

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

<b>Date of Decision:</b>	November 25, 2022
<b>File No.:</b>	D08-02-22/A-00289
<b>Owners:</b>	Ed and Sharon Bryant
<b>Location:</b>	52 Huron Avenue
<b>Ward:</b>	15 - Kitchissippi
<b>Legal Description:</b>	Lot 529 Registered Plan 152206
<b>Zoning:</b>	R3T
<b>Zoning By-law:</b>	2008-250
<b>Hearing Date:</b>	November 16, 2022

**PURPOSE OF THE APPLICATION**

- [1] The Owners want to construct a two-and-a-half-storey detached dwelling with a front-facing attached garage. The existing dwelling is to be removed.

**RELIEF REQUIRED**

- [2] The Owners require the Authority of the Committee for a Minor Variance from the Zoning By-law to permit a front-facing garage, whereas the By-law does not permit a front-facing garage based on the conclusions of a Streetscape Character Analysis.
- [3] The application indicates that the Property is not the subject of any other current application under the *Planning Act*.

**PUBLIC HEARING**

- [4] The Panel Chair administered an oath to Arjan Soor, Agent for the Owners, who confirmed that the statutory notice posting requirements were satisfied.
- [5] Mr. Soor provided the Committee with a detailed presentation, with reference to streetscape images of front-facing garages throughout the community and along Huron Avenue. He also presented side-by-side renderings showing the proposed dwelling with a front-facing garage and an alternative cantilevered building design that would be permitted as of right. It was his submission that the proposed garage would conceal the parking area and garbage storage and was therefore a

preferable design in terms of its impact on the streetscape. He also noted that 14 area residents had expressed support for the application, two of whom had submitted written comments to the Committee.

- [6] The Committee also heard from Ed and Sharon Bryant, the Owners of the property, who summarized their efforts to design a dwelling that was sensitive to its context and noted that the plans had been positively received by neighbours. Mr. Bryant also explained that indoor storage is preferable for maintaining the battery of an electric vehicle, particularly in the winter.
- [7] Margot Linker of the City's Planning, Real Estate and Economic Development Department was also in attendance, and reiterated the concerns outlined in her Planning Report on file. She explained that a Streetscape Character Analysis (SCA) had identified that none of the 21 adjacent properties featured a front-facing garage, and she therefore submitted that the requested variance did not maintain the general intent and purpose of the Zoning By-law.
- [8] Christine McCuaig, also representing the Owners, reiterated that there are examples of front-facing garages on Huron Avenue within the immediate block, but that they fell outside the scope of the SCA. It was her submission that the SCA was intended to promote compatible building design, which she argued is accomplished in this case. In response to a question from the Committee, Ms. McCuaig explained that it would not be feasible to provide parking in the rear yard on this site.

#### **DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED**

- [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 majority of the Committee (Member B. Oakes Charron dissenting) 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 Department "opposes" the application, highlighting the following in their Planning Report: "From a review of the Streetscape Character Analysis, none of the surrounding 21 properties contained a front-facing attached garage. Thus, the proposal for an attached front-facing garage does not meet the Zoning By-law intent in this regard." However, having considered the contextual evidence presented, the majority of the Committee is satisfied that attached garages are a common feature in the broader

community and the proposed design responds appropriately to its surroundings and the character of the streetscape.

- [13] The majority of the Committee also takes note of the support of area residents and finds that no compelling evidence was presented that the variance would result in any unacceptable adverse impact on neighbouring properties.
- [14] Considering the circumstances, the majority of the Committee finds that the proposal fits well in the neighbourhood, and that the requested variance is therefore, 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 majority of the Committee also finds that, because the proposal respects the character of the neighbourhood, the requested variance maintains the general intent and purpose of the Official Plan.
- [16] In addition, the majority of 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 neighbourhood.
- [17] Moreover, the majority of 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 4, 2022, as they relate to the requested variance.

*"John Blatherwick"*  
JOHN BLATHERWICK  
VICE-CHAIR

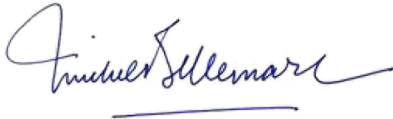
*"Stan Wilder"*  
STAN WILDER  
MEMBER

*"Heather MacLean"*  
HEATHER MACLEAN  
MEMBER

*Dissent*  
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 25, 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 15, 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 Centrepoin 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).

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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.*

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