



## COMMITTEE OF ADJUSTMENT OF THE CITY OF OTTAWA

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

**File No.:** D08-02-21/A-00341  
**Owner(s):** Mohamed Abokasem  
**Location:** 14 Stevens Avenue  
**Ward:** 13 - Rideau-Rockcliffe  
**Legal Description:** Lot 19, Registered Plan 399  
**Zoning:** R4-UC  
**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 APPLICATION:

At its hearing on December 8, 2021, the Committee adjourned this application *sine die* to allow the Owner time to apply for additional variances.

The Owner wants to construct a new building which will contain eight stacked dwelling units. The proposed three-and-a-half-storey building will contain seven two-bedroom units and one one-bedroom unit. The existing dwelling on the property will be demolished.

#### RELIEF REQUIRED:

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

- a) To permit a reduced rear yard setback of 6.64 metres, whereas the By-law requires a minimum rear yard setback of 8.53 metres.
- b) To permit the rear yard area to be comprised of 21.6% of the lot area, or 100.77 square metres, whereas the By-law requires that a rear yard area be comprised of at least 25% of the lot area, or 116.12 square metres.
- c) To permit a reduced interior side yard setback of 1.2 metres, whereas the By-law requires a minimum interior side yard setback of 1.5 metres.

- d) To permit bicycle parking to have access from an aisle having a width of 1.2 metres, whereas the By-law requires that a bicycle parking space must have access from an aisle having a minimum width of 1.5 metres.

The application indicates that the Property is the subject of a current Site Plan application (D07-12-21-0058) under the *Planning Act*.

### **PUBLIC HEARING:**

The Panel Chair administered an oath to Susan Smith, Agent for the Owners, who confirmed that the statutory notice posting requirements were satisfied. Ms. Smith provided the Committee with a full presentation which included photographs of the surrounding context and the proposed plans.

The Committee also heard from Mohamed Abokasem, Owner of the property, who explained that the development was designed to appeal to those who commute by bicycle rather than car and noted that no on-site vehicle parking was being provided. The proposed development contained a number of design elements such as indoor bicycle storage, integrated ramps along the stairways and an arrangement with a local car sharing company should tenants require the use of a car.

Also in attendance was Craig Hamilton, of the City's Planning, Real Estate and Economic Development Department, who stated no concerns with the application.

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

The Committee considered any written and oral submissions relating to the application 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: "Despite the requested reliefs for lot width and lot area, the proposal reflects the new Official Plan policy for low-rise intensification that seek to amend the development standards of the underlying zone. The proposal demonstrates that the development achieves objectives of the applicable transect with regards to density and built form. Planning Staff is of the opinion that it is possible to develop the site in accordance with all other applicable Zoning By-law provisions."

The Committee also notes that no evidence was presented that the requested 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 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 and contributes discreet infill development in the urban area. 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 on the property that is compatible with the neighbourhood. 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, **subject to** the location and size of the proposed construction being in accordance with the plans filed and Committee of Adjustment date-stamped June 21, 2022.

#### **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](mailto:cofa@ottawa.ca) and/or by mail or courier to the following address:

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 <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](mailto: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°:** D08-02-21/A-00341  
**Owner(s) / Propriétaire(s):** Mohamed Abokasem  
**Location / Emplacement:** 14 Stevens Avenue

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

Nous, soussignés, souscrivons à la décision et aux motifs rendus par le Comité de dérogation.

***“John Blatherwick”***

**JOHN BLATHERWICK  
VICE-CHAIR / VICE-PRÉSIDENT**

***“Stan Wilder”***

**STAN WILDER  
MEMBER / MEMBRE**

***“Heather MacLean”***

**HEATHER MACLEAN  
MEMBER / MEMBRE**

***“Bonnie Oakes Charron”***

**BONNIE OAKES CHARRON  
MEMBER / MEMBRE**

**Absent / Absent**

**MICHAEL WILDMAN  
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**

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