

## DECISION MINOR VARIANCE

<b>Date of Decision:</b>	April 11, 2025
<b>Panel:</b>	1 - Urban
<b>File No.:</b>	D08-02-24/A-00066
<b>Application:</b>	Minor Variance under section 45 of the <i>Planning Act</i>
<b>Applicant:</b>	Rehab Adas
<b>Property Address:</b>	48 Nelson Street
<b>Ward:</b>	12 - Rideau-Vanier
<b>Legal Description:</b>	Part of Lot 12, North Clarence Street, Registered Plan 43586
<b>Zoning:</b>	R4UD-c
<b>Zoning By-law:</b>	2008-250
<b>Heard:</b>	April 2, 2025, in person and by videoconference

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

- [1] The Applicant wants to redevelop their property by demolishing existing encroachments and constructing two new storeys on top of the existing one-storey building, resulting in a three-storey mixed-use building containing the existing bakery and retail use on the ground floor and four apartment dwellings on the upper floors, as shown on plans filed with the Committee.

### REQUESTED VARIANCES

- [2] The Applicant requires the Committee's authorization for the following minor variances from the Zoning By-law:
- a) To permit a reduced rear yard setback of 0.78 metres (6.04% of the lot depth), whereas the By-law requires a minimum rear yard setback of 3.225 metres (25% of the lot depth).
  - b) To permit a reduced front yard setback of 0 metres, whereas the By-law requires a minimum front yard setback of 1.5 metres.

- c) To permit reduced interior side yard setbacks of 0.31 metres (north) and 0 metres (south), whereas the By-law requires a minimum interior side yard setback of 1.5 metres.
  - d) To permit a reduced lot area of 152.9 square metres, whereas the By-law requires a minimum lot area of 300 square metres.
  - e) To permit a reduced area for soft landscaping in the rear yard of 10.25 square metres, whereas the By-law requires a minimum area for soft landscaping in the rear yard of 35 square metres.
  - f) To permit a reduced area for soft landscaping in the front yard of 0 square metres, whereas the By-law requires a minimum area for soft landscaping in the front yard of 17.78 square metres (20% of the front yard area).
  - g) To permit a reduced rear yard area of 10.244 square metres (6.7% of the lot area), whereas the By-law requires a minimum rear yard area of 38.225 square metres (25% of the lot area).
  - h) To permit a low-rise apartment building whereas the By-law prohibits new construction that does not maintain the same character and at the same scale, massing, volume, floor area and in the same location as existed prior to it's the removal or destruction of the building.
- [3] The property is not the subject of any other current application under the Planning Act

## **PUBLIC HEARING**

- [4] At the scheduled hearing on February 19, 2025, the Committee adjourned the application to allow the Applicant time to identify additional easements.

### **Oral Submissions Summary**

- [5] Dennis Jacobs, agent for the Applicant, and City Planner Penelope Horn were present.
- [6] 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: APPLICATION GRANTED**

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

- [7] 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**

[8] 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, parcel abstract, photo of the posted sign, and a sign posting declaration.
- City Planning Report received March 27, 2025, with no concerns; received February 12, 2025, requesting an adjournment.
- Rideau Valley Conservation Authority email received March 26, 2025, with no objections; received February 13, 2025, with no objections.
- Hydro Ottawa email received March 21, 2025, with comments.
- Ontario Ministry of Transportation email received March 25, with no comments; received February 12, 2025, with no comments.

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

- [9] The Committee considered all written and oral submissions relating to the application in making its decision and granted the application.
- [10] Based on the evidence, the Committee is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.
- [11] The Committee notes that the City's Planning Report raises "no concerns" regarding the application, highlighting that "staff have since received information regarding how waste storage and bike parking will be accommodated onsite, along with an updated cover letter which demonstrates how the variance to section 60 meets the four tests".
- [12] The Committee also notes that no evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.
- [13] 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.

- [14] 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.
- [15] 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.
- [16] 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.
- [17] **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 plans filed, Committee of Adjustment date stamped January 14, 2025, 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 **April 11, 2025**.

*"Michel Bellemare"*  
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 May 1, 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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