

DECISION MINOR VARIANCE

Date of Decision:	April 25, 2025
Panel:	2 - Suburban
File Nos.:	D08-02-25/A-00054 & D08-02-25/A-00055
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Applicants:	Rachel Levine-Katz and Sol Ackerman
Property Address:	1231 Shillington Avenue
Ward:	16 - River
Legal Description:	Lot 83, Registered Plan 314
Zoning:	R3A
Zoning By-law:	2008-250
Heard:	April 15, 2025, in person and by videoconference

APPLICANTS' PROPOSAL AND PURPOSE OF THE APPLICATIONS

- [1] The Applicants want to construct a semi-detached dwelling with two additional dwelling units in each half, as shown on plans filed with the Committee. The existing dwelling and shed will be demolished.

REQUESTED VARIANCES

- [2] The Applicants seek the Committee's authorization for the following minor variances from the Zoning By-law:

A-00054: 1231 Shillington Avenue, one half of the proposed semi-detached (Side A):

- a) To permit a reduced lot width of 7.34 metres, whereas the By-law requires a minimum lot width of 9 metres.
- b) To permit a reduced lot area of 223.72 square metres, whereas the By-law requires a minimum lot area of 270square metres.
- c) To permit a reduced front yard setback of 3.97 metres, whereas the By-law requires a minimum front yard setback of 6 metres.

A-00055: 1229 Shillington Avenue, one half of the proposed semi-detached (Side B):

- d) To permit a reduced lot area of 240.79 square metres, whereas the By-law requires a minimum lot area of 270 square metres.
 - e) To permit a reduced lot width of 7.9 metres, whereas the By-law requires a minimum lot width of 9 metres.
 - f) To permit reduced corner side yard of 1.81 metres, whereas the By-law requires a minimum corner side yard of 4.5 metres.
 - g) To permit reduced front yard setback of 3.97 metres, whereas the By-law requires a minimum front yard setback of 6 metres.
- [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 Applicants, and City Planner Nivethini Jekku Einkaran were present.
- [5] There were no objections to granting these unopposed applications 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

- [6] 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

- [7] 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, revised plans, tree information report, photo of the posted sign, and a sign posting declaration.
- City Planning Report received April 10, 2025, with no concerns.
- Rideau Valley Conservation Authority email dated April 10, 2025, with no objections.
- Hydro Ottawa email dated April 4, 2025, with comments.

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 applications.
- [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 applications.
- [11] The Committee also notes that no 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 ORDERS** that the applications are 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 elevations filed, Committee of Adjustment date stamped March 4, 2025, and the revised site plan filed, Committee of Adjustment date stamped April 8, 2025. as they relate to the requested variances.

Absent
FABIAN POULIN
VICE-CHAIR

Absent
JAY BALTZ
MEMBER

"George Barrett"
GEORGE BARRETT
ACTING PANEL CHAIR

"Heather MacLean"
HEATHER MACLEAN
MEMBER

"Julianne Wright"
JULIANNE WRIGHT
MEMBER

"Gary Duncan"
GARY DUNCAN
MEMBER

I certify this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa, dated **April 25, 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 15, 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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