



COMMITTEE OF ADJUSTMENT OF THE CITY OF OTTAWA

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

File Nos.: D08-02-21/A-00432, D08-02-21/A-00433
Owner(s): 844 Connaught Avenue Holdings Inc.
Location: 844 Connaught Avenue, (2541) Sackville Street
Ward: 7 - Bay
Legal Description: Reg. Plan 311, Part Lot 240
Zoning: R2G [1564]
Zoning By-law: 2008-250

Notice was given and a Public Hearing was held on **February 16, 2022**, as required by the *Planning Act*.

PURPOSE OF THE APPLICATIONS:

The Owner has filed Applications for Consent (D08-01-21/B-00527 & D08-01-21/B-00528) which, if approved, will have the effect of creating two separate parcels of land. It is proposed to demolish the existing detached dwelling and garage and to construct a two-storey semi-detached dwelling, with one half on each of the newly created parcels. The applications indicate that secondary dwelling units will be constructed in each unit (total of four units). The proposed parcels and one of the proposed dwellings 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-00432: 844 Connaught Ave., Part 1 on a Draft 4R-Plan (proposed semi-detached dwelling)

- a) To permit a reduced lot area of 208.60 square metres, whereas the By-law requires a minimum lot area of 225 square metres.
- b) To permit a reduced lot width of 7.0 metres, whereas the By-law requires a minimum lot width of 7.5 metres.

A-00433: 2541 Sackville St., Part 2 on said plan (proposed semi-detached dwelling)

- c) To permit a reduced corner side yard setback of 3.0 metres (south side along Sackville Street), whereas the By-law requires a minimum corner side yard setback of 4.5 metres.

It should be noted that, for By-law purposes, the frontage on Connaught Avenue is deemed to be the front lot line for the property known as 2541 Sackville Street.

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

PUBLIC HEARING:

The Chair administered an oath to Jeffrey Kelly, Agent for the Applicant, who confirmed that the statutory notice posting requirements were satisfied.

The Committee heard from Kathy Vandergrift of Queensway Terrace North Community Association and Susan Blakeny of 937 Arkell. The overall concerns raised were loss of greenspace, trees and soft landscaping being converted for additional parking spaces. Ms. Blakeny also questioned whether a Minor Variance Application was required for the address of the proposed development.

Also in attendance was Murray Chown, representing the Applicant. In response to the concerns raised by the residents, he confirmed that the plans have been altered to show compliance with Zoning By-law. The modifications included were for the interior lot (844 Connaught Avenue) to show a narrower driveway, no walkway to the right-of-way, and increased soft landscaping in the front yard. With respect to the trees, he confirmed that only one tree will be removed. Mr. Chown also confirmed that he has no concerns with the easement requested from Hydro Ottawa.

Lucy Ramirez of the City's Planning, Real Estate and Economic Development Department (PRED) was also in attendance.

DECISION AND REASONS OF THE COMMITTEE: APPLICATIONS GRANTED

The Committee considered any written and oral submissions relating to the applications in making its Decision, including letters of objection.

The Committee has the power to authorize a minor variance from the provisions of the Zoning By-law if, in its opinion, the applications meet 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" with the applications, highlighting that "the new lots will maintain the existing and permitted built form character of the community". With respect to the corner lot the report highlights that "there is adequate separation and open space in the corner side yard and the retained City trees will help screen the new dwelling from the street".

The Committee also notes that no cogent evidence was presented that the variances would result in any unacceptable adverse impact on abutting properties or the neighbourhood.

Considering the circumstances, the Committee finds that, because the proposal fits well in the neighbourhood, 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 new infill development within 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 proposed development represents orderly development that is compatible with the 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 February 16, 2022, as they relate to the requested variances.

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 **March 17, 2022**, delivered 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. 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.

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

File No. / Dossier n°: D08-02-21/A-00432 & D08-02-21/A-00433
Owner(s) / Propriétaire(s): 844 Connaught Avenue Holdings Inc. 844
Location / Emplacement: Connaught 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**

“Kathleen Willis”

**KATHLEEN WILLIS
MEMBER / MEMBRE**

“Scott Hindle”

**SCOTT HINDLE
MEMBER / MEMBRE**

“Colin White”

**COLIN WHITE
MEMBER / MEMBRE**

“Julia Markovich”

**JULIA MARKOVICH
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
February 25, 2022 / 25 février 2022



Michel Bellemare
Secretary-Treasurer / Secrétaire-trésorier