



COMMITTEE OF ADJUSTMENT OF THE CITY OF OTTAWA

DECISION MINOR VARIANCE / PERMISSION (Section 45 of the *Planning Act*)

File No.: D08-02-22/A-00148 & D08-02-22/A-00149
Owner(s): Stephen Peippo and Matthew Greig
Location: 62 Stirling Avenue
Ward: 15 - Kitchissippi
Legal Description: Part of Lot 10, Registered Plan 43
Zoning: R4UB
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 APPLICATION:

The Owners have filed Consent Applications (D08-01-22/B-00171 and D08-01-22/B-00172) which, if approved, will have the effect of creating two separate parcels of land. It is proposed to demolish the existing dwelling and to construct a new semi-detached dwelling, with one unit on each of the newly created parcels. The proposed parcels and development will not be in conformity with the requirements of the Zoning By-law.

RELIEF REQUIRED:

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

A-00148: 62 Stirling Ave., Part 1, one unit of the proposed semi-detached dwelling

- a) To permit a reduced lot area of 129.5 square metres, whereas the Zoning By-law requires a minimum lot area of 180 square metres for a semi-detached dwelling.

A-00149: (69) Ladouceur Ave., Part 2, one unit of the proposed semi-detached dwelling

- b) To permit a reduced lot area of 134.3 square metres, whereas the Zoning By-law requires a minimum lot area of 180 square metres for a semi-detached dwelling.

- c) To permit a roof-top access to have a reduced setback of 0 metres from the rear exterior wall, whereas the Zoning By-law requires a rooftop access to have a setback equal to its height from the exterior front wall and exterior rear wall

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

PUBLIC HEARING:

The Chair administered an oath to Caleb Miller, Agent for the Owners, who confirmed that the statutory notice posting requirements were satisfied. Mr. Miller, who appeared along with Murray Chown, also representing the Owners, provided the Committee with a full presentation.

The Committee also heard from Linda Hoad, representing the Hintonburg Community Association, who indicated that she was not opposed to the applications but expressed some concerns with the proposal. Her concerns related to the overall size and scale of the development, proposed use of asphalt on the driveway rather than permeable pavers, the adequacy of tree planting proposed for the site, and the proposed location of “active living space,” which was not at grade and therefore not adding to the animation of the street.

Craig Hamilton of the City’s Planning, Real Estate and Economic Development Department was also in attendance and indicated that he had no concerns with the applications.

DECISION AND REASONS OF THE COMMITTEE: APPLICATIONS REFUSED

The Committee considered any written and oral submissions relating to the applications in making its Decision, including the concerns submitted by the Hintonburg Community Association.

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, two of the four Members of the Committee that heard the applications (Members S. Wilder and B. Oakes Charron) are not satisfied that the requested variances meet the four tests under subsection 45(1) of the *Planning Act*. Pursuant to the Committee’s *Rules of Procedure*, any application on which there is a tie vote shall be deemed to be refused.

The Committee notes that the City’s planning report raises “no concerns” regarding the

applications. However, the report also highlights that “Staff would encourage the Applicant to provide additional setbacks for the rooftop access where possible but note that meeting the required setbacks for the principal dwelling on a reduced lot area results in a narrow floorplate, limiting the flexibility in locating the stair access.”

Based on the evidence, Acting Vice-Chair M. Wildman and Member H. MacLean find that the proposal meets the statutory four tests. These Members are of the opinion that the proposed lots are generally compatible with the lot fabric contemplated for this location and that the relief required for the rooftop access amounts to a technicality, taking noting of the submission of the applicants that variance (c) would not be required if the lots were not subdivided. However, Members S. Wilder and B. Oakes Charron are not satisfied that sufficient evidence was presented that the reduced setback for the roof-top access, as requested, combined with the substantial reduction in lot area for both proposed lots would not create any unacceptable adverse impact on abutting properties, or that the proposal maintains the general intent and purpose of the Zoning By-law.

Pursuant to the Committee’s *Rules of Procedure*, any application on which there is a tie vote is deemed to be refused. The requested variances are therefore not authorized.

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.

File No.: D08-02-22/A-00148 & D08-02-22/A-00149

DECISION SIGNATURE PAGE
PAGE DE SIGNATURE DE LA DÉCISION

File No. / Dossier n°: D08-02-22/A-00148 & D08-02-22/A-00149
Owner(s) / Propriétaire(s): Stephen Peippo and Matthew Greig
Location / Emplacement: 62 Stirling Avenue

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

Nous, soussignés, souscrivons à la décision et aux motifs rendus par le Comité de dérogation.

Absent / Absent

JOHN BLATHERWICK
VICE-CHAIR / VICE-PRÉSIDENT

Dissent / Dissident

"Heather MacLean"

STAN WILDER
MEMBER / MEMBRE

HEATHER MACLEAN
MEMBER / MEMBRE

Dissent / Dissidente

"Michael Wildman"

BONNIE OAKES CHARRON
MEMBER / MEMBRE

MICHAEL WILDMAN
ACTING VICE-CHAIR / VICE-PRÉSIDENT
INTÉRIMAIRE

I certify that this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa.

Je certifie que 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 intérimaire