



COMMITTEE OF ADJUSTMENT  
FOR THE CITY OF OTTAWA

COMITÉ DE DÉROGATION  
POUR LA VILLE D'OTTAWA

DECISION/DÉCISION  
MINOR VARIANCE/PERMISSION  
DEMANDE DE DÉROGATIONS MINEURES/PERMISSION  
(Section 45 of the *Planning Act*)  
(Article 45 de la *Loi sur l'aménagement du territoire*)

File No./Dossier n°: D08-02-19/A-00104 & D08-02-19/A-00105  
Owner(s)/Propriétaire(s): Hooman Sadat  
Location/Emplacement: 487, (485) Hartleigh Avenue  
Ward/Quartier: 7 - Bay  
Legal Description/  
Description officielle: Lot 25 and Part of Lot 26, Registered Plan 324  
Zoning/Zonage: R2F  
Zoning By-law/ Règlement: 2008-250

Notice was given and a Public Hearing was held on May 15, 2019, as required by the *Planning Act*.

**PURPOSE OF THE APPLICATION/OBJET DE LA DEMANDE:**

The Owners have filed Consent Application D08-01-19/B-00132, which, if approved, will have the effect of creating two separate parcels of land. Neither parcel will be in conformity with the requirements of the Zoning By-law. It is proposed to construct a two-storey detached dwelling on each of the newly created parcels, as shown on plans filed with the Committee. The existing dwelling and detached garage are to be demolished.

**RELIEF REQUIRED/DISPENSE REQUISE:**

In order to proceed, the Owners require the Authority of the Committee for Minor variances from the Zoning By-law as follows:

485 Hartleigh Avenue, Part 1 on the Draft 4R-Plan filed with the applications, proposed detached dwelling.

- a) To permit a reduced lot width of 11.37 metres, whereas the By-law requires a minimum lot width of 15 metres.

- b) To permit a reduced lot area of 347 square metres, whereas the By-law requires a minimum lot area of 450 square metres.

487 Hartleigh Avenue, Part 2 on the plan filed with the applications, proposed detached dwelling.

- c) To permit a reduced lot width of 11.49 metres, whereas the By-law requires a minimum lot width of 15 metres.
- d) To permit a reduced lot area of 347 square metres, whereas the By-law requires a minimum lot area of 450 square metres.

The applications indicate that the Property is the subject of a related current Consent Application as noted above under the *Planning Act*.

#### **PUBLIC HEARING/AUDIENCE PUBLIQUE:**

Prior to the Hearing, the Committee received a request for adjournment from Mr. L. Ladell, representing the Woodpark Community Association. Mr. Ladell submitted a petition signed by 15 neighbouring property owners expressing their desire for additional time to organize a public consultation meeting with the applicant's Agent.

At the commencement of the Hearing, on the issue of the adjournment request, the Committee heard from Ms. J. Murray, Agent for the Owners, who appeared along with Mr. H. Sadat and Mr. A. Karimi-Shirazia, two of the Owners of the property. Mr. Ladell and Ms. R. Taylor-Sussex, of 483 Hartleigh Avenue, were also present to reiterate the request for additional time for consultation.

Ms. Murray explained that leaflets were delivered to the immediate neighbours which included her contact information should they wish to discuss the proposal in further detail. She noted that she also attended a Community Association meeting where she was presented with a number of concerns and that she had followed up with a written response providing some possible solutions. In Ms. Murray's opinion, the underlying concerns of the residents lay mainly with the overall design of the two detached dwellings, rather than with the merits of the applications before the Committee. In her opinion, additional time for consultation would not address these concerns. She was opposed to the request for adjournment.

Committee Member Ms. N. Tischhauser expressed her support for the requested adjournment; however, the Majority of the Committee agreed to proceed with the applications as scheduled. Member Tischhauser dissented with the Decision of the majority of the Members to proceed. The applications were stood down, to be recalled at a later time.

Upon recall, the Committee heard from Ms. Murray, who provided the Committee with a full presentation including contextual evidence demonstrating that there is a variety of

lot sizes throughout this neighbourhood, including two lots of similar size as those being proposed, directly across the street at 480 and 482 Hartleigh Avenue. Ms. Murray drew the Committee's attention to the site's proximity to rapid transit and community amenities, and to its location just outside the boundary of a neighbouring R5 zone.

Also in attendance was Ms. M. Atfield, of the City's Planning, Infrastructure and Economic Development Department (PIEDD), who confirmed that the Department had no concerns with the proposal. She further confirmed that the requirements of the Streetscape Character Analysis had been satisfied.

The Committee heard presentations in opposition by the following:

- Mr. L. Ladell, Woodpark Community Association
- Ms. R. Taylor-Sussex, 483 Hartleigh Avenue
- Ms. J. Jiang, 495 Hartleigh Avenue
- Ms. A. Hutton, 486 Richardson Avenue
- Ms. L. Wrigley, 480 Richardson Avenue
- Ms. B. Meredith, 482 Richardson Avenue

The concerns raised by the presenters were numerous, but included the removal of mature trees and the loss of greenspace, not being in keeping with the character of the neighbourhood, loss of privacy and enjoyment of abutting properties, issues regarding grading and drainage, as well as the question of the proposal's conformity to the requirements of the Streetscape Character Analysis. Ms. J. Jiang, the immediate neighbour to the south, questioned the accuracy of the applicant's Draft 4R-Plan, adding that, in her opinion, there was a discrepancy regarding the location of the shared property line. At the request of the Chair, Ms. Murray undertook to file a letter from their surveyor confirming that they were aware of Ms. Jiang's survey from 1987 and that it had been used by the firm to re-establish the southerly limit of the property situated on 487 Hartleigh Avenue.

