

## DECISION MINOR VARIANCE

<b>Date of Decision:</b>	November 15, 2024
<b>Panel:</b>	1 - Urban
<b>File Nos:</b>	D08-02-24/A-00240 and D08-02-24/A-00241
<b>Application:</b>	Minor Variance under section 45 of the <i>Planning Act</i>
<b>Applicant:</b>	16123970 Ontario Inc.
<b>Property Address:</b>	259 Bradley Avenue
<b>Ward:</b>	12 - Rideau-Vanier
<b>Legal Description:</b>	Lots 100 & 101 Registered Plan 246
<b>Zoning:</b>	R4UA
<b>Zoning By-law:</b>	2008-250
<b>Heard:</b>	November 15, 2024, in person and by videoconference

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

- [1] The Applicant owns two full lots on a plan of subdivision and wants to construct two, two-storey long semi-detached dwellings, with one on each lot, as shown on plans filed with the Committee. Each principal semi-detached unit will contain two additional dwelling units, for a total of 12 units. The existing dwelling will be demolished.

### REQUESTED VARIANCES

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

**A-00240: 259 Bradley Avenue, Lot 100, proposed long semi-detached dwelling:**

- a) To permit a reduced minimum lot area of 289.3 square metres, whereas the By-law requires a minimum lot area of 300 square metres.
- b) To permit an increased driveway slope of 12%, whereas the By-law permits a driveway slope not exceeding that specified in the Private Approach By-law, or 6% in this case.

- c) To permit a driveway slope descending toward the rear of the property, whereas the By-law requires a driveway slope to descend toward the front of the property.

**A-00241: 257 Bradley Avenue, Lot 101, proposed long semi-detached dwelling:**

- d) To permit a reduced lot area of 289.3 square metres, whereas the By-law requires a minimum lot area of 300 square metres.
  - e) To permit an increased driveway slope of 12%,) whereas the By-law permits a driveway slope not exceeding that specified in the Private Approach By-law, or 6% in this case.
  - f) To permit a driveway slope descending toward the rear of the property, whereas the By-law requires a driveway slope to descend toward the front of the property.
- [3] The property is not the subject of any other current application under the *Planning Act*.

**PUBLIC HEARING**

- [4] On October 16, 2024, the Committee adjourned the scheduled hearing of the applications to allow the Agent time to complete a servicing plan and to submit to City Staff for review.

**Oral Submissions Summary**

- [5] Chris Jalkotzy, 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. Jalkotzy explained the need for the variances for the driveway slope were a result of the topography of the site, he noted that the change in grade was approximately 3 metres from the front of the site to the back. Mr. Jalkotzy further explained that the consent applications were to establish reciprocal easements for a shared driveway which would lead to four parking space spaces as well as garbage and recycling storage facilities.
- [7] In response to questions from the Committee, Mr. Jalkotzy explained that the shared driveway would be heated and either a catch basin or a dry well would be installed near the rear of the subject property to handle stormwater runoff.
- [8] The Committee also heard oral submissions from the following individuals:

- C. Szubzda, resident, raised concerns over the proposal's lack of adequate parking, and noted that the proposed building does not meet the character of the neighbourhood.
- J. Soogee, resident, raised concerns over the proposed driveway slope, and the size of the apartments for families and lack of yard amenity space. Ms. Soogee also noted that the number of proposed units is not reasonable for the neighbourhood.
- F. Cormier, resident, raised concerns over rainwater management, snow removal, and noted that the proposed development is too dense for the neighbourhood.
- N. Lutful, resident, raised concerns over waste management and garbage collection, stormwater runoff, parking, and privacy issues from the unit balconies.

[9] In response to resident concerns, Mr. Jalkotzy confirmed that a heating mechanism would be implemented to mitigate snow on the driveway and expressed that the property would not impact snow removal on Bradley Avenue. Mr. Jalkotzy further explained that stormwater management would be reviewed at the building permit stage and added that all run off would be handled on site or diverted to the City's right-of-way.

[10] City Planners Penelope Horn and Erin O'Connell, and City Forester Nancy Young were also present.

[11] Following the public hearing, the Committee reserved its decision.

## **DECISION AND REASONS OF THE COMMITTEE: APPLICATIONS 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 all 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, land transfer, revised grading and drainage plan, photo of the posted sign, and a sign posting declaration.
- City Planning Report received October 31, 2024, with no concerns; received October 10, 2024, with no concerns.
- Rideau Valley Conservation Authority email dated November 1, 2024, with no objections; received October 9, 2024, with no objections.
- Hydro Ottawa email dated November 1, 2024, with comments; received October 11, 2024, with comments.
- F. Cormier, resident, email received October 31, 2024, in opposition.
- M. Hayes, resident, email received November 4, 2024, in opposition.
- N. Lutful, resident, email received November 4, 2024, with concerns.
- J. Soogree, resident, email received November 5, 2024, in opposition.
- C. Szubzda et al., neighbourhood petition with 17 signatures, email received November 5, 2024, in opposition; neighbourhood petition with 15 signatures email received October 15, 2024, in opposition.
- Hydro One email received October 9, 2024, with no comments.
- Ontario Ministry of Transportation email received October 1, 2024, with no comments.
- K. Walsh, resident, email received October 15, 2024, with comments.

#### **Effect of Submissions on Decision**

[14] The Committee considered all written and oral submissions relating to the applications in making its decision and refused the applications.

[15] Based on the evidence, the Committee is not satisfied that the requested variance meets all four requirements under subsection 45(1) of the *Planning Act*.

- [16] The Committee notes that the City's Planning Report raises "no concerns" regarding the applications.
- [17] 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 did not demonstrate the functionality of the proposed 12% sloped drive.
- [18] In addition, the Committee finds that the requested variances are not minor because they will create unacceptable adverse impacts on abutting properties and the neighbourhood in general.
- [19] Failing two of the four statutory requirements, the Committee is unable to grant the applications.
- [20] THE COMMITTEE OF ADJUSTMENT therefore does not authorize the requested variances.

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

*"John Blatherwick"*  
JOHN BLATHERWICK  
ACTING PANEL CHAIR

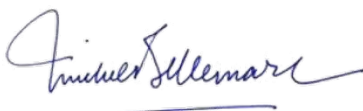
*"Simon Coakeley"*  
SIMON COAKELEY  
MEMBER

*"Arto Keklikian"*  
ARTO KEKLIKIAN  
MEMBER

ABSENT  
SHARON LÉCUYER  
MEMBER

*"Heather Maclean"*  
HEATHER MACLEAN  
MEMBER

I certify this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa, dated **November 15, 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 **December 5, 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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