

DECISION
MINOR VARIANCE / PERMISSION

Date of Decision:	September 29, 2023
Panel:	1 - Urban
File No(s):	D08-02-23/A-00174
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Owner(s)/Applicant(s):	Joseph El Samra and Bassel Saif
Property Address:	289 Joffre-Bélanger Way
Ward:	12 – Rideau-Vanier
Legal Description:	Lot 458 and Part of Lot 459, Registered Plan 246
Zoning:	R4UA
Zoning By-law:	2008-250
Hearing Date:	September 20, 2023, in person and by videoconference

APPLICANT(S)' PROPOSAL AND PURPOSE OF THE APPLICATION

- [1] The Owners want to construct a new low-rise apartment building with 10 dwelling units, as shown on plans filed with the Committee. The existing building is to be demolished.

REQUESTED VARIANCE

- [2] The Owners/Applicants require the Committee's authorization for a minor variance from the Zoning By-law to permit a low-rise apartment building containing 10 dwelling units, whereas the By-law permits a maximum of eight dwelling units in a low-rise apartment building.

PUBLIC HEARING

Oral Submissions Summary

- [3] Bingfeng Li and Changhon Sun, both acting as Agents for the Applicant, provided an overview of the application and responded to questions from the Committee, noting that a revised floor plan was filed that proposed an additional three-bedroom unit, in response to concerns raised by area residents.

- [4] Mr. Li also confirmed that the survey submitted with the application is up to date. He also explained that the lot exceeds the minimum size for a low-rise apartment building and can therefore accommodate additional density.
- [5] The Committee also heard oral submissions from the following individuals:
- D. Willman, resident, highlighted several concerns, including the functionality and impact of garbage storage and curbside collection, a lack of consultation with neighbours, parking, and the incompatibility of the proposal with the character of the neighbourhood.
 - M. Sprague, resident, highlighted concerns regarding snow removal, the size of the proposed building, potential encroachments on her property, insufficient bicycle parking, water drainage, anticipated impacts on the character of the street, a loss of sunlight, the affordability of the units, and accessibility for tenants.
- [6] City Planner Margot Linker confirmed that City staff have no concerns with the proposed increase in dwelling units due to the large size of the lot, and that the proposal provides an uninterrupted side yard wide enough to move a wheeled garbage bin within the limits of the property. She also highlighted that the applicant would have to demonstrate that adequate bicycle parking is provided through a building permit application.
- [7] Following the public hearing, the Committee reserved its decision.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED

Application Must Satisfy Statutory Four-Part Test:

- [8] 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

- [9] 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 a cover letter, plans, a tree information report, a photo of the posted sign, and a sign posting declaration.

- City Planning Report received September 14, 2023, with no concerns.
- Rideau Valley Conservation Authority email dated September 14, 2023, with no objections.
- Hydro Ottawa email dated September 20, 2023, with comments.
- C. Greenshields, Interim President, Vanier Community Association, email dated September 18, 2023, in opposition.
- A. Bedrossian, resident, email dated September 20, 2023, with concerns.
- F. Tayler, resident, email dated September 11, 2023, with concerns.
- K. Walsh, resident, email dated September 6, 2023, in support.
- M. Sprague, resident, email dated September 18, 2023, with concerns.
- S. Lemieux, resident, email dated September 11, 2023, with concerns.

Effect of Submissions on Decision

- [10] The Committee considered all written and oral submissions relating to the application in making its decision and granted the application.
- [11] Based on the evidence, the Committee is satisfied that the requested variance meets all four requirements under subsection 45(1) of the *Planning Act*.
- [12] The Committee notes that the City's Planning Report raises "no concerns" regarding the application, highlighting that "the subject site greatly exceeds the minimum lot size and meets all other zoning requirements allowing the additional units within the building to be adequately serviced by amenities, soft landscaping, bike parking, and waste management on the property."
- [13] The Committee also notes that the variance relates to the density of the proposed development, not to the size or form of the building, and no compelling evidence was presented that this variance would result in any unacceptable adverse impacts on neighbouring properties.
- [14] Considering the circumstances, the Committee 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.
- [15] The Committee also finds that the requested variance maintains the general intent and purpose of the Official Plan because the proposal respects the character of the neighbourhood and achieves intensification in the Inner Urban Transect.

- [16] In addition, 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.
- [17] Moreover, 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.
- [18] 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 July 26, 2023.

"Ann M. Tremblay"
ANN M. TREMBLAY
CHAIR

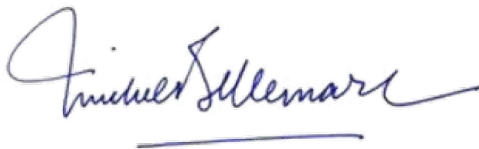
Absent
JOHN BLATHERWICK
MEMBER

"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 **September 19, 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 **October 19, 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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