

**DECISION
MINOR VARIANCE**

Date of Decision:	February 14, 2025
Panel:	2 - Suburban
File Nos.:	D08-02-24/A-00326 and D08-02-25/A-00001
Application:	Minor Variances under section 45 of the <i>Planning Act</i>
Applicant:	Chris Arkett (Under Agreement of Purchase and Sale)
Property Address:	1240 Anoka Street
Ward:	18 - Alta Vista
Legal Description:	Lot 437, Registered Plan 4M-23
Zoning:	R2F
Zoning By-law:	2008-250
Hearing Date:	February 4, 2025, in person and by videoconference

APPLICANT'S PROPOSAL AND PURPOSE OF THE APPLICATION

- [1] The Applicant wants to construct a two-storey, semi-detached dwelling, as shown on plans filed with the Committee. The existing dwelling will be demolished.

REQUESTED VARIANCES

- [2] The Applicant seeks the Committee's authorization for the following minor variances from the Zoning By-law:

A-00326: 1240 Anoka Street, Lot 437, East half of the proposed Semi-detached Dwelling:

- a) To permit a reduced lot width of 7.62 metres, whereas the By-law requires a minimum lot width of 9 metres.
- b) To permit a reduced lot area of 232 square metres, whereas the By-law requires a minimum lot area of 270 square metres.

A-00001: 1240 Anoka Street, Lot 437, West half of the proposed Semi-detached Dwelling:

- c) To permit a reduced lot width of 7.62 metres, whereas the By-law requires a minimum lot width of 9 metres.
- d) To permit a reduced lot area of 232 square metres, whereas the By-law requires a minimum lot area of 270 square metres.

PUBLIC HEARING

Oral Submissions Summary

- [3] Muhanad Joudeh, agent 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.
- [4] In response to questions from the Committee, Mr. Joudeh reiterated that the only variances being sought were for lot width and lot area, and the elevation plans submitted were subject to change. He further confirmed that it was his understanding that the Applicant would be moving into one of the dwellings.
- [5] The Committee also heard oral submissions from the following individuals:
 - W. Turner, resident, expressed concerns with the lack of interior plans and his belief that the proposed development would become a rooming house.
 - G. Lowe, resident, also expressed concerns with the dwellings becoming a rooming house and the impact the development would have on the safety for pedestrians. He highlighted the lack of clarity of the proposal and believed it constituted overdevelopment.
- [6] Mr. Joudah confirmed that he had consulted with residents on Anoka Street who had no concerns with the applications.
- [7] City Planner Nivethini Jekku Einkaran confirmed that, because Anoka Street is a local road, a rooming house is not a permitted use on the subject property.
- [8] City Forester Julian Alvarez-Barkham advised that any concerns regarding tree protection would be addressed through the building permit application process.
- [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, and a sign posting declaration.
- City Planning Report received January 30, 2025, with no concerns.
- Rideau Valley Conservation Authority email dated January 27, 2025, with no concerns.
- Hydro Ottawa email dated January 24, 2025, with no concerns.
- Ontario Ministry of Transportation email dated January 22, 2025, with no comments.
- R. Frouin, resident, email dated January 23, 2025, with comments.
- W. Turner, resident, email dated February 3, 2025, with comments.

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 compelling evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.
- [16] The Committee further notes that, as the applications are for variances for lot width and lot area only, there is no statutory requirement for the Applicant to submit plans for the interior of the dwellings, and that any violation to the Zoning By-law would need to be addressed through the City's bylaw enforcement services.
- [17] 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.
- [18] 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.
- [19] 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.
- [20] 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.
- [21] **THE COMMITTEE OF ADJUSTMENT ORDERS** that the applications are granted and the variances to the Zoning By-law are authorized.

"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 **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. 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, 4th 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](#)

Ce document est également offert en français.

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