



COMMITTEE OF ADJUSTMENT OF THE CITY OF OTTAWA

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

File No.:	D08-02-22/A-00124
Owner(s):	2363251 Ontario Inc.
Location:	250 Rochester Street
Ward:	14 - Somerset
Legal Description:	Lot 236, Registered Plan 14
Zoning:	R4UD-c
Zoning By-law:	2008-250

Notice was given and a Public Hearing was held on **June 1 and July 6, 2022**, as required by the *Planning Act*.

PURPOSE OF THE APPLICATION:

At its hearing on June 1, 2022, the Committee adjourned application D08-02-22/A-00124 to allow the Owner time to revise the plans and identify additional variances. The Owners have submitted revised material and wishes to proceed with the application.

The Owner has filed a Consent Application (D08-01-22/B-00144) which, if approved, will have the effect of creating two separate parcels of land. It is proposed to construct a new two-storey, six-unit stacked dwelling on the newly formed parcel. The existing detached dwelling will remain unchanged. The proposed severed parcel of land (Parts 3 and 4 on a Draft Plan filed with the applications) and the proposed development will not be conformity with the requirements of the Zoning By-law.

RELIEF REQUIRED:

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

- a) To permit a reduced lot width of 8.39 metres, whereas the Zoning By-law requires a minimum lot width of 14 metres for a stacked building.
- b) To permit a reduced lot area of 258 square metres, whereas the Zoning By-law requires a minimum lot area of 420 square metres.

- c) To permit a reduced interior side yard setback of 0.6 metres, whereas the Zoning By-law requires a minimum interior side yard setback of 1.5 metres for a stacked dwelling.
- d) To permit an uncovered balcony to extend to 0.6 metres of the southerly side lot line, whereas the Zoning By-law states that uncovered balconies can be no closer than 1 metre from a lot line. (NEW)
- ~~e) To permit an uncovered balcony to extend to 0.6 metres of the northerly side lot line, whereas the Zoning By-law states that uncovered balconies can be no closer than 1 metre from a lot line. (NEW)~~

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

PUBLIC HEARING:

Prior to the hearing on June 1, 2022, the Committee received an adjournment request from Margot Linker of the City's Planning, Real Estate and Economic Development Department (PRED), seeking additional time for the Owner to revise its plans to provide opaque screening for balconies and to apply for additional required variances. At the hearing, the Committee heard from Erin Duncan, Agent for the Owner, who confirmed that they would seek the additional variances identified by the City. With the concurrence of all parties, the applications were adjourned *Sine Die*. Ms. Linker was also in attendance.

At the renewed Hearing, the Chair administered an oath to Ms. Duncan, who confirmed that the statutory notice posting requirements were satisfied. Ms. Duncan, who appeared along with Jane Thompson, also representing the Owner, provided the Committee with a full presentation.

The Committee also heard from Ms. Linker, who confirmed that, with the submission of the revised plans, she had no concerns with the applications. The Committee noted that as per the City's planning report on file, variance (e) could be deleted from the application.

With all parties in agreement, the application was amended accordingly.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED AS AMENDED

The Committee considered any written and oral submissions relating to the application in making its Decision.

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 majority of the Committee (Member B. Oakes Charron) dissenting for the reasons noted below) is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.

Considering the circumstances, the majority of the Committee finds that, because the proposal fits well in the neighbourhood, 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 majority of the Committee also finds that the requested variances maintain the general intent and purpose of the Official Plan because the proposal contributes positively to the urban renewal of the area and introduces appropriate low-rise infill development in proximity to a range of community services and amenities. In addition, the majority of 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 the neighbourhood. Moreover, the majority of 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 revised plans filed, Committee of Adjustment date stamped June 6, 2022.

Member B. Oakes Charron dissents, finding that the proposal represents overdevelopment of the site, further noting that the number of proposed dwelling units combined with the reduced lot size may negatively impact the functionality of the site and the neighbourhood in general.

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°: D08-02-22/A-00124
Owner(s) / Propriétaire(s): 2363251 Ontario Inc.
Location / Emplacement: 250 Rochester Street

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**

"Stan Wilder"

**STAN WILDER
MEMBER / MEMBRE**

Dissent / Dissidente

**BONNIE OAKES CHARRON
MEMBER / MEMBRE**

"Heather MacLean"

**HEATHER MACLEAN
MEMBER / MEMBRE**

"Michael Wildman"

**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**