

**DECISION  
MINOR VARIANCE**

<b>Date of Decision:</b>	December 20, 2024
<b>Panel:</b>	1 - Urban
<b>File Nos.:</b>	D08-02-24/A-00216 and D08-02-24/A-00281
<b>Applications:</b>	Minor Variance under section 45 of the <i>Planning Act</i>
<b>Applicant:</b>	Morelia 1 Property Inc.
<b>Property Address:</b>	142 Marier Avenue
<b>Ward:</b>	12 - Rideau-Vanier
<b>Legal Description:</b>	Lot 5, Registered Plan 4M-78, Geographic Township of Gloucester
<b>Zoning:</b>	R4UA-c
<b>Zoning By-law:</b>	2008-250
<b>Hearing Date:</b>	December 11, 2024, in person and by videoconference

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

- [1] The Applicant wants to construct a semi-detached dwelling, as shown on the plans filed. Each half of the semi-detached dwelling will contain two additional dwelling units, for a total of three units per dwelling. The existing dwelling will be demolished.

**REQUESTED VARIANCES**

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

**A-00216: 142 Marier Avenue, west half of proposed semi-detached dwelling:**

- a) To permit a reduced lot area of 167.0 square metres, whereas the By-law requires a minimum lot area of 180 square metres.

**A-00281: 144 Marier Avenue, east half of the proposed semi-detached dwelling:**

- b) To permit a reduced lot area of 167.0 square metres, whereas the By-law requires a minimum lot area of 180 square metres.

## **PUBLIC HEARING**

### **Oral Submissions Summary**

- [3] Chris Jalkotzy, agent for the Applicant, and City Planner Penelope Horn were present.
- [4] There were no objections to granting this unopposed application as part of the Panel's fast-track consent agenda.

## **DECISION AND REASONS OF THE COMMITTEE: APPLICATIONS GRANTED**

### **Applications Must Satisfy Statutory Four-Part Test**

- [5] The Committee has the power to authorize minor variances 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 variances are minor, are 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**

- [6] 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, parcel register, and a sign posting declaration.
  - City Planning Report received December 5, 2024, with no concerns.
  - Rideau Valley Conservation Authority email dated December 6, 2024, with no objections.
  - Hydro Ottawa email dated December 6, 2024, with no comments.
  - Ontario Ministry of Transportation email dated November 22, 2024, with no comments.
  - K. Walsh, resident, email dated November 21, 2024, in support.

### Effect of Submissions on Decision

- [7] The Committee considered all written and oral submissions relating to the applications in making its decision and granted the applications.
- [8] Based on the evidence, the Committee is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.
- [9] The Committee notes that the City's Planning Report raises "no concerns" regarding the applications, highlighting that "[t]he proposed semi-detached dwelling is located in the Inner Urban Transect, which is characterized by a diverse lot pattern, which a range of lot sizes and dwelling types".
- [10] The Committee also notes that no evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.
- [11] 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.
- [12] 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.
- [13] 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.
- [14] 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.
- [15] 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 November 6, 2024, as they relate to the requested variances.

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

*Absent*  
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 **December 20, 2024**



Michel Bellemare  
Secretary-Treasurer

#### **NOTICE OF RIGHT TO APPEAL**

To appeal this decision to the Ontario Land Tribunal (OLT), a completed appeal form and the filing fee must be submitted via one of the below options and must be received no later than **3:00 p.m. on January 9, 2025**

- **OLT E-FILE SERVICE** – An appeal can be filed online through the [E-File Portal](#) . First-time users will need to register for a My Ontario Account. Select [Ottawa (City): Committee of Adjustment] as the Approval Authority. To complete the appeal, fill in all the required fields and provide the filing fee by credit card.
- **BY EMAIL** - Appeal packages can be submitted by email to [cofa@ottawa.ca](mailto:cofa@ottawa.ca). The appeal form is available on the OLT website at [Forms | Ontario Land Tribunal](#). Please indicate on the appeal form that payment will be made by credit card.
- **IN PERSON** – Appeal packages can be delivered to the 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 Forms | Ontario Land Tribunal](#). In person 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.

Please note only one of the above options needs to be completed. If your preferred method of appeal is not available at the time of filing, the appeal must be filed with one of the other two options.

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.

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.

If you have any questions about the appeal process, please visit [File an Appeal | Ontario Land Tribunal](#)

*Ce document est également offert en français.*

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