



COMMITTEE OF ADJUSTMENT OF THE CITY OF OTTAWA

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

File No.:	D08-02-22/A-00183
Owner(s):	Firooz Hatam
Location:	986 (988) Laporte Street
Ward:	11-Beacon Hill-Cyrville
Legal Description:	Part of Lot 17, Concession 1 (Ottawa Front)
Zoning:	R1W[767]
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:

The Owner has filed Applications for Consent (D08-01-22/B-00162) which, if approved, will have the effect of creating two separate parcels of land, one of which will not be in conformity with the requirements of the Zoning By-law.

RELIEF REQUIRED:

The Owner requires the Authority of the Committee for a Minor Variance from the Zoning By-law for a reduced northerly and southerly side yard setback of 0.81 metres, whereas the By-law requires a minimum side yard setback of 1.0 metres for each side.

The application indicates that the Property is the subject of the above noted Consent application under the *Planning Act*.

PUBLIC HEARING:

Prior to the Hearing, the Committee received a report from the City's Planning, Real Estate and Economic Development Department raising "some concerns" with the application, on the basis that additional zoning deficiencies had been identified in connection with the proposed new dwelling.

At the outset of the Hearing, the Committee called forward Bijan Safi, Agent for the Owner, and presented the option of adjourning the application to allow additional time

for revised plans to be prepared or additional variances to be requested. Mr. Safi explained that he had reviewed the planning report and that it was his preference to proceed with the application as scheduled. The Chair called for a vote on a motion to adjourn the application, which was defeated (Chair A. M. Tremblay and Member Willis in favour of an adjournment and Members S. Hindle and C. White opposed). The application was therefore stepped down to be recalled later in the Hearing.

Upon recall, the Chair administered an oath to Mr. Safi, who confirmed that the statutory notice posting requirements were satisfied. In response to questions from the Committee, Mr. Safi explained that the plans filed with the application were for illustration purposes only. He also indicated that the purpose of the requested variance for reduced side yard setbacks was to allow for a larger building footprint on the lot, which he submitted would be more in keeping with the surrounding context, and to accommodate a double car garage.

The Committee also heard from Siobhan Kelly, a City Planner. Ms. Kelly explained that the Zoning By-law would not permit a double car garage and the City would not support that proposal.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION REFUSED

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 not satisfied that the requested variance meets all four requirements under subsection 45(1) of the *Planning Act*.

The Committee notes that the City's Planning Report raises "some concerns" regarding the application, highlighting numerous additional zoning deficiencies. The Committee also acknowledges the submission of Ms. Kelly at the public hearing that a double car garage, which the applicant identified as the reason for his request for reduced side yards, would not be permitted by the Zoning By-law.

The Committee finds that, in the absence of detailed plans or planning evidence to rationalize the proposed construction within the context of applicable policy and surrounding development, it was not convinced of the merits of the application.

The Committee is therefore of the opinion that no compelling evidence was presented to demonstrate that the variance sought is desirable for the appropriate development or

use of the land, that it maintains the general intent and purpose of both the Zoning By-law and the Official Plan, or that it is minor.

The Committee therefore does not authorize the requested variance.

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-00183**Owner(s) / Propriétaire(s):** Firooz Hatam**Location / Emplacement:** 986 Laporte Street

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.

“Ann M. Tremblay”**ANN M. TREMBLAY
CHAIR / PRÉSIDENTE*****“Kathleen Willis”*****KATHLEEN WILLIS
MEMBER / MEMBRE*****“Scott Hindle”*****SCOTT HINDLE
MEMBER / MEMBRE*****“Colin White”*****COLIN WHITE
MEMBER / MEMBRE****Absent / Absente****JULIA MARKOVICH
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**