

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

Date of Decision: February 24, 2023
File No(s): D08-02-22/A-00348 & D08-02-22/A-00349
Owner(s): Muhanad Joudeh (Under Agreement of Purchase & Sale)
Location: 2476 Clover Street
Ward: 17 – Capital
Legal Description: Part of Lot 26, Registered Plan 301
Zoning: R3A
Zoning By-law: 2008-250
Hearing Date: February 15, 2023

PURPOSE OF THE APPLICATIONS

- [1] The Owner has filed Consent Application (D08-01-22/B-00373) which, if approved, will have the effect of creating two separate parcels of land for the construction of a new semi-detached dwelling. The existing dwelling is to be demolished.

RELIEF REQUIRED

- [2] The Owner requires the Authority of the Committee for Minor Variances from the Zoning By-law as follows:

D08-02-22/A-00348: 2476 Clover Street, Part 1, proposed semi-detached dwelling

- a) To permit a reduced lot width of 7.62 metres, whereas the By-law requires a minimum lot width of 9 metres.
- b) To permit a reduced lot area of 232.5 square metres, whereas the By-law requires a minimum lot area of 270 square metres.

D08-02-22/A-00349: 2478 Clover Street, Part 2 proposed semi-detached dwelling

- c) To permit a reduced lot width of 7.62 metres, whereas the By-law requires a minimum lot width of 9 metres.

- d) To permit a reduced lot area of 232.5 square metres, whereas the By-law requires a minimum lot area of 270 square metres.
- [3] The applications indicate that the Property is the subject of the above noted Consent Application under the *Planning Act*.

PUBLIC HEARING

- [4] The Panel Chair administered an oath to Muhanad Joudeh, Owner of the property, who confirmed that the statutory notice posting requirements were satisfied. Mr. Joudeh confirmed to the Committee that while the sign had been taken down, it was reposted immediately, and he monitored the property every one-to-two day(s), to ensure it remained posted. In his presentation to the Committee, he confirmed that the dwellings would meet all requirements under the Zoning Bylaw and that each include one principal dwelling unit.
- [5] The Committee heard from Ben Thomson, resident of 2472 Clover Street, who expressed concerns relating to the proposed number of bedrooms and the possibility that the dwellings would become rooming houses. The Committee confirmed through City Planner Siobhan Kelly that the current dwelling is listed as a duplex, and the construction of a semi-detached dwelling was not increasing the number of units. She further confirmed that under the Zoning Bylaw each dwelling could have a maximum of four bedrooms.
- [6] Susan Carbone, President of the Heron Park Community Association, and Linda Gama-Pinto, member of the Heron Park Community Association, highlighted several concerns, including garbage, the number of bedrooms, the larger footprint of the dwellings, and impact on the neighbourhood in general.
- [7] City Forester Nancy Young was also present.

DECISION AND REASONS OF THE COMMITTEE: APPLICATIONS GRANTED

- [8] The Committee considered all written and oral submissions relating to the applications in making its Decision, including several letters of objection.
- [9] 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.
- [10] Based on the evidence, the Committee is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.
- [11] The Committee notes that the City's Planning Report raises "no concerns" regarding the applications, highlighting that "[t]he size and shape of the lots are

suitable for the proposed residential use and the lots will front onto an established municipal road with municipal services”.

- [12] The Committee also notes that, despite the concerns raised by some about undesirable impacts of development in the area, no compelling evidence was presented that the requested variances would result in any unacceptable adverse impact on adjacent properties or the neighbourhood in general.
- [13] 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.
- [14] 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.
- [15] 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.
- [16] 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.
- [17] THE COMMITTEE OF ADJUSTMENT therefore authorizes the requested variances.

“Ann M. Tremblay”
ANN M. TREMBLAY
CHAIR

“Kathleen Willis”
KATHLEEN WILLIS
MEMBER

“Colin White”
COLIN WHITE
MEMBER

“Scott Hindle”
SCOTT HINDLE
MEMBER

“Julia Markovich”
JULIA MARKOVICH
MEMBER

I certify this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa, dated **February 24, 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 16, 2023**, delivered by email at cofa@ottawa.ca and/or by mail or courier to the following address:

Secretary-Treasurer, Committee of Adjustment,
101 Centrepoin 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
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