

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

<b>Date of Decision:</b>	June 30, 2023
<b>Panel:</b>	2 - Suburban
<b>File No(s):</b>	D08-02-23/A-00111
<b>Application:</b>	Minor Variance under section 45 of the <i>Planning Act</i>
<b>Owner(s)/Applicant(s):</b>	Diane and Moufid Merhi
<b>Property Address:</b>	1070 Bakervale Drive
<b>Ward:</b>	16 - River
<b>Legal Description:</b>	Lot 23, Plan 311897
<b>Zoning:</b>	R2F
<b>Zoning By-law:</b>	2008-250
<b>Hearing Date:</b>	June 20, 2023, in person and by videoconference

**APPLICANTS' PROPOSAL AND PURPOSE OF THE APPLICATION**

- [1] The Owners want to construct a two-storey single family dwelling on their property, as shown on plans filed with the Committee.

**REQUESTED VARIANCES**

- [2] The Owners/Applicants require the Committee's authorization for Minor Variances from the Zoning By-law as follows:
- a) To permit a reduced rear yard setback of 7.6 metres (26.25% of the lot depth), whereas the By-law requires a minimum rear yard setback of 8.1 metres (28% of the lot depth).
  - b) To permit the **covered** porches to project 2.45 metres into the required yards, whereas the By-law **permits a porch to project** a maximum of 2.0 metres into the required yard, **but no closer than 1 metre from any lot line**.

## PUBLIC HEARING

### Oral Submissions Summary

- [3] The Committee noted that, as indicated in the Planning Report, the requested variance (b) should be amended to delete the strikethroughs and add the bolded text:
- b) To permit the **covered porches** ~~at the rear of the property~~ to project 2.45 metres into the required yards, whereas the By-law ~~requires that a porch~~ **may permits a porch to project** a maximum of 2.0 metres into the required yard, **but no closer than 1 metre from any lot line.**
- [4] Diane Merhi, one of the Owners of the property, and City Planner Siobhan Kelly were present.

### DECISION AND REASONS OF THE COMMITTEE: **APPLICATION GRANTED AS AMENDED**

#### Application Must Satisfy Statutory Four-Part Test

- [5] 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

- [6] Evidence considered by the Committee included any 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, photo of the posted sign, and a sign posting declaration.
  - City Planning Report received June 15, 2023, with no concerns
  - Rideau Valley Conservation Authority email dated June 15, 2023, with no objections
  - Hydro Ottawa email dated June 13, 2023, with no comments
  - D. Eyraud, area resident, email dated June 11, 2023, in support

#### Effect of Submissions on Decision

- [7] The Committee considered all written and oral submissions relating to the application in making its decision and granted the application.
- [8] Based on the evidence, the Committee is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.
- [9] The Committee notes that the City's Planning Report raises "no concerns" regarding the application, highlighting that: "Despite the reduced rear yard setback of 7.6 metres, the development provides adequate amenity space - the proposed rear yard area measures 7.6 metres x 16.46 metres, which equates to 26% of the total lot area. Staff note that the by-law requires that a rear yard area must comprise at least 25% of the total lot area." The planning report also highlights that "the porches do not encroach into the public right-of-way, are separated from adjacent properties, and adequate space remains available in the front and rear yards for soft landscaping and tree planting."
- [10] The Committee also notes that no evidence was presented that the requested variances would result in any unacceptable adverse impact on neighbouring properties.
- [11] 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.
- [12] The Committee also finds that, because the proposal is compatible with the established built form and character of the neighbourhood and serves to improve the affected streetscapes, the requested variances maintain the general intent and purpose of the Official Plan.
- [13] 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 neighbourhood.
- [14] 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.
- [15] 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 May 26, 2023, and the elevations filed, Committee of Adjustment date stamped May 4, 2023, as they relate to the requested variances.

*Absent*  
FABIAN POULIN  
VICE-CHAIR

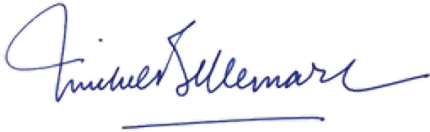
*"Jay Baltz"*  
JAY BALTZ  
ACTING PANEL CHAIR

*"George Barrett"*  
GEORGE BARRETT  
MEMBER

*"Heather MacLean"*  
HEATHER MACLEAN  
MEMBER

*"Julianne Wright"*  
JULIANNE WRIGHT  
MEMBER

I certify this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa, dated **June 30, 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 **July 20, 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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