

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

Date of Decision:	November 10, 2022
File No.:	D08-02-22/A-00198
Owner(s):	Subhir Uppal
Location:	112 Mailes Avenue
Ward:	15-Kitchissippi
Legal Description:	Lot 74, Registered Plan 400
Zoning:	R1S
Zoning By-law:	2008-250
Hearing Date:	November 2, 2022

PURPOSE OF THE APPLICATION

- [1] At its hearing on August 3, 2022, the Committee adjourned this application *sine die* to allow the Owner time to address concerns raised by City Planning and Forestry staff related to a proposed new dwelling and its impact on the tree canopy. The Owner now wants to proceed with this revised Minor Variance Application.
- [2] The Owner wants to demolish the existing dwelling and construct a new two-storey detached dwelling, as shown on the plans filed with the Committee.

RELIEF REQUIRED

- [3] The Owner requires the Authority of the Committee for Minor Variances from the Zoning By-law as follows:
 - a) To permit a reduced lot width of 11.89 metres, whereas the Zoning By-law requires a minimum lot width of 12 metres.
 - b) To permit a reduced corner side yard setback of 2.71 metres, whereas the Zoning By-law requires a minimum corner side yard setback of 3.89 metres.
 - c) To permit a reduced rear yard setback of 20.29% of the lot depth (6.20 metres), whereas the By-law requires a minimum rear yard setback of 25% of the lot depth.

- d) To permit a reduced rear yard area of 23.34% of the lot area (102.52 square metres), whereas the By-law requires a minimum rear yard area of 25% of the lot area.
 - e) To permit a front-facing attached garage, whereas the Zoning By-law states that a front-facing attached garage is not permitted where it is not determined to be a dominant characteristic by a Streetscape Character Analysis.
- [4] The application indicates that the Property is not the subject of any other current application under the *Planning Act*.

PUBLIC HEARING

- [5] The Chair administered an oath to Mr. Segreto, who confirmed that the statutory notice posting requirements were satisfied.
- [6] Nancy Young, Infill Forester with the City, indicated that, based on the revised plans filed, she had no concerns with the proposal in terms of its impact on the yard area fronting on Mailes Avenue or the ability to plant new trees.
- [7] Adrian van Wyk, City Planner, was also in attendance and expressed concerns with the proposed front-facing attached garage. It was his submission that front-facing garages are not the dominant pattern in the area as determined by a Streetscape Character Analysis, and therefore requested variance (e) does not maintain the general intent and purpose of the Zoning By-law

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED

- [8] The Committee considered any written and oral submissions relating to the application in making its Decision.
- [9] 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.
- [10] Based on the evidence, the Committee is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.
- [11] The Committee notes that the City's Planning Report raises "some concerns" regarding variance (e) and the proposed front-facing attached garage. However, based on the existing development in the immediate area, and along Patricia

Avenue in particular, the Committee finds that the proposed attached garage will have no undue adverse impact on the streetscape.

- [12] The Committee also notes that the request for a reduced lot width corresponds to an existing condition, and as identified in the Planning Report, “most of the lot has a width of over 12 metres.” Additionally, regarding the reduced corner side yard and rear yard, the Planning Report highlights that, “the proposed reductions are minor and meet the spirit and intent of the Official Plan and the Zoning By-law.”
- [13] The Committee further notes that no cogent evidence was presented that the variances would result in any unacceptable adverse impact on neighbouring properties.
- [14] Considering the circumstances, the Committee finds that, because the proposal fits well in the neighbourhood, 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.
- [15] 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 and contributes to its transition to an urban built form, while providing for appropriate greenspace.
- [16] 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 and is compatible with the neighbourhood.
- [17] Moreover, the Committee finds that the requested variances, both individually and cumulatively, are minor because they will not create any unacceptable adverse impact on abutting properties or the neighbourhood in general.
- [18] THE COMMITTEE OF ADJUSTMENT therefore authorizes the requested variances, **subject to** the location and size of the proposed construction being in accordance with the plans filed, Committee of Adjustment date stamped October 11, 2022, as they relate to the requested variances.

"John Blatherwick"
JOHN BLATHERWICK
VICE-CHAIR

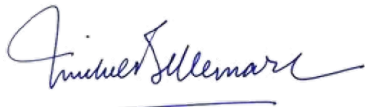
"Stan Wilder"
STAN WILDER
MEMBER

"Heather MacLean"
HEATHER MACLEAN
MEMBER

"Bonnie Oakes Charron"
BONNIE OAKES CHARRON
MEMBER

"Michael Wildman"
MICHAEL WILDMAN
MEMBER

I certify this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa, dated **November 10, 2022**.

A handwritten signature in blue ink, reading "Michel Bellemare", with a horizontal line underneath.

Michel Bellemare
Secretary-Treasurer

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 **December 1, 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 Ontario Land 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. 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 Ontario Land 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.

There are no provisions for the Committee of Adjustment or the Ontario Land Tribunal 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.

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Committee of Adjustment | Comité de dérogation

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