

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

Date of Decision:	February 10, 2023
File No(s):	D08-02-22/A-00328
Owner(s):	Alan & Andrea Ibrahim
Location:	248 Main Street
Ward:	17-Capital
Legal Description:	Part of Lot 4 (Block C), Registered Plan 102
Zoning:	TM7 [282]
Zoning By-law:	2008-250
Hearing Date:	February 1, 2023

PURPOSE OF THE APPLICATION

- [1] The Owners want to demolish the existing duplex dwelling and construct a new two-storey duplex dwelling, as shown on the plans filed with the Committee.

RELIEF REQUIRED

- [2] The Owners require the Authority of the Committee for Minor Variances from the Zoning By-law as follows:
- a) To permit a reduced rear yard setback of 6.25 metres, whereas the By-law requires a minimum rear yard setback of 9.05 metres.
 - b) To permit a reduced rear yard area of 62.68 square metres, whereas the By-law requires a minimum rear yard area of 25% of the lot area or, in this case, 75.75 square metres.
 - c) ~~To permit a driveway (existing) for one front yard parking space, whereas the By-law states in part that front yard parking is prohibited, but where a front yard parking space was created legally and is the dominant pattern along the street, a new front yard parking space may be permitted.~~ **To permit a front yard parking space, whereas the Zoning By-law states that a front yard parking space is not permitted where it is not determined to be a dominant characteristic by the Streetscape Character Analysis.**

- [3] The application indicates that the Property is not the subject of any other current application under the *Planning Act*.

PUBLIC HEARING

- [4] The Panel Chair administered an oath to Andrea Ibrahim, one of the Owners, who confirmed that the statutory notice posting requirements were satisfied.
- [5] Ms. Ibrahim provided the Committee with a presentation which included the revised plans as well as a streetscape rendering of the proposal. She highlighted that the revised plans reduced the projection of the second-floor balcony to 1.2 metres, to comply with the requirements of the Zoning By-law, and address concerns raised by the neighbours.
- [6] In response to questions from the Committee, Ms. Ibrahim confirmed the driveway is there now.
- [7] The Committee noted that, as highlighted in the Planning Report, variance (c) should be amended as follows:
- c) ~~To permit a driveway (existing) for one front yard parking space, whereas the By-law states in part that front yard parking is prohibited, but where a front yard parking space was created legally and is the dominant pattern along the street, a new front yard parking space may be permitted.~~ **To permit a front yard parking space, whereas the Zoning By-law states that a front yard parking space is not permitted where it is not determined to be a dominant characteristic by the Streetscape Character Analysis.**
- [8] With the concurrence of Ms. Ibrahim, the application was amended accordingly.
- [9] Also in attendance was John Dance representing the Old Ottawa East Community Association. He expressed general support for the proposal but had concerns with the requested rear yard variances and the possibility of this setting a precedent for the area.
- [10] Kristiann Allen of 171 Glenora Street acknowledged her appreciation for the applicants' effort to reduce the depth of the balcony. However, she still had concerns with the reduced rear yard setback in combination with the second storey balcony, and the potential for overlook into her rear yard.
- [11] Also present were City Planners Erin O'Connell and Basma Alkhatib, as well as Alan Ibrahim, the other Owner.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED AS AMENDED

- [12] The Committee considered all written and oral submissions relating to the application in making its Decision.

- [13] 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.
- [14] Based on the evidence, the Committee is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.
- [15] The Committee notes that the City's Planning Report raises "some concerns" regarding variance (c), highlighting that: "While staff typically oppose front yard parking spaces, due to direction in the Official Plan, it is recognized, in this particular instance, that there is an existing driveway that was used as a parking and the proposed duplex reduces the size of the existing driveway but leaves room for one parking space. The Committee also notes that the department had no concerns with either variance (a) or (b).
- [16] Additionally, the Committee notes that no evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.
- [17] Considering the circumstances, the Committee finds that, because the proposal 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.
- [18] 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.
- [19] 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 surrounding area.
- [20] 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.
- [21] THE COMMITTEE OF ADJUSTMENT 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 January 26, 2023, as they relate to the requested variances,

- the second-floor rear balcony being limited to 1.2 metres in depth and having opaque screening on all three sides.

"John Blatherwick"
JOHN BLATHERWICK
VICE-CHAIR

Absent
STAN WILDER
MEMBER

"Heather MacLean"
HEATHER MACLEAN
MEMBER

"Bonnie Oakes Charron"
BONNIE OAKES CHARRON
MEMBER

Absent
MICHAEL WILDMAN
MEMBER

"Colin White"
COLIN WHITE
MEMBER

I certify this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa, dated February 10, 2023.



Michel Bellemare
Secretary-Treasurer

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 **March 2, 2023**, 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 Ontario Land Tribunal 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 the applicant, the Minister or a specified person or public body that has an interest in the matter may appeal the decision to the Ontario Land Tribunal. A “specified person” does not include an individual or a community association.

There are no provisions for the Committee of Adjustment or the Ontario Land Tribunal 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.

Ce document est également offert en français.

Committee of Adjustment
City of Ottawa
Ottawa.ca/CommitteeofAdjustment
cofa@ottawa.ca
613-580-2436



Comité de dérogation
Ville d'Ottawa
Ottawa.ca/Comitedederogation
cded@ottawa.ca
613-580-2436