

DECISION
MINOR VARIANCE / PERMISSION

Date of Decision:	June 28, 2024
Panel:	2 - Suburban
File Nos.:	D08-02-24/A-00121, D08-02-24/A-00123 to D08-02-24/A-00125
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Applicants:	Leila Berjawi and Mohamed Beydoun
Property Address:	1729 Queensdale Avenue
Ward:	10 – Gloucester–Southgate
Legal Description:	Lots 698, 699, 780 & 781 and Part of Lane (Closed by Judge’s Order Inst. No. GL52533) and Part of Fifth Street (Closed by Judge’s Order Inst. No. GL52533, Registered Plan 326
Zoning:	R1WW
Zoning By-law:	2008-250
Heard:	June 18, 2024, in person and by videoconference

APPLICANTS’ PROPOSAL AND PURPOSE OF THE APPLICATIONS

- [1] The Applicants want to subdivide their property into four separate parcels of land for the construction of four detached dwellings, as shown on plans filed with the Committee. The existing detached 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-00121: 1725 Queensdale Avenue, Parts 1 & 2 on Draft 4R- Plan, proposed detached dwelling:

- a) To permit a reduced lot area of 347.8 square metres, whereas the By-law requires a minimum lot area of 450 square metres.
- b) To permit an increased building height of 11 metres, whereas the By-law permits a maximum building height of 8.5 metres.

A-00123: 1727 Queensdale Avenue, Parts 3 & 4 on Draft 4R- Plan, proposed detached dwelling:

- c) To permit a reduced lot area of 347.8 square metres, whereas the By-law requires a minimum lot area of 450 square metres.
- d) To permit an increased building height of 11 metres, whereas the By-law permits a maximum building height of 8.5 metres.

A-00124: 1729 Queensdale Avenue, Parts 5 & 6 on Draft 4R- Plan, proposed detached dwelling:

- e) To permit a reduced lot area of 347.8 square metres, whereas the By-law requires a minimum lot area of 450 square metres.
- f) To permit an increased building height of 11 metres, whereas the By-law permits a maximum building height of 8.5 metres.

A-00125: 1731 Queensdale Avenue, Parts 7 & 8 on Draft 4R- Plan, proposed detached dwelling:

- g) To permit a reduced lot area of 347.8 square metres, whereas the By-law requires a minimum lot area of 450 square metres.
- h) To permit an increased building height of 11 metres, whereas the By-law permits a maximum building height of 8.5 metres.

[3] The property is the subject of the concurrent consent applications (D08-01-24/B-00092 to D08-01-24/B-00094) under the *Planning Act*.

PUBLIC HEARING

Oral Submissions Summary

- [4] Chris Jalkotzy, Agent for the Applicants, provided a slide presentation, a copy of which is on file with the Secretary-Treasurer and available from the Committee Coordinator upon request. Mr. Jalkotzy explained that the site plan and elevation drawings submitted with the application were not final but rather represented how the site could possibly be developed in the future.
- [5] Mr. Jalkotzy, responding to questions from the Committee, highlighted that the requests for increased building height would allow for more variety of building typology and designs options when the property is eventually developed.
- [6] The Committee also heard oral submissions from the following individual:
 - K. Lynch, resident, highlighted concerns about the proposed building height and the lack of detailed plans.

- [7] City Planner Penelope Horn confirmed she had no concerns with the applications. In reference to the Planning Report, Ms. Horn stated that the condition requiring a private approach permit could be deleted.
- [8] Following the public hearing, the Committee reserved its decision.

DECISION AND REASONS OF THE COMMITTEE: APPLICATIONS GRANTED IN PART

Application(s) Must Satisfy Statutory Four-Part Test

- [9] 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

- [10] 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:
- Applications and supporting documents, including cover letter, plans, tree information report, parcel abstract, photo of the posted sign, and a sign posting declaration.
 - City Planning Report received June 13, 2024, with no concerns.
 - South Nation Conservation Authority email received June 10, 2024, with no objections.
 - Hydro Ottawa email received June 17, 2024, with comments.
 - Ottawa Macdonald-Cartier International Airport email received June 3, 2024, with comments.

Effect of Submissions on Decision

- [11] The Committee considered all written and oral submissions relating to the applications in making its decision and granted the applications, in part.
- [12] Based on the evidence, the Committee is satisfied that variances (a), (c), (e) and (g), meet all four requirements under subsection 45(1) of the *Planning Act*.
- [13] The Committee notes that the City's Planning Report raises "no concerns" regarding the applications, highlighting that: "the reduced lot area will not affect the

functionality of the site. Despite the increased height, the proposed dwelling maintains a low-rise form, which is defined as two-to-four storeys in the Neighbourhood designation in the Official Plan”.

- [14] The Committee also notes that no compelling evidence was presented that variances (a), (c), (e) and (g) would result in any unacceptable adverse impact on neighbouring properties.
- [15] Considering the circumstances, the Committee finds that because the proposal fits well in the area, variances (a), (c), (e) and (g) 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.
- [16] The Committee also finds that variances (a), (c), (e) and (g) maintain the general intent and purpose of the Official Plan because the proposal respects the character of the neighborhood.
- [17] In addition, the Committee finds that variances (a), (c), (e) and (g) maintain the general intent and purpose of the Zoning By-law because the proposal represents orderly development that is compatible with the surrounding area.
- [18] Moreover, the Committee finds that variances (a), (c), (e) and (g), are minor because they will not create any unacceptable adverse impact on abutting properties or the neighbourhood in general.
- [19] Conversely, based on the evidence, the Committee is not satisfied that requested variances (b), (d), (f) and (h) to increase the building height meet all four requirements under subsection 45(1) of the *Planning Act*.
- [20] Specifically, the Committee finds that insufficient evidence was presented, such as detailed elevation drawings demonstrating how a future development with increased building height would fit well in the neighbourhood and, from a planning and public interest point of view, be desirable for the appropriate development or use of the land, building or structure on the property, and relative to the neighbouring lands. Nor can the Committee make a finding that variances (b), (d), (f) and (h) represent orderly development that is compatible with the surrounding area and and maintains the general intent and purpose of the Zoning By-law.
- [21] Failing two of the four statutory requirements, the Committee is unable to authorize the requested variances for an increase in building height.
- [22] THE COMMITTEE OF ADJUSTMENT therefore authorizes variances (a), (c), (e) and (g).
- [23] THE COMMITTEE OF ADJUSTMENT does not authorize variances (b), (d), (f) and (h).

Fabian Poulin
FABIAN POULIN
VICE-CHAIR

Jay Baltz
JAY BALTZ
MEMBER

George Barrett
GEORGE BARRETT
MEMBER

Heather MacLean
HEATHER MACLEAN
MEMBER

Absent
JULIANNE WRIGHT
MEMBER

I certify this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa, dated **June 28, 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 **July 18, 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.

Committee of Adjustment
City of Ottawa
Ottawa.ca/CommitteeofAdjustment
cofa@ottawa.ca
613-580-2436



Comité de dérogation
Ville d'Ottawa
Ottawa.ca/Comitedederogation
cded@ottawa.ca
613-580-2436