



COMMITTEE OF ADJUSTMENT OF THE CITY OF OTTAWA

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

File No.:	D08-02-22/A-00243
Owner(s):	C&E Renos Inc.
Location:	38 Adelaide Street
Ward:	17 - Capital
Legal Description:	Part of Lot 3, West Adelaide Street, Registered Plan 33446
Zoning:	R3Q
Zoning By-law:	2008-250

Notice was given and a Public Hearing was held on **September 7, 2022**, as required by the *Planning Act*.

PURPOSE OF THE APPLICATION:

The Owner wants to construct a new detached dwelling with a secondary dwelling unit in the basement. It is proposed to demolish the existing detached dwelling.

RELIEF REQUIRED:

The Owner requires the Authority of the Committee for a Minor Variance from the Zoning By-law to permit a reduced lot width of 7.1 metres for a detached dwelling with a secondary dwelling unit to be located in a R3Q zone, whereas the By-law requires a minimum lot width of 7.5 metres for a detached dwelling with a secondary dwelling unit located in a R3Q zone.

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 Bingfeng Li, Agent for the Applicant, who confirmed that the statutory notice posting requirements were satisfied.

In response to questions from the Committee, Mr. Li confirmed that mitigation measures would be put in place and maintained for the full duration of construction.

Margot Linker, of the City's Planning, Real Estate and Economic Development Department (PRED) was also in attendance. She confirmed that the department had previously requested that the application be adjourned, on the basis that a Streetscape Character Analysis and an additional variance for the existing single-wide driveway was required. However, since the adjournment request the applicant has provided the Streetscape Character Analysis, which concluded that single-wide driveways are permitted and therefore the additional variance is no longer required.

Also in attendance was Chang Sun, also representing the Applicant.

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 variance meets all four requirements under subsection 45(1) of the *Planning Act*.

The Committee notes that the revised City's Planning Report raises "no concerns" with the application, highlighting that "the legalization of a reduced lot width to accommodate the introduction of a secondary dwelling unit on the subject site as the site meets all other requirements in the Zoning By-law." The planning report also concludes that, "within the site vicinity, there are many examples of lots that have a smaller lot width, which is permitted to be 4.5 metres for semi-detached dwellings and townhouse dwellings. The reduced lot width to permit the proposed single-detached dwelling will therefore not negatively impact the existing character of the streetscape."

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

Considering the circumstances, the Committee finds that, because the proposal seeks to legalize the existing reduced lot width to accommodate the introduction of a secondary dwelling unit on the subject site, and fits well in the neighbourhood, the requested variance 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. The Committee also finds that the requested variance maintains the general intent and purpose of the Official Plan because the proposal respects the character of the neighbourhood. 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.

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 **October 6, 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-00243
Owner(s) / Propriétaire(s): C&E Renos Inc.
Location / Emplacement: 38 Adelaide 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**

“Bonnie Oakes Charron”

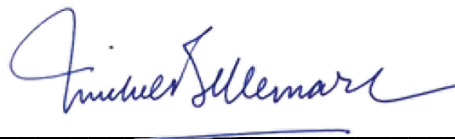
**BONNIE OAKES CHARRON
MEMBER / MEMBRE**

“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
September 16, 2022 / 16 septembre 2022

Michel Bellemare
Secretary-Treasurer / Secrétaire-trésorier