

DECISION
MINOR VARIANCE / PERMISSION

Date of Decision:	December 22, 2023
Panel:	1 - Urban
File No(s):	D08-02-23/A-00248 & D08-02-23/A-00249
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Owner(s)/Applicant(s):	Mehrzad Ziai, Mehran Frohar, Ninava Ltd. and Henga Ottawa Realty Inc.
Property Address:	674 de l'Église Street
Ward:	12 – Rideau – Vanier
Legal Description:	Lot 59, Part of Lots 58 and 60, Registered Plan 334
Zoning:	R4UA
Zoning By-law:	2008-250
Hearing Date:	December 13, 2023, in person and by videoconference

APPLICANTS' PROPOSAL AND PURPOSE OF THE APPLICATIONS

- [1] The Owners want to subdivide their property into two separate parcels of land to construct two, 8-unit low-rise apartment buildings, with one building on each parcel, as shown on plans filed with the Committee.
- [2] In September 2022, the Committee granted Consent Applications (D08-01-22/B-00205-00206) and Minor Variance Applications (D08-02-22/A-00187-00188) to subdivide the property into two parcels for the construction of two three-unit dwellings, the Owners have since revised their plans and want to proceed with this new proposal.

REQUESTED VARIANCES

- [3] The Owners/Applicants require the Committee's authorization for minor variances from the Zoning By-law as follows:

D08-02-23/A-00248, 674 De l'Eglise Street, Parts 3 and 4 – proposed low-rise apartment

- a) To permit a reduced lot width of 9.61 metres, whereas the By-law requires a minimum lot width of 12 metres.

- b) To permit a reduced lot area of 293.7 square metres, whereas the By-law requires a minimum lot area of 360 square metres.
- c) To permit a reduced (northerly) interior side yard setback of 1.2 metres, whereas the By-law requires a minimum interior side yard setback of 1.5 metres.
- d) To permit the required minimum front yard soft landscaped area not to abut the front lot line, whereas the By-law requires the minimum front yard soft landscaped area must abut the front lot line.

D08-02-23/A-00249 – 676 De l’Eglise Street – Parts 1 and 2 – proposed low-rise apartment

- e) To permit a reduced lot width of 9.61 metres, whereas the By-law requires a minimum lot width of 12 metres.
- f) To permit a reduced lot area of 292.9 square metres, whereas the By-law requires a minimum lot area of 360 square metres.
- g) To permit a reduced (southerly) interior side yard setback of 1.2 metres, whereas the By-law requires a minimum interior side yard setback of 1.5 metres.
- h) To permit the required minimum front yard soft landscaped area not to abut the front lot line, whereas the By-law requires the minimum front yard soft landscaped area must abut the front lot line.

PUBLIC HEARING

Oral Submissions Summary

- [4] Paul Robinson, Agent for the Applicant, provided an overview of the application and responded to questions from the Committee.
- [5] City Planner Margot Linker confirmed that the application meets the requirements of the Official Plan policies, and that sufficient soft landscaping is proposed.

DECISION AND REASONS OF THE COMMITTEE: APPLICATIONS GRANTED

Applications 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:
- Applications and supporting documents, including a cover letter, plans, a tree information report, a parcel register, a letter of authorization, a photo of the posted sign, and a sign posting declaration.
 - City Planning Report received December 11, 2023, with no concerns; received December 7, 2023, with no concerns.
 - Rideau Valley Conservation Authority email dated December 7, 2023, with no objections.
 - Hydro Ottawa email dated December 6, 2023, with comments.
 - Hydro One email dated December 5, 2023, with no comments.
 - K. Walsh, neighbour, email dated November 28, 2023, in support.
 - J. and A. Tereszko, neighbours, email dated December 11, 2023, with concerns.

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 applications.
- [9] Based on the evidence, the Committee is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.
- [10] The Committee notes that the City's Planning Report raises "no concerns" regarding the application. The report highlights that "the proposed lot sizes still provide sufficient space pedestrian circulation, waste management, and servicing access," and, regarding the reduced interior side yard setbacks for a walkway between the buildings, "the proposal maintains sufficient width for access between the buildings and does not impact the abutting properties. Finally, regarding the reduced front yard soft landscaping, the report indicates that, "this minor variance is necessary for barrier-free circulation on the site due to the lack of sidewalks along this segment of de l'Église Street, making it desirable from an accessibility standpoint."
- [11] The Committee also notes that no compelling evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.

- [12] 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.
- [13] 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 provides missing-middle housing close to three Mainstreet Corridors.
- [14] 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.
- [15] 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.
- [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 revised site plan filed, Committee of Adjustment date stamped December 11, 2023, and the elevations filed, Committee of Adjustment date stamped October 3, 2023, as they relate to the requested variances.

"Ann M. Tremblay"
ANN M. TREMBLAY
CHAIR

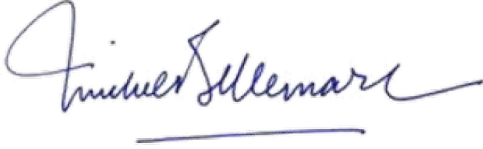
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JOHN BLATHERWICK
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ARTO KEKLIKIAN
MEMBER

"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 **December 22, 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 **January 11, 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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