

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

<b>Date of Decision:</b>	October 11, 2024
<b>Panel:</b>	1 - Urban
<b>File No.:</b>	D08-02-24/A-00223
<b>Application:</b>	Minor Variance under section 45 of the <i>Planning Act</i>
<b>Applicant:</b>	1000843856 Ontario Inc.
<b>Property Address:</b>	265 Churchill Avenue North
<b>Ward:</b>	Ward 15 - Kitchissippi
<b>Legal Description:</b>	Lot 21, Registered Plan 54
<b>Zoning:</b>	R3EE
<b>Zoning By-law:</b>	2008-250
<b>Heard:</b>	October 2, 2024, in person and by videoconference

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

- [1] The Applicant wants to subdivide their property into two separate parcels of land to create two new lots for the construction of two long semi-detached dwellings. One will be two storeys and the other will be three storeys, as shown on plans filed with the Committee. One long semi-detached dwelling is currently under construction.

**REQUESTED VARIANCES**

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

**A-00232: 329 Bloomfield Avenue, Parts 3, 4, & 5 on Draft 4R-Plan, proposed long semi-detached dwelling:**

- a) To permit a reduced lot width of 9.24 metres, whereas the By-law requires a minimum lot width of 10 metres.
- b) To permit a reduced lot area of 279 square metres, whereas the By-law requires a minimum lot area of 300 square metres.
- c) To permit a reduced easterly interior side yard setback of 0.6 metres, whereas the By-law requires a minimum interior side yard setback of 1.2 metres.
- d) To permit an increased building height of 11.6 metres, whereas the By-law requires a maximum building height of 11 metres.

## PUBLIC HEARING

- [3] This application was heard together with related consent (D08-01-24/B-00159-161) and minor variance (D08-02-24/A-00224-225) applications for the abutting lot at 325 Bloomfield Avenue, to subdivide that lot for the construction of two long semi-detached dwellings.

### Oral Submissions Summary

- [4] Jeffrey Kelly and Murray Chown, the Agents 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. Mr. Kelly highlighted that each principal semi-detached dwelling unit would contain two additional dwelling units, for a total of 24 dwelling units. He also referred to a tree planting plan and noted that his client was working with the rear neighbour on screening solutions for privacy and acceptable locations for tree planting on that property.
- [5] Mr. Chown addressed the proposed parking, confirming that while parking was not required by the Zoning By-law, three parking spaces would be provided for each long semi-detached dwelling. It was his submission that, since each building would contain two three-bedroom, family-oriented units, it was necessary to provide parking to market those units.
- [6] City Forester Nancy Young responded to questions from the Panel Chair regarding a revised condition requested by the City that would permit the Applicant to include off-site planting toward its compensation tree requirement. She explained that eight of the required compensation trees would be located on site, but they would be smaller trees due to the location of existing Hydro wires and would not contribute to the 40% tree canopy cover objective of the Official Plan, and so the City agreed to permit larger trees to be planted on other properties, subject to the Applicant obtaining permission from affected property owners. Ms. Young noted that this revised condition was developed shortly before the hearing and consideration was not given for the collection of securities, nor had the specific number of required trees been determined.
- [7] Mr. Chown reiterated that eight of the required trees could be accommodated on site, whereas nine are required under the Tree Protection By-law, and noted that the by-law does not specifically require large-canopy trees. He highlighted, however, that his client had nonetheless agreed to plant additional trees within the Westboro Beach community.
- [8] In response to a question from the Panel Chair, City Planners Penelope Horn and Erin O'Connell indicated that the City had no concerns with the proposed parking configuration in the rear yards, despite there being no "hammerhead" turnaround areas provided to assist vehicle egress.
- [9] The Committee also heard oral submissions from the following individuals:

- P. Saux and M. Bujold, Westboro Beach Community Association, highlighted drainage concerns related to existing flooding issues in the area and the importance of maintaining the tree canopy. The community association requested that permeable pavers be provided to manage water runoff.
- M. Beaubien, resident, highlighted additional concerns with water runoff.

[10] R. Shangavi of 1000843856 Ontario Inc., the Applicant, noted that the Tree Protection By-law contemplates off-site tree planting and elaborated on the importance of parking to the marketability of family-oriented dwelling units.

[11] 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**

[12] 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**

[13] 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, tree information report, plans, photo of the posted sign, and a sign posting declaration.
- City Planning Report received October 2, 2024, with no concerns; received September 26, 2024, with some concerns.
- Rideau Valley Conservation Authority email received September 25, 2024, with no comments.
- Hydro Ottawa email received September 27, with comments.
- Hydro One email received September 25, 2024, with no comments.
- P. Saux, Westboro Beach Community Association, email received September 17, 2024, with comments.

### Effect of Submissions on Decision

- [14] The Committee considered all written and oral submissions relating to the application in making its decision and refused the application.
- [15] 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*.
- [16] Based on the circumstances, the Committee is not satisfied by evidence presented 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 the neighbouring lands, finding in particular that the proposal represents overdevelopment at the expense of tree planting and the functionality of the proposed parking spaces.
- [17] Also, the Committee finds that the requested variances do not maintain the general intent and purpose of the Official Plan because the proposal does not respect the character of the area or respond to the policy objective to maintain the urban forest canopy, to contribute to the goal of 40% canopy cover.
- [18] Failing two of the four statutory tests, the Committee is unable to grant the application.
- [19] THE COMMITTEE OF ADJUSTMENT therefore does not authorize the requested variances.

*"Ann M. Tremblay"*  
ANN M. TREMBLAY  
CHAIR

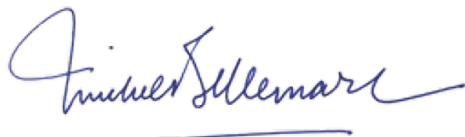
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*"Simon Coakeley"*  
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MEMBER

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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 **October 11, 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 31, 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.*

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