

**DECISION
MINOR VARIANCE**

Date of Decision:	September 27, 2024
Panel:	1 - Urban
File No.:	D08-02-24/A-00217
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Applicant:	2465269 ONTARIO INC
Property Address:	55 Gordon Street
Ward:	17 - Capital
Legal Description:	Part of Lot 2, Registered Plan 33446
Zoning:	R3P [1474]
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 convert the existing duplex dwelling into a three-unit dwelling through the conversion of the basement level, as shown on plans filed with the Committee.

REQUESTED VARIANCES

- [2] 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 9.24 metres, whereas the By-law requires a minimum lot width of 12 metres.
 - b) To permit a reduced lot area of 297 square metres, whereas the By-law requires a minimum lot area of 360 square metres.
 - c) To permit a reduced (northerly) interior side yard setback of 0.41 metres, whereas the Zoning By-law requires a minimum interior side yard setback of 1.2 metres.
- [3] The property is not the subject of any other current application under the *Planning Act*.

PUBLIC HEARING

Oral Submissions Summary

- [4] Renzo Cecchetto, Agent for the Applicant, provided an overview of the application.
- [5] In response to questions from the Committee, City Planner Penelope Horn confirmed variances (a) and (b) are required as the number of units in the dwelling is increasing and variance (c) is an existing condition.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED

Application Must Satisfy Statutory Four-Part Test

- [6] 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

- [7] 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, property photos, plans, 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, with no objections.
 - Hydro Ottawa email received September 16, 2024, with no objections.
 - Ontario Ministry of Transportation email received September 9, 2024, with no comments.
 - B. Jean O’Riordan, resident, email received September 16, 2024, in opposition.

Effect of Submissions on Decision

- [8] The Committee considered all written and oral submissions relating to the application in making its decision and granted the application.

- [9] Based on the evidence, the Committee is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.
- [10] The Committee notes that the City's Planning Report raises "no concerns" regarding the application, highlighting that "[t]he building represents an appropriate location for a triplex, despite the reduced lot area and represents gentle intensification within the Inner Urban Transect."
- [11] The Committee also notes that no compelling evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.
- [12] 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.
- [13] 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.
- [14] In addition, the Committee finds that the requested variances maintain the general intent and purpose of the Zoning By-law because the proposal represents orderly development that is compatible with the surrounding area.
- [15] 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.
- [16] THE COMMITTEE OF ADJUSTMENT therefore authorizes the requested variances **subject to**, the relief applying to the existing building known municipally as 55 Gordon Street and being restricted to the life of this building only.

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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