum driveway width of 2.6 metres.
- b) To permit an increased eaves and stair riser projection of 50 cm into the required yard, whereas the By-law does not permit projections on the northern and southern sides of each of the two buildings.
- c) To permit individual and shared driveways on the same lot, whereas the By-law prohibits individual and shared driveways on the same lot.

**A-00208: 3780 Albion Road, Parts 1, 2 and 7 on Draft 4R- Plan, proposed low-rise townhouse:**

- d) To permit a reduced driveway width of 2.4 metres, whereas the By-law requires a minimum driveway width of 2.6 metres.
  - e) To permit an increased eaves and stair riser projection of 50 cm into the required yard, whereas the By-law does not permit projections on the northern and southern sides of each of the two buildings.
  - f) To permit individual and shared driveways on the same lot, whereas the By-law prohibits individual and shared driveways on the same lot.
- [3] The property is not the subject of any other current application under the *Planning Act*.

**PUBLIC HEARING**

- [4] On September 3, 2024, the scheduled hearing of the applications was adjourned to September 17, 2024, at the request of City Planner Penelope Horn to allow the Applicant time to complete a revised Tree Information Report.

**Oral Submissions Summary**

- [5] Tim Beed, 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.
- [6] Mr. Beed responding to questions from the Committee, confirming that the proposed received Zoning By-law amendment approval in 2022, and the requested minor variances represent small technical changes to the design such as the inclusion of eavestroughs projecting into the side yards. Mr. Beed further noted that the proposed building form had not changed since the 2022 approval.
- [7] City Planner Penelope Horn confirmed that the conditions outlined in her report, requiring a Stormwater Management Brief and an agreement on title to construct the stormwater system as specified in the brief were no longer required. Ms. Horn confirmed that she had no further concerns with the applications.
- [8] City Forester Nancy young expressed some concerns regarding the Tree Information Report and the proposed site plan but noted that her concerns could be addressed through the requested conditions. Ms. Young also expressed that the trees in the front could be retained if the parking space were relocated.
- [9] Following the public hearing, the Committee reserved its decision.

## DECISION AND REASONS OF THE COMMITTEE: APPLICATIONS GRANTED

### Application(s) 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:

- Applications and supporting documents, including cover letter, plans, tree information report, parcel abstract, photo of the posted sign, and a sign posting declaration.
- City Planning Report received September 12, 2024, with no concerns; received August 29, 2024, requesting an adjournment.
- Rideau Valley Conservation Authority email received September 16, 2024, with no comments.
- Hydro Ottawa email received September 16, 2024, with comments.
- Hydro One email received September 10, 2024, with no comments.
- Ontario Ministry of Transportation email received September 9, with no comments.
- K. Griffin, resident, email received August 28, 2024, with comments.
- J. Richard Mungall, resident, email received August 30, 2024, opposed.

### 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 applications.

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

- [14] The Committee notes that the City’s Planning Report raises “no concerns” regarding the application, highlighting that “[t]he site applicant undertook a zoning by-law amendment in 2022 to allow back-to-back townhouse on each lot, with four primary dwellings units, each with an additional dwelling unit, for a total of 16 units.” Regarding the requested variances for driveway width and multiple driveways on the same lot, the report further highlights that “Staff appreciate that the applicant has proposed a change in materiality between the individual driveways and shared driveways at the front of the site. This will clarify wayfinding for site users.”
- [15] The Committee also notes that no evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.
- [16] 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.
- [17] 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.
- [18] 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.
- [19] 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.
- [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, Committee of Adjustment date stamped July 25, 2024, as they relate to the requested variances.

*Fabian Poulin*  
FABIAN POULIN  
VICE-CHAIR

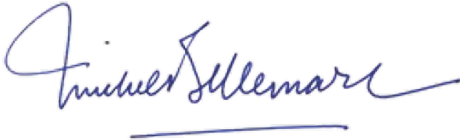
*Jay Baltz*  
JAY BALTZ  
MEMBER

*George Barrett*  
GEORGE BARRETT  
MEMBER

*Heather MacLean*  
HEATHER MACLEAN  
MEMBER

*Absent*  
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 27, 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 17, 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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