

DECISION MINOR VARIANCE

Date of Decision:	April 11, 2025
Panel:	1 - Urban
File No.:	D08-02-25/A-00029
Application:	Minor Variance under section 45 of the <i>Planning Act</i>
Applicants:	Paul Guèvremont and Hanieh Khamseh-Zadeh
Property Address:	135 Marlborough Avenue
Ward:	12 - Rideau-Vanier
Legal Description:	Lot 36, Registered Plan 183999
Zoning:	R1TT
Zoning By-law:	2008-250
Heard:	April 1, 2025, in person and by videoconference

APPLICANTS' PROPOSAL AND PURPOSE OF THE APPLICATION

- [1] The Applicants want to construct a detached dwelling with one additional dwelling unit and an accessory structure in the rear yard. The existing dwelling will be demolished.

REQUESTED VARIANCES

- [2] The Applicants seek the Committee's authorization for the following minor variances from the Zoning By-law:
- a) To allow a deck to project 3.28 metres into the rear yard, whereas the By-law requires a deck to project 2 metres into the rear yard.
 - b) To permit an increased building height to 9.34 metres, whereas the By-law requires a maximum building height of 8.50 metres.
 - c) To permit a reduced setback for an accessory structure in the rear yard of 0.23 metres, whereas the minimum required setback for an accessory structure in the rear yard is 0.60 metres.

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

PUBLIC HEARING

Oral Submissions Summary

- [4] Jasmine Paoloni and Yasaman Bahadori, agents 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.
- [5] In response to a question from the Panel Chair regarding public consultation, Ms. Paoloni indicated that the Owner had discussed the proposal with the abutting neighbours and information about the application, including a copy of the front elevation and site plan, was distributed to 30 neighbouring properties.
- [6] Ms. Paoloni confirmed that the height of the pitched roof would be about 0.75 metres higher than a flat roof, but that the pitch of the roof would blend better with the surrounding properties. She also confirmed that the accessory structure would be used as a workshop, and not a home-based business.
- [7] Mr. Guèvremont, one of the owner's of the property, confirmed that the additional dwelling unit would be use by a family member.
- [8] The Committee also heard oral submissions from the following individuals:
- S. Szabo, a resident who provided comments on behalf of nearby residents, commented on the importance of preserving the character of the community and highlighted concerns about the negative impact on neighbourhood scale, visual harmony and privacy.
 - J. Lemieux, resident, highlighted concerns about the permitted building heights that are different on the East side of Marlborough Avenue vs the West side of Marlborough Avenue.
- [9] City Planner Penelope Horn confirmed that the maximum building height provision would be 10 metres for detached dwelling along 10 metres for semi-detached and 11 metres for low rise apartment building in the R4UA zone, which is across the street from the subject property.
- [10] Following the public hearing, the Committee reserved its decision.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED

Application Must Satisfy Statutory Four-Part Test

[11] 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

[12] 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:

- Application and supporting documents, including cover letter, plans, tree information report, photo of the posted sign, and a sign posting declaration.
- City Planning Report received March 26, 2025, with no concerns.
- Rideau Valley Conservation Authority email received March 26, 2025, with no objections.
- Hydro Ottawa email received March 21, 2025, with comments.
- Ontario Ministry of Transportation email received March 25, 2025, with no comments.
- E. Goodwin, resident, email received March 24, 2025, in support.
- L. Robb, resident, email received March 28, 2025, in support.
- N. Martin, resident, email received March 31, 2025, in support.
- E. Trépanier, resident, petition signed by 11 residents received March 31, 2025, opposed.
- S. Plante, Ward Councillor, email received April 1, 2025, stating that “she supports the concerns raised by” residents.
- L. Bélanger, resident, email received April 2, 2025, opposed.
- R. and D. McBride, residents, email received April 2, 2025, in support.

Effect of Submissions on Decision

- [13] The Committee considered all written and oral submissions relating to the application in making its decision and granted the application.
- [14] Based on the evidence, the Committee is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.
- [15] The Committee notes that the City's Planning Report raises "no concerns" regarding the application.
- [16] The Committee also notes that no compelling evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.
- [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 application is granted 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 6, 2025, as they relate to the requested variances.

"Ann M. Tremblay"
ANN M. TREMBLAY
CHAIR

"John Blatherwick"
JOHN BLATHERWICK
MEMBER

"Simon Coakeley"
SIMON COAKELEY
MEMBER

Declared interest
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 **April 11, 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 May 1, 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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