

**DECISION**  
**MINOR VARIANCE / PERMISSION**

<b>Date of Decision:</b>	May 12, 2023
<b>File No(s):</b>	D08-02-22/A-00330 & D08-02-22/A-00331
<b>Application:</b>	Minor Variance under section 45 of the <i>Planning Act</i>
<b>Owner(s)/Applicant(s):</b>	Houssein Alkhalil and Soumaya Azzam
<b>Property Address:</b>	56 Starwood Road
<b>Ward:</b>	8 - College
<b>Legal Description:</b>	Lots 1816, 1817, 1818 & 1819, Registered Plan 375
<b>Zoning:</b>	R1FF [632]
<b>Zoning By-law:</b>	2008-250
<b>Hearing Date:</b>	May 3, 2023

**APPLICANT(S)' PROPOSAL AND PURPOSE OF THE APPLICATION(S)**

- [1] At its hearing on February 1, 2023, the Committee adjourned the applications to allow the Owners time to obtain permission from an adjacent property owner for the removal of a boundary tree.
- [2] The Owners of four full lots on a Plan of Subdivision want to subdivide their property into two separate parcels of land. They propose to construct one two-storey detached dwelling on each newly created parcels, as shown on plans filed with the Committee. The existing detached dwelling will be demolished.

**REQUESTED VARIANCE(S)**

- [3] The Owners require the Authority of the Committee for Minor Variances from the Zoning By-law as follows:

D08-02-22/A-00330: 58 Starwood Road, Part 1, proposed detached dwelling

- a) To permit a reduced lot width of 15.20 metres, whereas the By-law requires a minimum lot width of 19.5 metres.
- b) To permit a reduced lot area of 440.7 square metres, whereas the By-law requires a minimum lot area of 600 square metres.

D08-02-22/A-00331: 56 Starwood Road, Part 2, proposed detached dwelling

- c) To permit a reduced lot width of 15.205 metres, whereas the By-law requires a minimum lot width of 19.5 metres.
- d) To permit a reduced lot area of 440.6 square metres, whereas the By-law requires a minimum lot area of 600 square metres.

[4] The applications indicate that the property is not the subject of any other current application under the *Planning Act*.

## **PUBLIC HEARING**

[5] The Acting Panel Chair administered an oath to Michael Segreto, Agent for the Owners, who confirmed that the statutory notice posting requirements were satisfied.

### **Oral Submissions Summary**

[6] The Committee also heard oral submissions from the following individual:

- Nancy Wilson, of the City View/Ryan Farm Community Association, highlighted opposition to the application because it does not meet the zoning requirements. Additional concerns included the continued development of undersized lots throughout the community and the inadequacy of existing municipal services.

[7] City Planner Cass Sclauzero responded to the Committee's questions, highlighting that the requested stormwater management condition of approval is now standard for applications in the City View area.

[8] Also present was Jill Prot, of the City View/Ryan Farm Community Association.

## **DECISION AND REASONS OF THE COMMITTEE: APPLICATION(S) GRANTED**

### **Application(s) Must Satisfy Statutory Four-Part Test**

[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.

### **Evidence**

[10] Evidence considered by the Committee included all oral submissions made at the hearing, as highlighted above, and the following written submissions held on file

with the Secretary-Treasurer and available from the Committee Coordinator upon request:

- Application and supporting documents, including cover letter, plans, tree information, declaration of boundary tree form, a flyer for neighbours, and a lot fabric plan, with revisions.
- City Planning Report received April 28, 2023, with no concerns; received January 31, 2023, with adjournment request
- Rideau Valley Conservation Authority email dated April 27, 2023, with no objections; dated January 24, 2023, with no objections
- Hydro Ottawa email dated April 27, 2023, with comments; dated January 20, 2023, with comments
- Nancy Wilson and Jill Prot, City View/Ryan Farm Community Association, email received January 30, 2023, in opposition; received May 1, 2023, in opposition
- Beatrice Piroird and Mark Jones, 62 Starwood Road, email dated January 31, 2023, with concerns; dated May 3, 2023, with concerns
- Sarah Palframan, 51 Starwood Road, email dated April 25, 2023, with concerns

### **Effect of Submissions on Decision**

- [11] The Committee considered all written and oral submissions relating to the applications in making its decision and granted the applications.
- [12] Based on the evidence, the Committee is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.
- [13] The Committee notes that the City's Planning Report raises "no concerns" regarding the applications, highlighting that "[a] variance to permit reduced lot width and area is indeed minor in nature and would still provide for appropriate development of one detached dwelling on each lot." The report also highlights that "several other lots have been severed for the creation of two new lots comparable in size to those proposed under this consent application."
- [14] The Committee also notes that no cogent evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.
- [15] 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.

- [16] The Committee also finds that the requested variances maintain the general intent and purpose of the Official Plan because the proposal represents mild intensification that respects the character of the neighbourhood.
- [17] 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 that is compatible with the surrounding area.
- [18] 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.
- [19] THE COMMITTEE OF ADJUSTMENT therefore authorizes the requested variances, **subject to** the following condition:

1. That the Owner(s) submit a Stormwater Management Brief prepared by a Professional Civil Engineer licensed in the Province of Ontario, for approval by the **Development Review Manager of the West Branch within Planning, Real Estate and Economic Development Department, or his/her designate**, to be confirmed in writing from the Department to the Committee, demonstrating a design for post-development stormwater peak flows that are controlled to pre-development peak flows for all stormwater events up to and including the 100 year storm event. The Owner(s) also agrees to enter into a Development Agreement with the City to implement any proposed stormwater system including posting required securities. The Committee requires a copy of the Agreement and written confirmation from City Legal Services that it has been registered on title.

If applicable, the Owner(s) must obtain an Environmental Compliance Approval from the Ontario Ministry of Environment, Conservation and Parks and if required by **the Development Review Manager of the West Branch within Planning, Real Estate and Economic Development Department, or his/her designate**, approval of the Committee to grant easement(s) for access and maintenance of the stormwater system or register a Joint Use and Maintenance Agreement on title of the properties, all at the owner(s) costs.

Absent  
ANN M. TREMBLAY  
CHAIR

*"Kathleen Willis"*  
KATHLEEN WILLIS  
MEMBER

*"Scott Hindle"*  
SCOTT HINDLE  
ACTING CHAIR

Absent  
COLIN WHITE  
MEMBER

Absent  
JULIA MARKOVICH  
MEMBER

*"Stan Wilder"*  
STAN WILDER  
MEMBER

I certify this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa, dated **May 12, 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 **June 1, 2023**, delivered by email at [cofa@ottawa.ca](mailto:cofa@ottawa.ca) and/or by mail or courier 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 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](mailto: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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