

**DECISION  
MINOR VARIANCE**

<b>Date of Decision:</b>	November 15, 2024
<b>Panel:</b>	2 - Suburban
<b>File Nos.:</b>	D08-02-24/A-00252-00253
<b>Application:</b>	Minor Variances under section 45 of the <i>Planning Act</i>
<b>Applicants:</b>	Youssry Hussein and Eman Mohsen
<b>Property Address:</b>	9 Granton Avenue
<b>Ward:</b>	8 - College
<b>Legal Description:</b>	Lots 2404, 2405, 2406 and 2407, Registered Plan 375
<b>Zoning:</b>	R1FF [632]
<b>Zoning By-law:</b>	2008-250
<b>Heard:</b>	November 5, 2024, in person and by videoconference

**APPLICANTS' PROPOSAL AND PURPOSE OF THE APPLICATIONS**

- [1] The Applicants want to subdivide their property into two separate parcels of land for residential development. It is proposed to construct one detached dwelling with two additional dwelling units on each of the newly created parcels. The existing dwelling and garage are to be demolished.

**REQUESTED VARIANCES**

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

**A-00252: 9 Granton Avenue, Parts 1 and 2 on Draft 4R-Plan, proposed detached dwelling with two additional dwelling units:**

- a) To permit a reduced lot area of 469.13 square metres, whereas the By-law requires a minimum lot area of 600 square metres.
- b) To permit a reduced lot width of 15.36 metres, whereas the By-law requires a minimum lot width of 19.5 metres.

**A-00253: 7 Granton Avenue, Parts 3 and 4 on Draft 4R-Plan, proposed detached dwelling with two additional dwelling units:**

- c) To permit a reduced lot area of 469.36 square metres, whereas the By-law requires a minimum lot area of 600 square metres.
- d) To permit a reduced lot width of 15.36 metres, whereas the By-law requires a minimum lot width of 19.5 metres.

**PUBLIC HEARING**

**Oral Submissions Summary**

- [3] Jasmine Paoloni, Agent for the Applicants, provided an overview of the applications and responded to questions from the Committee. Ms. Paoloni questioned the applicability of condition 11 in the City's Planning Report, requiring either a development agreement or a letter of undertaking relating to the collection of securities for tree planting.
- [4] City Forester Nancy Young stated that the condition was standard for work being done in a critical root zone and ensures that tree protection is maintained throughout construction.
- [5] City Planner Erin O'Connell explained that the option of a letter of undertaking is provided to applicants where a development agreement is not otherwise required, however, other conditions requested by the City for this application would require a development agreement and therefore it would be the more appropriate option in this case.
- [6] The Committee also heard oral submissions from the following individuals:
  - Nancy Wilson, City View Community Association, raised concerns with the intent and purpose of the Zoning By-law, stormwater management and drainage, the impact of the proposal on the streetscape, and the incompatibility of rear yard parking with the existing pattern of development in the area.
- [7] Ms. Paoloni addressed the concerns of the community association, stating that rear yard parking is permitted. She also highlighted that the conditions requested by the City will address drainage issues, once fulfilled.
- [8] City Planner Elizabeth King confirmed that rear yard parking is permitted in the R1FF subzone.
- [9] Following the public hearing, the Committee reserved its decision.

## **DECISION AND REASONS OF THE COMMITTEE: APPLICATIONS GRANTED**

### **Applications Must Satisfy Statutory Four-Part Test**

[10] The Committee has the power to authorize minor variances 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 variances are minor, are 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**

[11] Evidence considered by the Committee included all 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 cover letter, plans, tree information, photo of the posted sign, and a sign posting declaration.
- City Planning Report received October 31, 2024, with no concerns.
- Rideau Valley Conservation Authority email dated November 1, 2024, with no objections.
- Hydro Ottawa email dated November 1, 2024, with comments.
- Hydro One email dated October 30, 2024, with no comments.
- Ontario Ministry of Transportation email dated October 18, 2024, with no objections.

### **Effect of Submissions on Decision**

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

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

[14] The Committee notes that the City's Planning Report raises "no concerns" regarding the applications.

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

- [16] 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.
- [17] 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.
- [18] 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.
- [19] 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.
- [20] THE COMMITTEE OF ADJUSTMENT therefore authorizes the requested variances.

*"Fabian Poulin"*  
FABIAN POULIN  
VICE-CHAIR

*"Jay Baltz"*  
JAY BALTZ  
MEMBER

*"George Barrett"*  
GEORGE BARRETT  
MEMBER

*"Heather MacLean"*  
HEATHER MACLEAN  
MEMBER

*"Julianne Wright"*  
JULIANNE WRIGHT  
MEMBER

I certify this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa, dated **November 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 **December 5, 2024**, delivered by email at [cofa@ottawa.ca](mailto:cofa@ottawa.ca) and/or by mail or courier to the following address:

Secretary-Treasurer, Committee of Adjustment,  
101 CentrepoinTE Drive, 4<sup>th</sup> 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](mailto: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.*

**Committee of Adjustment**  
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