

**DECISION  
MINOR VARIANCES**

**Date of Decision:** July 18, 2025  
**Panel:** 2 - Suburban  
**File No.:** D08-02-25/A-00137  
**Application:** Minor Variance under section 45 of the *Planning Act*  
**Applicant:** S. Scaini  
**Property Address:** 177 Compton Avenue  
**Ward:** 7 - Bay  
**Legal Description:** Lot 535, Registered Plan 352  
**Zoning:** R4D  
**Zoning By-law:** 2008-250  
**Heard:** July 8, 2025, in person and by videoconference

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

- [1] The Applicant wants to construct a three-storey, eight-unit, stacked dwelling, 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 15.24 metres, whereas the By-law requires a minimum lot width of 22 metres.
  - b) To permit a reduced lot area of 464.67 square metres, whereas the By-law requires a minimum lot area of 660 square metres.
  - c) To permit a reduced front yard setback of 5.05 metres, whereas the By-law requires a minimum front yard setback of 6 metres.

- d) To permit a reduced rear yard setback of 25.76% of the lot depth, or 7.85 metres, whereas the By-law states that the minimum required rear yard setback is 28% of the lot depth, or in this case, 8.53 metres.

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

## **PUBLIC HEARING**

### **Oral Submissions Summary**

- [4] Jacob Bolduc, agent 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. Responding to the Committee's questions, Mr. Bolduc stated that the existing lot size would support a low-rise apartment without the requirement for variances.
- [5] City Planner Wendy Yang expressed no concerns with the application.
- [6] The Committee also heard oral submissions from the following individuals:
- D. Bayliss, resident, raised concerns over the size of the proposed dwelling on the undersized lot, lack of available parking for vehicles and bicycles, snow clearing, and the changing character of the neighbourhood.
  - A. Gurung, resident, raised concerns over shadowing, privacy, garbage collection and pest control, on-street parking impacting snow clearing and fire safety.
  - M. Myres, resident, raised concerns over the proposal setting a precedent for future developments, pedestrian safety, on-site garbage storage and pest control and the changing character of the neighbourhood.
  - P. McCurdy, resident, raised concerns over the size of the proposed building, lack of available parking, pedestrian safety, and reduced access for emergency vehicles because of cars parked on the street, especially in the winter.
- [7] In response to resident concerns, Mr. Bolduc highlighted that parking is not required under the Zoning By-law. Also, the proposed height of the dwelling complies with the zoning provisions. Additionally, while on-site parking was initially considered, the By-law would require it in the rear yard and eliminate greenspace in that area.
- [8] Responding to questions, Mr. Bolduc confirmed that a waste enclosure would be constructed as an accessory building on the property.

- [9] S. Scaini, the Applicant, clarified that waste enclosure would be fully contained. He also confirmed property management would be available on site, and landscapers would be hired for lawn maintenance and snow removal.
- [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 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**

- [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 July 3, 2025, with no concerns.
- Rideau Valley Conservation Authority email dated July 4, 2025, with no objections.
- Hydro Ottawa email dated June 26, 2025, with comments.
- Ontario Ministry of Transportation email dated July 2, 2025, with no comments.
- P. McCurdy, resident, email received June 20, 2025, in opposition.
- S. and K. Hoey-Briones, residents, email received July 7, 2025, in opposition.
- C. Steer and A. Di Cesare, residents, email received July 7, 2025, in opposition.
- A. Luchtenberg, resident, email received July 7, 2025, with concerns.
- J. Huston, resident, email received July 8, 2025, with concerns.

- D. Bayliss, resident, email received July 8, 2025, with in opposition.

### **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 majority of the Committee (Member H. MacLean dissenting) is not satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.
- [15] The Committee notes that the City's Planning Report raises "no concerns" regarding the application.
- [16] Considering the circumstances, the majority of the Committee finds that insufficient evidence was provided demonstrating that the proposed development would fit well in the neighbourhood, and that the requested variances would be, 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. Specifically, the majority of the Committee finds that inadequate evidence was presented to show that the reduced lot width and area could effectively accommodate the proposed eight-unit of three bedrooms each (total of 24 bedrooms) stacked dwelling or that the proposal is aligned with existing development patterns in the area.
- [17] The majority of the Committee also finds that the requested variances do not maintain the general intent and purpose of the Zoning By-law because the proposal does not represent orderly development that is compatible with the surrounding area.
- [18] Failing two of the four statutory requirements, the Committee is unable to grant the application.
- [19] **THE COMMITTEE OF ADJUSTMENT ORDERS** that the minor variance application is refused, and the variances are not authorized.

*"Fabian Poulin"*  
FABIAN POULIN  
VICE-CHAIR

*Absent*  
JAY BALTZ  
MEMBER

*"George Barrett"*  
GEORGE BARRETT  
MEMBER

*Dissent*  
HEATHER MACLEAN  
MEMBER

*Absent*  
JULIANNE WRIGHT  
MEMBER

I certify this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa, dated **July 18, 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 August 7, 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.*

**Committee of Adjustment**  
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