

**DECISION****CONSENT/SEVERANCE AND MINOR VARIANCES**

<b>Date of Decision:</b>	February 14, 2025
<b>Panel:</b>	1 - Urban
<b>File Nos.:</b>	D08-01-24/B-00141 D08-02-24/A-00205 & D08-02-24/A-00255
<b>Applications:</b>	Consent under section 53 of the <i>Planning Act</i> Minor Variances under section 45 of the <i>Planning Act</i>
<b>Applicant:</b>	Eddy Malouf
<b>Property Address:</b>	451 Roosevelt Avenue
<b>Ward:</b>	15 - Kitchissippi
<b>Legal Description:</b>	Part of Lot 10 (East Side Roosevelt Avenue), Registered Plan 235
<b>Zoning:</b>	R4UA [2686] H(8.5)
<b>Zoning By-law:</b>	2008-250
<b>Heard:</b>	February 5, 2025, in person and by videoconference

**APPLICANT'S PROPOSAL AND PURPOSE OF THE APPLICATIONS**

- [1] The Applicant wants to subdivide their property into two separate parcels of land and to construct an addition on the south and east sides of the existing dwelling. The addition would convert the existing dwelling into a semi-detached dwelling, containing two additional dwelling units in each side (for a total of six units), as shown on plans filed with the Committee.

**CONSENT REQUIRED:**

- [2] The Applicant seeks the Committee's consent to sever land.
- [3] The severed land, shown as Part 1 on a draft R-plan filed with the application, will have a frontage of 6.17 metres, a depth of 30.48 metres, and will contain a lot area of 188.0 square metres. This parcel will be known municipally as 396 Ravenhill Avenue.

- [4] The retained land, shown as Part 2 on the said plan, will have a frontage of 6.47 metres, a depth of 30.48 metres and an area of 197.2 square metres and will be known municipally as 451 Roosevelt Avenue.
- [5] Approval of these applications will have the effect of creating separate parcels of land and development that will not be in conformity with the requirements of the Zoning By-law and therefore, minor variance applications (D08-02-24/A-00205 & D08-02-24/A-00255)) have been filed and will be heard concurrently with these applications.

## **REQUESTED VARIANCES**

- [6] The Applicant seeks the Committee of Adjustment's authorization for minor variances from the Zoning By-law as follows:

**A-00205: 396 Ravenhill Avenue, Part 1 & 2, 3 & 4, one half of semi-detached dwelling:**

- To permit a reduced front yard setback of 1.37 metres, whereas the By-law requires a minimum front yard setback of 4.5 metres.
- To permit a reduced corner side yard setback (Roosevelt Avenue & Ravenhill Avenue) of 0 metres whereas the By-law requires a minimum corner side yard setback of 4.5 metres.
- To permit a reduced corner sight triangle of 1.37 metres along Roosevelt Avenue and 0 metres along Ravenhill Avenue whereas a corner site triangle of 6 metres by 6 metres is required.

**A-00255: 451 Roosevelt Avenue, Part 2, one half of semi-detached dwelling:**

- To permit a reduced front yard setback of 3.13 metres, whereas the By-law requires a minimum front yard setback of 4.5 metres.

## **PUBLIC HEARING**

- [7] On November 6, 2024, the hearing of the applications was adjourned to allow time for the Applicant to apply for additional minor variances.

### **Oral Submissions Summary**

- [8] Brian Casagrande and Thomas Freeman, agents for the Applicant, provided a slide presentation, a copy of which is on file with the Secretary-Treasurer and available from the Committee Coordinator upon request.
- [9] The Committee noted that an amendment to the application was required as follows:

A-00205: 396 Ravenhill Avenue, Part ~~1 & 2, 3 & 4~~, one half of semi-detached dwelling.

