

Diane Merhi, Owner / Applicant  
1070 Bakervale Drive Ottawa, ON K1Z 6N9  
613-371-1218  
[dmerhi3@gmail.com](mailto:dmerhi3@gmail.com)  
&  
Zuhdija [Zed] Sakanovic, Designer  
ATRIUM Design, Ottawa, ON  
613-224-7934

**Committee of Adjustment**  
Received | Reçu le  
2023-05-04

City of Ottawa | Ville d'Ottawa  
**Comité de dérogation**

May 03, 2023

City of Ottawa  
Committee of Adjustment  
101 Centrepointe Drive, 4<sup>th</sup> Floor  
Ottawa, ON, K2G 5K7

## COVERING LETTER FOR MINOR VARIANCE / PERMISSION APPLICATION

Re: Application for Minor Variance / Permission for Mandatory Submission Requirement for 1070 Bakervale Drive Ottawa, ON, K1Z 6N9 Single Family New Residence

Request:

1. To relief minimum required Rear Yard Setback from 8.1 m to 7.6 m  
Section 144 Alternative Yard Setback affecting R1-R4 Zoned residential lots within the Greenbelt (By-law 2020-289). Section 144 Table 144B (iii) requires 28% of the lot depth (28.96 m) = 8.1 m. Respecting this regulation, we are asking for relief to 7.6 m, what is generated from Table 158A R2 Subzone provision for R2F, where clearly stay that Rear Setback is 7.5 m without endnote ("6" for some subzone), to refer to an alternative rear yard setback.  
We did complete design – architectural, structural, grading, based on 7.6 m rear yard setback.
2. Minor Variance is requested for Covered Porches Projection into required yard of 2.0 meters to be calculated from porches foundation wall, not from the eave.

I, Diane Merhi (referred to herein as "the owners") is requesting permission for a minor variances for the property municipally known as 1070 Bakervale Drive, in the city of Ottawa. The property at 1070 Bakervale Drive (referred to herein as "the site") is located in the Ottawa neighbourhood of Carlington, near the intersection of Bakervale Drive and Trenton Avenue. The site consists of a vacant lot area of 476.68 sq meters, and a lot frontage of 16.46 m (54 ft).

Below, you will find the information to address the following "four tests":

- The variances are minor;
- The variance is desirable for the appropriate development or use of the property;
- The general intent and purpose of the Zoning By-law is maintained;
- The general intent and purpose of the Official Plan is maintained.

The purpose of the proposed new construction of a two story single family dwelling. The property was purchased by the owner in 2022. We are a multi-generational family, my husband and I with our three children and my in-laws who are very fragile seniors with limited mobility. After recently losing my father who we cared for at our old home it was imperative that we build a home that was going to be accessible for my in-laws and support them in their long term care at home as they continue to age.

In order to achieve this, we are requesting the relief as it is noted under 1 & 2.

We declare that “Four tests” criteria of the Planning Act are met:

1. The variances we are requesting are minor (**Test 1**). The rear set back allows for a main floor bedroom and a fully accessible main floor washroom, an open concept kitchen, dining room and family room with very minimal walls or physical obstructions. The proposed setback difference here is only 0.5 m (1'-8"). The covered porch is to allow for safe accessibility for my in-laws to have a safe space to enjoy the outdoors.
2. The proposed construction is compatible with the established built form and character of the neighbourhood and serves to improve the affected streetscapes. Multiple residences in the area have new construction builds and older homes have rear yard additions that have similar setbacks to what we are requesting (viewed from geotowa) (**Test 2**).
3. The extent of the impact of the proposed minor variance on neighbouring properties and the neighbourhood as a whole are minor or nonexistent. The size and height of the proposed development will not create any significant issues for abutting property owners related to loss of sunlight, privacy or views. The proposed rear yard would not create any negative impacts related to access, trees, parking, drainage, traffic or noise (**Test 3**).
4. Our application seeks to vary the zoning by-law provisions to allow for a space that meets our family's needs, while respecting the tenants of the Ottawa Official Plan, including providing options for larger households, within built-up urban areas (**Test 4**).

