



COMMITTEE OF ADJUSTMENT OF THE CITY OF OTTAWA

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

File No.:	D08-02-22/A-00178
Owner(s):	Nathanael Wasitis and 9387552 Ontario Inc.
Location:	502 Melbourne Avenue
Ward:	15-Kitchissippi
Legal Description:	Lot 19 (West Melbourne Avenue), Registered Plan 235
Zoning:	R3R[2687] H(8.5)
Zoning By-law:	2008-250

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

PURPOSE OF THE APPLICATION:

At the hearing on April 29, 2022, the Owners received approval from the Committee of Adjustment to subdivide their property into two separate parcels. The Owners are now constructing a new detached dwelling on one of the parcels which will not be in conformity with the Zoning By-law.

RELIEF REQUIRED:

The Owners require the Authority of the Committee for a Minor Variance from the Zoning By-law to permit an increased building depth from the front lot line of 25.9 meters, whereas the By-law requires that no part of a building may be located further away than 24 meters from the front lot line.

The application indicates that the Property is not the subject of any other current application under the *Planning Act*.

PUBLIC HEARING:

The Panel Chair administered an oath to Jeffrey Kelly, Agent for the Owners, who confirmed that the statutory notice posting requirements were satisfied. Mr. Kelly, who appeared along with Murray Chown, also representing the Owners, provided the Committee with a brief presentation. Mr. Kelly explained that the new detached dwelling currently under construction had been issued a building permit in November 2021, in

error. The applicant was now requesting the variance to bring the property into conformity with the Zoning By-law.

Margot Linker, of the City's Planning, Real Estate and Economic Development Department was also in attendance. She confirmed that the building permit was issued in error and the issue was discovered when a building permit for 500 Melbourne was applied for.

The Committee also heard from Marnie Beaubien, 394 Kenwood Avenue, who expressed concerns relating to the issue of not setting a precedent for future development in the area.

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 notes that the City's Planning Report raises "some concerns" with the application, highlighting that "that the requested variance will result in a building that projects deeper than its neighbours within the immediate vicinity, which impacts the intent of the Zoning By-law to maintain a contiguous rear yard." However, "staff recognize that the lot is located close to the intersection of Melbourne Avenue and Kenwood Avenue, where rear yards are shallow along Kenwood Avenue. Therefore, the proposed building depth will not create an undesirable pattern mid-block. Additionally, in this particular instance, it is acknowledged that the building permit has already been issued for the detached dwelling."

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

Considering the circumstances, the Committee finds that, because the proposal fits well in the neighbourhood, the requested variance is, 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, because the proposal respects the character of the neighbourhood, the requested variance maintains the general intent and purpose of the Official Plan. In addition, the Committee finds that the requested variance maintains 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 requested variance is minor because it will not create any unacceptable adverse impact on abutting properties or the neighbourhood in general.

The Committee therefore authorizes the requested variance, **subject to:**

- The location and size of the proposed construction being in accordance with the plans filed, Committee of Adjustment date-stamped June 21, 2022.

- The relief applying to the existing building known municipally as 502 Melbourne Street and being restricted to the life of this building only.

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 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-00178
Owner(s) / Propriétaire(s): Nathanael Wasitis and 9387552 Ontario Inc.
Location / Emplacement: 502 Melbourne 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