

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

Date of Decision: December 16, 2022
File No(s): D08-02-22/A-00317
Owner(s): April Sorenson and Ozgur Ekici
Location: 49 Mason Terrace
Ward: 17 - Capital
Legal Description: Lot 105, Registered Plan 244295
Zoning: R1TT[2241]
Zoning By-law: 2008-250
Hearing Date: December 7, 2022

PURPOSE OF THE APPLICATION

- [1] The Owners want to demolish the existing dwelling and construct a new two-storey detached dwelling with a front-facing attached garage, as shown on the plans filed with the Committee.

RELIEF REQUIRED

- [2] The Owners require the Authority of the Committee for Minor Variances from the Zoning By-law to permit a front-facing attached garage, whereas the By-law, based on the Streetscape Character Analysis, does not permit a front-facing attached garage.
- [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 Simran Soor, Agent for the Owners, who confirmed that the statutory notice posting requirements were satisfied. Ms. Soor was joined by Murray Chown, also representing the Owners, and provided the Committee with a slide presentation.
- [5] The Committee also heard from Ron Rose, representing the Old Ottawa South Community Association, who believed that the proposed front-facing attached

garage would not be in keeping with the character of the area, and that the applicant should explore alternative parking arrangements in the rear yard.

- [6] City Planner Margot Linker summarized the concerns outlined in her report on file, highlighting that the dominant characteristic along Mason Terrace Avenue was determined to be residential dwellings without front-facing garages, and therefore the proposal does not maintain the general intent and purpose of the Zoning By-law. Ms. Linker also highlighted that the policy direction of the Old Ottawa East Secondary Plan is to prevent attached front-facing garages from dominating the façades of homes and becoming a feature of the streetscape.

DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED

- [7] The Committee considered all written and oral submissions relating to the application in making its Decision.
- [8] 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.
- [9] 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*.
- [10] The Committee notes that the City's Planning Report states that the Planning, Real Estate and Economic Development Department "opposes" the application, highlighting that: "A Streetscape Character Analysis is required for residential development of four or less storeys in the R1 zone in the area subject to the Mature Neighbourhoods Overlay. Its purpose is to ensure that new construction fits into, respects and reinforces the established character of a street". Also, the majority of the Committee notes that the evidence revealed that the door of the attached garage would be setback from the front wall of the dwelling, mitigating any negative impact on the streetscape character.
- [11] The majority of the Committee also notes that no cogent evidence was presented that the variance would result in any unacceptable adverse impact on adjacent properties or the neighbourhood in general.
- [12] Considering the circumstances, the majority of the Committee finds that, because the proposal fits well in the neighbourhood, the requested variance is, 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.

- [13] 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.
- [14] In addition, the majority of 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.
- [15] Moreover, the majority of 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.
- [16] 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 November 7, 2022, as they relate to the requested variance.

"John Blatherwick"
JOHN BLATHERWICK
VICE-CHAIR

Absent
STAN WILDER
MEMBER

"Heather MacLean"
HEATHER MACLEAN
MEMBER

Dissents
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 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 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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