- [10] Mr. Freeman clarified that the lot width and area for the proposed parcels are compliant with the Zoning By-law provisions.
- [11] Responding to the Committee's questions, Mr. Casagrande advised that they did not undertake public consultation as he believed the revised proposal would be similar to and improve upon what was previously approved. He further confirmed that while three units were proposed in each half of the semi-detached dwelling, the total square footage would not be dramatically different from the existing dwelling.
- [12] Mr. Casagrande further explained that proposed plantings and walkways would prevent front yard parking. He also advised that the current design was chosen after consultation with City Planners, as this was their preferred design. Regarding the proposed reductions in the corner sight triangle, Mr. Casagrande explained that it is an existing condition.
- [13] The Committee also heard oral submissions from the following individuals:
- H. Hafez, resident, raised concerns over the adequacy of the proposed parking and related impacts on traffic and on-street parking.
  - T. Gray, Chair of the Westboro Community Association, expressed that the proposal would have benefited from community consultation, and raised concerns over the corner sight triangle and the health of the trees proposed to be retained.
  - K. Johnson, resident, raised concerns over stormwater management with the development on the proposed parcels as well as traffic safety, which she identified as an existing problem in this location.
- [14] City Planner Elizabeth King clarified that in accordance with the Zoning By-law, parking is not required for the first 12 units, and this proposal does include one parking space. She further confirmed that a grading and drainage plan was requested as a condition of provisional consent, though City staff did not foresee any issues related to stormwater in the area.
- [15] Following the public hearing, the Committee reserved its decision.

### **Evidence**

- [16] 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, revised plans, revised tree information report, revised tree planting plan, photo of the posted sign, and a sign posting declaration.
- City Planning Report received January 30, 2025, with no concerns; received October 31, 2024, requesting adjournment.
- Rideau Valley Conservation Authority email dated January 27, 2025, with no concerns; dated November 1, 2024, with no concerns.
- Hydro Ottawa email dated January 24, 2025, with comments; dated November 1, 2024, with comments.
- Ontario Ministry of Transportation email dated January 22, 2025, with no comments; dated October 18, 2024, with no comments.
- Ottawa-Carleton District School Board email dated January 21, 2025, with comments.
- R. Smith, resident, email dated January 20, 2025, with comments.
- K. Johnson, resident, email dated January 31, 2025, in opposition.
- V. Reid, resident, email dated February 3, 2025, in opposition.
- S. Burton, resident, email dated February 3, 2025, in opposition.
- T. Gray, Chair Westboro Community Association, email dated February 3, 2025, in opposition; dated November 1, 2024, requesting adjournment.
- J. McKibbon, resident, email dated February 3, 2025, in opposition.

**DECISION AND REASONS OF THE COMMITTEE:**

- **CONSENT APPLICATION GRANTED**
- **MINOR VARIANCE APPLICATIONS GRANTED AS AMENDED**

**Consent Application Must Satisfy Statutory Tests**

[17] Under the *Planning Act*, the Committee has the power to grant a consent if it is satisfied that a plan of subdivision of the land is not necessary for the proper and orderly development of the municipality. Also, the Committee must be satisfied that an application is consistent with the Provincial Policy Statement and has regard for matters of provincial interest under section 2 of the Act, as well as the following criteria set out in subsection 51(24):

## Criteria

(24) In considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality and to,

- a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;
- b) whether the proposed subdivision is premature or in the public interest;
- c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;
- d) the suitability of the land for the purposes for which it is to be subdivided;
- d.1) if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;
- e) the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;
- f) the dimensions and shapes of the proposed lots;
- g) the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;
- h) conservation of natural resources and flood control;
- i) the adequacy of utilities and municipal services;
- j) the adequacy of school sites;
- k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;
- l) the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and
- m) the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act or subsection 114 (2) of the City of Toronto Act, 2006. 1994, c. 23, s. 30; 2001, c. 32, s. 31 (2); 2006, c. 23, s. 22 (3, 4); 2016, c. 25, Sched. 4, s. 8 (2).

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

- [18] 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.

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

- [19] The Committee of Adjustment considered all written and oral submissions relating to the applications in making its decision and granted the applications.
- [20] The Committee notes that the City's Planning Report raises "no concerns" regarding the consent applications, subject to the requested conditions agreed to by the Applicant's agent.
- [21] Based on the evidence, the majority of the Committee (Chair A. M. Tremblay dissenting) is satisfied that the consent application proposal is consistent with the Provincial Policy Statement that promotes efficient land use and development as well as intensification and redevelopment within built-up areas, based on local conditions.
- [22] The majority of the Committee is also satisfied that the proposal has adequate regard to matters of provincial interest, including the orderly development of safe and healthy communities; the appropriate location of growth and development; and the protection of public health and safety.
- [23] Additionally, the majority of the Committee is satisfied that a plan of subdivision of the land is not necessary for the proper and orderly development of the municipality.
- [24] Moreover, the majority of the Committee is satisfied that the proposal has adequate regard for the criteria specified under subsection 51(24) of the *Planning Act* and is in the public interest.
- [25] Based on the evidence, the majority of the Committee is also satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.
- [26] The majority of the Committee notes that the City's Planning Report raises "no concerns" regarding the applications, highlighting that, "451 Roosevelt has legal non-complying front yard and corner side yard setbacks" and that the "requested variances reflect the existing setbacks."

