



COMMITTEE OF ADJUSTMENT OF THE CITY OF OTTAWA

DECISION MINOR VARIANCE / PERMISSION (Section 45 of the *Planning Act*)

File No.: D08-02-22/A-00169 & D08-02-22/A-00170
Owner(s): Bouchra Elalami Elhlimi, Samir Elamri & Abdelahad Alami Hlimi
Location: 13 Bell Park Street
Ward: 6 - Stittsville
Legal Description: Lot 12, Registered Plan 655
Zoning: R1D
Zoning By-law: 2008-250

Notice was given and a Public Hearing was held on **July 20, 2022**, as required by the *Planning Act*.

PURPOSE OF THE APPLICATIONS:

The Owners have filed an Application for Consent (D08-01-22/B-00193) which, if approved, will have the effect creating two separate parcels of land. It is proposed to demolish the existing dwelling and accessory building and to construct two new detached dwellings with secondary dwelling units, with one detached dwelling on each newly created parcel. The proposed parcels of land will not be in conformity with the requirements of the Zoning By-law.

RELIEF REQUIRED:

The Owners require the Authority of the Committee for Minor Variances from the Zoning By-law as follows:

D08-02-22/A-00169, 13, 13B Bell Park Street (Part 1)

- a) To permit a reduced lot width of ~~46~~ **15.98** metres, whereas the By-law requires a minimum lot width of 20 metres.

D08-02-22/A-00170, 15, 15B Bell Park Street (Part 2)

- a) b) To permit a reduced lot width of ~~46~~ **15.98** metres, whereas the By-law requires a minimum lot width of 20 metres.

The applications indicate that the Property is the subject of the above noted Consent application under the Planning Act.

PUBLIC HEARING:

The Committee heard this application concurrently with a related Consent Application (D08-01-22/B-00193).

The Panel Chair administered an oath to Dustin Poole, Agent for the Applicant, who confirmed that the statutory notice posting requirements were satisfied.

The Committee noted that, as indicated on the Draft R Plan, the lot width should be amended as follows:

- a) To permit a reduced lot width of 46 **15.98** metres, whereas the By-law requires a minimum lot width of 20 metres.
- a) b) To permit a reduced lot width of 46 **15.98** metres, whereas the By-law requires a minimum lot width of 20 metres.

Also in attendance was Sean Harrigan, of the City's Planning, Real Estate and Economic Development Department.

**DECISION AND REASONS OF THE COMMITTEE: APPLICATIONS GRANTED
AS AMENDED**

The Committee considered any written and oral submissions relating to the applications in making its Decision.

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.

Based on the evidence, the Committee is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.

The Committee notes that the City's planning report raises "no concerns" regarding the applications highlighting "that the proposed reduction in lot width is a minor deviation from the prescribed requirement and is consistent with previous severance applications within the area."

The Committee also notes that no evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.

Considering the circumstances, the Committee finds that because the proposal fits well in the neighbourhood, 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. 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. 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. Moreover, the Committee finds that the requested variances are minor because they will not create any unacceptable adverse impact on abutting properties or the neighbourhood in general.

The Committee therefore authorizes the requested variances.

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 **August 18, 2022**, 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 OLT 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 individuals, corporations and public bodies may appeal Decisions in respect of applications for consent to the OLT. A notice of appeal may not be filed by an unincorporated association or group. However, a Notice of Appeal may be filed in the name of an individual who is a Member of the Association or group on its behalf.

Please note that there are no provisions for the Committee of Adjustment or the OLT 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.

**DECISION SIGNATURE PAGE
PAGE DE SIGNATURE DE LA DÉCISION**

File No. / Dossier n°: D08-02-22/A-00169 & D08-02-22/A-00170
Owner(s) / Propriétaire(s): Bouchra Elalami Elhlimi, Samir Elamri & Abdelahad Alami Hlimi
Location / Emplacement: 13 Bell Park Street

We, the undersigned, concur in the decision and reasons of the Committee of Adjustment.

Nous, soussignés, souscrivons à la décision et à la justification ci-devant rendues par le Comité de dérogation.

“Fabian Poulin”

**FABIAN POULIN
VICE-CHAIR / VICE-PRÉSIDENT**

“Terence Otto”

**TERENCE OTTO
MEMBER / MEMBRE**

“Steven Lewis”

**STEVEN LEWIS
MEMBER / MEMBRE**

“Martin Vervoort”

**MARTIN VERVOORT
MEMBER / MEMBRE**

“Jocelyn Chandler”

**JOCELYN CHANDLER
MEMBER / MEMBRE**

I certify that this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa.

Je certifie que celle-ci est une copie conforme de la décision rendue par le Comité de dérogation de la Ville d'Ottawa.



Date of Decision / Date de la décision
July 29, 2022 / 29 juillet 2022

**Matthew Garnett
Acting Secretary-Treasurer /
Secrétaire-trésorier intérimaire**