

DECISION MINOR VARIANCE

Date of Decision:	April 11, 2025
Panel:	1 - Urban
File No.:	D08-02-25/A-00086
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Applicant:	Liam Widdowfield
Property Address:	319 Shakespeare Street
Ward:	12 - Rideau-Vanier
Legal Description:	Lot 370 and Part of Lot 369, Registered Plan 246
Zoning:	R4UA
Zoning By-law:	2008-250
Heard:	April 2, 2025, in person and by videoconference

APPLICANT'S PROPOSAL AND PURPOSE OF THE APPLICATION

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

REQUESTED VARIANCE

- [2] The Applicant seeks the Committee's authorization for a minor variance from the Zoning By-law to permit 10 units in a low-rise apartment building whereas the By-law permits a maximum of 8 units in a low-rise apartment building.
- [3] The property is not the subject of any other current application under the Planning Act.

PUBLIC HEARING

Oral Submissions Summary

- [4] Peter Hume, 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.

- [5] Mr. Hume confirmed that the building would contain dwellings that include a mix of units (bachelor, one-bedroom, two-bedroom, and two-bedroom with a den.
- [6] Mr. Hume highlighted concerns regarding the clearance of the grading and drainage condition requested by the City that includes rooftop storage for stormwater management.
- [7] City Planner Penelope Horn explained that the rooftop storage stormwater management would address the roof flat and grading issues due to the slope of the street. City Planner James Ireland explained that the rooftop would require an inlet control device on the roof and would not be intrusive.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED

Application 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 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, photo of the posted sign, and a sign posting declaration.
 - City Planning Report received March 27, 2025, with no concerns.
 - Rideau Valley Conservation Authority email received March 26, 2025, with no objections.
 - Hydro Ottawa email received March 21, 2025, with comments.
 - Ontario Ministry of Transportation email received March 25, 2025, with no comments.
 - K. Walsh, resident email received March 21, 2025, opposed.

- C. Joannis, resident, email received March 28, 2025, opposed.
- C. Greenshields, president, Vanier Community Association, email received March 31, 2025, opposed.
- C. Clancy, resident, email received April 1, 2025, 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 variance meets 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.
- [13] The Committee also notes that no compelling evidence was presented that the variance 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 variance is, 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 variance maintains 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 variance maintains the general intent and purpose of the Zoning By-law because the proposal represents orderly development that is compatible with the surrounding area.
- [17] Moreover, the Committee finds that the requested variance is minor because it will not create any unacceptable adverse impact on abutting properties or the neighbourhood in general.
- [18] **THE COMMITTEE OF ADJUSTMENT ORDERS** that the application is granted and the variance to the Zoning By-law is authorized, **subject to** the following condition:

That the Owner(s) provide proof that a grading and drainage plan including rooftop storage stormwater management, prepared by a qualified Civil Engineer, licensed in the Province of Ontario, has been provided to the satisfaction of the **Manager of Development Review All Wards Branch**

within Planning, Development and Building Services Department, or their designate.

"Ann M. Tremblay"
ANN M. TREMBLAY
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JOHN BLATHERWICK
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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. 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, 4th 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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