



COMMITTEE OF ADJUSTMENT OF THE CITY OF OTTAWA

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

File No.: D08-02-22/A-00147
Owner(s): 2486180 Ontario Inc.
Location: 188 Baribeau Street and 130 Dagmar Avenue
Ward: 12-Rideau-Vanier
Legal Description: Lots 84 and 85, Reg. Plan No. M-78, Ref. Plan No. 4R-29599, Parts 3 and 4
Zoning: R4UA
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 Owner has filed an Application for Consent (D08-01-22/B-00170) which, if approved, will have the effect of creating two separate parcels of land. The proposed lot and existing triplex will not be in 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 area of 199.8 square metres whereas the By-law requires a minimum lot area of 300 square metres.
- b) To permit a reduced lot width of 6.27 metres, whereas the By-law requires a minimum lot width of 10 metres.

The Application indicates 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 Eric Bays, Agent for the Applicant, who confirmed that the statutory notice posting requirements were satisfied.

In response to questions from the Committee, Mr. Bays confirmed that the development was constructed and completed in 2017 prior to the rezoning of R4E to R4UA (Residential Fourth Density Subzone). The development is now considered to be a legal non-complying use and the requested variances is to allow recreation of the lots under the new R4UA Zone.

Also in attendance was Serene Shahzadeh, also representing the Applicant, and Siobhan Kelly, of the City's Planning, Real Estate and Economic Development Department (PRED).

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED

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 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 with the requested variances for reduced lot width and reduced lot area as they represent existing conditions and have existed since the approval and construction of the development."

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

Considering the circumstances, the Committee finds that, because the proposal fits well in the area, the requested variances are, 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. The Committee also finds that, because the proposal is an example of intensification within the General Urban Area that complements the desirable characteristics of the community, the requested variances maintain the general intent and purpose of the Official Plan. Additionally, the Committee finds that the requested variances maintain the general intent and purpose of the Zoning By-law because the proposal will have no impact on the streetscape or on the functionality of the site given that it represents an existing condition. 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.

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-00147
Owner(s) / Propriétaire(s): 2486180 Ontario Inc.
Location / Emplacement: 188 Baribeau Street and 130 Dagmar 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.

“Ann M. Tremblay”

**ANN M. TREMBLAY
CHAIR / PRÉSIDENTE**

“Kathleen Willis”

**KATHLEEN WILLIS
MEMBER / MEMBRE**

“Scott Hindle”

**SCOTT HINDLE
MEMBER / MEMBRE**

“Colin White”

**COLIN WHITE
MEMBER / MEMBRE**

“Julia Markovich”

**JULIA MARKOVICH
MEMBER / MEMBRE**

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



Michel Bellemare
Secretary-Treasurer / Secrétaire-trésorier