



**COMMITTEE OF ADJUSTMENT
OF THE CITY OF OTTAWA**

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

File Nos.: D08-02-22/A-00187 and D08-02-22/A-00188
Owner(s): Mehrzad Ziai, Mehran Frohar, Ninava Ltd. and Henga Ottawa Realty Inc.
Location: 674 and 676 de l'Église Street
Ward: 13 - Rideau-Rockcliffe
Legal Description: Lot 59 and Part of Lots 58 and 60, Registered Plan 334
Zoning: R4UA
Zoning By-law: 2008-250

Notice was given and a Public Hearing was held on **September 7 and September 21, 2022**, as required by the *Planning Act*.

PURPOSE OF THE APPLICATIONS:

The Owners have filed Applications for Consent (D08-01-22/B-00205 and D08-01-22/B-00206) which, if approved, will have the effect of creating two separate parcels of land which will not be in conformity with the requirements of the Zoning By-law. It is proposed to demolish the existing dwelling to construct two, three-unit dwellings.

RELIEF REQUIRED:

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

A-00187: 674 de l'Église Street, Part 1, proposed three-unit dwelling

- a) To permit a reduced lot area of 293.4 square metres, whereas the By-law requires a minimum lot area of 300 square metres.
- b) To permit a reduced lot width of 9.61 metres, whereas the By-law requires a minimum lot width of 10 metres.

A-00188: 676 de l'Église Street, Part 2, proposed three-unit dwelling

- c) To permit a reduced lot area of 293.2 square metres, whereas the By-Law requires a minimum lot area of 300 square metres.
- d) To permit a reduced lot width of 9.61 metres, whereas the By-law requires a minimum lot width of 10 metres.

It should be noted that, for By-law purposes, the frontage on de l'Église Street is deemed to be the front lot line for this property.

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

PUBLIC HEARING:

At the Hearing on September 7, 2022, the Panel Chair administered an oath to Paul Robinson, Agent for the Owners, who confirmed that the statutory notice posting requirements were satisfied.

Mr. Robinson provided the Committee with a presentation and referred to photographs, the Draft 4R-Plan, elevations, a site plan, and a lot fabric plan indicating six-plex units within the immediate area. In response to concerns relating to trees on the subject property, Mr. Robinson advised that the tree along de l'Église Street will be removed due to poor health. It was also noted that the Applicant has obtained a signed letter from the adjacent neighbour to remove the jointly owned tree between 676 and 680 de l'Église Street.

In response to questions from the Committee, Mr. Robinson confirmed that the basement in each of the triplex (3-unit) building will have a storage/utility room, a recreational room for the tenants, and that it will not be converted into a fourth unit. It was also noted that having units within the basement would change the development into a low-rise apartment, and that the provisions under the Zoning By-law would require a minimum lot width of 12 metres and minimum lot area of 360 square metres. Mr. Robinson confirmed the Applicant does not intend to apply for such additional variances. He also confirmed that the proposal does not include rear yard balconies. In response to concerns relating to parking spaces, Mr. Robinson advised that each of the six units will be provided with a parking space (six parking spaces in total), and that no parking spaces are required for up to twelve units.

After further discussion of the applications, it was agreed that the applications be adjourned to allow time for the Applicant to further consult with the Right-of-Way Branch and/or Hydro Ottawa to confirm the required clearance from the driveway to the Hydro pole. With the concurrence of all parties, the applications were adjourned to September 21, 2022.

At the renewed Hearing on September 21, 2022, Mr. Robinson advised the Committee that the Right-of-Way Branch had confirmed the required clearance from the driveway

to the Hydro Pole, as noted in Hydro Ottawa's comment on file, is 0.5 metres. It was confirmed that the distance from the proposed driveway to the existing Hydro Ottawa pole is 0.72 metres.

Also in attendance was Maryam Sheidafar, Henga Nayeri, Mehran Frohar, and Mehrzad Ziai, Owners of the property, and Craig Hamilton, of the City's Planning, Real Estate and Economic Development Department.

DECISION AND REASONS OF THE COMMITTEE: APPLICATIONS GRANTED

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 "there are many examples of three-unit and low-rise apartment dwellings in the area." The report concludes that "the proposed lot area and lot width adequately accommodate all elements associated with the introduction of the proposed three-unit dwellings."

The Committee also notes that no cogent 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 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. 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 on the property that is compatible with the surrounding area. 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 **October 20, 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.

File Nos.: D08-02-22/A-00187 and D08-02-22/A-00188

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

File No. / Dossier n°: D08-02-22/A-00187 and D08-02-22/A-00188
Owner(s) / Propriétaire(s): Mehrzad Ziai, Mehran Frohar, Ninava Ltd. and Henga Ottawa Realty Inc.
Location / Emplacement: 674 and 676 de l'Église 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.

“John Blatherwick”

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

“Stan Wilder”

**STAN WILDER
MEMBER / MEMBRE**

“Heather MacLean”

**HEATHER MACLEAN
MEMBER / MEMBRE**

Absent / Absente

**BONNIE OAKES CHARRON
MEMBER / MEMBRE**

“Michael Wildman”

**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
September 29, 2022 / 29 septembre 2022**

**Michel Bellemare
Secretary-Treasurer / Secrétaire-trésorier**