We have spoken to the City Councillor Riley Brockington for Riverward, all adjacent and rear neighbours and known community groups. We have been very warmly welcomed by all.

Thank you for understanding and allowing these variances.

Sincerely,

Diane Merhi, Owner / Applicant  
Zuhdija [Zed] Sakanovic, Designer

# Committee of Adjustment

## Minor Variance / Permission Application

Section 45 of the *Planning Act*, R.S.O. 1990, as amended

### Notice of Public Record

All information and materials required in support of your application shall be made available to the public, as indicated by Section 1.0.1 of the *Planning Act*, R.S.O. 1990 C.P.13.

### Municipal Freedom of information and Protection Act

Personal information on this form is collected under the Authority of the *Planning Act* and will be used to process this application.

**APPLICATIONS WILL BE RETURNED IF ALL REQUIRED INFORMATION IS NOT PROVIDED**

## SECTION 1: Pre-Consultation

### Have you pre-consulted with the following?

- yes  no A Development Information Officer/Zoning Enforcement Officer
- yes  no City Planning Staff
- yes  no The Conservation Partners (if applicable)
- yes  no City Infill Forester (for Tree Protection By-law requirements)
- yes  no Your Ward Councillor
- yes  no Your Local Community Association(s)
- yes  no Your Neighbours
- yes  no Have you familiarized yourself with Hydro Ottawa's service requirements?  
Please visit their website for information (<http://HydroOttawa.com>)

## SECTION 2: Mandatory Submission Requirements

- yes  no A completed **Application Form - 1 copy**
- yes  no A detailed **cover letter and/or report** explaining the nature of the application(s) and addressing the "four tests" of the Planning Act. It is imperative that you provide all the planning evidence necessary to support the application(s) being made. Depending on the nature of the minor variance/ permission requested, this evidence may be in the form of detailed explanations and rationale, illustrations and/or photographs showing the existing streetscape, contextual plans (showing adjacent structures), historical information and/or detailed plans (showing windows, openings and accessory structures on the subject and abutting properties). - **1 copy**
- yes  no An up-to-date **Survey Plan** of the entire subject property - **1 full-sized copy and 1 reduced copy (8 1/2" x 11")**
- yes  no A **Site Plan**, including a scale bar and showing the proposed construction, all existing structures, and, for applications within the urban area, all trees protected under the City's Tree Protection By-law, 2020-340 - **1 full-sized copy and 1 reduced copy (8 1/2" x 11")**
- yes  no For applications within the urban area, a Tree Information Report that meets the requirements of the City of Ottawa's Tree Protection By-law, 2020-340. - **1 copy** \*Please consult with the City's Infill Forester to determine applicable requirements for your site.
- yes  no **Elevation Drawings** for all sides, where new construction is proposed, including but not limited to height, grade, and window and door openings. - **1 full-sized copy and 1 reduced copy (8 1/2" x 11")**
- yes  no A completed **Authorization, signed by all the Registered Owners** (see page 9) when an Agent is acting on behalf of the Owner(s)

See next page for details of other required documentation

## Other Required Documentation:

### All Plans, Elevation Drawings and Sketches must be to scale, and show the following information:

- Boundaries and dimensions of the subject property.
- The size, location and type of existing/ proposed buildings on the subject property, dimensioned from the front, rear and side lot lines.
- The size, location, species and condition of all trees that are protected under the City's Tree Protection By-law, as per the Tree Information Report Guidelines. This includes any trees on adjacent sites located within 4 meters of the property boundary or with a critical root zone that extends into the proposed development area. Please confirm the tree-related requirements with City Planner and Infill Forester prior to submitting the Minor Variance application. Failure to do so may result in delays in the process.
- The approximate location of all natural and artificial features on the subject land and on the land that is adjacent to the subject land that, in the opinion of the applicant, may affect the application. Examples include buildings, railways, roads, watercourses, drainage ditches, river or stream banks, wetlands, wooded areas, barns, sand pits, quarries, wells and septic tanks.
- The existing uses on adjacent land, such as residential, agricultural and commercial uses.
- The location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public traveled road, a private road or a right-of-way.
- If access to the subject land is by water only, the location of the parking and boat docking facilities to be used.
- The location and nature of any easement affecting the subject land.
- A North arrow.
- Minimum Distance Separation (MDS II), (Ontario Ministry of Agriculture, Food and Rural Affairs) must be filled out for the expansion of a livestock facility; [http://www.omafra.gov.on.ca/english/landuse/facts/mds\\_order.htm](http://www.omafra.gov.on.ca/english/landuse/facts/mds_order.htm)

