



## **COMMITTEE OF ADJUSTMENT OF THE CITY OF OTTAWA**

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

**File No.:** D08-02-22/A-00146  
**Owner(s):** Jordan Tannis  
**Location:** 87 Melrose Avenue  
**Ward:** 15 - Kitchissippi  
**Legal Description:** Lot 2176, Registered Plan 201  
**Zoning:** R4UB  
**Zoning By-law:** 208-250

Notice was given and a Public Hearing was held on **July 20, 2022**, as required by the *Planning Act*.

#### **PURPOSE OF THE APPLICATION:**

The Owner wants to convert the existing three unit dwelling to a low-rise apartment dwelling, as shown on plans filed with the Committee.

#### **RELIEF REQUIRED:**

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

- a) To permit a reduced lot area of 257.5 square meters, whereas the By-law requires a minimum lot area of 300 square meters.
- b) To permit a reduced minimum rear yard setback of 6.43 metres (25.1%), whereas the By-law requires a minimum rear yard setback of 7.68 metres (30% of the lot depth).
- c) To permit a reduced front yard setback of 2.38 metres, whereas the By-law requires a minimum front yard setback of that aligns with the average of the abutting lots' front yard setbacks which in this case is 2.52 metres
- d) To permit a reduced northerly interior yard setback of 1.2 metres, whereas the By-law requires a minimum interior yard setback of 1.5 metres.

- e) To permit a reduced canopy projection of 0.2 meters to the northern lot line, whereas the By-law requires a maximum canopy projection of 0.6 meters to a lot line.
- f) To permit a front facade to be 18.8% windows, whereas the By-law requires a minimum of 25% of the front facade to be windows.
- g) To permit 39.8% of the front facade to be recessed an additional 0.43 meters from the front setback line than the rest of the building facade, whereas the By-law requires at least 20% of the front facade must be recessed an additional 0.6 meters from the front setback line.
- h) To permit one parking space, whereas the By-law ~~no parking~~ **does not permit parking** for a low-rise apartment building on a lot less than 450 square metres in area.

The application indicates that the Property is the subject of a Site Plan Control Application (D07-12-21-0105) under the *Planning Act*.

#### **PUBLIC HEARING:**

The Panel Chair administered an oath to Christine McCuaig, Agent for the Owner, who confirmed that the statutory notice posting requirements were satisfied. Ms. McCuaig, who appeared along with Arjan Soor, also representing the Owner, provided the Committee with a full presentation. Ms. McCuaig explained that no physical changes were occurring on the site and the proposal was to establish a fourth dwelling unit in the basement, resulting in the need for these variances and the Site Plan Control Application currently underway.

The Committee also heard from Cheryl Parrott, of the Hintonburg Community Association. Ms. Parrott stated that the community association was opposed to variance (h) to permit a parking space in the rear yard. In her opinion, the undersized lot could not accommodate the on-site parking space as proposed and the rear yard would be better used as greenspace.

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

#### **DECISION AND REASONS OF THE COMMITTEE:      APPLICATION GRANTED IN PART**

The Committee considered any written and oral submissions relating to the applications in making its Decision, including the concerns raised 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, the Committee is satisfied that variances (a) through (g) meet all four requirements under subsection 45(1) of the *Planning Act*.

The Committee notes the City's Planning Report highlights "no concerns" with the applications, highlighting that: "staff have no concerns with the variances seeking to recognize the existing condition of the structure on the property, specifically variances b – g. The property currently contains a three-unit dwelling use within the existing building. The proposed dwelling unit addition to the building changes the use to a low-rise apartment dwelling which is subject to different provisions of the Zoning By-law." With regards to the requested parking space, the report states, "the property of 87 Melrose Avenue is located within Area X of Schedule 1A of the Zoning By-law which provides that no off-street parking is required for the first 12 units of a residential building."

Considering the circumstances, the Committee finds that, because the proposal fits well in the neighbourhood, the requested variances (a) through (g) 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 variances (a) through (g) maintain the general intent and purpose of the Official Plan because the proposal respects the character of the neighbourhood and contributes discreet infill development in the urban area. In addition, the Committee finds that variances (a) through (g) maintain the general intent and purpose of the Zoning By-law because the proposal represents orderly development on the property that is compatible with the neighbourhood. Moreover, the Committee finds that the variances (a) through (g) are minor because they will not create any unacceptable adverse impact on abutting properties or the neighbourhood in general.

Conversely, based on the evidence, the Committee is not satisfied that parking variance (h) meets all four requirements under subsection 45(1) of the *Planning Act*.

Specifically, the Committee finds insufficient evidence was presented that variance (h) is, 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. In addition, the Committee finds that insufficient evidence was provided to confirm the functionality of the proposed parking space and demonstrating that the requested parking space maintains the general intent and purpose of the Zoning By-law. Failing two of the four statutory requirements, the Committee is unable to authorize the parking space.

The Committee therefore authorizes variance (a).

Variances (b), (c), (d), (e), (f) and (g) are also authorized, **subject to** these variances applying to the existing building known municipally as 87 Melrose Avenue, and being restricted to the life of this building only. The Committee does not authorize variance (h).

**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 18, 2022**, delivered by email at [cofa@ottawa.ca](mailto:cofa@ottawa.ca) and/or by mail or courier to the following address:

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 <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](mailto: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-00146**Owner(s) / Propriétaire(s):** Jordan Tannis**Location / Emplacement:** 87 Melrose 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.

***“John Blatherwick”***

**JOHN BLATHERWICK  
VICE-CHAIR / VICE-PRÉSIDENT**

***“Stan Wilder”***

**STAN WILDER  
MEMBER / MEMBRE**

***“Heather MacLean”***

**HEATHER MACLEAN  
MEMBER / MEMBRE**

***“Bonnie Oakes Charron”***

**BONNIE OAKES CHARRON  
MEMBER / MEMBRE**

**Absent / Absent**

**MICHAEL WILDMAN  
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 29, 2022 / 29 juillet 2022**

---

**Matthew Garnett  
Acting Secretary-Treasurer /  
Secrétaire-trésorier intérimaire**