

**DECISION
MINOR VARIANCE**

Date of Decision:	May 24, 2024
Panel:	1 - Urban
File No(s):	D08-02-24/A-00086 & D08-02-24/A-00087
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Owner(s)/Applicant(s):	Asif Ahmed and Jennifer Hannaberry
Property Address:	648 & 648A O'Connor Street
Ward:	17- Capital
Legal Description:	North Half of Lot 5, West side of O'Connor Street, Registered Plan 33446
Zoning:	R3Q [1474]
Zoning By-law:	2008-250
Heard:	May 15, 2024, in person and by videoconference

APPLICANTS' PROPOSAL AND PURPOSE OF THE APPLICATIONS

- [1] The Owners/Applicants want to construct an addition at the rear of the existing semi-detached dwellings on their property, as shown on plans filed with the Committee.

REQUESTED VARIANCES:

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

A-00086: 648 O'Connor Street:

- a) To permit a reduced rear yard setback of 20.7% of the lot depth (5.56 metres), whereas the By-law requires a minimum rear yard setback 30% of the lot depth (8.05 metres).
- b) To permit a reduced rear yard area of ~~21.5%~~ **24.11%** of the lot area (~~30.56~~ **30.3%** square metres), whereas the By-law requires a minimum rear yard area of 25% of lot area (31.11 square metres).

A-00087: 648A O'Connor Street:

- c) To permit a reduced rear yard setback of 22.67% of the lot depth (6.08 metres), whereas the By-law requires a minimum rear yard setback of 30% of the lot depth (8.05 metres).
- d) ~~To permit a reduced rear yard area of 23.53% of the lot area (29.28 square metres), whereas the By-law requires a minimum rear yard of 25% of the lot area (31.11 square metres).~~

PUBLIC HEARING

- [3] The Committee suggested that an adjournment of the application might be in order to allow the Applicants time to confirm the measurements of the rear yard setbacks and areas.
- [4] Asif Ahmed, the Owner/Applicant objected to an adjournment and highlighted he would be in a position to confirm the measurements.
- [5] The Committee agreed to hear the application as scheduled.

Oral Submissions Summary

- [6] City Planner Margot Linker confirmed that variance (d) is no longer required, and that variance (b) should be amended as follows:
 - b) To permit a reduced rear yard area of ~~21.5%~~ **24.11%** of the lot area (~~30.56~~ **30.3** square metres), whereas the By-law requires a minimum rear yard area of 25% of lot area (31.11 square metres).
- [7] With the concurrence of Mr. Ahmed, the applications were amended accordingly.
- [8] In response to questions from the Committee, Ms. Linker confirmed that variances (a) and (c) were accurate.

DECISION AND REASONS OF THE COMMITTEE: APPLICATIONS GRANTED AS AMENDED

Applications Must Satisfy Statutory Four-Part Test

- [9] 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

[10] 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, tree information report, photo of the posted sign, and a sign posting declaration.
- City Planning Report received May 9, 2024, with no concerns.
- Rideau Valley Conservation Authority email received May 10, 2024, with no objections.
- Ontario Ministry of Transportation email received May 3, 2024, with no comments.
- C. North and M. Dewar, residents, email received May 13, 2024, in support.

Effect of Submissions on Decision

[11] The Committee considered all written and oral submissions relating to the applications in making its decision and granted the applications.

[12] Based on the evidence, the Committee is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.

[13] The Committee notes that the City's Planning Report raises "no concerns" regarding the applications, highlighting that "[t]his area is intended for low-rise residential development which massing has regard for local context and character of existing development."

[14] The Committee also notes that no evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.

[15] 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.

[16] 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.

[17] 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 that is compatible with the surrounding area.

[18] Moreover, the Committee finds that the requested variances are minor because they will not create any unacceptable adverse impact on abutting properties or the neighbourhood in general.

[19] 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 April 8, 2024, as they relate to the requested variances.

"Simon Coakeley"
SIMON COAKELEY
ACTING PANEL CHAIR

"John Blatherwick"
JOHN BLATHERWICK
MEMBER

Absent
ANN M. TREMBLAY
CHAIR

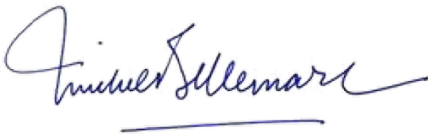
"Arto Keklikian"
ARTO KEKLIKIAN
MEMBER

Absent
SHARON LÉCUYER
MEMBER

"William Hunter"
WILLIAM HUNTER
VICE-CHAIR

"Jay Baltz"
JAY BALTZ
MEMBER

I certify this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa, dated **May 24, 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 **June 13, 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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