

**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-00175
<b>Application:</b>	Minor Variance under section 45 of the <i>Planning Act</i>
<b>Owner(s)/Applicant(s):</b>	Joseph El Samra & Adel Mahfouz
<b>Property Address:</b>	432 Blake Boulevard
<b>Ward:</b>	12 – Rideau-Vanier
<b>Legal Description:</b>	Part of Lot 10, Registered Plan 504
<b>Zoning:</b>	R4UA
<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 APPLICATION**

- [1] The Owners want to construct a new low-rise apartment building with 10 dwelling units, as shown on plans filed with the Committee. The existing building is to be demolished.

**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 low-rise apartment building containing 10 dwelling units, whereas the By-law permits a maximum of eight dwelling units in a low-rise apartment building.
  - b) To permit one tandem parking space in an interior side yard where no parking is required, whereas the By-law permits one tandem parking space where two parking spaces are required.

## PUBLIC HEARING

### Oral Submissions Summary

- [3] Bingfeng Li and Changhon Sun, both acting as Agents for the Applicant, provided an overview of the application and responded to questions from the Committee, highlighting that the lot significantly exceeds the minimum size and can therefore accommodate additional density and parking spaces.
- [4] City Planner Margot Linker confirmed that, apart from the requested variances, the proposal appears to comply with all other provisions of the Zoning By-law.
- [5] City Forester Hayley Murray stated no concerns.
- [6] The Committee also heard oral submissions from D. Willman, resident, who raised concerns regarding the notification sign posting. Mr. Willman had submitted a photo of the property the day before the hearing as evidence that the sign was not posted. The Committee noted that it had received a signed declaration from one of the Owners of the property and a photo showing that the sign was posted on September 5. At the direction of the Panel Chair, the Agents for the Applicant agreed to submit additional information regarding the sign posting.
- [7] Following the public hearing, the Committee reserved its decision.

## DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED

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

- [8] 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

- [9] 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 photo of the posted sign, and a sign posting declaration.
  - City Planning Report received September 14, 2023, with no concerns.

- Rideau Valley Conservation Authority email dated September 14, 2023, with no objections.
- Hydro Ottawa email dated September 20, 2023, with comments.
- C. Greenshields, Interim President, Vanier Community Association, email dated September 18, 2023, in opposition.
- D. Willman, resident, email dated September 19, 2023, with comments regarding the sign posting.
- K. Walsh, resident, email dated September 6, 2023, with comments.
- P. Tremblay, resident, email dated September 20, 2023, with concerns.

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

- [10] The Committee considered all written and oral submissions relating to the application in making its decision and granted the application.
- [11] Based on the evidence, the Committee is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.
- [12] The Committee notes that the City's Planning Report raises "no concerns" regarding the application, highlighting that, "the subject site exceeds the minimum lot size and meets all other zoning requirements allowing the additional units within the building to be adequately serviced by amenities, soft landscaping, bike parking, and waste management on the property." Regarding the proposed tandem parking, the report also highlights that City staff "do not anticipate any adverse impacts on the site and abutting properties associated with the proposed tandem parking, and note that the logistics regarding organizing the movement of the vehicles in the parking spaces seems reasonable for the limited number of parking spaces."
- [13] The Committee also notes that no compelling evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.
- [14] 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.
- [15] 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 and achieves intensification in the Inner Urban Transect.

- [16] 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.
- [17] 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.
- [18] THE COMMITTEE OF ADJUSTMENT therefore authorizes the requested variances, **subject to** the location and size of the proposed construction being in accordance with the plans filed, Committee of Adjustment date stamped July 26, 2023.

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

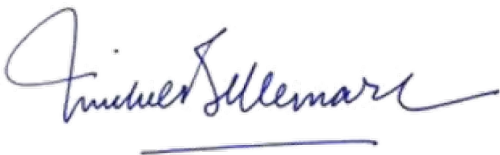
*Absent*  
JOHN BLATHERWICK  
MEMBER

*"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 **October 19, 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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