

**DECISION
MINOR VARIANCE**

Date of Decision:	September 27, 2024
Panel:	1 - Urban
File Nos.:	D08-02-24/A-00188 to D08-02-24/A-00191
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Applicant:	NCTL Investments Inc.
Property Address:	342, 344, 346 and 348 Queen Mary Street
Ward:	13 – Rideau - Rockcliffe
Legal Description:	Part of Lots 678 and 684, Lots 679, 680, 681, 682 and 683, Registered Plan 342
Zoning:	R4UC & R4UC [2480]
Zoning By-law:	2008-250
Heard:	September 18, 2024, in person and by videoconference

APPLICANT’S PROPOSAL AND PURPOSE OF THE APPLICATIONS

- [1] The Applicant wants to construct eight townhouse dwellings, each with two additional dwelling units (24 units in total). It is proposed to create two easements for pedestrian access. The existing four semi-detached dwelling units will be demolished.

REQUESTED VARIANCES

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

A-00188: 342A & B Queen Mary Street, proposed townhouse dwellings:

- a) To permit a reduced lot area of 122.9 square metres (342A Queen Mary, easterly townhouse dwelling), whereas the By-law requires a minimum lot area of 135 square metres.
- b) To permit a reduced rear yard setback of 26% of the lot depth or 6.78 metres (342A Queen Mary easterly townhouse dwelling), whereas the By-law requires that the minimum rear yard setback is 30% of the lot depth and need not exceed 7.80 metres.

- c) To permit a reduced rear yard setback of 26% of the lot depth or 6.78 metres (342B Queen Mary westerly townhouse dwelling), whereas the By-law requires that the minimum rear yard setback is 30% of the lot depth and need not exceed 7.80 metres.

A-00189: 344A & B Queen Mary Street, proposed townhouse dwellings:

- d) To permit a reduced rear yard setback of 26% of the lot depth or 6.78 metres (344A Queen Mary, easterly townhouse dwelling), whereas the By-law requires that the minimum required rear yard setback is 30% of the lot depth and need not exceed 7.80 metres.
- e) To permit a reduced rear yard setback of 26% of the lot depth or 6.78 metres (344B Queen Mary, westerly townhouse dwelling), whereas the By-law requires that the minimum rear yard setback is 30% of the lot depth and need not exceed 7.80 metres.

A-00190: 346A & B Queen Mary Street, proposed townhouse dwellings:

- f) To permit a reduced rear yard setback of 26% of the lot depth or 6.79 metres (346A Queen Mary, easterly townhouse dwelling), whereas the By-law requires that the minimum required rear yard setback is 30% of the lot depth and need not exceed 7.80 metres.
- g) To permit a reduced rear yard setback of 26% of the lot depth or 6.79 metres (346B Queen Mary, westerly townhouse dwelling), whereas the By-law requires that the minimum rear yard setback is 30% of the lot depth and need not exceed 7.80 metres.

A00191: 348A & B Queen Mary Street, proposed townhouse dwellings:

- h) To permit a reduced lot area of 122.72 square metres (348B Queen Mary, westerly townhouse), whereas the By-law requires a minimum lot area of 135 square metres.
- i) To permit a reduced rear yard setback of 26% of the lot depth or 6.79 metres (348A Queen Mary, easterly townhouse dwelling), whereas the By-law requires that the minimum rear yard setback is 30% of the lot depth and need not exceed 7.80 metres.
- j) To permit a reduced rear yard setback of 26% of the lot depth or 6.79 metres (348B Queen Mary, westerly townhouse dwelling), whereas the By-law requires that the minimum rear yard setback is 30% of the lot depth and need not exceed 7.80 metres.

PUBLIC HEARING

Oral Submissions Summary

- [3] Chris Jalkotzy, Agent for the Applicant, provided an overview of the applications and responded to questions from the Committee, and addressed concerns from the neighbourhood community association and residents.
- [4] Mr. Jalkotzy confirmed that the Applicant would be providing eight new trees, a lighter colour for the wall at the rear of the property, and designated areas for parking, bicycles and garbage.
- [5] The Committee also heard oral submissions from the following individual:
- J. Baelde and R. Seguin, neighbours, highlighted concerns regarding the impact the height will have on their property, including privacy and reduced natural light. They also highlighted concerns with the distance of the proposed pedestrian easement from their lot line, suggested problems from increased street parking, more people, and more garbage. Mr. Seguin also questioned the type of housing proposed in relation to the streetscape.
- [6] Mr. Jalkotzy confirmed that the proposed buildings are further forward than the existing semi-detached buildings, and that the end units do not have living spaces that overlook neighbouring properties. He also confirmed that the proposed easements would be contained on the subject property.
- [7] City Planner Penelope Horn confirmed that the permitted uses for the subject zoning designation are single detached dwellings to low rise apartments. She also confirmed that no parking is required.

DECISION AND REASONS OF THE COMMITTEE: APPLICATIONS GRANTED

Application(s) Must Satisfy Statutory Four-Part Test

- [8] 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

- [9] 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/planning rationale, plans, tree information, parcel register, and a sign posting declaration.
- City Planning Report received September 12, 2024, with no concerns.
- Rideau Valley Conservation Authority email received September 16, 2024, with no objections.
- Hydro One email received September 9, 2024, with no comments.
- Ontario Ministry of Transportation email received September 9, 2024, with no comments.
- Ottawa-Carleton District School Board, Planning Department email received September 5, 2024, with no objections.
- Overbrook Committee Association email received September 17, 2024, with no objections.

Effect of Submissions on Decision

- [10] The Committee considered all written and oral submissions relating to the applications in making its decision and granted the applications.
- [11] Based on the evidence, the Committee is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.
- [12] The Committee notes that the City's Planning Report raises "no concerns" regarding the applications, highlighting that: "The purpose of rear yard setback is to ensure adequate amenity area and privacy. There is a City-owned parcel between the subject parcels and properties to the rear of the subject site, which provides further separation and privacy."
- [13] The Committee also notes that no compelling evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.
- [14] 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.

- [15] 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 neighborhood.
- [16] In addition, the Committee finds that the requested variances maintain the general intent and purpose of the Zoning By-law because the variances represent orderly development that is compatible with the surrounding area.
- [17] 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.
- [18] 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 30, 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 **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 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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