- [27] The majority of the Committee also notes that no compelling evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.
- [28] Considering the circumstances, the majority of 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.
- [29] The majority of 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.
- [30] In addition, the majority of 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.
- [31] Moreover, the majority of 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.
- [32] **THE COMMITTEE OF ADJUSTMENT ORDERS** that the consent application is granted and the provisional consent is to be given, subject to the conditions set out in Appendix A to this order.
- [33] **THE COMMITTEE OF ADJUSTMENT ALSO ORDERS** that the minor variance applications are granted, as amended, and the variances to the Zoning By-law are authorized, **subject to** the location and size of the proposed construction being in accordance with the plans filed, Committee of Adjustment date-stamped February 4, 2025, as they relate to the requested variances.

*Dissent*  
ANN M. TREMBLAY  
CHAIR

*"John Blatherwick"*  
JOHN BLATHERWICK  
MEMBER

*Absent*  
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 **February 14, 2025**

*"Michel Bellemare"*  
MICHEL BELLEMARE  
SECRETARY-TREASURER

## **NOTICE OF RIGHT TO APPEAL**

To appeal this decision to the Ontario Land Tribunal (OLT), a completed appeal form and the filing fee must be submitted via one of the below options and must be received no later than **3:00 p.m. on March 6, 2025**.

- **OLT E-FILE SERVICE** – An appeal can be filed online through the [E-File Portal](#) . First-time users will need to register for a My Ontario Account. Select [Ottawa (City): Committee of Adjustment] as the Approval Authority. To complete the appeal, fill in all the required fields and provide the filing fee by credit card.
- **BY EMAIL** - Appeal packages can be submitted by email to [cofa@ottawa.ca](mailto:cofa@ottawa.ca). The appeal form is available on the OLT website at [Forms | Ontario Land Tribunal](#). Please indicate on the appeal form that payment will be made by credit card.
- **IN PERSON** – Appeal packages can be delivered to the 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 [Forms | Ontario Land Tribunal](#). In person 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.



Please note only one of the above options needs to be completed. If your preferred method of appeal is not available at the time of filing, the appeal must be filed with one of the other two options.

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.

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.

If you have any questions about the appeal process, please visit [File an Appeal | Ontario Land Tribunal](#)

## NOTICE TO APPLICANT

Should a Development Agreement be required, such request should be initiated 30 working days prior to lapsing date of the consent and should include all required documentation including that related to transfers, easements, and postponements, and all approved technical studies. If you do not fulfill the conditions of provisional consent within the two-year period, the *Planning Act* provides that your application “shall be deemed to be refused”.

