

DECISION MINOR VARIANCE

Date of Decision:	May 16, 2025
Panel:	1 - Urban
File No.:	D08-02-25/A-00067
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Applicant:	16007066 Canada Inc.
Property Address:	464 Clarence Street
Ward:	12 - Rideau-Vanier
Legal Description:	Part of Lot 9, Registered Plan 43586
Zoning:	R4UD
Zoning By-law:	2008-250
Heard:	May 7, 2025, in person and by videoconference

APPLICANT'S PROPOSAL AND PURPOSE OF THE APPLICATION

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

REQUESTED VARIANCES

- [2] The Applicant seeks the Committee's authorization for the following minor variances from the Zoning By-law:
- a) To permit a reduced lot width of 10.28 metres, whereas the By-law requires a minimum lot width of 15 metres.
 - b) To permit a reduced lot area of 304.3 square metres, whereas the By-law requires a minimum lot area of 450 square metres.
 - c) To permit a reduced rear yard setback of 28% of the lot depth or 8.29 metres, whereas the By-law requires that the minimum required rear yard setback is 30% of the lot depth but may not be less than 6 metres and need not exceed 8.96 metres.

- d) To permit a reduced westerly interior side yard setback of 1.0 metres whereas the By-law requires a minimum interior side yard setback of 1.5 metres.
 - e) To permit the exterior stairs to project 2.33 metres into the required rear yard, whereas the By-law permits exit stairs to project a maximum of 2.2 metres into the required rear yard.
 - f) To permit a reduced rear yard soft landscape area of 27.7 square metres, whereas the By-law requires a minimum yard soft landscape area of 35 square metres.
 - ~~g) To permit a reduced aggregated rectangular area of soft landscaping of 22 square metres, whereas the By-law requires at least one aggregated rectangular area of soft landscaping of at least 25 square metres.~~
- [3] The property is not the subject of any other current application under the *Planning Act*.

PUBLIC HEARING

- [4] On April 16, 2025, Susan Smith, agent for the Applicant, presented revised plans that eliminated the need for variance (g) relating to the aggregated area of soft landscaping provided. The application was amended accordingly. The hearing of the application was then adjourned to allow more time for the Applicant to consult with neighbours.

Oral Submissions Summary

- [5] Ms. Smith provided a slide presentation, a copy of which is on file with the Secretary-Treasurer and available from the Committee Coordinator upon request. She also summarized further revisions to the proposal that were made to mitigate residents' concerns, highlighting the relocation of air condition units to the roof, additional bicycle parking, and changes to the proposed lighting on the building. She also noted that the site is constrained by an existing right-of-way in favour of the immediate neighbour for vehicle access and, while the building height would increase to the maximum permitted by the Zoning By-law, the building footprint would be smaller than the existing development on the property.
- [6] The Committee also heard oral submissions from the following individuals:
- J. Henry, resident, raised concerns over the size of the proposed building, the cumulative impact of the requested variances, especially those related to the rear yard, the number of proposed dwelling units, and garbage storage.
- [7] City Planner Dylan Geldert and Thanh Do, also acting as agent for the Applicant, were present.

[8] Following the public hearing, the Committee reserved its decision.

**DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED,
AS AMENDED**

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 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

[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, parcel register abstract, surveyor's property report, Joint Use and Maintenance Agreement, revised plans, tree information report, photo of the posted sign, and a sign posting declaration.
- City Planning Report received May 1, 2025, with no concerns; received April 10, 2025, with no concerns.
- Rideau Valley Conservation Authority email dated April 30, 2025, with no objections; received April 10, 2025, with no objections.
- Hydro Ottawa email dated April 4, 2025, with comments.
- J. Turgeon, resident, email received April 30, 2025, in opposition.
- T. Gray, resident, email received May 5, 2025, in opposition.
- J. Henry, resident, email received May 6, with concerns; by phone April 24, 2025, with concerns.
- J. Worek, resident, email received April 7, 2025, in support.
- C. Sferrazza, resident, email received April 14, 2025, with concerns.

- M. Hajjar and B. Seguin, residents, email received April 14, 2025, with concerns.
- J. Chevrier, resident, by phone April 14, 2025, with concerns.

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 majority of the Committee (Chair A. M. Tremblay dissenting) is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.
- [13] The majority of the Committee notes that the City's Planning Report raises "no concerns" regarding the applications.
- [14] The majority of the Committee also notes that no compelling evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.
- [15] Considering the circumstances, the majority of 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 majority of 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.
- [17] In addition, the majority of 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 majority of 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, noting that the proposed building footprint is similar to the existing building on the property.
- [19] Conversely, based on the evidence, Chair A. M. Tremblay is not satisfied that the requested variances maintain the general intent and purpose of the Zoning By-law because the proposal does not represent orderly development of the land.
- [20] **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 plans filed and Committee of Adjustment date stamped May 3, 2025, as they relate to the requested variances.

Dissent
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 **May 16, 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 June 5, 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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