

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

**Date of Decision:** December 16, 2022  
**File No(s):** D08-02-22/A-00304 & D08-02-22/A-00305  
**Owner(s):** John Maveety and Sean MacLeod  
**Location:** 608 Tweedsmuir Avenue  
**Ward:** 15-Kitchissippi  
**Legal Description:** Lot 8, Registered Plan 356  
**Zoning:** R3R[2676] H(8.5)  
**Zoning By-law:** 2008-250  
**Hearing Date:** December 7, 2022

**PURPOSE OF THE APPLICATIONS**

- [1] The Owners want to construct a two-storey semi-detached dwelling with secondary dwelling units in the basement of each unit, as shown on plans filed with the Committee. The existing detached dwelling is to be demolished.

**RELIEF REQUIRED**

- [2] The Owners require the Authority of the Committee for Minor Variances from the Zoning By-law as follows:

A-00304: 608 (608B) Tweedsmuir Avenue, Unit 1 (proposed semi-detached dwelling with secondary dwelling unit):

- a) To permit an increased building height of 10.1 metres, whereas the By-law permits a maximum building height of 8.5 metres.
- b) To permit a reduced interior side yard setback of 1.2 metres, whereas the By-law requires a minimum interior side yard setback of 1.5 metres.
- c) 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.

A-00305: 610 (610B) Tweedsmuir Avenue, Unit 2 (proposed semi-detached dwelling with secondary dwelling unit):

- d) To permit an increased building height of 10.1 metres, whereas the By-law permits a maximum building height of 8.5 metres.
  - e) To permit a reduced interior side yard setback of 1.2 metres, whereas the By-law requires a minimum interior side yard setback of 1.5 metres.
  - f) 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 applications indicate that the Property is not the subject of any other current application under the *Planning Act*.

## **PUBLIC HEARING**

- [4] Prior to the scheduled Hearing on November 16, 2022, the Committee received an adjournment request from Shannon Kelly of 604 Tweedsmuir Avenue who would not be able to attend. The Committee heard from Ruth Hill, Agent for the Owners, who agreed with the adjournment request. With the concurrence of all parties the applications were adjourned to December 7, 2022.
- [5] At the Hearing, the Panel Chair administered an oath to Rosaline Hill, also representing the Owners, who confirmed that the statutory notice posting requirements were satisfied. Also in attendance was Sean MacLeod, one of the Owners of the property.
- [6] Ms. Hill provided the Committee with a slide presentation, including a 3D rendering, photographs, a site plan, and a lot fabric plan demonstrating lots within the area with similar side yard setbacks. It was her opinion that the reduced side yard setback is minimal and would be consistent with the neighbourhood. Ms. Hill highlighted that, with the addition of the gable dormer at the rear of the dwelling, the Zoning By-law calculates the height of the residence using the dormer element instead of the primary roof structure. As a result, the requested height variance appears to be a more significant deviation from the zoning requirement.
- [7] City Planner Margot Linker summarized the concerns outlined in her report, highlighting that the requested variance from the streetscape character provisions would deviate from the intent of the Zoning By-law and the Official Plan to preserve the dominant character of the neighbourhood.
- [8] In response to questions from the Committee, Ms. Linker confirmed the department has no concerns with the requested variance for reduced interior side yard setback and increased building height.
- [9] Regarding the requested condition for a development agreement or letter of undertaking for a tree planting plan and securities for one year, Ms. Linker confirmed that the condition would be communicated to the City's Zoning Examiner

and Building Code Services. Nancy Young, the City's Infill Forester, confirmed that City staff would ensure the condition is cleared before issuing any building permit.

**DECISION AND REASONS OF THE COMMITTEE: APPLICATIONS GRANTED**

- [10] The Committee considered all written and oral submissions relating to the applications in making its Decision.
- [11] 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.
- [12] Based on the evidence, the Committee is satisfied that the requested variances meet all four requirements under subsection 45(1) of the *Planning Act*.
- [13] The Committee notes that the City's Planning Report raises "significant concerns" with the applications regarding the introduction of a front-facing attached garage because it does not reflect the dominant streetscape character. However, the evidence revealed that most of the homes counted in the analysis area were actually on side streets around the corner from the subject property, and that homes with attached garages are characteristic of the area and preferred by neighbours.
- [14] The Committee also notes that no cogent evidence was presented that the variances would result in any unacceptable adverse impact on adjacent properties or the neighbourhood in general.
- [15] 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.
- [16] The Committee also finds that, because the proposal respects the character of the neighbourhood, the requested variances maintain the general intent and purpose of the Official Plan.
- [17] 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 that is compatible with the neighbourhood.
- [18] 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.

[19] THE COMMITTEE OF ADJUSTMENT therefore authorizes the requested variances, **subject to** the following conditions:

1. That the location and size of the proposed construction being in accordance with the plans filed, Committee of Adjustment date stamped October 21, 2022, as they relate to the requested variances.
2. The Owner shall enter into an Agreement with the City, through a Development Agreement or Letter of Undertaking, at the expense of the Owner(s) and to the satisfaction of the **Development Review Manager of the relevant Branch within Planning, Real Estate and Economic Development Department, or his/her designate**, agreeing to prepare and implement the tree planting plan and to provide securities in the amount of \$400 per tree for a period of 1 year from the issuance of the final occupancy permit. Compensation for any trees which cannot be planted on site will be paid to Forestry Services with the tree permit application. The Owner agrees that the security shall be returned to the original payee only upon the City having received a report from an arborist or appropriate professional confirming that all replacement trees are in good health; any of the replacement trees which have died or are in poor condition must be replaced.

*"John Blatherwick"*  
JOHN BLATHERWICK  
VICE-CHAIR

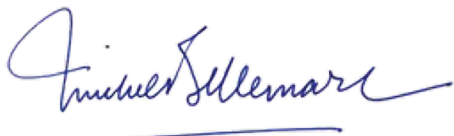
Absent  
STAN WILDER  
MEMBER

*"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 **December 16, 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 **January 5, 2023**, 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 the applicant, the Minister or a specified person or public body that has an interest in the matter may appeal the decision to the Ontario Land Tribunal. A “specified person” does not include an individual or a community association.

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**  
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