

DECISION
MINOR VARIANCE / PERMISSION

Date of Decision:	September 15, 2023
Panel:	1 - Urban
File No(s):	D08-02-23/A-00154, A-00155 & A-00159
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Owner(s)/Applicant(s):	Hassani Raja Mohammad Reza & Siadatmousavi Haleh
Property Address:	470 Mutual Street
Ward:	13 – Rideau-Rockcliffe
Legal Description:	Lot 131 and Part of Lot 130, Registered Plan 300
Zoning:	R3A
Zoning By-law:	2008-250
Hearing Date:	September 6, 2023, in person and by videoconference

APPLICANTS' PROPOSAL AND PURPOSE OF THE APPLICATIONS

- [1] The Owners want to subdivide their property into three separate parcels of land to create two new lots for the construction of three new two-storey townhouse dwellings, as shown on plans filed with the Committee. The existing dwelling will be demolished.

REQUESTED VARIANCES

- [2] The Owners require the Committee's authorization for Minor Variances from the Zoning By-law as follows:

A-00154: Part 1 on Registered Plan 300, proposed 468 Mutual Street:

- a) To permit a reduced soft landscape area of 27.91% of the front yard whereas the By-law requires a minimum soft landscaped area of 30% of the front yard.
- b) To permit the entrance of the attached garage to be set back 0.3 metres from the principal entrance whereas the By-law requires that the entrance to the garage must be set back at least 0.6 metres further from the applicable lot line than the principal entrance.

A-00155: Part 2 on Registered Plan 300, existing 470 Mutual Street:

- c) To permit a reduced lot width of 5.47 metres whereas the By-law requires a minimum lot width of 6 metres.
- d) To permit the entrance of the attached garage to be set back 0.3 metres from the principal entrance whereas the By-law requires that the entrance to the garage must be set back at least 0.6 metres further from the applicable lot line than the principal entrance.
- e) To permit a 2.6 metre-wide driveway on a 5.47 metre wide lot, whereas the By-law requires that no individual driveway is permitted on lots 6 metres or less in width.

A-00159: Parts 3-4 on Registered Plan 300, proposed 472 Mutual Street:

- ~~f) To permit a reduced soft landscape area of 27.79% of the front yard whereas the by-law requires a minimum soft landscaped area of 30% of the front yard.~~
- g) To permit the entrance of the attached garage to be set back 0.3 metres from the principal entrance whereas the By-law requires that the entrance to the garage must be set back at least 0.6 metres further from the applicable lot line than the principal entrance.

PUBLIC HEARING

- [3] On August 2, 2023, the Committee considered an adjournment request from Michael Segreto, Agent for the Applicants, seeking more time to respond to concerns of City staff regarding soft landscaping and tree planting, and to revise the application. The Committee agreed and the hearing was adjourned to September 6, 2023.

Oral Submissions Summary

- [4] The Committee noted that, based on the revised site plan filed by Mr. Segreto and comments in the City's Planning Report, variance f) should be deleted. With the agreement of Mr. Segreto, the application was amended accordingly.
- [5] City Planner Margot Linker noted that the City had reviewed the revised plans submitted by the Applicant and had no further concerns with the applications.
- [6] Following the public hearing, the Committee reserved its decision.

DECISION AND REASONS OF THE COMMITTEE: APPLICATIONS GRANTED, AS AMENDED

Applications Must Satisfy Statutory Four-Part Test:

- [7] 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

- [8] 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 cover letter, plans, a tree information report, a tree planting plan, a parcel register, photos, a photo of the posted sign, and a sign posting declaration.
- City Planning Report received July 28, 2023, with some concerns; received August 31, 2023, with no concerns.
- Rideau Valley Conservation Authority email dated July 27, 2023, with no objections; dated August 31, 2023, with no objections.
- Hydro Ottawa email dated July 28, 2023, with comments; dated September 1, 2023, with comments.
- Hydro One email dated July 24, 2023, with no comments.
- Ministry of Transportation email dated August 1, 2023, with no comments.
- Ottawa International Airport Authority email dated August 22, 2032, with no comments.

Effect of Submissions on Decision

- [9] The Committee considered all written and oral submissions relating to the application in making its decision and granted the applications.
- [10] Based on the evidence, the Committee is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.

- [11] The Committee notes that the City's Planning Report raises "no concerns" regarding the application and highlights that adequate overall soft landscaping is provided, notwithstanding the requested variances for soft landscaping in the front yard, lot width, and the driveway on the interior lot. The report also highlights that "the large overall soft landscaping coverage on each lot will provide on-site infiltration in the front yard." The report states that the revisions to the plans "create a larger aggregate landscaped area on the east side of unit 3 to allow an additional tree to be planted along the street." City Planning staff also highlight that the visual impact of the garages will be mitigated by a proposed porch and façade treatments.
- [12] The Committee also notes that no evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.
- [13] 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.
- [14] 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.
- [15] 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 surrounding area.
- [16] 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.
- [17] THE COMMITTEE OF ADJUSTMENT therefore authorizes the requested variances, **subject to** the location and size of the proposed construction being in accordance with the revised site plan filed, Committee of Adjustment date stamped August 31, 2023, and the elevations filed, Committee of Adjustment date stamped June 28, 2023, as they relate to the requested variances.

"Ann M. Tremblay"
ANN M. TREMBLAY
CHAIR

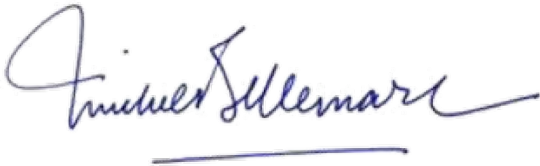
"John Blatherwick"
JOHN BLATHERWICK
MEMBER

Absent
SIMON COAKELEY
MEMBER

“Arto Keklikian”
ARTO KEKLIKIAN
MEMBER

“Sharon Lécuyer”
SHARON LÉCUYER
MEMBER

I certify this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa, dated **September 15, 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 **October 5, 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.

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