



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

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

File No.: D08-02-21/A-00033 & D08-02-21/A-00034
Owner(s): Masoud Pourjam
Location: 101 (103) James Cummings Avenue
Ward: 7-Bay
Legal Description: Part of Lot 11, Concession 1 (Ottawa Front)
Zoning: R1E
Zoning By-law: 2008-250

Notice was given and a public hearing was held on **April 21, 2021**, as required by the *Planning Act*.

PURPOSE OF THE APPLICATION:

The Owner has filed Applications for Consent (D08-01-21/B-00031 & D08-01-20/B-00032) which, if approved, will have the effect of creating two separate parcels of land. The proposed parcels and existing dwelling will not be in conformity with the requirements of the Zoning By-law.

RELIEF REQUIRED:

In order to proceed, the Owner requires the Authority of the Committee for Minor Variances from the Zoning By-law as follows:

A-00033: 103 James Cummings Avenue., Part 1 on the Draft 4R-Plan, proposed detached dwelling

- a) To permit a reduced lot width of 17.3 metres, whereas the By-law requires a minimum lot width of 19.8 metres.
- b) To permit a lot coverage of ~~35% or 160~~ **33% or 151** square metres for a lot connected to a piped municipal water supply, whereas the By-law permits a maximum lot coverage of 25% or in this case 113 square metres for a lot connected to a piped municipal water supply.

A-00034: 101 James Cummings Avenue., Part 2 on the Draft 4R-Plan, existing detached dwelling to remain

- c) To permit a reduced lot width of 17.3 metres, whereas the By-law requires a minimum lot width of 19.8 metres.
- d) To permit a lot coverage of 30% or 134 square metres for a lot connected to a piped municipal water supply, whereas the By-law permits a maximum lot coverage of 25%, in this case 111 square metres for a lot connected to a piped municipal water supply.
- e) To permit a reduced front yard setback equal to 1.36 metres, whereas the By-law requires a minimum front yard setback equal to the minimum required setback of the subzone, in this case 4.5 metres.
- f) To permit a reduced interior side yard setback of 0 metres, whereas the By-law requires a minimum interior side yard setback of 1.2 metres.

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

PUBLIC HEARING:

The Chair administered an oath to Mr. T. West, Agent for the Owner, who confirmed that the statutory notice posting requirements were satisfied.

In response to questions from the Committee, Mr. West confirmed that variance b) should be amended as follows:

- a) To permit a lot coverage of ~~35% or 160~~ **33% or 151** square metres for a lot connected to a piped municipal water supply, whereas the By-law permits a maximum lot coverage of 25% or in this case 113 square metres for a lot connected to a piped municipal water supply.

With the concurrence of all parties, the variance was amended accordingly.

Mr. M. Chown, also acting as Agent for the Owner, responded to questions from the Committee regarding the location and condition of existing water and sanitary services in the area. He also addressed the conditions requested by the City's Planning, Infrastructure and Economic Development Department (PIEDD), specifically Condition 2, which would require the Owner to enter into a development agreement with the City to ensure that the dwelling on 103 James Cummings Avenue would be oriented toward and accessed from Myrle Avenue. Mr. Chown objected to the imposition of this condition on the grounds that the proposed agreement would simply repeat what is already required by the Zoning By-law. He also proposed that approval of these Minor Variance Applications be tied to plans filed, to ensure that access would be provided as shown.

Mr. C. Hodgins of the City's Planning, Infrastructure and Economic Development Department (PIEDD) was also in attendance. Regarding Condition 2, Mr. Hodgins explained that the registration of a development agreement would guarantee that, in

future, it is clear to the property owners and to City officials that the above-noted zoning requirements apply to these lands.

The Committee agreed that, in this instance, the condition in question would not be imposed and approval of the Minor Variance Applications would be tied to the plans filed.

Mr. M. Qasemi was also in attendance of behalf of the Owner of the property.

DECISION AND REASONS OF THE COMMITTEE: APPLICATIONS GRANTED

The Committee considered any written and oral submissions relating to the applications in making its Decision.

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 PIEDD report raises “no concerns” with the application, highlighting that “the sought width and area variances are reflective of redevelopment of lots for the purposes of constructing detached homes and maintaining the R1 typology.” The report also indicated that “the front and interior side yard setbacks are reflective of the existing condition for 101 James Cumming Avenue” and, regarding the proposed increases in lot coverage, “the variances can be seen as minor,” taking into consideration the existing lot coverages exhibited in the area. The Committee also notes that no evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.

Considering the circumstances, the Committee finds that, because the proposed development integrates into the existing character of 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, because the proposal contributes new housing within the urban area, in a location that is well served by public transit, the requested variances maintain the general intent and purpose of the Official Plan. In addition, the Committee finds that the requested variances maintain the general intent and purpose of the Zoning By-law, which includes provisions to encourage new development on corner lots, recognizing that the proposal also demonstrates due regard for important development considerations such as the provision of adequate soft landscaping. 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 April 19, 2021.

NOTICE OF RIGHT TO APPEAL:

To appeal this decision to the Local Planning Appeal Tribunal (LPAT), 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 **May 20, 2021**, 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 LPAT website at <https://olt.gov.on.ca/>. The Local Planning Appeal Tribunal has established a filing fee of \$400.00 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 may be filed in the name of an individual who is a Member of the Association or group on its behalf.

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

File No. / Dossier n°: D08-02-21/A-00033, A-00034
Owner(s) / Propriétaire(s): Masoud Pourjam
Location / Emplacement: 101 (103) James Cummings 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.

"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, Michel Bellemare, 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, soussigné, Michel Bellemare, secrétaire-trésorier 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.

Date of Decision / Date de la décision
April 30, 2021/30 avril 2021


Michel Bellemare
Secretary-Treasurer / Secrétaire-trésorier