



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

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

File No.: D08-02-22/A-00244
Owner(s): Marlaina and Brian Loveys
Location: 113 Lower Charlotte Street
Ward: 12 - Rideau-Vanier
Legal Description: Part of Lot 12 (South Clarence Street) Registered Plan 43586
Zoning: R4UD
Zoning By-law: 2008-250

Notice was given and a Public Hearing was held on **September 21, 2022**, as required by the *Planning Act*.

PURPOSE OF THE APPLICATION:

The Owners want to convert the existing dwelling into a three-unit dwelling, as shown on plans filed with the Committee.

RELIEF REQUIRED:

The Owners require the Authority of the Committee for Minor Variances from the Zoning By-law as follows:

- a) To permit none of the front façade to be recessed 0.6 metre from the setback line, whereas the By-law requires 20% of the front façade be recessed an additional 0.6 metre from the setback line.
- b) To permit a reduced soft landscaping area of 15.2 square metres, whereas the By-law requires a minimum soft landscaping area of 35 square metres for a lot less than 360 square metres in area with 25 square metres being an aggregated rectangular area.
- c) To permit a reduced lot area of ~~256.49~~ **258.26** square metres, whereas the By-law requires a minimum lot area of 300 square metres.

- d) To permit a front façade to be comprised of 12.2% windows, whereas the By-law requires a minimum of 25% windows on a front façade.
- e) To permit a corner side façade to be comprised of 10.3% windows, whereas the By-law requires a minimum of 15% windows for a corner side façade.

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 Marlaina Loveys, one of the Owners of the property, who confirmed that the statutory notice posting requirements were satisfied. Brian Loveys, the other Owner of the property, was also in attendance.

The Committee noted that variance (c) should be amended to read as follows:

- a) To permit a reduced lot area of ~~256.49~~ **258.26** square metres, whereas the By-law requires a minimum lot area of 300 square metres.

With the concurrence of Ms. Loveys, the application was amended accordingly.

In response to questions from the Committee, Ms. Loveys confirmed that the purpose of the application before the Committee is to legalize the existing three-unit dwelling. She also confirmed that the requested variances are to authorize existing conditions and that changes made to the dwelling would be to the interior only. She further stated that the hard landscaping at the rear will remain.

Also in attendance was Craig Hamilton, of the City's Planning, Real Estate and Economic Development Department.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED AS AMENDED

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 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" regarding the application, highlighting that "the proposed conversion utilizes the existing structure to provide 'missing middle' housing availability and to maintain existing residential housing stock in a manner that is compatible with the surrounding neighbourhood." The report further notes that, "the immediately adjacent buildings and those within adjacent residential blocks offer dwellings of comparable sizes and densities on similar lot sizes. The proposed reduction in lot area would not deviate from the existing lot patterns for nearby multi-unit residential dwellings."

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 seeks to legalize the existing structure that 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, because the proposal respects the character of the neighbourhood, the requested variances maintain the general intent and purpose of the Official Plan. 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 neighbourhood. Moreover, the Committee finds that the requested variances, both individually and cumulatively, are minor because they will not create any unacceptable adverse impact on abutting properties or the neighbourhood in general.

The Committee therefore authorizes requested variances (b) and (c).

The Committee also authorizes variances (a), (d), and (e), **subject to** the location and size of the existing dwelling known municipally as 113 Lower Charlotte 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 **October 20, 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-00244
Owner(s) / Propriétaire(s): Marlaina and Brian Loveys
Location / Emplacement: 113 Lower Charlotte 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**

Absent / Absente

**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
September 29, 2022 / 29 septembre 2022

Michel Bellemare
Secretary-Treasurer / Secrétaire-trésorier