

**DECISION
MINOR VARIANCE / PERMISSION**

Date of Decision:	February 16, 2024
Panel:	1 - Urban
File No(s):	D08-02-23/A-00327
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Owner(s)/Applicant(s):	Shirin Roshanafshar
Property Address:	150 Lyman Street
Ward:	15 – Kitchissippi
Legal Description:	Lot 21, Registered Plan 440
Zoning:	R1S
Zoning By-law:	2008-250
Hearing Date:	February 7, 2024, in person and by videoconference

APPLICANT’S PROPOSAL AND PURPOSE OF THE APPLICATION:

- [1] The Owner wants to construct a two-storey detached dwelling, as shown on the plans filed with the application. The existing dwelling will be demolished.

REQUESTED VARIANCE:

- [2] The Owner requires the Committee’s authorization for a minor variance from the Zoning By-law to permit a front-facing attached garage, whereas the By-law states that a front-facing attached garage is not permitted as per the outcome of a Streetscape Character Analysis.
- [3] The application indicates that the Property is not the subject of any other current application under the *Planning Act*.

PUBLIC HEARING

Oral Submissions Summary

- [4] Shirin Roshanafshar and Jordan Joannis, the Owners of the Property, provided a slide presentation, a copy of which is on file with the Secretary-Treasurer and available from the Committee Coordinator upon request. In response to questions from the Committee, Ms. Roshanafshar confirmed that the existing detached

garage will be demolished for additional greenspace. She also referred the Committee to the letters of support on file from area residents.

- [5] City Planner, Margot Linker, in response to questions from the Committee, raised concerns that the application does not meet the general intent and purpose of the Zoning By-law, which in this case, is to encourage development that maintains the character of existing homes on the street.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED

Application Must Satisfy Statutory Four-Part Test

- [6] 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

- [7] 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, survey report, tree information report, photo of the posted sign, and a sign posting declaration.
 - A. Blocka, resident, email received January 26, 2024, in support.
 - E. and D. Love, residents, email received January 29, 2024, in support.
 - S. Craig, resident, email received January 30, 2024, in support.
 - M. Hillier and D. Jansen, residents, email received January 30, 2024, in support.
 - L. Dawes, resident, email received January 30, 2024, in support.
 - A. Shepherd, resident, email received January 30, 2023, in support.
 - Hydro Ottawa email received January 30, 2024, with no concerns.
 - Rideau Valley Conservation Authority email received January 31, 2024, with no objections.

- City Planning Report received February 1, 2024, with concerns.
- Ottawa Carleton District School Board email dated February 1, 2024, with no objections.
- Ministry of Transportation email received February 2, 2024, with no comments.
- A. Hayes, resident, by phone February 5, 2024, in support.

Effect of Submissions on Decision

- [8] The Committee considered all written and oral submissions relating to the application in making its decision and granted the application.
- [9] Based on the evidence, the Committee is satisfied that the requested variance meet all four requirements under subsection 45(1) of the *Planning Act*.
- [10] The Committee notes that the City’s Planning Report raises “concerns” with the application, highlighting that “Staff have concerns regarding the compatibility of the variance seeking to permit a front-facing garage. The result of the Streetscape Character Analysis demonstrated that front-facing attached garages are not a dominant characteristic of the area surrounding the site.”
- [11] The majority of the Committee also notes that no compelling evidence was presented that the variance would result in any unacceptable adverse impact on neighbouring properties.
- [12] Considering the circumstances, the majority of the Committee (Chair Ann M. Tremblay dissenting for reasons noted below) 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.
- [13] The majority of the Committee also finds that the requested variance maintains the general intent and purpose of the Official Plan the proposal respects the character of the neighbourhood.
- [14] 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.
- [15] Moreover, the majority of the Committee finds that the requested variance is minor because it will not create any unacceptable adverse impact on abutting properties or the neighbourhood in general.

[16] 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 December 27, 2023, as they relate to the requested variance.

[17] *Chair Ann M. Tremblay dissents on the granting of the application, finding that insufficient evidence was presented demonstrating how the proposed front-facing garages are in keeping with the character of the neighbourhood and therefore does not meet the intent of the Zoning By-Law.*

Dissent
ANN M. TREMBLAY
CHAIR

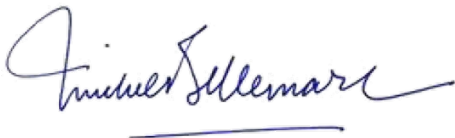
"John Blatherwick"
JOHN BLATHERWICK
MEMBER

"Simon Coakeley"
SIMON COAKELEY
MEMBER

Absent
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 **February 16, 2024**.



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 **March 7, 2024**, 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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