The following residents were also in attendance, in opposition to the proposal, but did not address the Committee directly:

- Mr. J. Staunton, 479 Richardson Avenue
- Ms. K. Camerson, 479 Richardson Avenue
- Mr. M. McManue, 480 Richardson Avenue
- Ms. S. Calvert, 484B Richardson Avenue
- Mr. T. Calvert, 484B Richardson Avenue
- Mr. A. Martin, 244 New Orchards Avenue

The Committee also heard from Mr. R. Lebreton, of 250 Harcourt Avenue, who expressed support of the applications, noting his opinion that the proposal for two detached dwellings was more fitting for the neighbourhood than alternative forms of development.

**DECISION AND REASONS OF THE COMMITTEE:      APPLICATIONS GRANTED**  
**DÉCISION ET MOTIFS DU COMITÉ:                      DEMANDES ACCORDÉES**

Having considered the evidence presented, including the presentations and submissions of those in opposition, and having reviewed the plans and correspondence on file, the Committee is mindful of the objectives of the Provincial Policy Statement and the City's Official Plan which encourage infill and intensification in urban areas provided the proposed development is compatible within the existing neighbourhood context. In this regard, the Committee notes that the proposed detached dwellings conform to the performance standards of the Zoning By-law, including setbacks and building height, therefore matters of built design are not before the committee.

In considering the relief requested for the proposed lots, the Committee notes that this particular property is located one lot north of a Residential Fifth Density zone, and that it is in close proximity to Carling Avenue, a major arterial road with public transportation and commercial amenities, and that it is within walking distance to a future Light Rail Transit station. The Committee accepts the evidence presented by the proponents demonstrating that the reduced lot widths will not be out of character with the existing lot fabric of neighbourhood and along the street. The Committee is of the view that the reduced lot sizes can functionally accommodate the proposed increase in density without causing an unacceptable adverse impact on the abutting properties.

Based on these reasons and noting that the City's PIEDD had no concerns with the proposal, the Committee is satisfied, in all the circumstances and in this instance, that the variances sought are minor, that they are desirable for the appropriate development or use of the land and that the general intent and purpose of the Zoning By-law and the general intent and purpose of the Official Plan are maintained. These applications are granted.

**NOTICE OF RIGHT TO APPEAL/AVIS DE DROIT D'APPEL:**

To appeal this Decision to the Local Planning Appeal Tribunal, an Appeal Form along with a certified cheque or money order payable to the Ontario Minister of Finance must be filed with the Secretary-Treasurer of the Committee of Adjustment by the **13<sup>th</sup> day of June, 2019**, delivered 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 Tribunal's website at [www.elto.gov.on.ca](http://www.elto.gov.on.ca). The Tribunal has established a filing fee of \$300.00 per type of application with an additional filing fee of \$25.00 for each secondary application. 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 Local Planning Appeal Tribunal. 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.

**NOTICE TO APPLICANT/AVIS AU RÉQUÉRANT:**

If your application has been approved, it should be noted that this Decision is not to be construed as satisfying all the requirements of Hydro Ottawa or the Building Code for the issuance of a building permit.


Applicants are advised to take note of comments received from City departments and other technical agencies like Hydro Ottawa and to consult where appropriate.

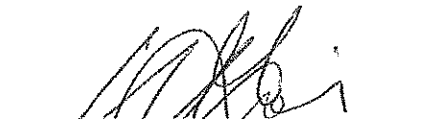
DECISION SIGNATURE PAGE  
PAGE DE SIGNATURE DE LA DÉCISION

File No./Dossier n°: D08-02-19/A-00104 & D08-02-19/A-00105  
Owner(s)/Propriétaire(s): Hooman Sadat  
Location/Emplacement: 487, (485)\_ Hartleigh Avenue

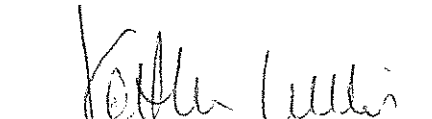
We, the undersigned, concur in the decision and reasons of the Committee of Adjustment.

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

  
Ann M. Tremblay, Chair  
Chair/ présidente

  
Nadine Tischhauser

  
Scott Hindle

  
Kathleen Willis


  
Colin White

I, Krista Libman, Secretary-Treasurer of the Committee of Adjustment for the City of Ottawa, certify that the attached is a true copy of the Decision of the Committee with respect to the application recorded.

Je, soussignée, Krista Libman, secrétaire-trésorière du Comité de dérogation pour la Ville d'Ottawa, confirme que l'énoncé ci-joint est une copie conforme de la décision rendue par le Comité à l'égard de la demande visée.

May 24, 2019

Date of Decision  
Date de la décision

  
Krista Libman  
Secretary-Treasurer/Secrétaire-trésorière