

DECISION MINOR VARIANCE

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| Date of Decision: | May 16, 2025 |
| Panel: | 2 - Suburban |
| File No.: | D08-02-25/A-00075 |
| Application: | Minor Variances under section 45 of the <i>Planning Act</i> |
| Applicants: | Zhaokun Wang and Guiqin Zou |
| Property Address: | 216 Percy Street |
| Ward: | 14 - Somerset |
| Legal Description: | Part of Lot 5 w/s Percy Street, Registered Plan 30 |
| Zoning: | R4UD [478] |
| Zoning By-law: | 2008-250 |
| Heard: | May 6, 2025, in person and by videoconference |

APPLICANTS' PROPOSAL AND PURPOSE OF THE APPLICATION

- [1] The Applicants want to construct a new three-storey, eight-unit low-rise apartment building, as shown on plans files with the Committee. The existing detached dwelling will be demolished.

REQUESTED VARIANCES

- [2] The Applicants seek the Committee's authorization for the following minor variances from the Zoning By-law:
- a) To permit a reduced rear yard setback of 25% of the lot depth or 7.57 metres, whereas the By-law requires a minimum rear yard setback of 30% of the lot depth, which in this case is 9.08 metres.
 - b) To permit a reduced westerly interior side yard setback of 1.2 metres, whereas the By-law requires a minimum interior side yard setback of 1.5 metres.
 - c) To permit the front steps to project 0.10 metres from the front lot line, whereas the By-law permits front steps to project no closer than 0.6 metres to a lot line.

PUBLIC HEARING

Oral Submissions Summary

- [3] Mike Segreto, agent for the Applicants, provided a slide presentation, a copy of which is on file with the Secretary-Treasurer and available from the Committee Coordinator upon request.
- [4] Mr. Segreto stated that a meeting was held with the local community association, who expressed no concerns with the proposed development. He further confirmed that the provided rear yard soft landscaping, together with the balcony space was providing sufficient amenity area.
- [5] City Planner James Ireland advised that the general intent of larger interior side yard setbacks in the R4UD zone is to provide for functional rear yards for larger buildings with access to garbage. In this case, the City has no concerns considering the unencumbered pathway.
- [6] The Committee also heard oral submissions from the following individuals:
- M. Hogel, resident, highlighted his concerns with the impact on the functionality of his side yard, privacy, loss of usable space for neighbourhood gatherings and the impact of the building on openness of the neighbouring rear yards.
 - A. Durocher, resident, highlighted concerns with the impact on light, air and greenspace, the loss of privacy, erosion of the neighbourhood character, waste, and rodents.
 - M. Carrière, resident, highlighted concerns regarding garbage and rodents, snow removal, loss of greenspace and functional space in the backyard. She also highlighted the lack of family housing that would be created by the proposal.
 - J. Carrière, resident, also highlighted concerns regarding garbage and lack of greenspace.
 - J. Guan, resident, highlighted that the current dwelling is encroaching on his and his neighbour's property through a rear addition, and that he supports the idea of moving the structure to the northern boundary to correct this encroachment. He also highlighted concerns regarding the lack of proposed parking.
- [7] City Planner Nivethini Jekku Einkaran confirmed that she had no concerns with the application. Responding to the Committee's questions, she confirmed that the

garbage structure and the stair projection meet the requirements in the Zoning By-law. She also confirmed no parking was required for the subject property due to the lot size.

- [8] City Forester Nancy Young confirmed that two trees in the rear yard will be retained, however one small tree in the rear yard is not protected under the Tree Protection By-law
- [9] Following the public hearing, the Committee reserved its decision.

**DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED
IN PART**

Application Must Satisfy Statutory Four-Part Test

- [10] 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

- [11] 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, plans, tree information, photo of the posted sign, and a sign posting declaration.
- City Planning Report received May 1, 2025, with no concerns.
- Rideau Valley Conservation Authority email dated April 30, 2025, with no objections.
- Hydro Ottawa email dated April 16, 2025, with no objections.
- Ontario Ministry of Transportation email dated April 15, 2025, with no objections.
- J. Guan resident, email dated April 25, 2025, with comments.

- M. Carrière, resident, email dated May 5, 2025, opposed.
- A. Corey, resident, email dated May 5, 2025, opposed.
- J. Carrière, resident, email dated May 5, 2025, opposed.

Effect of Submissions on Decision

- [12] The Committee considered all written and oral submissions relating to the application in making its decision and granted the application in part.
- [13] Based on the evidence, the Committee is satisfied that the requested variances (b) and (c) meet all four requirements under subsection 45(1) of the *Planning Act*.
- [14] The Committee notes that the City's Planning Report raises "no concerns" regarding the application.
- [15] The Committee also notes that no compelling evidence was presented that variances (b) and (c) would result in any unacceptable adverse impact on neighbouring properties.
- [16] Considering the circumstances, the Committee finds that, because the proposal fits well in the area, variances (b) and (c) 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.
- [17] The Committee also finds that variances (b) and (c) maintain the general intent and purpose of the Official Plan because the proposal respects the character of the neighbourhood.
- [18] In addition, the Committee finds that variances (b) and (c) maintain the general intent and purpose of the Zoning By-law because the proposal represents orderly development that is compatible with the surrounding area.
- [19] Moreover, the Committee finds that variances (b) and (c), both individually and cumulatively, are minor because they will not create any unacceptable adverse impact on abutting properties or the neighbourhood in general.
- [20] Conversely, based on the evidence, the Committee is not satisfied that variance (a) meets all four requirements under subsection 45(1) of the *Planning Act*.
- [21] Specifically, the Committee finds that insufficient evidence was provided that the reduced rear yard setback would represent orderly development that is compatible with the surrounding area and maintains the general intent and purpose of the Zoning By-law.
- [22] Failing one of the four statutory requirements, the Committee is unable to authorize requested variance (a) for reduced rear yard setback.

- [23] **THE COMMITTEE OF ADJUSTMENT ORDERS** that the application is granted in part and variances (b) and (c) to the Zoning By-law are authorized **subject to** the following conditions: the location and size of the proposed construction being in accordance with the plans filed, Committee of Adjustment date stamped March 25, 2025, as they relate to the requested variances. Variance (a) is not authorized.

"Fabian Poulin"
FABIAN POULIN
VICE-CHAIR

"Jay Baltz"
JAY BALTZ
MEMBER

"George Barrett"
GEORGE BARRETT
MEMBER

"Heather MacLean"
HEATHER MACLEAN
MEMBER

"Julianne Wright"
JULIANNE WRIGHT
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 Centrepoin 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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