

DECISION MINOR VARIANCE

Date of Decision: May 16, 2025
Panel: 1 - Urban
File Nos.: D08-02-25/A-00077, D08-02-25/A-00088,
D08-02-25/A-00089
Application: Minor Variance under section 45 of the *Planning Act*
Applicant: Rajab Development
Property Address: 1097 Richard Avenue
Ward: 17 - Capital
Legal Description: Part of Lot 42, Registered Plan 527
Zoning: R3A
Zoning By-law: 2008-250
Heard: May 7, 2025, in person and by videoconference

APPLICANT'S PROPOSAL AND PURPOSE OF THE APPLICATIONS

- [1] The Applicant wants to construct a three-unit townhouse dwelling, with two additional dwelling units to each principal unit (nine units in total), as shown on the plans filed with the application. 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-00088: 1549 Clementine Boulevard, proposed townhouse dwelling (north):

- a) To permit an increased building height of 10.7 metres, whereas the By-law permits a maximum building height of 10 metres.

A-00089: 1551 Clementine Boulevard, proposed townhouse dwelling (middle):

- b) To permit a reduced lot area of 162.37 square metres, whereas the By-law requires a minimum lot area of 180 square metres.

- c) To permit an increased building height of 10.7 metres, whereas the By-law permits a maximum building height of 10 metres.

A-00077: 1097 Richard Avenue, proposed townhouse dwelling (south):

- d) To permit a reduced front yard setback of 4.5 metres, whereas the By-law requires a minimum front yard setback of 6 metres.
- e) To permit an increased building height of 10.7 metres, whereas the By-law permits a maximum building height of 10 metres.

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

PUBLIC HEARING

Oral Submissions Summary

- [4] Responding to the Committee's questions, Paul Robinson, agent for the Applicant, advised that he consulted surrounding neighbours to notify them of the proposal, and confirmed that each townhouse dwelling was proposed to contain two additional dwelling units. He noted that one resident had raised concerns with fencing. He also explained that the increased height would provide enough living space to accommodate the proposed basement units.
- [5] The Committee also heard oral submissions from the following individuals:
- J. Daniel, resident, raised concerns over the placement of the south fence and construction encroaching on his property.
- [6] Responding to Mr. Daniel's concerns, Mr. Robinson indicated that a construction fence would be erected during the construction phase and replaced with a new fence afterward. Mr. Robinson also noted that the existing foundation would be removed, and new foundation would be poured further from the shared property line.
- [7] City Planner Elizabeth King was also present.

DECISION AND REASONS OF THE COMMITTEE: APPLICATIONS GRANTED

Applications 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:
- Applications and supporting documents, including revised cover letter, plans, tree information report, photo of the posted sign, and a sign posting declaration.
 - City Planning Report received May 1, 2025, with no concerns.
 - Rideau Valley Conservation Authority email dated April 30, 2025, with no objections.
 - Hydro Ottawa email dated April 17, 2025, with comments.
 - Ontario Ministry of Transportation email dated April 16, 2025, with no comments.
 - J. Daniel, resident, email dated May 7, 2025, with comments.

Effect of Submissions on Decision

- [10] The Committee considered all written and oral submissions relating to the applications in making its decision and granted the applications.
- [11] Based on the evidence, the majority of the Committee (Chair A. M. Tremblay dissenting) is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.
- [12] The majority of the Committee notes that the City's Planning Report raises "no concerns" regarding the applications.
- [13] 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.
- [14] 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.

- [15] 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.
- [16] 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.
- [17] 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.
- [18] **THE COMMITTEE OF ADJUSTMENT ORDERS** that the applications are 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 March 27, 2025, as they relate to the requested variances.

Dissented
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 **May 16, 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 June 5, 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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