

DECISION MINOR VARIANCE

Date of Decision:	June 13, 2025
Panel:	2 - Suburban
File Nos.:	D08-02-25/A-00086 & D08-02-25/A-0087
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Applicant:	1000377383 Ontario Inc.
Property Address:	81 Burland Street
Ward:	7 - Bay
Legal Description:	Lot 310, Registered Plan 384
Zoning:	AM [2181] H (11)
Zoning By-law:	2008-250
Heard:	June 3, 2025, in person and by videoconference

APPLICANT'S PROPOSAL AND PURPOSE OF THE APPLICATIONS

- [1] The Applicant wants to construct three townhouses, with two additional dwelling units in each dwelling, for a total of 9 units, as shown on the 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-00086: 83 Burland street, proposed town house dwelling A:

- a) To permit a reduced northernly interior side yard setback of 2.8 metres, whereas the By-law requires a minimum interior side yard setback of 7.5 metres.

A-00087: 85 Burland street, proposed town house dwelling C:

- ~~b) To permit a reduced rear yard setback of 7.3 metres, whereas the By-law requires a minimum rear yard setback of 7.5 metres.~~

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

PUBLIC HEARING

- [4] Prior to the scheduled hearing on May 20, 2025, Chris Jalkotzy, agent for the Applicant, submitted revised plans negating the need for variance (b) relating to townhouse dwelling C.
- [5] With no objections heard, the applications were adjourned to June 3, 2025, to allow more time for the City Planner and the Committee members to review the revised plans.

Oral Submissions Summary

- [6] Mr. Jalkotzy provided a slide presentation, a copy of which is on file with the Secretary-Treasurer and available from the Committee Coordinator upon request.
- [7] He confirmed that variance (b) could be deleted.

b) ~~To permit a reduced rear yard setback of 7.3 metres, whereas the By-law requires a minimum rear yard setback of 7.5 metres.~~
- [8] In response to questions from the Committee, Mr. Jalkotzy advised that the interior layout of the dwellings had not yet been finalized.
- [9] City Planner Elizabeth King confirmed that she had no concerns with the applications

DECISION AND REASONS OF THE COMMITTEE: APPLICATIONS GRANTED AS AMENDED

Applications 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:
 - Applications and supporting documents, including cover letter, plans, tree information report, parcel abstract, photo of the posted sign, and a sign posting declaration.

- City Planning Report received June 29, 2025, with no concerns; received May 14, 2025, requesting an adjournment; revised received May 16, 2025, requesting an adjournment.
- Rideau Valley Conservation Authority email received June 29, 2025, with no objections.
- Hydro Ottawa email received May 26, 2025, with comments; received May 7, 2025, with comments.

Effect of Submissions on Decision

- [12] The Committee considered all written and oral submissions relating to the applications in making its decision and granted the applications, as amended.
- [13] Based on the evidence, the Committee is satisfied that the requested variance meets 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 applications.
- [15] The Committee also notes that no evidence was presented that the requested variance 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, 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.
- [17] 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.
- [18] 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.
- [19] 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.
- [20] **THE COMMITTEE OF ADJUSTMENT** having been asked to consider an application that has been amended from the original application, and the Committee having determined that no further notice under the *Planning Act* is required;

[21] **THE COMMITTEE OF ADJUSTMENT ORDERS** that the applications are granted and the variance to the Zoning By-law is authorized, **subject to** the location and size of the proposed construction being in accordance with the plans filed, Committee of Adjustment date stamped April 3, 2025, as they relate to the requested variance.

"Fabian Poulin"
FABIAN POULIN
VICE-CHAIR

Absent
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 **June 13, 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 July 3, 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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