

## DECISION MINOR VARIANCE

<b>Date of Decision:</b>	April 25, 2025
<b>Panel:</b>	1 - Urban
<b>File No.:</b>	D08-02-25/A-00036
<b>Application:</b>	Minor Variance under section 45 of the <i>Planning Act</i>
<b>Applicants:</b>	François and Melissa Abouchakra
<b>Property Address:</b>	271 Arlington Avenue
<b>Ward:</b>	14 - Somerset
<b>Legal Description:</b>	Part of Lot 39, Registered Plan 30
<b>Zoning:</b>	R4UD [478]
<b>Zoning By-law:</b>	2008-250
<b>Heard:</b>	April 16, 2025, in person and by videoconference

### APPLICANTS' PROPOSAL AND PURPOSE OF THE APPLICATION

- [1] The Applicants want to construct an eight-unit, low-rise apartment building, as shown on plans filed with the Committee. The existing building 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 permit a reduced lot width of 9.18 metres, whereas the By-law requires a minimum lot width of 10 metres.
  - b) To permit a reduced lot area of 279 square metres, whereas the By-law requires a minimum lot area of 300 square metres.
  - c) To permit a reduced rear yard setback of 25% of the lot depth or 7.58 metres, whereas the By-law states that the minimum required rear yard setback is 30% of the lot depth but may not be less than 6 metres and need not exceed 9.08 metres.

- d) To permit reduced interior side yard (west) setback of 1.2 meters, whereas the By-law requires minimum interior side yard setback of 1.5 metres.
  - e) To permit reduced interior side yard (east) setback of 1.35 metres, whereas the By-law requires a minimum interior side yard setback of 1.5 metres.
- [3] The property is not the subject of any other current application under the Planning Act.

## **PUBLIC HEARING**

### **Oral Submissions Summary**

- [4] Chang Sun and Bingfeng Li, 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] Responding to Panel's questions, Mr. Sun confirmed the easterly side yard is 1.35 metres and includes a walkway providing access to an area for storing garbage.
- [6] City Planner Luke Teeft confirmed that, according to the tree information report, the Manitoba maple tree in the rear yard is in poor condition, and permission to remove it was provided by the City Forester.
- [7] The Committee also heard oral submissions from the following individuals:
  - J. Chapdelaine and M. Maiorino, residents, highlighted concerns about tree removal, the size and number of units, waste management, noise from the HVAC units, and roof water displacement.

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

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

- [8] 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**

- [9] 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 April 10, 2025, with no concerns; received March 26, 2025, with no concerns.
- Rideau Valley Conservation Authority email received April 10, 2025, with no objections; received March 26, 2025, with no objections.
- Hydro Ottawa email received April 4, 2025, with comments; received March 21, 2025, with comments.
- Ontario Ministry of Transportation email received March 25, 2025, with comments.
- M. Maiorino and J. Chapdelaine, residents, email received April 11, 2025, with comments.

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

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

- [16] 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.
- [17] 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.
- [18] **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 20, 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

*"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 **April 25, 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 15, 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](#)

*Ce document est également offert en français.*

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