

## DECISION MINOR VARIANCE

<b>Date of Decision:</b>	April 25, 2025
<b>Panel:</b>	1 - Urban
<b>File No.:</b>	D08-02-25/A-00041
<b>Application:</b>	Minor Variance under section 45 of the <i>Planning Act</i>
<b>Applicant:</b>	Falsetto Homes Inc.
<b>Property Address:</b>	100 Hamilton Avenue North
<b>Ward:</b>	15 - Kitchissippi
<b>Legal Description:</b>	Part of Lot 1354, Registered Plan 157
<b>Zoning:</b>	R4UB
<b>Zoning By-law:</b>	2008-250
<b>Heard:</b>	April 16, 2025, in person and by videoconference

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

- [1] The Applicant wants to construct an eight-unit, low-rise apartment building, as shown on the plans filed with the application. The existing detached dwelling and 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 7.62 metres, whereas the By-law requires a minimum lot width of 10 metres.
  - b) To permit a reduced lot area of 241 square metres, whereas the By-law requires a minimum lot area of 300 square metres.
  - c) To permit a reduced south interior side yard setback of 0.6 metres, whereas the By-law requires a minimum interior side yard setback of 1.5 metres.
  - d) To permit a reduced north interior side yard setback of 1.2 metres, whereas the By-law requires a minimum interior side yard setback of 1.5 metres.

- [3] The property is not the subject of any other current application under the Planning Act.

## **PUBLIC HEARING**

- [4] On April 2, 2025, the hearing of the application was adjourned to allow time for the Applicant to consult with the local community association.

### **Oral Submissions Summary**

- [5] Jeffrey Kelly and Greg Winters, agents 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] Responding to the Panel's questions regarding public consultation, Mr. Kelly highlighted that he had discussed the application with the Hintonburg Community Association and had responded to residents' concerns.
- [7] Mr. Kelly confirmed that garbage storage and bicycle parking would be in separate enclosures in the rear yard. He also confirmed that access to the ground floor unit would be from the street, with the remaining units accessed from the northerly side door, with the southerly side door as an exit.
- [8] The Committee also heard oral submissions from the following individuals:
- L. Hoad, Chair, Hintonburg Community Association, highlighted concerns about the cumulative impact of the requested variances, their effect on neighbours, and how the site would function.
  - L. Stuart, resident, highlighted concerns about proximity of the building to her property, privacy and noise, parking and traffic, as well as access to garbage storage in the backyard.
  - M. Whitehead, resident, highlighted concerns about the scale of the development, challenges with waste management, and the functionality of the side doors.
  - D. Costello, resident, highlighted concerns with the pathway at the side of the proposed building and snow removal during winter.
  - T. Gray, resident, highlighted support to the Hintonburg Community Association and concerns about the setbacks, as well as the low-rise building's impact on neighbours.
- [9] City Planner Dylan Geldart was also present.
- [10] Following the public hearing, the Committee reserved its decision.

## DECISION AND REASONS OF THE COMMITTEE: APPLICATION REFUSED

### Application Must Satisfy Statutory Four-Part Test

[11] 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

[12] 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 April 10, 2025, with no concerns; received March 27, 2025, with no concerns.
- Rideau Valley Conservation Authority email received April 10, 2025, with no objections; received March 26, 2025, with no objections.
- Hydro Ottawa email received April 5, 2025, with comments; received March 21, 2025, with comments.
- Ontario Ministry of Transportation email received March 25, 2025, with comments.
- L. Hoad, President, Hintonburg Community Association email received April 14, 2025, opposed; received March 25, 2025, requesting an adjournment.
- D. Naufal, resident, email received April 7, 2025, with comments.
- V. Campbell, resident, email received April 14, 2025, opposed.
- D. Costello, resident, email received April 14, 2025, opposed; received March 31, 2025, with comments.
- L. Stuart, resident, email received April 14, 2025, opposed.
- T. Turner, resident, email received April 16, 2025, opposed.

- M. Whitehead, email received April 16, 2025, opposed
- T. Gray, resident, email received March 31, 2025, opposed.
- J. Giles, resident, email received April 1, 2025, opposed.

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

- [13] The Committee considered all written and oral submissions relating to the application in making its decision and refused the application.
- [14] Based on the evidence, the Committee is not satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.
- [15] Considering the circumstances, the Committee finds that, from a planning and public interest point of view, the requested variances are not desirable for the appropriate development or use of the land, building or structure on the property, and relative to the neighbouring lands, because the proposal amounts to overdevelopment and does not fit well in the area.
- [16] The Committee also finds that the requested variances do not maintain the general intent and purpose of the Zoning By-law because insufficient evidence was presented demonstrating that the proposal represents orderly development that is compatible with the surrounding area.
- [17] Additionally, the Committee finds that the requested variances are not minor because they would create an unacceptable adverse impact on the neighbourhood in general.
- [18] Failing three of the four statutory tests, the Committee is unable to grant the application.
- [19] **THE COMMITTEE OF ADJUSTMENT ORDERS** that the application is refused and the variances to the Zoning By-law are not authorized.

*"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 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](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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