

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

Date of Decision:	March 24, 2023
File No(s):	D08-01-22/A-00299
Owner(s):	Rahil Golipoor & Ebrahim Karimi
Location:	623 Rowanwood Avenue
Ward:	15 – Kitchissippi
Legal Description:	Part of Lot 79, Registered Plan 354
Zoning:	R1O
Zoning By-law:	2008-250
Hearing Date:	March 15, 2023

PURPOSE OF THE APPLICATION

- [1] The Owners want to construct a new two-storey detached dwelling, as shown on plans filed with the Committee. The existing dwelling is to be demolished.

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 lot width of 14 metres, whereas the By-law requires a minimum lot width of 15 metres
 - b) To permit a front-facing garage, whereas the By-law does not permit a front-facing garage based on the conclusions of a Streetscape Character Analysis.
 - c) ~~To permit a reduced total interior side yard setback of 2.4 metres, whereas the By-law requires a minimum total interior side yard setback of 3 metres.~~
 - d) To permit a reduced lot area of 419.06 square metres, whereas the By-law requires a minimum lot area of 450 square meters.
- [3] The application indicates that the Property is not the subject of any other current application under the *Planning Act*.

PUBLIC HEARING

- [4] At the hearing on February 15, 2023, the Panel Chair administered an oath to Ebrahim Karimi, one of the Owners of the property, who confirmed that the statutory notice posting requirements were satisfied. Mr. Karimi, who was joined by Rahil Golipoor, the other Owner of the property, gave the Committee a brief presentation.
- [5] City Planner Margot Linker voiced concerns regarding the proposed front-facing attached garage, noting that they are not characteristic of the streetscape along Rowanwood Drive. When questioned by the Committee, Ms. Linker noted that reverse slope driveways should generally be avoided, if possible.
- [6] Michael Segreto, Agent for the Owners, was also present. After hearing the concerns raised by Ms. Linker, Mr. Segreto requested that the application be adjourned to allow further discussions with the City and to consider an alternative design for the reverse slope driveway.
- [7] With the concurrence of all parties, the application was adjourned to the hearing scheduled for March 15, 2023.
- [8] At the renewed Hearing on March 15, Ms. Linker confirmed that, based on revised plans filed, variance (c) is no longer required and should be withdrawn.
- ~~e) To permit a reduced total interior side yard setback of 2.4 metres, whereas the By-law requires a minimum total interior side yard setback of 3 metres.~~
- [9] With the concurrence of all parties, the application was amended accordingly.
- [10] Ms. Linker also confirmed that she had received confirmation from City Engineering staff that, in this case, the City had no concerns with the proposed reverse slope driveway.
- [11] Mr. Segreto gave a brief overview of the application with reference to photographs of several existing front-facing attached garages along Rowanwood Avenue.

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 the application, indicating that: "Staff have no concerns with the requested reduced lot width or lot area to introduce a new single-detached dwelling on the subject site", however, "Staff have concerns with the proposed front-facing attached garage."
- [16] The Committee finds 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 neighbourhood, 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 March 10, 2023, as they relate to the requested variances.

Absent
JOHN BLATHERWICK
VICE-CHAIR

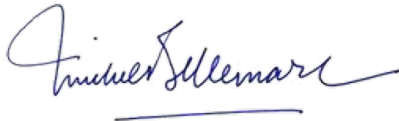
"Stan Wilder"
STAN WILDER
MEMBER

"Heather MacLean"
HEATHER MACLEAN
MEMBER

"Bonnie Oakes Charron"
BONNIE OAKES CHARRON
MEMBER

"Michael Wildman"
MICHAEL WILDMAN
ACTING CHAIR

I certify this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa, dated **March 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 **April 13, 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.

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