

DECISION
MINOR VARIANCE / PERMISSION

Date of Decision:	March 15, 2024
Panel:	1 - Urban
File Nos.:	D08-02-23/A-00285
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Owner/Applicant:	Shahab Zandi
Property Address:	315 Savard Avenue
Ward:	12 – Rideau-Vanier
Legal Description:	Part of Lot 41, Registered Plan 39
Zoning:	R5D (H25)
Zoning By-law:	2008-250
Hearing Date:	March 6, 2024, in person and by videoconference

APPLICANT’S PROPOSAL AND PURPOSE OF THE APPLICATION

- [1] The Owner wants to construct a four-unit low-rise apartment building as shown on the plans filed with the application. The existing dwelling and accessory structures will be demolished.

REQUESTED VARIANCES

- [2] The Owner requires the Committee’s authorization for minor variances from the Zoning By-law as follows:
- a) To permit a reduced lot width of 9.77 metres, whereas the By-law requires a minimum lot width of 15 metres.
 - b) To permit a reduced lot area of 284.95 square metres, whereas the By-law requires a minimum lot area of 450 square metres.

PUBLIC HEARING

Oral Submissions Summary

- [3] Rod Price, Agent for the Applicant, provided an overview of the application and responded to questions from the Committee. Mr. Price addressed concerns raised

by the neighbour, and highlighted the transitional and evolving elements of the 15-minute neighbourhood.

- [4] City Planner Justin Grift confirmed that the existing detached dwelling has legal non-conforming rights. He further confirmed that the Zoning By-law permits three units within the existing dwelling, and the application is requesting one additional dwelling unit. Planner Grift also explained that had the property's zoning designation remained R4UC the required lot width and area would be closer to what is being proposed.
- [5] Following the public hearing, the Committee reserved its decision.

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, photo of the posted sign, and a sign posting declaration.
 - City Planning Report received February 29, 2024, with no concerns.
 - Rideau Valley Conservation Authority email received March 1, 2024, with no concerns.
 - Hydro Ottawa email received February 27, 2024, with no concerns.
 - Ministry of Transportation email received March 1, 2024, with no comments.
 - Vanier Community Association email received March 3, 2024, in support.
 - K. Walsh, resident email received February 29, 2024, in support.
 - H. Zhao, neighbour, email received February 29, 2024, opposed.

- R. Hammond, resident email received March 6, 2024, opposed.

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 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 evidence revealed that the "[t]he property also falls within the Evolving Neighbourhood Overlay, which is an area used to signal a gradual intensification over time and allow new built forms and diverse functions of land near established corridors."
- [11] The Committee also notes that no 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.
- [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.

"Jay Baltz"
JAY BALTZ
ACTING PANEL CHAIR

"John Blatherwick"
JOHN BLATHERWICK
MEMBER

"Julianne Wright"
JULIANNE WRIGHT
MEMBER

"Arto Keklikian"
ARTO KEKLIKIAN
MEMBER

"Sharon Lécuyer"
SHARON LÉCUYER
MEMBER

Absent
ANN M. TREMBLAY
CHAIR

Absent
SIMON COAKELEY
MEMBER

I certify this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa, dated **March 15, 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 **April 4, 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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