



COMMITTEE OF ADJUSTMENT OF THE CITY OF OTTAWA

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

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|---------------------------|---------------------------------------|
| File Nos.: | D08-02-22/A-00096 & D08-02-22/A-00168 |
| Owner(s): | Kathryn Moore and Frank Johnston-Main |
| Location: | 261, 263 Cambridge Street North |
| Ward: | 14-Somerset |
| Legal Description: | Lot 145, Reg. Plan No. 3459 |
| Zoning: | R4UB |
| Zoning By-law: | 2008-250 |

Notice was given and a Public Hearing was held on **July 6 and July 20, 2022**, as required by the *Planning Act*.

PURPOSE OF THE APPLICATIONS:

The Owners have filed an Applications for Consent (D08-01-21/B-00083 and D08-01-22/B-00192) which, if approved, will have the effect of creating two separate parcels of land for the proposed long semi-detached dwellings. The proposed parcels and dwellings 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-00168 - 261 Cambridge Street N (one half of the proposed long semi-detached dwelling):

- a) To permit a reduced rear yard setback of 7.74 metres, whereas the Zoning By-law requires a rear yard setback of 9 metres.
- b) To permit an increased building height of 10.5 metres, whereas the Zoning By-law permits a maximum building height of 10 metres.

A-00096 - 263 Cambridge Street N. (other half unit of the proposed long semi-detached dwelling):

- c) To permit an increased building height of 10.5 metres, whereas the Zoning By-law permits a maximum building height of 10 metres.

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

PUBLIC HEARING:

Prior to the Hearing on July 6, 2022, the Committee received an adjournment request from Margot Linker, of the City's Planning, Real Estate and Economic Development Department (PRED), to allow for time for the applicant to revise the plans to address non-compliance issues, including changing the width of the driveway. At the Hearing, the Committee heard from Ms. Linker, who reiterated her request for adjournment. The Committee also heard from Kathryn Moore and Frank Johnson-Main, Owners of the property, who agreed with the adjournment requested by PRED. With the concurrence of all parties the applications were adjourned to the Hearing scheduled for July 20, 2022.

At the renewed Hearing on July 20, 2022, the Panel Chair administered an oath to Ms. Moore, who confirmed that the statutory notice posting requirements were satisfied. Ms. Moore, who appeared along with Frank Johnston-Main, the other owner of the property, provided the Committee with a brief 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.

DECISION AND REASONS OF THE COMMITTEE: APPLICATIONS GRANTED

The Committee considered any written and oral submissions relating to the applications 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", highlighting that "the proposed variances seek to permit a housing type intended for the subject area

while dividing the existing parcel appropriately and with no expected adverse impact on the character of the street or the neighbourhood. Staff note the housing typology and design proposed is desirable along Cambridge Street North.” With respect to the requested variances for increased building height, the City’s Planning Report raises no concerns, stating that, “staff acknowledge that the maximum building height is concentrated in the middle of the building, resulting in a reduced impact to the street and minimized concerns related to shadows and privacy in front and rear yards that could have resulted from the height increase.”

The Committee also notes that no evidence was presented that the 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 the requested variances maintain the general intent and purpose of the Official Plan because the proposal represents a modest form of intensification that respects the character of the neighbourhood. In addition, the Committee finds that the requested variances 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 surrounding area. 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, **subject to** the location and size of the proposed construction being in accordance with the revised plans filed, Committee of Adjustment date stamped July 12, 2022, as they relate to 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 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-00096 & D08-02-22/A-00168
Owner(s) / Propriétaire(s): Kathryn Moore and Frank Johnston-Main
Location / Emplacement: 261, 263 Cambridge Street North

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**