

DECISION
MINOR VARIANCE / PERMISSION

Date of Decision:	November 24, 2023
Panel:	1 - Urban
File No.:	D08-02-23/A-00189
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Owner/Applicant:	Mehran Frohar
Property Address:	82 Genest Street
Ward:	12 – Rideau-Vanier
Legal Description:	Part of Lots 130 & 131, Registered Plan 4M-42
Zoning:	R4UA
Zoning By-law:	2008-250
Hearing Date:	November 15, 2023, in person and by videoconference

APPLICANT’S PROPOSAL AND PURPOSE OF THE APPLICATION

- [1] The Owner wants to construct a new three-storey, eight-unit low-rise apartment building, as shown on plans filed with the Committee. The existing dwelling is to be demolished.
- [2] At its hearing on September 20, 2023, the Committee adjourned this application *sine die* to allow the Applicant time to revise their plans. The Applicant has submitted revised material and wishes to proceed with the application.

REQUESTED VARIANCES:

- [3] The Owner requires the Committee’s authorization for minor variances from the Zoning By-law as follows:
- a) To permit a reduced south-westerly interior side yard setback of 1.2 metres, whereas the By-law requires a minimum interior side yard setback of 1.5 metres.

- b) To permit a reduced north-easterly interior side yard setback of 1.2 metres, whereas the By-law requires a minimum interior side yard setback of 1.5 metres.
- c) To permit a reduced rear yard setback of 14.78% of the lot depth or 4.46 metres, whereas the By-law requires a minimum rear yard setback equal to 30% of the lot depth, or 9.05 metres.
- d) To permit a reduced rear yard area of 14.76% of the lot area or 58.39 square metres, whereas the By-law requires a minimum rear yard area equal to 25% of the lot area, or 98.92 square metres.
- e) To permit a reduced rear yard soft landscaped area of 43.21 square metres, whereas the By-law requires a minimum soft landscaped area of 50 square metres.

PUBLIC HEARING

- [4] At the scheduled hearing on September 20, 2023, the Committee received a request from the City Planner to adjourn the hearing to allow time for the Applicant to revise the application. With the concurrence of all parties the application was adjourned to November 1, 2023.
- [5] At the scheduled hearing on November 1, 2023, the Committee adjourned the hearing to allow time to review revised plans that had been submitted on November 1, 2023. With the concurrence of all parties, the application was adjourned to November 15, 2023.
- [6] On November 15, 2023, Cory Dubeau, Agent for the Applicant, was present.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED

Application 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 cover letter, plans, revised site plan, photo of the posted sign, and a sign posting declaration.
- City Planning Report received November 10, 2023, with no concerns, November 9, 2023, with no concerns; received October 26, 2023, with no concerns; received September 14, 2023, requesting adjournment.
- Rideau Valley Conservation Authority email received November 10, 2023, with no objections; email received October 25, 2023, with no objections; email received September 14, 2023, with no objections.
- Hydro Ottawa email dated October 24, 2023, with no concerns; email received September 20, 2023, with no concerns.
- Vanier Community Association email dated September 17, 2023, with concerns.

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 application.
- [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, highlighting that "adequate access for waste and bicycles is still provided and that more intensive plantings can compensate for the reduced horizontal area and that the "rear yard setback will align similarly with the abutting property to the north."
- [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 neighborhood.

- [15] In addition, the Committee finds that the requested variances maintain the general intent and purpose of the Zoning By-law because the variances represent orderly development that is compatible with 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 site plan filed, Committee of Adjustment date stamped October 26, 2023, and the elevations filed, Committee of Adjustment date stamped October 10, 2023, as they relate to the requested variances.

"Ann M. Tremblay"
ANN M. TREMBLAY
CHAIR

"John Blatherwick"
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 **NOVEMBER 24, 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 **DECEMBER 14, 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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