

**DECISION
MINOR VARIANCE**

Date of Decision:	August 16, 2024
Panel:	1 - Urban
File Nos.:	D08-02-24/A-00179 and D08-02-24/A-00180
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Applicant:	Brandon Ibrahim
Property Address:	309 Montfort Street
Ward:	12 – Rideau-Vanier
Legal Description:	Lot 262, Registered Plan 246
Zoning:	R4UA
Zoning By-law:	2008-250
Heard:	August 7, 2024, in person and by videoconference

APPLICANT'S PROPOSAL AND PURPOSE OF THE APPLICATIONS

- [1] The Applicant wants to construct a semi-detached dwelling, as shown on the plans filed with the Committee.

REQUESTED VARIANCES:

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

A-00179 309 Montfort Street (South), half of proposed semi-detached dwelling:

- a) To permit a reduced lot area of 153.94 square metres, whereas the By-law requires a minimum lot area of 180 square metres.
- b) To permit a reduced front yard setback of 4.22 metres, whereas the By-law requires a minimum front yard setback of 4.52 metres.
- c) To permit a reduced corner side yard setback of 1.34 metres, whereas the By-law requires a minimum corner side yard setback of 1.82 metres.
- d) To permit 9% of the front façade area to be recessed an additional 0.6 metres from the front setback line, whereas the By-law requires at least 20% of the front façade to be recessed an additional 0.6 metres from the front setback line.

A-00180 309 Montfort Street (North), half of proposed semi-detached dwelling:

- e) To permit a reduced lot area of 136.91 square metres, whereas the By-law requires a minimum lot area of 180 square metres.
- f) To permit a reduced front yard setback of 1.64 metres, whereas the By-law requires a minimum front yard setback of 1.83 metres.

[3] The subject property is not the subject of any other current application under the *Planning Act*.

PUBLIC HEARING

Oral Submissions Summary

- [4] In response to questions from the Committee, Chris Jalkotzy, Agent for the Applicant, explained that the basement space in the proposed semi-detached dwelling would be unfinished and connected by stairs to the ground floor unit, with no exterior access.
- [5] City Planner Penelope Horn was also present.

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:
 - Application and supporting documents, including a cover letter, plans, parcel register abstract, photo of the posted sign, and a sign posting declaration.
 - City Planning Report received July 31, 2024, with no concerns.

- Rideau Valley Conservation Authority email received August 2, 2024, with no objections.
- Hydro Ottawa email received August 2, 2024, with comments.
- K. Walsh, resident, email received July 19, 2024, in support.

Effect of Submissions on Decision

- [8] The Committee considered all written and oral submissions relating to the applications 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, highlighting that: "The proposed variances will enable the development of a long semi-detached building on an existing vacant lot, a permitted use in the R4UA zone. The variances align with the Official Plan policy 5.2.5 1e, which encourages the development of low-rise and multi-unit housing."
- [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 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 plans filed and Committee of Adjustment date stamped July 8, 2024, as they relate to the requested variances.

Ann M. Tremblay
ANN M. TREMBLAY
CHAIR

John Blatherwick
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 **August 16, 2024**.



Matthew Garnett
Acting 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 **September 5, 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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