



## COMMITTEE OF ADJUSTMENT OF THE CITY OF OTTAWA

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

**File No.:** D08-02-22/A-00201 & D08-02-22/A-00202  
**Owner(s):** 13516989 Canada Inc.  
**Location:** 83 Ontario Street  
**Ward:** 13 - Rideau-Rockcliffe  
**Legal Description:** Lot 28, Registered Plan 453  
**Zoning:** R3M  
**Zoning By-law:** 2008-250

Notice was given and a Public Hearing was held on **August 17, 2022**, as required by the *Planning Act*.

#### PURPOSE OF THE APPLICATIONS:

The Owner has filed Consent Applications (D08-01-22/B-00220 & D08-01-22/B-00221) which, if approved, will have the effect of creating two separate parcels of land. It is proposed to demolish the existing detached dwelling and to construct a new semi-detached dwelling, with one dwelling unit on each of the newly created parcels. The proposed ~~parcels~~ **development** 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:

D08-02-22/A-00201: 83 Ontario Street, Part 1, proposed semi-detached dwelling unit

- a) To permit a reduced rear yard setback equal to 19.8% of lot depth (5.2 metres); whereas the By-law requires a minimum rear yard setback equal to 28% of lot depth (7.4 metres).
- b) To permit a reduced rear yard area equal to 19.63% of lot area (39.7 square metres); whereas the By-law requires a minimum rear yard area equal to 25% of the lot area (50.6 square metres).

D08-02-22/A-00202: 85 Ontario Street, Part 2, proposed semi-detached dwelling unit

- c) To permit a reduced rear yard setback equal to 19.8% of lot depth (5.2 metres); whereas the By-law requires a minimum rear yard setback equal to 28% of lot depth (7.4 metres)
- d) To permit a reduced rear yard area equal to 19.66% of lot area (39.8 square metres); whereas the By-law requires a minimum rear yard area equal to 25% of the lot area (50.6 square metres).

The applications indicate 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 Caleb Miller, Agent for the Owner, who confirmed that the statutory notice posting requirements were satisfied.

The Committee heard from Margot Linker, from the City's Planning, Real Estate and Economic Development Department, who summarized the concerns outlined in her written report on file, noting that the proposed setback is not a common mid-block condition and is not compatible with the existing pattern within the neighbourhood and the conflict between the proposed parking space and the access to the secondary dwelling unit.

In his presentation to the Committee, Mr. Miller advised the Committee that it was his client's desire to construct a dwelling of the proposed size that would fit on a typical size lot, with windows on the second floor towards the centre of the dwelling to avoid potential overlook issues. It was his understanding that the apparent conflict between the access to the secondary dwellings and the parking would be addressed as part of the building permit process. In response to questions from the Committee, Mr. Miller advised that it was his client's intentions to protect tree #1, as shown on the plans filed. He further advised that in his opinion the rear-yard character of the dwellings in the area is not very different from that of the proposed dwellings.

Nancy Young, Forester with the City's Planning Real Estate and Economic Development Department (PRED), confirmed that the department would be satisfied if the services are capped outside of the critical root zone to protect the tree.

Also in attendance was Adam Thompson, also acting as Agent for the Owner. He advised that it would be difficult to have a functional floor plate for the dwelling that would fit on a 30-metre lot and still provide adequate rear yard amenity area as they are limited by the irregular and shallow dimensions of the lots.

**DECISION AND REASONS OF THE COMMITTEE: APPLICATIONS REFUSED**

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 not 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 "some concerns" regarding the application, highlighting that "when accounting for the site context, the proposed reduced rear yard setback is not a common condition within this block and is not compatible with the existing mid-block rear yard setbacks patterns within the neighbourhood". Staff further note that "there appears to be conflict between the access to the secondary dwelling units and parking".

Considering the circumstances, the Committee finds that the requested variances are not desirable for the appropriate use of the land, building or structure on the property, and relative to the neighbouring lands, because insufficient evidence was provided to show the compatibility of the proposed rear yard setback and address the functionality of the entrances to the secondary dwelling units and parking spaces. The Committee also finds that insufficient evidence was presented to demonstrate that the variances maintain the general intent and purpose of the Official Plan, because the proposal does not respect the character of the neighbourhood given its massing and scale relative to the size of the lot. In addition, the Committee finds that the requested variances do not maintain the general intent and purpose of the Zoning By-law because the proposal represents overdevelopment that is not compatible with the surrounding area. Moreover, the Committee notes that some evidence was presented that the proposal would negatively impact the abutting properties, and finds that, both individually and cumulatively, the requested variances are not minor because they would create an unacceptable adverse impact on the neighbourhood in general.

The Committee therefore does not authorize 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 **September 15, 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-00201 & D08-02-22/A-00202  
**Owner(s) / Propriétaire(s):** 13516989 Canada Inc.  
**Location / Emplacement:** 83 Ontario 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.

***“John Blatherwick”***

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

***“Stan Wilder”***

**STAN WILDER  
MEMBER / MEMBRE**

***“Heather MacLean”***

**HEATHER MACLEAN  
MEMBER / MEMBRE**

***Absent / Absente***

**BONNIE OAKES CHARRON  
MEMBER / MEMBRE**


***“Michael Wildman”***

**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***  
**August 26, 2022 / 26 août 2022**

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**Michel Bellemare**  
**Secretary-Treasurer / Secrétaire-trésorier**