

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

<b>Date of Decision:</b>	August 25, 2023
<b>Panel:</b>	1 - Urban
<b>File No(s):</b>	D08-02-23/A-00167
<b>Application:</b>	Minor Variance under section 45 of the <i>Planning Act</i>
<b>Owner(s)/Applicant(s):</b>	Eddy Malouf
<b>Property Address:</b>	451 Roosevelt Avenue
<b>Ward:</b>	15 - Kitchissippi
<b>Legal Description:</b>	Part of Lot 10 (East Side Roosevelt Avenue) Registered Plan 235
<b>Zoning:</b>	R4UA [2686] H(8.5)
<b>Zoning By-law:</b>	2008-250
<b>Hearing Date:</b>	August 16, 2023, in person and by videoconference

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

- [1] The Owner wants to subdivide their property into two separate parcels of land to create separate ownerships for each half of the existing semi-detached dwelling.

**REQUESTED VARIANCE**

- [2] The Owner requires the Committee's authorization for a minor variance from the Zoning By-law to permit a reduced lot area of 143.79 square metres, **for one half of the semi-detached located on Parts 1, 2, 6 and 8 on the draft 4R-plan**, whereas the By-law requires a minimum lot area of 180 square metres.

**PUBLIC HEARING**

**Oral Submissions Summary**

- [3] Thomas Freeman, agent for the Applicant, provided a slide presentation, a copy of which is on file with the Secretary-Treasurer and available from the Committee Coordinator upon request.
- [4] The Panel chair noted that the requested variance should be amended as follows:
- The Owner requires the Committee's authorization for a minor variance from the Zoning By-law to permit a reduced lot area of 143.79 square metres, **for one half**

**of the semi-detached located on Parts 1, 2, 6 and 8 on the draft 4R-plan,** whereas the By-law requires a minimum lot area of 180 square metres.

- [5] The Application was amended accordingly.
- [6] Mr. Freeman confirmed that no easements would be required as part of the application, and that both parcels would be independently serviced. He also confirmed that no development is proposed, and that the Owner intends to establish separate ownership for each half of the semi-detached dwelling.
- [7] Jacob Bolduc, also acting as an agent for the Applicant, also confirmed that no development is proposed, and the proposed severance line would limit any future development.
- [8] City Planner Basma Alkhatib stated that the existing dwelling does not meet the corner side yard and front yard setback requirements of the zoning By-law but enjoys legal non-conforming rights. She also confirmed that the zoning of the property is R4UA [2686] H(8.5), and will not change as a result of the severance.
- [9] The Committee also heard oral submissions from the following individual:
- T. Spiegel, neighbour, stated concerns regarding the irregularity of the proposal, citing that it is not desirable for the appropriate development of the property. He also stated that the irregularity of the interior building wall can be seen from the interior of the dwelling.
- [10] Following the public hearing, the Committee reserved its decision.

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

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

- [11] 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**

- [12] 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 a planning rationale, plans, a parcel register, tree information, a letter from a solicitor, a photo of the posted sign, and a sign posting declaration.
- City Planning Report received August 11, 2023, with no concerns.
- Revised City Planning Report received August 15, 2023, with no concerns.
- Rideau Valley Conservation Authority email dated August 10, 2023, with no objections.
- Hydro Ottawa email dated August 16, 2023, with comments.
- Hydro One email dated August 4, 2023, with no comments.
- Ministry of Transportation email dated August 10, 2023, with no comments.
- T. Speigel, neighbour, email dated August 3, 2023, with concerns; dated August 15, 2023, with concerns.

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

- [13] The Committee considered all written and oral submissions relating to the application in making its decision and granted the application.
- [14] Based on the evidence, the majority of the Committee (Chair A. M. Tremblay dissenting for reasons noted below) is satisfied that the requested variance meets all four requirements under subsection 45(1) of the *Planning Act*.
- [15] The Committee notes that the City's Planning Report raises "no concerns" regarding the application, highlighting that the reduced lot area "is a natural result of the existing semi-detached that is built closer to the corner lot line".
- [16] The majority of the Committee also notes that no cogent evidence was presented that the variance would result in any unacceptable adverse impact on neighbouring properties.
- [17] Considering the circumstances, the majority of the Committee finds that, because the proposal fits well in the area, the requested variance is, 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 majority of the Committee also finds that the requested variance maintains the general intent and purpose of the Official Plan because the proposal maintains the character of the neighbourhood.

- [19] In addition, the majority of the Committee finds that the requested variance maintains 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 majority of the Committee finds that the requested variance, is minor because it will not create any unacceptable adverse impacts on abutting properties or the neighbourhood in general.
- [21] THE COMMITTEE OF ADJUSTMENT therefore authorizes the requested variance.
- [22] *Chair A. M. Tremblay dissents on the proposal, finding that it is not desirable for the appropriate development or use of the land or structure on the property.*

*"Simon Coakeley"*  
SIMON COAKELEY  
ACTING VICE-CHAIR

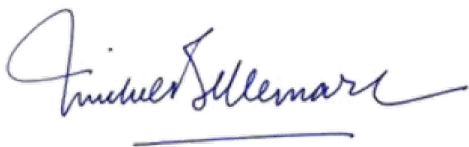
*"John Blatherwick"*  
JOHN BLATHERWICK  
MEMBER

*Dissent*  
ANN M. TREMBLAY  
MEMBER

*"Arto Keklikian"*  
ARTO KEKLIKIAN  
MEMBER

*"Sharon Lecuyer"*  
SHARON LECUYER  
MEMBER

I certify this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa, dated **August 25, 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 **September 14, 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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