

**DECISION
MINOR VARIANCE**

Date of Decision:	September 27, 2024
Panel:	1 - Urban
File No.:	D08-02-23/A-00301
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Applicant:	1828487 Ontario Inc.
Property Address:	97 MacLaren Street
Ward:	14 – Somerset
Legal Description:	Lot 63 (North Side MacLaren Street), Registered Plan No. 15558
Zoning:	R4UC [478]
Zoning By-law:	2008-250
Heard:	September 18, 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 one new lot for residential development. The existing low rise apartment building will remain, as shown on plans filed with the Committee.
- [2] On February 7, 2024, the Committee adjourned the scheduled hearing of the application to allow the Applicant time to identify new variances, and to provide additional information regarding parking, driveways and soft landscaping on the retained land. The Applicant subsequently revised their application.

REQUESTED VARIANCES

- [3] The Applicant requires the Committee’s authorization for minor variances from the Zoning By-law as follows:
 - a) To permit a reduced lot width of 8.96 metres, whereas the By-law requires a minimum lot width of 10 metres.
 - b) To permit a reduced easterly side yard setback of 0.3 metres, whereas the By-law requires a minimum side yard setback of 1.5 metres. (existing setback)
 - c) To permit 1 residential parking space, whereas the Bylaw requires no vehicle parking spaces on a lot less than 450 square metres in area.

PUBLIC HEARING

Oral Submissions Summary

- [4] Jillian Simpson, Agent for the Applicant, provided an overview of the application and responded to questions from the Committee. Nico Church, also Agent for the Applicant, was also present.
- [5] Mr. Church advised that the requested variance for one parking space would allow for soft landscaping in the rear yard and improve the current situation. Hi also highlighted that one of the existing tenants requires parking on site.
- [6] Mr. Church requested that the City's requested condition of provisional consent y for a tree planting plan not be imposed because it is premature at this stage of development.
- [7] In response, City Planning Forester Nancy Young confirmed that this is a standard condition and is simply seeking a plan to confirm that there is enough space on each lot for tree planting.
- [8] City Planner Penelope Horn was also present.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED

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, parcel register, plans, tree information, photo of the posted sign, and a sign posting declaration.
 - City Planning Report received September 12, 2024, with no concerns; received February 1, 2024, requesting adjournment.

- Rideau Valley Conservation Authority email received September 16, 2024, with no objections; received January 31, 2024, with no objections.
- Hydro Ottawa email received September 16, 2024, with no objections; received January 30, 2024, with comments.
- Hydro One email received September 9, 2024, with no comments.
- Ontario Ministry of Transportation email received September 9, 2024, with no comments; received February 2, 2024, with no comments.

Effect of Submissions on Decision

- [11] The Committee considered all written and oral submissions relating to the application in making its decision and granted the application.
- [12] Based on the evidence, the majority of the Committee (Chair A.M. Tremblay dissenting on variance (c)) is 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 "no concerns" regarding the application highlighting that "[t]he requested variance to the minimum interior side yard setback, will legalize the placement of the existing building. The reduced lot widths are minor in nature, the Downtown Core is characterized by a diverse mix of lot patterns and widths". It further highlights that "[g]iven the current conditions on site, the proposed consent will eventually improve the existing situation, which is a large surface parking lot". The Committee also notes that no 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 site plan filed, Committee of Adjustment date stamped August 15, 2024, as it relates to the requested variances.

Ann M. Tremblay (Dissenting, in part)
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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