In the case of applications where the Mature Neighbourhoods By-law may apply (By-law 2012-147), applicants are cautioned to consult with the City's Planning and Growth Management Department prior to submitting their applications. The department may require additional submittals, including but not necessarily limited to the following:

- A Streetscape Character Analysis. Failure to obtain a Streetscape Character Analysis confirmation letter from the department may result in a delay in the hearing of your application.
- A landscape plan identifying areas of soft landscaping, the street right-of-way and the amount of soft landscaping in the front yard and labeling and dimensioning hard and soft surfaces and identifying existing and proposed trees, and
- A grading plan confirming existing grading to be used in connection with elevation drawings illustration height

All Minor Variances related to the Infill Zoning provisions must be clearly indicated on the plans filed with the Committee of Adjustment.

### Notes:

1. To avoid any unnecessary delays it is recommended that you file your application directly with the Committee of Adjustment office, located at 101 Centrepointe Drive, on the 4<sup>th</sup> floor.
2. All additional supporting documentation should be filed along with your application prior to the Public Hearing to avoid any unnecessary adjournments. In addition to the submission requirements found on the application form, it is imperative that the applicant provide all the planning evidence necessary to support the application(s) being made. Depending on the nature of the minor variance/ permission being requested, this evidence may be in the form of detailed explanations and rationale, illustrations and/ or photographs showing the existing streetscape, contextual plans (showing adjacent structures), historical information and/ or detailed plans (including windows, openings, accessory structures) of the subject and abutting properties. This should assist you in making an informed presentation at the Public Hearing.
3. It is the responsibility of the applicant to ensure that all Public Notice signage is posted in accordance with regulations under the *Planning Act*. Please consult with the Committee of Adjustment staff regarding current procedures.
4. In order to make an informed presentation at the Public Hearing you are encouraged to keep a copy of your completed application form, including plans, since the Committee will not be returning any submission materials filed with your applications.
5. Requests for adjournment should be made in writing prior to the Public Hearing and will be considered by the Committee shortly after the commencement of the Hearing. Adjournments and any re-circulation of an application are at the discretion of the Committee. Re-circulation will be subject to a further fee (see Section No.3 on Page 3).

## SECTION 3: Fees

### APPLICATION FEES ARE NON-REFUNDABLE

#### Minor Variance/ Permission:

An application for one or more minor variances from the Zoning By-law, associated with one parcel under a single ownership.

Application Type	Committee of Adjustment Fees	Conservation Partners Review Fee	City Planning Review Fee	Total
Full municipal services	\$2,249	\$125	\$494	\$2,868
Not full municipal services	\$2,249	\$410	\$494	\$3,153

#### Secondary Minor Variance/ Permission:

Each additional minor variance application pertaining to contiguously owned property under the same ownership.

Application Type	Committee of Adjustment Fees	Conservation Partners Review Fee	City Planning Review Fee	Total
Secondary Minor Variance/ Permission	\$1,413	\$125	N/A	\$1,538

#### Combined Consent & Minor Variance/ Permission:

An application for consent and an application for minor variance on a single proposed new parcel.

Application Type	Committee of Adjustment Fees	Conservation Partners Review Fee	City Planning Review Fee	Total
Full municipal services	\$3,662	\$250	\$952	\$4,864
Not full municipal services	\$3,662	\$625	\$952	\$5,239

#### Secondary Combined Consent & Minor Variance/ Permission:

Each additional combined consent and minor variance application on contiguously owned property.

