

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

<b>Date of Decision:</b>	September 29, 2023
<b>Panel:</b>	1 - Urban
<b>File No(s):</b>	D08-02-23/A-00142 & D08-02-23/A-00143
<b>Application:</b>	Minor Variance under section 45 of the <i>Planning Act</i>
<b>Owner(s)/Applicant(s):</b>	Danny Ibrahim
<b>Property Address:</b>	577 Melbourne Avenue
<b>Ward:</b>	15 - Kitchissippi
<b>Legal Description:</b>	Lot 32 (East Melbourne Avenue) Registered Plan 204
<b>Zoning:</b>	R3R [2687] H(8.5)
<b>Zoning By-law:</b>	2008-250
<b>Hearing Date:</b>	September 20, 2023, in person and by videoconference

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

- [1] The Owner wants to subdivide their property into two separate parcels of land. It is proposed to construct two detached dwellings, with one on each of the newly created parcels, as shown on plans filed with the Committee.

**REQUESTED VARIANCES**

- [2] The Owner requires the Committee's authorization for minor variances from the Zoning By-law as follows:

A-00142: 577 Melbourne Avenue, Part 1 on Draft 4R Plan, proposed detached dwelling:

- a) To permit a reduced rear yard setback of 7.5 metres, whereas the By-law requires a minimum rear yard setback of 8.6 metres.
- b) To permit a reduced interior side yard setback (south side) of 0.68 metres, whereas the By-law requires a minimum interior side yard setback of 1.5 metres.

- c) To permit a reduced interior side yard setback (north side) of 0.9 metres, whereas the By-law requires a minimum interior side yard setback of 1.5 metres.
- ~~d) To permit 0 metres of soft landscaping between a walkway and a driveway, whereas the By-law states that a walkway must be separated from any driveway by at least 0.6 metres of soft landscaping.~~
- e) To permit a double wide driveway, whereas the By-law does not permit a double wide driveway based on the conclusions of a Streetscape Character Analysis.
- f) To permit a front facing garage, whereas the By-law states does not permit a front facing garage based on the conclusions of a Streetscape Character Analysis.

A-00143: 579 Melbourne Avenue, Part 2 on Draft 4R Plan, proposed detached dwelling:

- g) To permit a reduced rear yard setback of 7.5 metres, whereas the By-law requires a minimum rear yard setback of 8.6 metres.
- h) To permit a reduced interior side yard setback (south side) of 0.9 metres, whereas the By-law requires a minimum interior side yard setback of 1.5 metres.
- i) To permit a reduced interior side yard setback (north side) of 0.68 metres, whereas the By-law requires a minimum interior side yard setback of 1.5 metres.
- ~~j) To permit 0 metres of soft landscaping between a walkway and a driveway, whereas the By-law states that a walkway must be separated from any driveway by at least 0.6 metres of soft landscaping.~~
- k) To permit a double wide driveway, whereas the By-law does not permit a double wide driveway based on the conclusions of a Streetscape Character Analysis.
- l) To permit a front facing garage, whereas the By-law does not permit a front facing garage based on the conclusions of a Streetscape Character Analysis.

## **PUBLIC HEARING**

### **Oral Submissions Summary**

- [3] On August 19, 2023, the Committee considered an adjournment request from City Planner Margot Linker, on the basis that a revised tree information report was

required. Jacob Bolduc, acting as Agent for the Applicant, indicated that revisions to the tree information report were underway and requested an adjournment to September 20. With all parties in agreement, the applications were adjourned to September 20, 2023.

