

DECISION
MINOR VARIANCE / PERMISSION

Date of Decision:	May 12, 2023
File No(s):	D08-02-23/A-00005 & D08-02-23/A-00006
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Owner(s)/Applicant(s):	Mitra Farazmand and Joseph Vahidi
Property Address:	14-16 Gould Street
Ward:	15 - Kitchissippi
Legal Description:	Lot 10, Registered Plan 145
Zoning:	R1MM
Zoning By-law:	2008-250
Hearing Date:	May 3, 2023

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

- [1] The Owners have filed an Applications for Consent (D08-01-23/B-00004 & D08-01-23/B-00005) which, if approved, will subdivide their property into two separate parcels of land for the construction of a new two-storey detached dwelling with attached garage on one parcel. The other parcel will contain the existing two-storey detached dwelling. The detached garage is to be demolished. The proposed dwellings and parcels of land will not be in conformity with the requirements of the Zoning By-law

REQUESTED VARIANCE(S)

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

A-00005, 14 Gould Street, Part 1, existing two-storey dwelling:

- a) To permit a reduced lot width of 7.31 metres, whereas the By-law requires a minimum lot width of 15 metres.
- b) To permit a reduced lot area of 222.5 square metres, whereas the By-law requires a minimum lot area of 450 square metres.
- c) To permit front yard parking, whereas the Zoning By-Law does not permit front yard parking based on the conclusions of a Streetscape Character Analysis.

A-00006, 16 Gould Street, Part 2, proposed two-storey dwelling:

- d) To permit a reduced lot width of 7.92 metres, whereas the By-law requires a minimum lot width of 15 metres.
- e) To permit a reduced lot area of 240.9 square metres, whereas the By-law requires a minimum lot area of 450 square metres.
- f) To permit a reduced rear yard setback of 7 metres (23% of the lot depth), whereas the By-law requires a minimum rear yard setback 8.52 metres (28% of the lot depth).
- g) To permit a reduced rear yard area of 55.37 square metres (23 % of the lot area), whereas the By-law requires a minimum rear yard area of 60.22 square metres (25% of the lot area).
- h) To permit a reduced westerly side yard setback of 0.61 metres, whereas the By-law requires a minimum interior side yard setback of 1.2 metres.
- i) To permit a reduced easterly side yard setback of,0.64 metres, whereas the By-law requires a minimum interior side yard setback of 1.2 metres.
- j) To permit a front-facing garage, whereas the Zoning By-Law does not permit a front facing-garage based on the conclusions of a Streetscape Character Analysis

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

PUBLIC HEARING

[4] The Acting Panel Chair administered an oath to Joseph Vahidi, one of the Owner's of the property, who confirmed that the statutory notice posting requirements were satisfied.

Oral Submissions Summary

[5] Mr. Vahidi provided an overview of the applications and highlighted area properties that also have front yard parking and front-facing garages. He also highlighted that accommodating parking in the rear yard would not be possible because of the limited space.

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

- Olivier Marois, 279 Spencer Street, highlighted concerns relating to impact on street parking, trees, and privacy, neighbourhood densification constituting a fire hazard, and noise during construction.

- [7] City Planner Siobhan Kelly summarized concerns outlined in her report, highlighting that the requested variances from the streetscape character provisions would deviate from the intent of the Zoning By-law. She also highlighted that fifteen properties were reviewed for the Streetscape Character Analysis, ten of which do not feature front yard parking and front-facing garages.
- [8] Ms. Kelly responded to questions from the Committee, confirming that an alternative would be to revise plans to incorporate a shared driveway leading to rear yard parking. She advised that vehicle parking is not required under the Zoning By-law.
- [9] In response to Mr. Marois' and Ms. Kelly's comments, Mr. Vahidi's highlighted letters of support from neighbours and no objections from the Wellington Village Community Association.

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

Application(s) Must Satisfy Statutory Four-Part Test

- [10] 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

- [11] 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, signed letters of support and email correspondence between the Applicant and the Wellington Village Community Association.
 - City Planning Report received April 28, 2023, with no concerns regarding the consent applications and concerns relating to the minor variance applications
 - City Streetscape Character Analysis dated December 30, 2022
 - Rideau Valley Conservation Authority email dated April 26, 2026, with no objections
 - Hydro Ottawa email dated April 27, 2023, with no comments and a requested condition

- Hydro One email dated April 28, 2023, with no comments or concerns
- Building Code Services Order Issue received April 19, 2023
- Olivier Marois, 279 Spencer Street, email dated May 1, 2023, with concerns
- Letter of support signed by:
 - Richard Naud, 21 Gould St.
 - Sean and Catherine O'Brien, 6 Gould St.
 - Andrew Nice, 5 Gould St.
 - Ali Tohidi, 20 Gould St.
 - Gholam Vahidi, 432, Lochaber Ave.
 - Jonathan Larocque, 13 Gould St.

Effect of Submissions on Decision

- [12] The Committee considered all written and oral submissions relating to the applications in making its decision and granted the applications.
- [13] Based on the evidence, the majority of the Committee (Member S. Wilder dissenting on requested variances (c) and (j) for reasons noted below) is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.
- [14] The majority of the Committee notes that the City's Planning Report raises "no concerns" with the consent applications and "concerns" with variances (c) and (j) only.
- [15] The majority of the Committee also notes that no cogent evidence was presented that the variances would result in any unacceptable adverse impact on adjacent properties or the neighbourhood in general.
- [16] Considering the circumstances, the majority of 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.
- [17] The majority of 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.

[18] In addition, the majority of 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.

[19] Moreover, the majority of 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.

[20] THE COMMITTEE OF ADJUSTMENT therefore authorizes the requested variances, **subject to** the location and size of the proposed construction being in accordance with the site plan filed, Committee of Adjustment date stamped February 16, 2023, as they relate to the requested variances.

[21] *Member S. Wilder dissents on variances (c) and (j), finding that parking and a front-facing garage are not desirable in the neighbourhood.*

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"
With noted dissents
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 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