Application Type	Committee of Adjustment Fees	Conservation Partners Review Fee	City Planning Review Fee	Total
Full municipal services	\$2,826	\$250	N/A	\$3,076
Not full municipal services	\$2,826	\$625	N/A	\$3,451

#### Consent or Minor Variance/ Permission Re-circulation

Application Type	Committee of Adjustment Fees	Conservation Partners Review Fee	City Planning Review Fee	Total
Consent or Minor Variance/ Permission Re-circulation	\$662	N/A	N/A	\$662

#### Combined Consent & Minor Variance/ Permission Re-circulation

Application Type	Committee of Adjustment Fees	Conservation Partners Review Fee	City Planning Review Fee	Total
Combined Consent & Minor Variance/ Permission Re-circulation	\$962	N/A	N/A	\$962

## SECTION 4: Presentations and Public Hearing

### Note:

It is your responsibility to obtain copies of any reports or correspondence associated with your file prior to the Public Hearing, as these submissions may have a serious impact on your application. Reports and correspondence are generally available on the Friday preceding the Public Hearing and arrangements to obtain copies can be made by contacting the Committee office. This will also help you make an informed presentation to the Committee. Please note that presentations will be limited to 5 minutes. Any exceptions to this limit will be at the discretion of the Committee Chair.

**All presentation materials presented at the Public Hearing should be in an 8 ½" x 11" format.**

For further information on what to expect at a Committee of Adjustment Hearing, please visit the Committee's website;

<http://ottawa.ca/en/city-hall/planning-and-development/how-develop-property/committee-adjustment>

OFFICE USE ONLY			
Application No	Application Received		
Date Application Deemed Complete	Staff Person Present		
Fee Received	<input type="checkbox"/> YES <input type="checkbox"/> NO	Committee of Adjustment	
	<input type="checkbox"/> YES <input type="checkbox"/> NO	Conservation Partners	
	<input type="checkbox"/> YES <input type="checkbox"/> NO	Planning Review	
	Staff Person Assigned		
	City Ward #	Panel #	
	Former Municipality		

## SECTION 5: Application Details

a) Minor Variance Requested:	TO RELIEF MINIMUM REQUIRED REAR YARD SETBACK TO <b>7.6 M</b>
By-Law Requirement:	8.1 M
By-law Section:	144 ALTERNATIVE YARD SETBACK AFFECTING R1-R4 ZONED RESIDENTIAL LOTS WITHIN THE GREENBELT (BY-LAW 2020-289)
b) Minor Variance Requested:	COVERED PORCH PROJECTION INTO REQUIRED YARD OF 2 (TWO) METERS TO BE CALCULATED FROM THE PORCHES FOUNDATION WALL - NOT FROM THE EAVE
By-Law Requirement:	SECTION 65 (6) - 2.0 M, BUT NOT CLEAR FROM THE FOUNDATION WALL OR FROM THE EAVE
By-law Section:	SECTION 65 (6) - COVERED PORCH
c) Minor Variance Requested:	
By-Law Requirement:	
By-law Section:	
d) Minor Variance Requested:	
By-Law Requirement:	
By-law Section:	
e) Minor Variance Requested:	
By-Law Requirement:	
By-law Section:	
f) Minor Variance Requested:	
By-Law Requirement:	
By-law Section:	

**Please attach a separate sheet if additional variances are required.**

**Location of Subject Property**

Municipal Address :  Community Name:

Closest Street Intersection:  City Ward #:

**Legal Description**

Lot(s)  Concession(s)  Block(s)

Reg. Plan No(s)  Ref. Plan No(s)  Part No(s) on Ref. Plan

Former Municipality

**Contact Information**

*Municipal Freedom of Information and Privacy Act - Personal Information on this form is collected under authority of the Planning Act and will be used to process this application.*