- [4] On September 20, 2023, the Committee noted that a revised site plan was submitted shortly before the hearing and questioned whether a further adjournment was necessary. Mr. Bolduc explained that the revised plan was prepared in response to concerns raised regarding trees and had been circulated previously to City Planning and Infill Forestry staff. Haley Murray, City Infill Forester, confirmed that the revised plan addressed her concerns and Ms. Linker indicated that, as a result, requested condition 2(a) in the City's Planning Report on file could be deleted. The Committee therefore agreed to proceed with the hearing.
- [5] Mr. Bolduc provided a slide presentation, a copy of which is on file with the Secretary-Treasurer and available from the Committee Coordinator upon request. He also confirmed that, based on the revised plan filed, variances d) and j) relating to the provision of soft landscaping could be deleted. The applications were amended accordingly.
- [6] Samantha Schneider and Evan Saunders, acting as Agents for the Applicant, were also present.
- [7] City Planner Margot Linker stated that the revised site plan would allow for retention of the front yard tree but stated that some concerns remained regarding the overall impact on the public realm.
- [8] The Committee also heard oral submissions from:
- T. Gray, Westboro Community Association, who stated concerns regarding the accuracy of contextual evidence provided by the Applicant, the extent of the side yard setback variances requested, and the impact of the proposed driveway and garage on streetscape and character of the neighbourhood.
  - Danny Ibrahim, Owner, who stated that the proposed driveway tapers to a single-car width at the street, which should resolve concerns regarding compatibility with the streetscape.
- [9] Following the public hearing, the Committee reserved its decision.

## **DECISION AND REASONS OF THE COMMITTEE: APPLICATIONS REFUSED**

### **Applications 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 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 tree information report, a parcel register, a streetscape character analysis, a letter from a solicitor, and a sign posting declaration.
- City Planning Report received August 10, 2023, with concerns; received September 14, 2023, with concerns.
- Rideau Valley Conservation Authority email dated September 25, 2023, with no objections; dated September 14, 2023, with no objections.
- Hydro Ottawa email dated August 16, 2023, with comments; dated September 20, 2023, with comments.
- Hydro One email dated August 4, 2023, with no comments; dated September 14, 2023, with no comments.
- Ministry of Transportation email dated August 10, 2023, with no comments.
- M. Nowlan, neighbour, email dated August 14, 2023, with concerns.
- T. Gray, Westboro Community Association, email dated September 18, 2023, with concerns.

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

- [12] The Committee considered all written and oral submissions relating to the application in making its decision and refused the application.
- [13] Based on the evidence, the Committee is not satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.
- [14] The Committee notes that the City's Planning Report raises "concerns" regarding the application, highlighting that, "Staff are concerned about the potential cumulative impact of a design that is not compatible with the existing context."
- [15] Considering the circumstances, the Committee finds that, because the proposal does not fit well in the area, the requested variances are not, 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.

[16] In addition, the Committee finds that the requested variances do not maintain the general intent and purpose of the Zoning By-law because the proposal is not compatible with the surrounding area.

[17] Moreover, the Committee finds that the requested variances, both individually and cumulatively, are not minor because they will create unacceptable adverse impacts on abutting properties and the neighbourhood in general.

[18] Failing three of the four statutory requirements, the applications are refused.

[19] THE COMMITTEE OF ADJUSTMENT therefore does not authorize the requested variances.

*"Ann M. Tremblay"*  
ANN M. TREMBLAY  
CHAIR

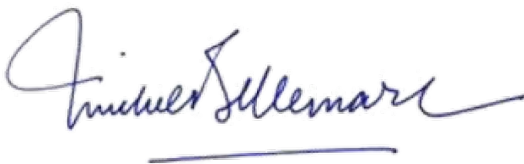
*Absent*  
JOHN BLATHERWICK  
MEMBER

*"Simon Coakeley"*  
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 29, 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 **APPEAL DATE**, 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**  
City of Ottawa  
[Ottawa.ca/CommitteeofAdjustment](http://Ottawa.ca/CommitteeofAdjustment)  
[cofa@ottawa.ca](mailto:cofa@ottawa.ca)  
613-580-2436



**Comité de dérogation**  
Ville d'Ottawa  
[Ottawa.ca/Comitedederogation](http://Ottawa.ca/Comitedederogation)  
[cded@ottawa.ca](mailto:cded@ottawa.ca)  
613-580-2436