



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

**DECISION  
MINOR VARIANCE  
PERMISSION**

(Section 45 of the *Planning Act*)

**File No.:** D08-02-21/A-00194  
**Owner(s):** Marcus Filoso  
**Location:** 891 Riddell Avenue North & 1872 Lenester Avenue  
**Ward:** 7 - Bay  
**Legal Description:** Part Lot 19, Reg. Plan 303  
**Zoning:** R2F  
**Zoning By-law:** 2008-250

Notice was given and a public hearing was held on **August 4 and September 15, 2021**, as required by the *Planning Act*.

**PURPOSE OF THE APPLICATION:**

On August 4, the Committee of Adjustment adjourned this application to allow the Owner time to apply for an additional Minor Variance.

The Owner has filed Consent Applications (D08-01-21/B-00208 & D08-01-21/B-00209) which, if approved, will have the effect of creating two separate parcels of land. It is proposed to convert the existing detached dwelling to a semi-detached dwelling unit, which will be linked to a proposed two-storey semi-detached dwelling unit to the rear, so that one dwelling unit is located on each of the newly created parcels of land, as shown on plans on file with the Committee. The proposed development on the parcel to be known municipally as 891 Riddell Avenue (Part 1) 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:

- a) To permit a reduced corner side yard setback of 0.6 metres, whereas the By-law requires a minimum corner side yard setback of 4.5 square metres.

- b) To permit an increased eaves projection to within 0.14 metres of a property line, whereas the By-law states that eaves can project no closer than 0.30 metres to a property line.
- c) To permit a reduced lot area of 230.4 square metres, whereas the By-law requires a minimum lot area of 270 square metres. (NEW)

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

#### **PUBLIC HEARING:**

Prior to the Hearing on August 4, 2021, the Committee received an adjournment request from Ms. C. Culley, of the City's Planning, Infrastructure and Economic Development Department (PIEDD), on the basis that additional time would allow for either revised plans to be submitted or additional variances may be required.

At the Hearing, the Committee heard from Mr. L. Tardioli, Agent for the Applicant, who was in agreement with the adjournment request. With the concurrence of all parties the applications were adjourned to September 15, 2021.

At the renewed Hearing on September 15, 2021, the Chair administered an oath to Mr. J. Hamel, Agent for the Applicant, who confirmed that the statutory notice posting requirements were satisfied.

Ms. C. Culley, of the City's Planning, Infrastructure and Economic Development Department (PIEDD) was also in attendance.

#### **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 PIEDD report raises "no concerns" with the application, highlighting that, "the dimensions of the proposed severed and retained lots are reflective of redevelopment of lots for constructing semi-detached dwellings and the maintaining of an R2 typology." Further adding, "the sought relief for a reduced corner side yard setback is consistent with the street setbacks at this intersection."

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

Considering the circumstances, the Committee finds that, because the proposal fits well within the streetscape and maintains an existing pattern of development, the requested variances are, 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 the requested variances maintain the general intent and purpose of the Official Plan because the proposal respects the character of the neighbourhood and contributes appropriate infill housing in the General Urban Area. 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 subject 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 August 25, 2021.

#### **NOTICE OF RIGHT TO APPEAL:**

To appeal this decision to the Ontario Land Tribunal (OLT), an appeal form along with a certified cheque or money order payable to the Ontario Minister of Finance must be filed with the Secretary-Treasurer of the Committee of Adjustment by **October 14, 2021**, delivered 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. 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.

**DECISION SIGNATURE PAGE  
PAGE DE SIGNATURE DE LA DÉCISION**

**File No. / Dossier n°:** D08-02-21/A-00194  
**Owner(s) / Propriétaire(s):** Marcus Filoso  
**Location / Emplacement:** 891 Riddell Avenue North & 1872 Lenester 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.

*"Ann M. Tremblay"*

**ANN M. TREMBLAY  
CHAIR / PRÉSIDENTE**

Absent / Absente

**KATHLEEN WILLIS  
MEMBER / MEMBRE**

*"Scott Hindle"*

**SCOTT HINDLE  
MEMBER / MEMBRE**

*"Colin White"*

**COLIN WHITE  
MEMBER / MEMBRE**

*"Julia Markovich"*

**JULIA MARKOVICH  
MEMBER / MEMBRE**

I, Michel Bellemare, Secretary-Treasurer of the Committee of Adjustment for the City of Ottawa, certify that the attached is a true copy of the Decision of the Committee with respect to the application recorded.

Je, soussigné, Michel Bellemare, secrétaire-trésorier du Comité de dérogation pour la Ville d'Ottawa, confirme que l'énoncé ci-joint est une copie conforme de la décision rendue par le Comité à l'égard de la demande visée.

**Date of Decision / Date de la décision  
September 24, 2021/ 24 septembre 2021**



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