Name / Title <i>All Registered Property Owner(s) or Registered Company Names must be listed.</i>	Mailing Address Postal Code	Contact Numbers Email
<input type="radio"/> Mr. <input checked="" type="radio"/> Mrs. <input type="radio"/> Ms. First Name: <input type="text" value="DIANE"/> Last Name: <input type="text" value="MERHI"/>	<input type="text" value="1070 BAKERVALE DRIVE"/> <input type="text" value="OTTAWA ON K1Z 6N9"/>	Phone No. <input type="text" value="613-371-1218"/> Fax No. <input type="text"/> Email <input type="text" value="dmerhi3@gmail.com"/>
<input checked="" type="radio"/> Mr. <input type="radio"/> Mrs. <input type="radio"/> Ms. First Name: <input type="text" value="MOUFID"/> Last Name: <input type="text" value="MERHI"/> <input type="checkbox"/> Under Agreement to Purchase and Sale	<input type="text" value="1070 BAKERVALE DRIVE"/> <input type="text" value="OTTAWA ON, K1Z 6N9"/>	Phone No. <input type="text" value="613-716-3577"/> Fax No. <input type="text"/> Email <input type="text" value="moufidmerhi1967@gmail.co"/>
<b>COMPANY</b> Company Name: <input type="text"/>	<input type="text"/>	Phone No. <input type="text"/> Fax No. <input type="text"/> Email <input type="text"/>
<b>AGENT</b> <input checked="" type="radio"/> Mr. <input type="radio"/> Mrs. <input type="radio"/> Ms. First Name: <input type="text"/> Last Name: <input type="text"/>	<input type="text"/>	Phone No. <input type="text"/> Fax No. <input type="text"/> Email <input type="text"/>

**Unless otherwise requested, all communications will be sent to the Owner's Authorized Agent.**

**Description of Request**

**1. Type and purpose of proposed transaction:** (check appropriate box)

Variance(s) to Zoning By-law

Permission (Non-conforming use)

Other purpose (specify)

**2. Planning Information** (Please contact a Development Information Officer at your closest Client Service Centre or call 311):

a) Official Plan Designation

b) Zoning Designation

c) Zoning By-law #



## Description of Request

<b>Subject Land Information</b>	Frontage	16.46 M
	Depth (m)	28.96 M
	Area m2/ha	476.68 SQ M
	This parcel fronts on (St/Rd)	BAKERVALL DRIVE
	Easements / Right-of-Ways	SUBJECT TO EASEMENT PER INST.CR311997
<b>Use of Property</b>	Proposed	RESIDENTIAL
	Existing	RESIDENTIAL
<b>Water Supply</b>	City piped water system	YES
	Private individual well	
	A lake or other water body	
	Other means (i.e. communal well)	
<b>Sewage Disposal</b>	City sanitary sewer system	YES
	Private septic system	
	A privy	
	Other means (i.e. communal septic system)	
<b>Stormwater Drainage</b>	City storm sewers	YES
	Roadside ditches	
	Lot swales	
	Other means (i.e. communal stormwater pond)	
<b>Access - Name of</b>	Municipal Road	FISHER AVENUE
	Regional Road	
	Provincial Highway	
	Right-of-Way/Lane	

### 3. Buildings or Structures

#### EXISTING

Type & Size of Dwelling/Building  Date of Construction

#### Setback from lot lines:

Front  Rear  Side  Height  Floor Area

#### PROPOSED

Proposal  Dimensions

#### Setback from lot lines:

Front  Rear  Side  Height  Floor Area

Date of Acquisition by Current Owner  Length of Time Existing Use has Continued

Current Use of Adjacent Land  Proposed Use

If access is by water only, the parking and docking facilities used or to be used and the approximate distance of these facilities from the subject lands and nearest public road:

## Description of Request

### 4. Tree Information (for applications within the urban area only)

Will the development relating to this variance require the removal of any tree(s) protected under the City's Tree Protection By-law, 2020-340 ? If yes, please specify.

