

**DECISION  
MINOR VARIANCE**

<b>Date of Decision:</b>	January 24, 2025
<b>Panel:</b>	2 - Suburban
<b>File No.:</b>	D08-02-24/A-00284
<b>Application:</b>	Minor Variance under section 45 of the <i>Planning Act</i>
<b>Applicant:</b>	TSRE Investment Group
<b>Property Address:</b>	184 Woodroffe Avenue
<b>Ward:</b>	7 - Bay
<b>Legal Description:</b>	Lot 553, Registered Plan 352
<b>Zoning:</b>	R4D
<b>Zoning By-law:</b>	2008-250
<b>Hearing Date:</b>	January 14, 2025, in person and by videoconference

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

- [1] The Applicant wants to construct a 10-unit, low-rise, apartment building, as shown on plans filed with the Committee. The existing dwelling and detached garage will be demolished.

**REQUESTED VARIANCE**

- [2] The Applicant seeks the Committee's authorization for minor variances from the Zoning By-law as follows:
- a) To permit an increased number of 10 dwelling units in a low-rise, apartment building, whereas the By-law permits a maximum of four dwelling units per low-rise, apartment building.
  - b) To permit reduced interior side yard setbacks of 1.6 metres (both the North and South sides), whereas the By-law requires a minimum interior side yard setback of 6 metres for any part of the building located within 21 metres of a front lot line.
  - c) To permit a reduced front yard setback of 4.5 metres, whereas the By-law requires that the front yard setback must be equal to the setback of the abutting dwellings located on the same street, which in this case, is 5.95 metres.

- d) To permit a reduced rear yard setback of 25% of the lot depth or 7.66 metres, whereas the By-law requires a minimum rear yard setback of 30% of the lot depth, or in this case, 9.14 metres.
- [3] The property is not the subject of any other current application under the *Planning Act*.

## **PUBLIC HEARING**

- [4] At the scheduled hearing on December 10, 2024, the Committee adjourned the proceeding to allow time for the Applicant to discuss the application with the City's Planning Forester. With the concurrence of all parties the hearing was adjourned to January 14, 2025.

### **Oral Submissions Summary**

- [5] Serena Shahzadeh, agent for the Applicant, provided a slide presentation, a copy of which is on file with the Secretary-Treasurer and available from the Committee Coordinator upon request.
- [6] Ms. Shahzadeh confirmed that a revised site plan had been filed with the Committee. The revisions include flipping the building footprint and the location of the waste enclosure and bicycle parking to address the original comments made by the City's Planning Forester.
- [7] City Planner Nivethini Jekku Einkaran confirmed that she had no concerns with the application.
- [8] Following the public hearing, the Committee reserved its decision.

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

### **Application 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 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:

- Application and supporting documents, including cover letter, plans, tree information report, tree planting plan, revised site plan and tree information report, photo of the posted sign, and a sign posting declaration.
- City Planning Report received January 9, 2025, with no concerns; received December 5, 2024, with concerns.
- Rideau Valley Conservation Authority email received January 9, 2025, with no comments; received December 9, 2024, with no comments.
- Hydro Ottawa email received January 13, 2025, with comments; received December 6, 2024, with comments.
- Ontario Ministry of Transportation email received December 27, 2024, with no comments; received November 22, 2024, with no comments.
- K. Shimmons, resident, email received December 3, 2024, opposed.
- A. Gurung, resident, email received December 9, 2024, with comments.
- C. George, resident, email received December 9, 2024, with comments.
- R. Clarot, resident, email received December 9, 2024, with 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 Committee is satisfied that the requested variance meets 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 “the endnote [of the Zoning By-law] allows a maximum of eight units in case of a stacked dwelling and the low-rise apartment is a permitted use in the property”.
- [14] The Committee also notes that no compelling evidence was presented that the requested variances would result in any unacceptable adverse impact on neighbouring properties.
- [15] 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.

- [16] 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 surrounding development and represents mild intensification in a neighbourhood within the Inner Urban Transect.
- [17] 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.
- [18] 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.
- [19] **THE COMMITTEE OF ADJUSTMENT ORDERS** that the application is granted and the variances to the Zoning By-law are authorized, subject to the location and size of the proposed construction being in accordance with the revised site plan filed, Committee of Adjustment date stamped December 10, 2024, and the elevation plans filed, Committee of Adjustment date stamped November 4, 2024, as they relate to the requested variances.

*"Fabian Poulin"*  
FABIAN POULIN  
VICE-CHAIR

*"Jay Baltz"*  
JAY BALTZ  
MEMBER

*"George Barrett"*  
GEORGE BARRETT  
MEMBER

*"Heather MacLean"*  
HEATHER MACLEAN  
MEMBER

*"Julianne Wright"*  
JULIANNE WRIGHT  
MEMBER

I certify this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa, dated **January 24, 2025**



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 February 13, 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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