



COMMITTEE OF ADJUSTMENT OF THE CITY OF OTTAWA

DECISION MINOR VARIANCE PERMISSION

(Section 45 of the *Planning Act*)

File No.: D08-02-21/A-00029, D08-02-22/A-00130, D08-02-22/A-00158 & D08-02-22/A-00159
Owner(s): Doyle Homes Ltd.
Location: 173 Rivington Street
Ward: 5 - West Carleton-March
Legal Description: Lot 70, Reg. Plan 148, Huntley
Zoning: V3B
Zoning By-law: 2008-250

Notice was given and a public hearing was held on **July 6, 2022**, as required by the *Planning Act*.

PURPOSE OF THE APPLICATIONS:

At its hearing on June 1, 2022, the Committee adjourned these applications Sine Die to allow the Owner time to apply for additional variances.

The Owner has filed applications for Consent (D08-01-21/B-00072 to D08-01-21/B-00074 and D08-01-22/B-00146 to D08-01-22/B-00147) which, if approved, will have the effect of creating four separate parcels of land. It is proposed to construct a two-storey, four-unit townhouse dwelling, with one townhouse on each newly created parcel. It is also proposed to convey a portion of the property to the abutting property owner to the east known municipally as 175 Rivington Street, as part of a mutual land exchange. The four parcels containing the proposed townhouse dwellings will not be in conformity with the Zoning By-law.

RELIEF REQUIRED:

The Owner requires the Authority of the Committee for Minor Variances from the Zoning By-law as follows:

21/A-00029, Parts 3 & 4 - 173 B Rivington St. (proposed townhouse dwelling):

- a) To permit a reduced lot area of 183.1 square metres, whereas the By-law requires a minimum lot area of 240 square metres.

- b) To permit an increased lot coverage of 44.4% or 81.3 square metres, whereas the By-law states that the maximum lot coverage is 30% or 54.94 square metres.
- c) To permit a reduced setback of 8.18 metres from a railway right-of-way, whereas the By-law requires a minimum setback of 30 metres from a railway right-of-way (NEW)

22/A-00130, Parts 5 & 8 - 173 C Rivington St. (proposed townhouse dwelling):

- d) To permit a reduced lot area of 182.5 square metres, whereas the By-law requires a minimum lot area of 240 square metres.
- e) To permit an increased lot coverage of 44.4% or 81.3 square metres, whereas the By-law states that the maximum lot coverage is 30% or 54.94 square metres.
- f) To permit a reduced setback of 8.18 metres from a railway right-of-way, whereas the By-law requires a minimum setback of 30 metres from a railway right-of-way (NEW)

22/A-00158, Parts 1 & 2 - 173 A Rivington St. (proposed townhouse dwelling):

- g) To permit a reduced setback of 8.18 metres from a railway right-of-way, whereas the By-law requires a minimum setback of 30 metres from a railway right-of-way (NEW)

22/A-00159, Parts 6 & 9 - 173 D Rivington St. (proposed townhouse dwelling):

- h) To permit a reduced setback of 8.18 metres from a railway right-of-way, whereas the By-law requires a minimum setback of 30 metres from a railway right-of-way (NEW)

The applications indicate that the Property is the subject of the above noted Consent applications under the *Planning Act*.

PUBLIC HEARING:

The Panel Chair administered an oath to Rod Price, Agent for the Owner, who confirmed that the statutory notice posting requirements were satisfied.

DECISION AND REASONS OF THE COMMITTEE: APPLICATIONS GRANTED

The Committee considered any written and oral submissions relating to the applications in making its Decision, including a letter of opposition from a neighbouring property owner.

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 variance is

minor, is 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.

Based on the evidence, the Committee is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.

The Committee notes that the City's Planning Report raises "no concerns" regarding the applications, concluding that, "this proposal fits within the prescribed direction of the Official Plan for the Village Designation and appears to be comparable to the existing developments in this area."

The Committee also notes that no evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.

Considering the circumstances, the Committee finds that, because the proposal fits well within its context, the requested variances are, from a planning and public interest point of view, desirable for the appropriate use of the land, building or structure on the property, and relative to the neighbouring lands. The Committee also finds that the requested variances maintain the general intent and purpose of the Official Plan because the proposal achieves discreet intensification that is appropriate for its location. In addition, the Committee finds that the requested variances maintain the general intent and purpose of the Zoning By-law because the proposal represents orderly development and is compatible with nearby development. Moreover, the Committee finds that the requested variances are minor because they will not create any unacceptable adverse impact on abutting properties or the neighbourhood in general.

The Committee therefore authorizes the requested variances, **subject to** the location and size of the proposed construction being in accordance with the plans filed, Committee of Adjustment date stamped June 2, 2022.

NOTICE OF RIGHT TO APPEAL:

To appeal this decision to the Ontario Land Tribunal (OLT), a completed appeal form along with payment must be received by the Secretary-Treasurer of the Committee of Adjustment by **August 4, 2022**, delivered by email at cofa@ottawa.ca and/or by mail or courier to the following address:

Secretary-Treasurer, Committee of Adjustment,
101 CentrepoinTE Drive, 4th floor, Ottawa, Ontario, K2G 5K7

The Appeal Form is available on the OLT website at <https://olt.gov.on.ca/>. The OLT has established a filing fee of \$400.00 per type of application with an additional filing fee of \$25.00 for each secondary application. 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. If you have any questions

about the appeal process, please contact the Committee of Adjustment office by calling 613-580-2436 or by email at cofa@ottawa.ca.

Only individuals, corporations and public bodies may appeal Decisions in respect of applications for consent to the OLT. A notice of appeal may not be filed by an unincorporated association or group. However, a Notice of Appeal may be filed in the name of an individual who is a Member of the Association or group on its behalf.

Please note that there are no provisions for the Committee of Adjustment or the OLT 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.

DECISION SIGNATURE PAGE

PAGE DE SIGNATURE DE LA DÉCISION

File No. / Dossier n°: D08-02-21/A-00029, D08-02-22/A-00130, D08-02-22/A-00158 & D08-02-22/A-00159

Owner(s) / Propriétaire(s): Doyle Homes Ltd.

Location / Emplacement: 173 Rivington Street

We, the undersigned, concur in the decision and reasons of the Committee of Adjustment.

Nous, soussignés, souscrivons à la décision et à la justification ci-devant rendues par le Comité de dérogation.

“Fabian Poulin”

**FABIAN POULIN
VICE-CHAIR / VICE-PRÉSIDENT**

“Terence Otto”

**TERENCE OTTO
MEMBER / MEMBRE**

“Steven Lewis”

**STEVEN LEWIS
MEMBER / MEMBRE**

“Martin Vervoort”

**MARTIN VERVOORT
MEMBER / MEMBRE**

“Jocelyn Chandler”

**JOCELYN CHANDLER
MEMBER / MEMBRE**

This is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa-

Celle-ci est une copie conforme de la décision rendue par le Comité de dérogation de la Ville d'Ottawa.



**Date of Decision / Date de la décision
July 15, 2022 / 15 juillet 2022**

**Matthew Garnett
Acting Secretary-Treasurer / Secrétaire-
trésorier par intérim**