TREE ASSESSMENT IS PREPARED BY ROOT DOWN DESIGN / LANDSCAPE ARCHITECTURE, DATED APRIL 28, 2023

Will the development relating to this variance results in any construction work or site alteration within the **Critical Root Zone** of any tree(s) protected under the City's Tree Protection By-law, 2020-340 (must consider trees on the subject property and on adjacent properties)? If yes, please specify.

EXISTING CONDITIONS / VEGETATION PLAN AND TREE PROTECTION PREPARED BY GREGORY VELIS, STAMPED BY OALA

**Critical Root Zone** - means the area of land within a radius of ten (10) cm from the trunk of a tree for every one (1) cm of trunk diameter.

### 5. Past Application History

Note: As of July 1st, 2016, the Planning Act prohibits Minor Variance Applications related to properties for which a site-specific Zoning By-law has been passed within the last two years, unless City Council has granted approval to proceed with the application.

Has this parcel of land ever been the subject of:	File Number	Approval Date (DD/MM/YYYY)
<input type="checkbox"/> Official Plan Amendment <input checked="" type="radio"/> Regional <input type="radio"/> Local	NO	
<input type="checkbox"/> Zoning By-law Amendment	NO	
<input type="checkbox"/> Subdivision Application	NO	
<input type="checkbox"/> Site Plan Application	NO	
<input type="checkbox"/> Consent (Severance) Application	YES	INST. CR 311997
<input type="checkbox"/> Minor Variance Application	NO	
<input type="checkbox"/> Building Permit Application	NO	
<input type="checkbox"/> Other (e.g. Road Opening)	NO	

## Description of Request

### 6. Current Application History

Is this parcel of land currently the subject of any of the applications listed below?	File Number	Status: Being Processed	Status: Council Approval
<input type="checkbox"/> Official Plan Amendment	NO		
<input type="checkbox"/> Zoning By-law Amendment	NO		
<input type="checkbox"/> Subdivision Application	NO		
<input type="checkbox"/> Site Plan Application	NO		
<input type="checkbox"/> Consent (Severance) Application	YES	INST. CR 311997	
<input type="checkbox"/> Minor Variance Application	NO		
<input type="checkbox"/> Building Permit Application	NO		
<input type="checkbox"/> Other (i.e. Road Opening)	NO		

### 7. Will this variance result in a reduction or increase in dwelling units? Yes No

If the answer is YES, please indicate the total number of **existing** units that are currently owner or tenant occupied.

Number owner occupied  Number rental

If the answer is YES, please indicate the total number of **proposed** dwelling units that are to be owner or tenant occupied.

Number owner occupied  Number rental

### 8. Heritage Status (check appropriate box)

No Heritage Status  Part IV  Part V   
 Category 1  Category 2  Category 3  Category 4  Listed

No Heritage Status

**Affidavit or Sworn Declaration that the Information is Accurate**

I, Diane Merhi, of the City of Ottawa, solemnly declare that all of the above statements contained in the application are true and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under Oath and by virtue of *The Canada Evidence Act*.

**SWORN (or declared) BEFORE ME**

At the City of Ottawa

This 4 day of May 2023.

\_\_\_\_\_  
Commissioner of Oaths

Diane Merhi  
\_\_\_\_\_  
Signature of Applicant

**Authorization of Owner for Agent to Make the Application**

If the application is to be signed by an agent/solicitor on behalf of the owner, the following authorization must be completed or the owner must submit a letter of authorization.

**A. WHERE THE PROPERTY IS OWNED BY ONE OR MORE NATURAL PERSONS**

I, \_\_\_\_\_, am an owner of the land that is the subject of this application and I authorize \_\_\_\_\_ to make this application on my behalf.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Owner

OR

**B. WHERE THE PROPERTY IS OWNED BY A COMPANY OR CORPORATION**

I, \_\_\_\_\_, having signing authority for \_\_\_\_\_ (name of corporation or numbered company)

that is owner of the land that is the subject of this application authorize \_\_\_\_\_ to make this application on the company's/corporation's behalf.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Signing Officer