



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

**COMITÉ DE DÉROGATION
POUR LA VILLE D'OTTAWA**

**DECISION/DÉCISION
CONSENT/AUTORISATION**
(Section 53 of the *Planning Act*)
(Article 53 de la *Loi sur l'aménagement du territoire*)

File No./Dossier n°: D08-01-19/B-00212, D08-01-19/B-00213
Owner(s)/Propriétaire(s): Majed Rostamian and Marzieh Ali Zadeh Gharaee
Location/Emplacement: 285, 287 Zephyr Avenue
Ward/Quartier: 7 - Bay
**Legal Description/
Description officielle:** Lot 15, Registered Plan No. 229
Zoning/Zonage: R2F
Zoning By-law/Règlement: 2008-250

Notice was given and a Public Hearing was held on August 21, 2019, as required by the *Planning Act*.

PURPOSE OF THE APPLICATION/OBJET DE LA DEMANDE:

The Owners want to subdivide their property into two separate parcels of land in order to create separate ownerships for each half of the semi-detached dwelling currently under construction.

CONSENT IS REQUIRED FOR THE FOLLOWING/AUTORISATION REQUISE:

In order to do this, the Owners require the Consent of the Committee for Conveyances. The property is shown as Parts 1 and 2 on a Draft 4R-Plan filed with the applications and the separate parcels will be as follows:

| File No. | Frontage | Depth | Area | Part No. | Municipal Address |
|----------|----------|---------|--------------|----------|------------------------------|
| B-00212 | 7.62 m | 30.53 m | 232.64 sq. m | 2 | 287 Zephyr Ave., one unit |

| File No. | Frontage | Depth | Area | Part No. | Municipal Address |
|----------|----------|---------|--------------|----------|------------------------------|
| B-00213 | 7.62 m | 30.52 m | 232.64 sq. m | 1 | 285 Zephyr Ave., one unit |

The applications indicate that the Property is not the subject of any other current applications under the *Planning Act*.

PUBLIC HEARING/AUDIENCE PUBLIQUE:

The Committee heard from Mr. M. Rostamian, one of the owners of the property, who provided the Committee with a brief outline of the applications.

Mr. C. Lague, of 289 Zephyr Avenue, who was also in attendance, questioned if there was the possibility that each of the units could contain a second dwelling. In response, Mr. C. Hodgins of the City's Planning Infrastructure and Economic Development Department (PIEDD) confirmed to the Committee that secondary dwelling units were permitted in each half of the semi-detached dwelling. In response to Mr. Lague's concern with respect to parking, staff further confirmed that that secondary dwelling units did not require parking spaces be provided under the Zoning By-law.

DECISION AND REASONS OF THE COMMITTEE: APPLICATIONS GRANTED DÉCISION ET MOTIFS DU COMITÉ: DEMANDE ACCORDÉE

The Committee, having considered the evidence presented and reviewed the plans and correspondence on file, and having had regard to the matters set out in Section 51(24) of the Planning Act, R.S.O. 1990, c.P.13, as amended, is satisfied that, in this instance, a plan of subdivision is not necessary or desirable for the proper and orderly development of the Municipality. The Committee therefore grants the provisional consent, subject to the following conditions, **which must be fulfilled within a one-year period from the date of this Decision:**

1. That the Owner(s) provide evidence (payment receipt) to the Committee that payment has been made to the City of Ottawa of cash-in-lieu of the conveyance of land for park or other public recreational purposes, plus applicable appraisal costs. The value of the land otherwise required to be conveyed shall be determined by the City of Ottawa in accordance with the provisions of By-Law No. 2009-95, as amended. Information regarding the appraisal process can be obtained by contacting the Planner.
2. That the Owner(s) grant to Bell Canada, such easements as may be required, the consent to the registration of which is hereby granted.

3. That the Owner(s) file with the Committee a copy of the registered Reference Plan prepared by an Ontario Land Surveyor registered in the Province of Ontario, and signed by the Registrar, **confirming the frontage and area of the severed land. If the Registered Plan does not indicate the lot area, a letter from the Surveyor confirming the area is required.** The Registered Reference Plan must conform substantially to the Draft Reference Plan filed with the Applications for Consent.
4. That upon completion of the above conditions, and **within the one-year period outlined above**, the Owner(s) file with the Committee, the “electronic registration in preparation documents” for the Conveyances for which the Consent is required.

The Consent lapses one year from the date of this Decision.

All technical studies, including reports to demonstrate the adequacy of an aquifer, shall be submitted to Planning, Infrastructure and Economic Development Department a minimum of **40 working days** prior to lapsing date of the consent. Should a Development Agreement be required, such request should be initiated **15 working days** prior to lapsing date of the consent and should include all required documentation including the approved technical studies.

Please note that if a major change to a condition or conditions is requested, you will be entitled to receive Notice of the changes only if you have made a written request to be notified.

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 **September 19, 2019**, delivered 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 Tribunal's website at 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.

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

File No./Dossier n°: D08-01-19/B-00212, D08-01-19/B-00213

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:

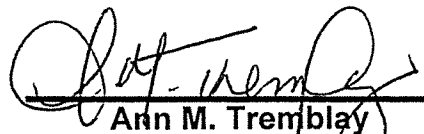
Applicants are advised to take note of comments received from City departments and other technical agencies like Hydro Ottawa and to consult where appropriate.

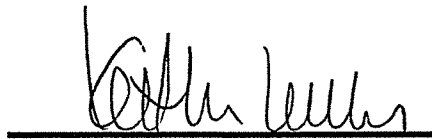
**DECISION SIGNATURE PAGE
PAGE DE SIGNATURE DE LA DÉCISION**

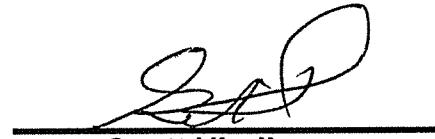
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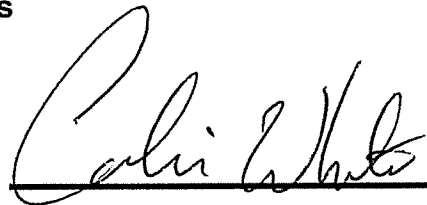
We, the undersigned, concur in the decision and reasons of the Committee of Adjustment.

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


Ann M. Tremblay
Chair/ présidente


Kathleen Willis


Scott Hindle


Colin White

I, Warna Brenning, A/ 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, Warna Brenning, a/ 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.

August 30, 2019

**Date of Decision
Date de la décision**


Warna Brenning
A/ Secretary-Treasurer/
A/ Secrétaire-trésorière