

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

<b>Date of Decision:</b>	November 10, 2022
<b>File No.:</b>	D08-02-22/A-00294
<b>Owner(s):</b>	Bruce and Paula McLeod
<b>Location:</b>	2048 Dovercourt Avenue
<b>Ward:</b>	7 Bay
<b>Legal Description:</b>	Lot 110 and Part of lot 111, Registered Plan 318915
<b>Zoning:</b>	R1PP
<b>Zoning By-law:</b>	2008-250
<b>Hearing Date:</b>	November 2, 2022

**PURPOSE OF THE APPLICATION**

- [1] The Owners are proposing to ~~construct a second storey addition above the existing garage, which will also undergo renovations~~ **demolish an existing attached garage to construct a two-storey addition that includes a new attached garage**, as shown on the plans filled with Committee.

**RELIEF REQUIRED**

- [2] The Owners require the Authority of the Committee for a Minor Variance from the Zoning By-law to permit a reduced ~~combined~~ total interior side yard setback of 2.53 metres and a northerly interior side yard setback of 0.61 metres, whereas the By-law require a minimum **total** interior side yard setback of 3 metres, with **one yard** no yard less than 1.2 metres.
- [3] The application indicates that the Property is not the subject of any other current application under the *Planning Act*.

**PUBLIC HEARING**

- [4] The Acting Chair administered an oath to Bruce McLeod, one of the Owners of the property, who confirmed that the statutory notice posting requirements were satisfied. Also in attendance was Paula McLeod, the other Owner of the property.
- [5] The Committee noted that the Purpose of the Application should be amended to read as follows:

The Owners are proposing to ~~construct a second storey addition above the existing garage, which will also undergo renovations~~ **demolish an existing attached garage to construct a two-storey addition that includes a new attached garage**, as shown on the plans filled with Committee.

- [6] It was also noted that the Relief Required should be amended to read as follows:

The Owners require the Authority of the Committee for a Minor Variance from the Zoning By-law to permit a reduced ~~combined~~ total interior side yard setback of 2.53 metres and a northerly interior side yard setback of 0.61 metres, whereas the By-law require a minimum **total** interior side yard setback of 3 metres, with **one yard** no yard less than 1.2 metres.

- [7] With the concurrence of Mr. McLeod, the application was amended accordingly.
- [8] Siobhan Kelly of the City's Planning, Real Estate and Economic Development Department, was also in attendance.

**DECISION AND REASONS OF THE COMMITTEE:      APPLICATION GRANTED  
AS AMENDED**

- [9] The Committee considered any written and oral submissions relating to the application in making its Decision.
- [10] 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.
- [11] Based on the evidence, the Committee is satisfied that the requested variance meets all four requirements under subsection 45(1) of the *Planning Act*.
- [12] The Committee notes that the City's Planning Report raises "no concerns" regarding the application, highlighting that "based on a review of available aerial imagery for Dovercourt Avenue, existing dwellings feature smaller side yard setbacks on one side of the dwelling, which is consistent with the requested relief." The report also highlights that the requested variance will not result in adverse impacts to the streetscape."
- [13] The Committee also notes that no evidence was presented that the requested variance 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 area, the requested variance is, 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 variance maintains the general intent and purpose of the Official Plan because the proposal respects the character of the neighbourhood.
- [16] In addition, the Committee finds that the requested variance maintains 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.
- [17] Moreover, the Committee finds that the requested variance is minor because it will not create any unacceptable adverse impact on abutting properties or the neighbourhood in general.
- [18] THE COMMITTEE OF ADJUSTMENT therefore authorizes the requested variance, **subject to** the location and size of the proposed construction being in accordance with the plans filed, Committee of Adjustment date stamped October 7, 2022, as they relate to the requested variance.

*Absent*  
ANN M. TREMBLAY  
CHAIR

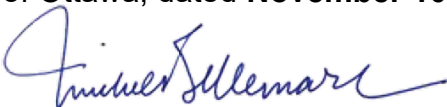
*"Kathleen Willis"*  
KATHLEEN WILLIS  
MEMBER

*"Scott Hindle"*  
SCOTT HINDLE  
ACTING CHAIR

*"Colin White"*  
COLIN WHITE  
MEMBER

*"Julia Markovich"*  
JULIA MARKOVICH  
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**.



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](mailto:cofa@ottawa.ca) and/or by mail or courier 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 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](mailto: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.

*Ce document est également offert en français.*

**Committee of Adjustment | Comité de dérogation**

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