*Ce document est également offert en français.*

**Committee of Adjustment**  
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## APPENDIX "A"

1. The Owner(s) provide evidence that the accompanying minor variance applications (D08-02-24/A-00205 & D08-02-24/A-00255) have been approved, with all levels of appeal exhausted.
2. That the Owner(s) provide evidence that payment has been made to **the City of Ottawa** for cash-in-lieu of the conveyance of land for park or other public recreational purposes, plus applicable appraisal costs. The value of land otherwise required to be conveyed shall be determined by the City of Ottawa in accordance with the provisions of By-Law No. 2022-280, as amended. Information regarding the appraisal process can be obtained by contacting the Planner.
3. That the Owner/Applicant(s) enter into a Development Agreement or a Letter of Undertaking (LOU) with the City of Ottawa, at the expense of the Owner/Applicant(s), and to the satisfaction of the **Manager of the relevant branch within Planning, Real Estate, and Economic Development Department, or their designate(s)**. A development agreement is to be registered on Title of the property (where applicable). The agreement will include the mitigation measures outlined in the Tree Information Report, prepared by Dendron Forestry Services, dated July 25, 2024 or an approved revision, and associated securities for tree protection. The securities, which will be based on the value of the tree(s) to be protected (Tree(s) 1, 2, 3, and 6) shall be retained for 2 years following issuance of an occupancy permit, and thereafter returned to the owner only upon the City having received a report from an arborist or appropriate professional confirming that the identified tree(s) is/are healthy, retainable, and remain(s) structurally stable. The Owner(s) acknowledge(s) and agree(s) that if, in the opinion of the **City Forester and/or the Manager of the relevant Branch within Planning, Building, and Development Department**, the report indicates that any tree is declining and/or must be removed due to construction-related impacts, the Security for that tree, in its entirety, will be forfeited.
4. That the Owner/Applicant(s) provide a revised site and/or grading plan with the locations of proposed elements (walkways, driveways, services, grading, etc.) designed to reduce any excavation within the Critical Root Zones of protected trees and/or to provide sufficient soil volume to plant new trees, to the satisfaction of the Manager of the relevant Branch within the **Planning, Building, and Development Department, or their designate(s)**. The Tree Information Report and planting plan must be revised to reflect changes to the site plan and to show the accurate tree protection areas and mitigation measures.
5. That the Owner(s) provide evidence to the satisfaction of both the **Chief Building Official and Development Review Manager, Planning, Development and Building Services Department, or designates**, that both severed and retained parcels have their own independent water, sanitary and storm connection as appropriate, and that these services do not cross the proposed severance line and are connected directly to City infrastructure. Further, the Owner(s) shall comply to

7.1.5.4(1) of the Ontario Building Code, O. Reg. 332/12 as amended. If necessary, a plumbing permit shall be obtained from Building Code Services for any required alterations.

6. That the Owner(s) enter into a Joint Use, Maintenance and Common Elements, at the expense of the Owner(s), setting forth the obligations between the Owner(s) and the proposed future owners.

The Joint Use, Maintenance and Common Elements Agreement shall set forth the joint use and maintenance of all common elements including, but not limited to, the common party walls, common structural elements such as roof, footings, soffits, foundations, common driveways, common walkways, and common landscaping.

The Owner shall ensure that the Agreement is binding upon all the unit owners and successors in title and shall be to the satisfaction of **Development Review All Wards Manager within Planning, Development and Building Services Department, or their designate, or City Legal Services**. The Committee requires written confirmation that the Agreement is satisfactory to **Development Review All Wards Manager of the Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate**, or is satisfactory to **City Legal Services**, as well as a copy of the Agreement and written confirmation that it has been registered on title.

7. That the Owner(s) shall provide evidence that a grading and drainage plan, prepared by a qualified Civil Engineer licensed in the Province of Ontario, an Ontario Land Surveyor or a Certified Engineering Technologist, has been submitted to the satisfaction of **Development Review All Wards Manager of the Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate** to be confirmed in writing from the Department to the Committee. The grading and drainage plan shall delineate existing and proposed grades for both the severed and retained properties, to the satisfaction of **Development Review All Wards Manager of the Development Review All Wards Branch within Planning, Development and Building Services Department, or their designate**.
8. That the Owner(s) enter into a resurfacing agreement with the City to the satisfaction of the **Program Manager, Right of Way Branch within Planning, Development and Building Services Department, or their designate**, and provide financial security in accordance with the Road Activity By-law, as amended, to install an asphalt overlay over the roadway surface of Roosevelt Ave and/or Ravenhill Ave, fronting the subject lands, to the limits shown on the approved Site Servicing Plan. Where the approved Site Servicing Plan demonstrates that resurfacing is not required based on the City's Road Cut Resurfacing Policy, the **Development Review Manager of the All-Wards Branch within Planning, Development and Building Services Department, or their designate**, shall deem this condition satisfied.

9. That the Owner(s) file with the Committee a copy of the registered Reference Plan prepared by an Ontario Land Surveyor registered in the Province of Ontario, and signed by the Registrar, **confirming the frontage and area of the severed land. If the Registered Plan does not indicate the lot area, a letter from the Surveyor confirming the area is required.** The Registered Reference Plan must conform substantially to the Draft Reference Plan filed with the Application for Consent.
10. That upon completion of the above conditions, and **within the two-year period outlined above**, the Owner(s) file with the Committee, the “electronic registration in preparation documents” for the conveyance for which the Consent is required.