

**DECISION  
MINOR VARIANCE**

<b>Date of Decision:</b>	September 27, 2024
<b>Panel:</b>	1 - Urban
<b>File No.:</b>	D08-02-24/A-00206
<b>Application:</b>	Minor Variance under section 45 of the <i>Planning Act</i>
<b>Applicant:</b>	255 Marier Ltd.
<b>Property Address:</b>	255 Marier Avenue
<b>Ward:</b>	12 – Rideau–Vanier
<b>Legal Description:</b>	Part of Lot 5, Concession Junction Gore, Geographic Township of Gloucester
<b>Zoning:</b>	R4UA-c
<b>Zoning By-law:</b>	2008-250
<b>Heard:</b>	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 the construction of a six-unit stacked dwelling. The existing two-storey detached dwelling will remain.

**REQUESTED VARIANCES**

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

**A-00206: 257 Marier Avenue, Part 1 on draft 4R- plan, proposed stacked dwelling unit:**

- a) To permit a reduced lot width of 10.02 metres, whereas the By-law requires a minimum lot width of 14 metres.
- b) To permit a reduced lot area of 314.6 square metres, whereas the By-law requires a minimum lot area of 420 square metres.

## PUBLIC HEARING

### Oral Submissions Summary

- [3] Thomas Freeman, Agent for the Applicant, provided an overview of the applications and responded to questions from the Committee. Mr. Freeman confirmed his agreement with the City's requested conditions of provisional consent. He highlighted that the applications represent good planning, by providing new housing on the severed lot with an opportunity for tree planting and landscaping around the proposed building.
- [4] City Planner Elizabeth King confirmed that the City had no concerns with the applications, noting that a site servicing plan would be required at the building permit stage of the project.
- [5] The Committee also heard oral submissions from the following individual:
- Varvara Lobanova, resident, expressed concerns regarding the removal of trees, and the lack of clarity regarding the number of bedrooms that are allocated to the proposed units.
- [6] City Forester Julian Alvarez Barkham highlighted that there was no permit was required to remove trees that were considered undersized.
- [7] Tim Beed, also acting as Agent for the Applicant, confirmed that the trees were removed in accordance with the City's by-laws.

## DECISION AND REASONS OF THE COMMITTEE: APPLICATION 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:
- Application and supporting documents, including cover letter, plans, parcel register, photo of the posted sign, and a sign posting declaration.

- City Planning Report received September 12, 2024, with no concerns.
- Rideau Valley Conservation Authority email received September 16, 2024, no objections.
- Hydro Ottawa email received September 16, 2024, with no objections.
- Hydro One email received September 9, 2024, with no objections.
- Ontario Ministry of Transportation email received September 9, 2024, with no comments.
- K. Walsh, resident, email received September 4, 2024, in support.
- V. Lobanova, resident, email received September 17, 2024, with comments.

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

- [10] The Committee considered all written and oral submissions relating to the application in making its decision and granted the application.
- [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 application, highlighting that "the proposed lot creation and the proposal of stacked dwelling is consistent with the neighbourhood land pattern."
- [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 neighbourhood.
- [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 August 1, 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](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**  
City of Ottawa  
[Ottawa.ca/CommitteeofAdjustment](http://Ottawa.ca/CommitteeofAdjustment)  
[cofa@ottawa.ca](mailto:cofa@ottawa.ca)  
613-580-2436



**Comité de dérogation**  
Ville d'Ottawa  
[Ottawa.ca/Comitedederogation](http://Ottawa.ca/Comitedederogation)  
[cded@ottawa.ca](mailto:cded@ottawa.ca)  
613-580-2436